

FILED

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SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NP

JSC

Your Name: Shruti Shetty
Address: 640 Clay St 104, SF, CA - 94111
Phone Number: 415-688-5623
Fax Number: _____
E-mail Address: shruwork@gmail.com
Pro Se Plaintiff

United States District Court
Northern District of California

CV 17 589

Shruti Shetty.

Case Number: *[leave blank]*

Plaintiff(s),

COMPLAINT

vs.

Alphabet, Yahoo, Google,

Gujarat Govt, Indian Govt, Pierre Patino

Patino, Ray D'Ambrosio, MBRDNA, Argela,

Tesla, Reliance, Cisco, DOES [1 - N] et al.

DEMAND FOR JURY TRIAL

Yes ☐ No ☒

Defendant(s).

1. Parties in this Complaint

a. Plaintiff(s). Write your name, address, and phone number. If there are other plaintiffs, use more pages to include their names, addresses, and phone numbers.

Name: Shruti Shetty

Address: 640 Clay St #104 SF, CA - 94111

Phone number: 415-688-5623

COMPLAINT

PAGE 3 OF 8 [JDC TEMPLATE]

b. **Defendant(s).** Write the full name and address of every defendant. If the defendant is a corporation, write the state where it is incorporated and the state where it has its main place of business. Use more pages if you need to.

Defendant 1:

Name: Cisco Systems

Address: 170 West Tasman Dr. San Jose,

CA 95134-1706. San Jose, CA

Defendant 2:

Name: Alphabet

Address: 1600 Amphitheatre Pkwy

MOUNTAIN VIEW, CA 94043-1351

Defendant 3:

Name: MBRDNA

Address: 309 N Pastoria Ave, Sunnyvale, CA 94085

Defendant 4:

Name: Pierre Patino

Address: 434 1st Ave Half Moon Bay, CA 94019-5307

2. Jurisdiction

Usually, only two types of cases can be filed in federal court: cases involving "federal questions" and cases involving "diversity of citizenship." Check at least one box.

☒ My case belongs in federal court under federal question jurisdiction because it is about federal law(s) or right(s).

Which law(s) or right(s) are involved? Abuse of Anti-Trust Laws, Anti-Competitive Laws, Patent Infringement, Human & Civil Rights, Toxic Tort, Wire, Identity Fraud & Mail Fraud.

☐ My case belongs in federal court under diversity jurisdiction because none of the plaintiffs live in the same state as any of the defendants AND the amount of damages is more than \$75,000.

COMPLAINT

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1 **3. Venue**

2 *This Court can hear cases arising out of Alameda, Contra Costa, Del Norte, Humboldt,*
 3 *Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco,*
 4 *San Mateo, and Sonoma counties. This is the right court to file your lawsuit if 1) All defendants*
 5 *live in California AND at least one of the defendants lives in this district; OR 2) A substantial*
 6 *part of the events you are suing about happened in this district; OR 3) A substantial part of the*
 7 *property that you are suing about is located in this district; OR 4) You are suing the U.S.*
 8 *government or a federal agency or official in their official capacities and you live in this district.*
 9 *Explain why this district court is the proper location to file your lawsuit.*

10 Venue is appropriate in this Court because 1, 2, 4.

11 _____

12 _____

13 **4. Intradistrict Assignment**

14 *There are three divisions of this Court: San Francisco/Oakland, San Jose, and Eureka.*
 15 *The San Francisco/Oakland division covers Alameda, Contra Costa, Marin, Napa, San*
 16 *Francisco, San Mateo, and Sonoma counties. The San Jose division covers Monterey, San*
 17 *Benito, Santa Clara, Santa Cruz counties. The Eureka division covers Del Norte, Humboldt,*
 18 *Lake, Mendocino counties, only if all parties consent to a magistrate judge. Explain which*
 19 *division your case should be assigned.*

20 This lawsuit should be assigned to [Select one: San Francisco/Oakland, San Jose, OR
 21 *Eureka*] Division of this Court because San Francisco, CA

