

# /// Donna Kline Now!

By Donna Kline — [www.DLKindustries.com](http://www.DLKindustries.com)



/// Donna Kline is a reporter for *Pittsburgh Business Report* and a former reporter for *Bloomberg* New York.

## LEADER V.

## FACEBOOK PRESS

## BACKGROUND

1. Brief Summary (PDF)
2. Backgrounder (PDF)
3. Facebook Secrets (PDF)
4. Instagram-scam? (PDF)
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## /// Disciplinary Complaint Filed Against The Federal Circuit At The U.S. Supreme Court



*The Federal Circuit in [Leader v. Facebook](#) "presented a train-wreck of an opinion that first raised my suspicions of misconduct." Dr. Lakshmi Arunachalam, former Director of Network Architecture for Sun Microsystems.*

*[Former Sun Microsystems executive calls Federal Circuit's \[Leader v. Facebook\]\(#\) opinion a "train wreck;" files misconduct complaint \(below\) at U.S. Supreme Court; alleges bias, conflicts of interest, foreign influence and breach of due process](#)*

BY DONNA KLINE | August 13, 2012 | [PITTSBURGH BUSINESS REPORT \(PBR\)](#)

**August 13, 2012 (Menlo Park, CA)**—Dr. Lakshmi Arunachalam (“Dr. A”), former Director of Architecture for Sun Microsystems, filed a disciplinary complaint today with the U.S. Supreme Court in her quest to be heard by a Federal Circuit court that seems determined to ignore her *amicus curiae* (“friend of the court”) brief. The brief highlights numerous evident mistakes of law. The complaint also highlights Russian government and Obama administration associations that may be influencing the court.

### **[Inventor Property Rights Are Being Hijacked](#)**

Dr. A’s brief says all inventors, especially small businesses, have an interest in a fair and just outcome to the *Leader v. Facebook* patent infringement case. She says the Federal Circuit’s decision is a “train wreck” of due process that threatens fundamental Constitutional property rights for all inventors, but especially for small inventors whose property rights are being hijacked by big money and

This blog has become a grassroots effort. My *Leader v. Facebook* patent infringement interview ([click here](#)) has mushroomed into a *major investigation*. Will you donate to the cause? Your donations will enable me to sustain this important news effort. Thank you! MEEP MEEP — Donna



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/// Federal Circuit violates most basic tenets of GROUP ONE vs. HALLMARK CARDS re. validity of “on sale bar” evidence  
/// Congratulations, Facebook. See you at the Supreme Court?

unscrupulous lawyers.

## Court Admits That The Judges Didn’t Have Time To Read The Motion

Dr. A’s complaint follows a stunning revelation from a Federal Circuit staffer, Valerie White, that Dr. A’s brief could not have been received, reviewed and denied by the justices in the span of a few hours on July 11, 2012; which it was. Worse yet, although the court issued a denial, Ms. White said the court “has no record” of ever having received the brief. Ms. White’s phone extension was disconnected inexplicably the next day.

## Court Accommodates Facebook’s IPO Media Needs

On July 16, 2012 Leader’s inventor Michael McKibben appeared on a nationally televised *Fox Business* interview where he was told on-the-air that the Federal Circuit had denied Leader’s petition for rehearing. This surprise announcement was evidently meant to blindside McKibben, but the tactic backfired because it showed, instead, the degree to which the Federal Circuit was itself cooperating with Facebook to enhance Facebook’s IPO media needs (see my previous posts containing the *Fox Business* interview and judge for yourself). Dr. A shows that at least two of the three judges on the *Leader v. Facebook* panel held stock in Facebook at the time of their decision.

## Revelation Of New Zuckerberg-Withheld Evidence Ignored

On July 18, 2012, Dr. A submitted a second motion for reconsideration, citing new evidence learned from other current court cases that Facebook and Mark Zuckerberg withheld substantial evidence from Leader Technologies. By law, such new information is supposed to trigger reconsideration, but apparently not with this court. Instead, the court ignored the motion. (Given what Ms. White just revealed, did the judges even see the motion before it was denied?)