22 _____

23 _____

24 **5. Statement of Facts and Claims**

25 *Write a short and simple description of the facts of your case. Include WHERE and*
 26 *WHEN the events happened, WHO was involved, WHAT role each defendant played, and HOW*
 27 *you were harmed. If you know which laws or rights the defendant violated, you can include them,*
 28 *but you do not need to make legal arguments. Put each fact or claim into a separate, numbered*

1 *paragraph, starting with 5a, 5b, and so on. Attach additional sheets of paper as necessary. You*
2 *may attach documents that support your claims to the end of this Complaint as exhibits. Explain*
3 *what each exhibit is, when and how you got it, and how it supports your claims. Attaching a*
4 *document to your Complaint does not necessarily mean that it will be accepted as evidence.*

5 ATTACHED PAGE ~~10~~ 42

COMPLAINT

PAGE 6 OF 8 [JDC TEMPLATE]

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6. Demand for Relief

State what you want the Court to do for you. For example, depending on which claims you raise, it may be appropriate to ask the Court to award you money or order the defendant to do something or stop doing something. If you are asking for money, you can say how much you are asking for and why you should get that amount.

ATTACHED PAGE 43 OF 69

7. Demand for Jury Trial

Check this box if you want your case to be decided by a jury, instead of a judge.

☒ Plaintiff demands a jury trial on all issues.

All plaintiffs must sign, date, and print their names at the end of the Complaint. Attach another page if you need to.

Respectfully submitted,

Date: 02-03-2017

Sign Name: _____

Print Name: _____

Shruti Shetty

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PARTIES TO THE CASE:

SHETTY alleges that defendant internet companies and their representatives, from Alphabet, Inc., (hereinafter "Alphabet"), their subsidiaries – Google and Youtube, are corporations duly organised and existing under and by the virtue of the laws of the State of California, United States, is authorised to transact and is transacting business globally and is headquartered in Mountain View, California.

SHETTY alleges that defendant internet companies and their representatives, from, Yahoo, are corporations duly organised and existing under and by the virtue of the laws of the State of California and United States, is authorised to transact and is transacting business globally and is headquartered in Sunnyvale, CA.

SHETTY alleges that defendant internet companies, from, LinkedIn are corporations duly organised and existing under and by the virtue of the laws of the State of California and is authorised to transact and is transacting business globally and is headquartered in Mountain View, California.

SHETTY alleges that defendant internet companies, from, Facebook are corporations duly organised and existing under and by the virtue of the laws of the State of California and is authorised to transact and is transacting business globally and is headquartered in Menlo Park, California.

SHETTY alleges that defendant Argela, an ex-employer, is a subsidiary of Turk Telecom, Turkey, existing under and by the virtue of the laws of the State of California and United States, is located in Sunnyvale, California, and has relocated base from its previous address within Sunnyvale since SHETTY left the firm in 2011.

SHETTY alleges that defendant Mercedes Benz Research And Development North America (hereinafter "MBRDNA"), an ex-employer, is a corporation duly organised as a subsidiary of Daimler Chrysler, Germany, existing under and by the virtue of the laws of the State of California and United States, is authorised to transact business globally, and its US headquarters is in Sunnyvale, California and has relocated base from its previous HQ's from Palo Alto to Sunnyvale since SHETTY left the firm in 2010.

SHETTY alleges that defendant Philips Health Systems, an ex-employer, (hereinafter "Philips") is a corporation duly organised and existing under and by the virtue of the laws of the State of California and United States, and is authorised to transact and is transacting business globally and its US headquarters is in Cleveland, Ohio and has relocated base from San Jose to Foster City, CA since SHETTY left the firm in 2009.

SHETTY alleges that defendant Cisco Systems, an ex-employer, (hereinafter "Cisco") is a corporation duly organised and existing under and by the virtue of the laws of the State of California and United States, and is authorised to transact and is transacting business globally and headquartered in San Jose, CA.