## Courts Use Rules of Civil Procedure To Punish Enemies

Judicial-watcher Elena Ruth Sassower says crooked judges will excuse their friends for not following procedure, while punishing their enemies for the smallest of infractions. She says they’ll even intentionally misinterpret the rules, as appears to be the case here, and wrongly accuse their enemies just so that the denial looks official. She says that in almost all cases, the general public doesn’t know one way or the other, and the attorneys involved go silent so that the judge won’t punish them on the next case—so they get away with these wink-wink-nod-nod tactics most of the time. (The “self-policing” rules say that attorneys are supposed to report such misconduct, but self-policing is largely a myth; attorneys pretend to report, and disciplinary councils pretend to discipline; white-collar misconduct is rarely reported.) However, in this case Dr. A believes she followed the rules, and in any event, the court’s rules are supposed to give latitude to “pro se” filers like Dr. A.[\[1\]](#)

## Substantial Judicial And Clerk Conflicts Of Interest

Dr. A then submitted a renewed motion to file her *amicus* brief on July 27, 2012, citing **substantial conflicts of interest** among members of the Federal Circuit themselves, including the Clerk of Court Jan Horbaly and Chief Judge Randall Rader. In addition to holding Facebook stock, many in the court have cozy relationships with Facebook’s attorneys, and many if not most of the judges have undisclosed prior associations with a key Leader witness, with whom they may have differences stemming from the passage of the Federal Trade Secrets Act and Economic Espionage Act in 1996. This former Leader director, Professor James P.

/// Are Facebook insiders mocking the Business Judgment Rule?  
/// James W. Breyer's tangled web of insider trading – AKA – “You’ve been Breyered”  
/// Wal-Mart – Zynga – Facebook: Oh, the webs we weave  
/// Facebook forces reexam order of Leader’s patent through USPTO Director’s office in wake of Instagram controversy  
/// Instagram-scam?  
/// Facebook’s Orwellian (black-is-white) definition of “clear and convincing” evidence  
/// Facebook countersues Yahoo with bogus patents? Confirms reckless mindset.  
/// Facebook “Liked” Leader’s source code ... before it didn’t  
/// Proof Fenwick & West LLP did not disclose Leader as prior art to Facebook  
/// MF Global + JP Morgan + Goldman Sachs + Harvard Grads + Politics = A big mess  
/// What Facebook, Accel Partners, Goldman Sachs and Fenwick & West don’t want us “muppets” to know  
/// Make up your mind, Fenwick & West

Chandler, taught intellectual property law at the George Washington University Law Center where Judge Rader was a student. These undisclosed conflicts are grounds for disqualification. No judge disclosed a single conflict.

### **Anti-small-business bias in U.S. courts; Message to inventors: Don’t bother filing for patents; the courts will just let deep-pocket friends and their foreign interests steal them**

I reached out to Leader’s Michael McKibben for comment on this new development. He said, “Dr. Arunachalam is as frustrated as we are by the anti-small-inventor bias in the courts. In our experience Facebook has no scruples.” He continued, “The Federal Circuit and the district court are supposed to correct legal error and protect the victims of injustice, not aid and abet the wrongdoers. I have friends from the former Soviet Union who were railroaded by a Soviet court system biased against free-thinkers. Some of my friends were imprisoned for simply trying to live honest lives. So, I have seen these tactics up close. To see these same tactics in the second highest court in America is alarming.” He said, “It seems that Facebook is being trained in old KGB tactics dressed in a hoodie. One can only hope that the U.S. Supreme Court and our Legislature still love justice and desire to preserve Freedom’s legacy for our children.” He concluded, “It’s pretty clear that the Facebook crowd care nothing about their moral legacy.”

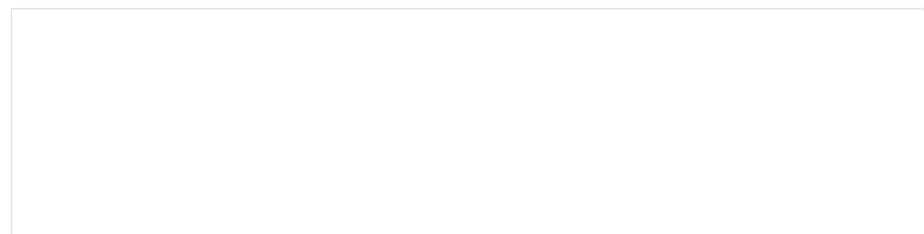
I reached out to Facebook for comment, but they did not reply.