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SHETTY is informed and believes and thereon alleges that defendant, Raymond D'Ambrosio, (hereinafter "Raymond") is an individual residing in the city of Fremont, California.

SHETTY is informed and believes and thereon alleges that defendant, Pierre Patino, (hereinafter "Pierre") is an individual residing in Half Moon Bay, California.

SHETTY is informed and believes and thereon alleges that defendant, Arnab Basu, (hereinafter "Basu") are individuals related to each other and residing in unknown location in Bay Area, CA running businesses of unknown type with its principal base of business to be ascertained in the court of law.

SHETTY is informed and believes and thereon alleges that defendant, Minal Khodani, (hereinafter "Minal") is an individual residing in the city of San Mateo, CA.

SHETTY is informed and believes and thereon alleges that DOES [1 – N] are defendants whose identity is uncertain all of their true names and capacities, whether individual, corporate, associate or otherwise and are those sued herein. Plaintiff alleges parties designated as a "DOE" are legally responsible jointly and severally, for the events happenings referred to in the complaint.

SHETTY is informed and believes and based on that information and belief alleges, that at all times mentioned within this complaint, all defendants were agents, owners and employees of their co-defendants and in doing the things alleged in this complaint were acting within the scope of such agency and employment.

Facts common to all defendants:

- Our best intentions are sometimes subverted by our natural tendency to selfishness, ambition and greed.
- Plaintiff's intellectual bent, vocation and labour - that till early 2016, she didn't harp about, take credit for or bring to public notice, all invisibly carried out, were surreptitiously w/o her knowledge licensed to or stolen by the world at large from close to a decade, that amounted to industrial unrest and disruption inspiring quintessentially generative technology as a result of inviting positive and pro-competitive changes and revolution amongst technologists; providing for an opportunity to tap into new markets to stir more young blood to tinker their grey cells; to contribute, catch-up, agitate, friction, compete, show violent outbursts, disdain or intrigue as a result of intellectual embarrassment or unrest; stirring intellectual reason while also providing for adrenaline rush in those that were phasing out or old-school - creating pro and anti-competitive resistance - some that turned adverse, albeit at her expense and probably some of which were deceptively and fraudulently achieved for dangerously irrelevant motives, but it didn't quite take away how many around the world seemed to shift from their hard-set old-school practices of limited applications of technology that was slowly serving to be plain or obsolete, creating a commotion (disruption) to tinker, find and bring in new applications or inter-operability to extend existing offerings through introduction of next generation of technological solutions to bridge "new" innovation markets and other existing interconnected systems, that plaintiff seemed to have had a sound and niche knack to tap into, that required understanding of diverse and unique fields mostly untapped, to provide solutions for new problems and relevant product lines of next generation.
- This amalgamation and marriage of sorts of cross industry disciplines sent a shock wave across multiple industries round the world, compelling everyone from many diverse fields, old and young, to gauge and study her closely for academic and research purposes while enabling exchange of relevant information amidst them to gallop innovation industry full frontal on a positive direction that allowed for an economic unrest, upsurge, anxiety and excitement apart from unrest to specialise in multiple fields, affecting everybody through jobs enabled, markets impacted and life's touched.
- This unfortunately lead to hooliganism, local gang intimidation and terrorism apart from international trade wars, cyber-terrorism, espionage, foreign government spies nuisance, identity theft rings racketeering, by shoddy elements of the tech industry few of whom she brushed past given they were moles installed in her work place since 2009, were her clients or those hired to steal her identity, that had benefited from the tech industry not so much for their own contributions but for capitalising on the identity of folks such as the plaintiff from stealing and trading Intellectual Property while forcing her marginalisation through coercion, to attain fame and recognition and find a presence around those that stood out – for matters that plaintiff had hardly any say over or idea of given her work was always traded surreptitiously, behind

closed doors, where few people knew who the actual source of such contribution was, and was well ascertained by well-established tech-giants of the tech-industry that groomed next generation of kids;

- This resulted in intrigue and foreign government backdoor requests that got miscreants nuisance to get out of hand, that today poses a grave threat to tech-industry at large, through their radicalised attacks via various channels, means and methods. Shoddy elements were funded by other tech businesses and government to illegally restrain her development, create conspiracy and propaganda, to avail criminal sanctions to keep themselves above law and trade on her good-name, reputation and identity through gross means and methods apart from assaulting her by trespassing her privacy.
- Her patents and trade secrets are worth a lot of money. It's been fraudulently acquired employing electronic and wire fraud since 2008 while plaintiff was still a student in US. Plaintiff was then signed up to licensed out to benefit private parties and organisations plaintiff worked for without her consent or knowledge. Plaintiff is well-ascertained to make forays and create break through's in the innovation market that benefited and enriched the US government from licensing and trading it to third parties without her knowledge or consent that have availed US govt trillions of dollars of profit all shared as royalties by her rivals without compensating her.
- This then resulted in agitated intrigue and outburst in her company, and tech-industry at large, due to widespread criminal and fraudulent activities of these racketeers, all irrelevant to her field, to tinker their grey cells, some through afforded public education to disseminate or restraint as an insult - her technical affairs, others through attempted academic research on her trade-secrets, to decide on academic concentrations, steal and trade her property, question her identity as a knack in provocation and theft, keep her defamed and maliciously interrogated, while availing investments for lucrative start-up ideas that she was the brain-child of that she hadn't published or disclosed, to redirect money, set-up shoddy businesses riding on her unawareness of their true intent for forced associations, yet others that arranged for investments and grants, realising its patent worthiness, to attempt to make money on her standing, merit and reputation by dropping the source and identity behind the stolen copyright, ascertaining the fact that the value in her intellectual property was well-determined, some that eventually went on to file patents, to share royalties amongst themselves keeping plaintiff in complete dark, subtly releasing and looping it back to her through media articles;
- Yet others threw a union labour restraint arranging state sponsored public corruption to racketeer or protest for her visibility and presence, exhibiting activities of corrupt monopolies, rather vulgarly by brokering and posing as an associate or worthy equal -- even defamatory agents, irrelevant to plaintiffs career prospects, standing, merit, and hands on exposure in the industry, tortuously interfered and kept abreast with her career and personal developments to thwart it, apart from stealing her academic research and personal technical copyrights --- to steal credit, contribute, catch-up, agitate, friction, compete, show radicalised outbursts - some that turned into extortion

and kidnap, others that showed disdain or intrigue as a result of intellectual embarrassment or unrest; stirring intellectual reason while also providing for adrenaline rush in those that were phasing out or old-school - creating pro and anti-competitive and anti-trust resistance - some that turned adverse, albeit at her expense and probably some of which were deceptively and fraudulently achieved for dangerously unjust and irrelevant motives;

- But that didn't quite take away how many around the world seemed to shift from their hard-set old-school practices of limited applications of their offered technology that was slowly serving to be plain or obsolete, creating a commotion (disruption) to tinker, find and bring in products or know-how's of innovation industry to inter-operate with or extend existing offerings that plaintiff seemed to have had a sound and niche knack to tap into, that required understanding and inter-dependence of diverse fields that served unique as an offering, to enable solutions for new problems and relevant product lines of next generation, mostly untapped by or outside the scope of regular and routine engineering jobs, that limited visibility to a small pool of feature-sets of a known system to allow any form of architecture or cross industry view.
- Most of the public tinkering through un-justifiable and un-consented criminal public disclosures, had grave negative fall-outs, as an extreme reaction to subjugate her career prospects, from those politically and negatively motivated, that perpetrated Genocide against her, that attracted towards her a mob that was hateful towards her and that she caustically criticized and exposed, given she had not published or disclosed any of her copyright or trade secrets to benefit from it herself, and was appalled at the indifference of their criminal actions that jeopardised her family and her life causing grave personal and professional losses, from having internalised the profit in her situation and from being unable to grapple with what she had coming her way, to forcefully redirect it to their racial roots - reducing her to be at the receiving end of the radicalised classes..
- Due to the enmity and hate she attracted for her visibility and work, she is currently detained in the arms conflict between nations over Intellectual Property rights, to continue to derive royalties, sanctions and investments from racketeering in sensitive trade secrets, copyright material - filed as patents and pitched for investments, while also enabling -- identity theft rings for trade agreements between government and businesses that she is not party to or has ever conceded to. This has resulted in plaintiffs kidnapping since 2009, employing methods of warfare and gross violation of her human rights since 2010, both in US and in India, while she was subject to surreptitious attempts at genocide since 2001, that took an aggravated front in 2010, 2012 and yet again since 2015, giving civilians the impression that adversaries were further perpetrating war crimes to then assert the detainment as reasons for conflict involved in global war of terrorism to address their grievances irrelevant to plaintiff. This was an anti-competitive attempt to blur the lines, confuse and intimidate people.
- Plaintiff has no general knowledge of world affairs or politics, given lack of applicability of such subjects to her apparent lives realities and her general