### **Bi-Partisan Support for Leader Technologies from leading Democratic intellectuals to the Arizona Tea Party**

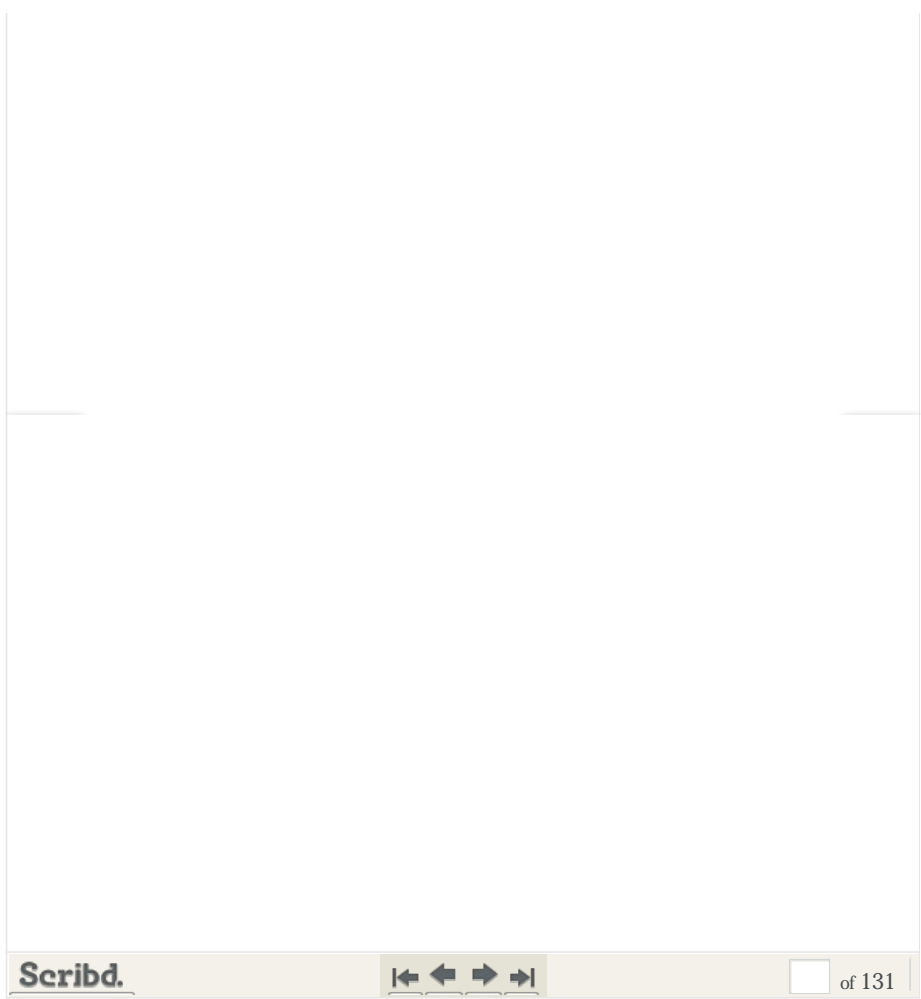
The concerns over *Leader v. Facebook* do not appear to be politically motivated. Dr. A says she is a registered Democrat. By contrast, the Tea Party in Arizona has widely publicized their concerns and support for Leader Technologies also. In addition, other prominent Democrats are voicing support. This appears to be a truly bi-partisan *American* concern. Media outlets as diverse as CBS, NBC and Fox Business have carried news about this fight. The eminent University of Minnesota Democrat Historian Hy Berman said, “As an American historian, I am particularly concerned about the implications of allowing powerful forces to violate intellectual property rights. Our economic and industrial development was made possible by inventors, innovators, scientists and engineers who developed the technology undergirding our national development.” He continued, “If intellectual property theft by the powerful and well-connected is not stopped, future innovation is jeopardized.” Professor Berman is a former political advisor to Vice President Hubert Humphrey and is a close friend of Vice President Walter Mondale. Leader’s first patent attorney and second director was Professor James P. Chandler who served on President Clinton’s National Infrastructure Assurance Council.

Below is Dr. A’s U.S. Supreme Court disciplinary complaint against the Federal Circuit. It was also sent to the Democratic and Republican members of the Senate and House Judiciary Committees listed below (you are encouraged to send the documents to your elected national representatives, media and other influential persons as well):

[Lakshmi Arunachalam Ph.D. Judicial Misconduct COMPLAINT to the U.S. SUPREME COURT, Aug. 11, 2012](#)



LLP  
 /// Muppet Mania  
 /// Haughtiness in the face of “literal infringement”  
 /// Facebook *ordered* pharma users to allow comments, yet will not return phone calls now  
 /// First thoughts after leaving courthouse  
 March 5, 2012  
 /// Judges Selected  
 /// San Francisco CBS-TV KPIX Coverage  
 /// NBC-TV4 (Columbus) Interview with Leader founder Michael McKibben  
 /// How Facebook tricked the jury – *YouTube*  
 /// New friends?  
 /// Did Someone Prod the Media?  
 /// Facebook: The New “Too Big To Fail?”  
 /// Big trouble ahead for the Facebook IPO? – PBR / *YouTube*  
 /// What happens on March 5th, 2012?  
 /// More on FB’s S-1 omissions & other conflicts of interest  
 /// Big trouble ahead for Facebook IPO? Backgrounder  
 /// My take on the MF Global debacle: It could have been a customer  
 /// Comments on EU reform announced Oct 27, 2011  
 /// Post Crackdown Update  
 /// Thoughts on rating agency S&P  
 /// Japan’s Debt



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**Fig. 1** – Disciplinary Complaint against the Federal Circuit filed at the U.S. Supreme Court by Lakshmi Arunachalam, Ph.D. on Aug. 11, 2012. Now also available [from doctoc](#) and [direct PDF download at Leader.com](#).

**House Committee on the Judiciary Senate Committee on the Judiciary**

- [Lamar Smith](#), Chairman
- [John Conyers](#), Ranking Member
- [Darrell Issa](#)
- [Steve Chabot](#)
- [Jim Jordan](#)
- [Howard Berman](#)
- [Patrick Leahy](#), Chairman
- [Chuck Grassley](#), Ranking Member
- [Dianne Feinstein](#)
- [Al Franken](#)
- [Mike Lee](#)
- [Tom Coburn](#)

**OPERATION SPOTLIGHT Update.**

The information obtained from Federal Circuit staffer Valerie White was as a direct result of OPERATION SPOTLIGHT efforts. This proves that individual citizens exercising their God-given American rights can make a difference! Keep it up. Here is a resource list.

—*Donna Kline*


**OPERATION SPOTLIGHT** continues.

Here is a new **FAIR Media Contact List** for your OPERATION SPOTLIGHT activity (networks, cable television, national radio



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programs, national newspapers, magazines,  
 newsservices and wires). It’s a very good list.  
[Here’s the previously compiled OPERATION  
 SPOTLIGHT CONTACT LIST.](#)



*OPERATION SPOTLIGHT -  
 Industry Expert Says  
 American Property Rights  
 Are Threatened*

[Here’s one sample OPERATION SPOTLIGHT  
 Letter.](#)

See a [NEW OPERATION SPOTLIGHT  
 LETTER](#) being proposed to be sent to  
 President Obama, Mitt Romney, Ohio Senate  
 candidates in Leader Technologies’ district, and key media regarding  
*Leader v. Facebook* and American property rights.

[Here is a list of Dr. A’s Motions and the Delivery receipts.](#)

Federal Circuit Advisory Council: [http://www.ca9.uscourts.gov/the-  
 court/advisory-council.html](http://www.ca9.uscourts.gov/the-court/advisory-council.html)

# Contacting the Congress

*Official addresses and phone numbers for Members of the U.S. Congress*

**Footnotes:**

[1] “Pro Se” representation (means “for yourself”) is a solemn right that every U.S. citizen enjoys, although the legal profession tries to discourage it with seemingly wise, but ultimately self-serving advice like “a man who represents himself has a fool for a client;” unfortunately, the decline in the quality and ethics of the legal profession in America is forcing laypeople to represent themselves out of sheer self-defense; Elena Ruth Sassower, “On Judicial Misconduct and Discipline, WITHOUT MERIT: THE EMPTY PROMISE OF JUDICIAL DISCIPLINE.” Tulanelink.com.  
[http://www.tulanelink.com/tulanelink/sassower\\_01a.htm](http://www.tulanelink.com/tulanelink/sassower_01a.htm).

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(returns you to my most recent Post titled “Judicial “Hyperactivity at the  
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*Judicial powers running amok next door to The White House?”*

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