disinterest in war related headlines, that needed dedicated time and effort, to come up-to speed with, through current affairs, superficially, of over two decades over the last one month to keep her from danger and defendants afforded criminal sanctions from fraudulent posing's -- all done to meet defendants quid pro quo demands, blackmail, extort and keep themselves above law in the war related to reasons which give rise to internal disputes of developed nations she had no way of knowing. She came to be falsely associated with acts of terror perpetrated by defendants that she had no idea of as they were masquerading as engineers given she worked in the same organisation they were part of.

- The act is perpetrated by obsequious observations of foreign governments for various targeted human research experiments: around drugs, genetics, cloning, susceptibility to induced conditions and other forced academic benchmarks that plaintiff has severely suffered from since a very young age as a resident of a third world country even when she had no exposure or relevance to America or its people until 2007 when she came to US to get a masters degree.
- Eventually, plaintiff's relatives, Gujarat government, American government, and defendants plaintiff acquainted with, in her workplace in Bay Area, California in 2009, 2010 and 2011 at three separate jobs had spies installed in her workplace. She then became victimised due to cyber warfare, wmd attacks, hostility and defamation arranged for by local bay area e-commerce monopoly, Gujarat government spies and plaintiff's relatives, between 2009 through 2011 that lead to her current situation. Her subsequent move to India to keep herself safe, that was her forced move from US through coercion by the e-commerce giant that had soft corner for her colleague, extended bribed family and other foreign national aliens that served as spies of foreign nations, listed as defendants, did not prevent even more dangerous genocidal conquests through criminal enterprise activities of her local bay area employer, Cisco Systems, in its offshore property that served Gujarat government moles and her relatives, an opportunity to perpetrate workplace crimes and violence that severely jeopardized victims safety causing her humiliating displacement from India back to US, that allowed them to denigrate and destroy what she had earned yet again since 2015 that caused her to walk out of her job in 2016 given the dangerous situation created to make it impossible to work.
- This was a direct result of bid-rigs, price discrimination, espionage, brokering of her personal information and trade secrets outside the scope of work, trademark high-jacks in her absence in US, electronic fraud, cyber-crime, false media promotions, false advertising, defamation, trade disparagement, unearned brokerage, extortion, solicitation, contract interference and workplace violence between 2015 – 2016, as a result of their exposure and subsequent investigations for victimising plaintiff by racketeering, infringing copyrights, patent and trademark, palming off, false promotion of background information, medical identity theft, profiling, trespassing her privacy, disparagement and bribery that was conducted in offshore team of Cisco in 2015 against her ex-employers from Bay Area – Philips, Mercedes Benz R&D NA, Alphabet, Argela and their hired agents, that came to solicit her to bail them out, for having gotten her to eventually relocate back to India back in

2011 after resigning three jobs, so they could at her expense share royalties from her undisclosed and unpublished copyright now patented as their work, and for gross contract interference and defamation, that lead to her current demise.

Internet Domination and its effects on plaintiff's life:

Economics Based Governance:

Yochai Benkler of Harvard University's Berkman Centre describes the shift from durable goods to an information-based economy as the "wealth of networks." Yochai Benkler, *The wealth of networks: How social production transforms markets and freedom* (2006).

The Cato Institute, a research organisation dedicated to limited government and individual liberty, contends that it is not for government and individual liberty, to regulate the Internet, and "policymakers" should resist intervention and "allow" the Internet to develop market-based solutions to problems.

Karl Marx predicted class conflict between the bourgeoisie who controlled the means of production and the proletariat - The class of people who do unskilled jobs in industry and own little or no property - who were wage slaves. The internet serves as a medium that effectively blurs the boundary between workers and the owners of the means of production. I.E. The workers and the owners somehow, seem to have a blurring of lines in the Internet world, because it allows the worker to gain access to a wealth of information that he chooses to educate himself with to satiate his intellectual irkings - empowering him with far lesser barriers to create products that are information age's needs and asks.

Class struggle in Marxism is a continuing fight between the capitalist class and the working class for political and economic power.

So, Yochai Benkler's concept of Networked Information Economics (NIE) considers "commons-generated" content as decoupling physical constraints on production. Where-in "common" as per Cambridge Advanced Learners Dictionary (CALD) refer's to typical of a low social class, a disapproving usage, as per the dictionary, [So you avoid going after my mum], for example, my mum thinks dyed blonde hair is a bit "common".

So his thesis about a "shared-infrastructure" of the Internet brings to mind - Sly and the Family Stone's "Everybody is a Star" as per what a legal bible on internet law has to say.

This has blurred the lines between the petty-bourgeoisie from small businesses in a small town in a third world country to a tech entrepreneur that leads highly educated life, and other polished engineers graduating from ivy leagues in Silicon Valley and the high class that educate themselves and work along side those from lower social strata - all of whom can avail a college degree from engineering schools in United States that admit everyone irrespective of their roots and history - in one form or the other.

Having access to information isn't the same as being able to develop intelligence or elevate ones history. A moocher or first-generation monied lower class or a Parvenu (Someone from a low social position who has suddenly become rich or successful), may aim to become an "arriveste" by associating with higher social clans from Indian descent and aggressively pose in ignorant American circles accordingly.

They exhibit a rather strong interest in money and possessions belonging to or typical of lower social clans that have middle class standing, especially those hard-set in their supporting established customs, behaviours and values, and desperately and vulgarly ape those from higher social strata to do away their hard-set practices to emulate and copy those more acceptable behaviours that aren't coded in their dna, to elevate themselves or become upwardly mobile. Example: It's a bit bourgeois or parvenic isn't it, joining a golf club or wearing a tux to meet a tech executive?

An American system is ignorant or believes in a different school of thought completely being ill-equipped and uneducated in world culture to understand these fine distinctions between class differences.

This enables competition to cross over industries and disciplines, allowing Hollywood or the recording industry to systematically undermine the innovations of the collaborative networked economy.

He concludes in his book that we should not let "yesterday's winners dictate the terms of tomorrow's economic competition."

Such an information ecosystem dramatically reduces the "cost of production" - whosoever enables that is an intangible asset and needs to be upheld accordingly.

The progress of science is inexorable, galloping --- the innovation industry, horse-sense and logic to an exponential level enabling "liberal" equilibrium and thought independence.

It is imperative albeit by employing necessary regulations, restrictions and laws to stigmatize or limit conduct that violates social mores such as cyber stalking, sexting, online advertisement wearing the guise of cold-calling-cum-elevations-cum-fraudulent-associations, other commercial misconduct on professional forums through flaming and other forms of "vigilante justice".

False endorsements on social-media platforms such as Facebook enforce stigmatizing norms of informal social control rather trivially. Incendiary exchanges on social platforms to incite hate against an individual to provoke a victim to form opinions or raise their voice against those seeking to be represented through them seems like an easy elevation tactic nowadays – that plaintiff has repeatedly fallen pry to.

Social norms are upheld today by "defriending" objectionable individuals or screening messages they can transmit. Shaming and defriending to incendiary and rude postings on social media platform is commonly employed against offenders --- such as what plaintiff was subject to on Linked in and Facebook.

Daniel Solove tells the story of how a vigilante indulged in public-shaming as a norm to straighten out an individual who overused free internet in a San Francisco Apple

store. This moocher who was shamed on Youtube drew millions of views to the video. Such "public shaming" is an example of how user communities that wield informal "sanctions" to establish norms and informally "sanction" those that breaks them.

A person surreptitiously stealing identity and trademark of a highly dignified and private individual that is cautious, pain-stakingly meticulous and one that abhors fraudulent misrepresentation of her identity or any shady solicitation, requires her standing up against any such quick profit making schemes — cowardly hidden and capitalized on through arms length policies that ruined her career since 2009. Such agents at the least should be imprisoned. Violating her rights, impugning her dignity and reputation by sending sexual predators after her for exposure, hardly affords any coward the opportunity of immunity for past criminal actions against plaintiff.

Vigilantes stigmatize violations of norms by reposting obnoxious spam, political diatribes, or racist rantings with critical commentary.

This is met with great hate among internet hackers that attempt to counter vigilante justice by indulging in shaming those that expose offenders by forcing their offense down the vigilante's throat by attacking the vendor's products that brag that their security products are impenetrable and other cyber space vigilantes they find offensive for the visibility and presence they enjoy.

The internet is "layered architecture" which enables "specialized efficiency, organizational coherency, and future flexibility." Tim Wu, Application-Centred Internet Analysis, 85 VA. L. REV., 1163, 1189 (1999).

Encryption and digital locks allows for through software code functions the control of social Internet users, thus preventing "unauthorized access or cabining conduct".

*****Therefore a companies failure to encrypt data may constitute a breach of duty to protect the intangible assets of third parties!**

Danielle Keats Citron, HATE CRIMES IN CYRBERSPACE 3 (2014) states that: "We can build, or architect, or code cyberspace to protect values that we believe are fundamental. The Internet, for example, creates new copyright wars that influence the future of the public domain of ideas because of conscious decisions to encrypt or protect code. The internet enables a remarkable variety of new crimes, torts, and ways to infringe patents, trademarks, and copyrights as well as its many positive functions. Cyber harassment involves threats of violence, privacy invasions, reputation harming lies, and calls for strangers to physically harm victims."

Internet law thus deals with intangible assets alone due to compromise in property from the lack of physical interaction as scoped by Jacqueline Lipton, Rethinking Cyberlaw: A New Vision for Internet Law 2 (2015).

Most social and professional platforms, including other internet applications that enable mobility, information and connection, usually have a wealth of information at their fingertips not just through directly applicable applications that the user signs up

to use, but also through the web-server that houses PII transferred back and forth that are in themselves invisible powerhouses given the exploitation afforded due to lesser visibility they afford themselves. The internet at large is silently dominated by not just the search engines, online social networks, e-retailers, online auctions houses, data aggregators, analysts, blogs, educational institutions and governments that can be penalised or nailed down, but are handsomely fed into by these intermediary web-server houses. The information exchanged serves as a gold-mine of an opportunity to then license, broker and trade what the server houses. So, in reality, your information is not just available with a Google, Bing or Yahoo datacentre, but also the web server your information is routed through by your service provider and of those applications that you sign-up to use, to maintain a social and educational extension to your offline avatar not knowing that it could someday, at an extreme, even cost you your life.

The Internet Exchange (IX), such as hubs, access-points, acts as a junction between multiple points of the Internet where peers connect to each other in order to exchange local Internet Traffic. An "oppressive regime" can juxtapose their hubs to create a "kill-switch" to prevent or control information exchange and create other means in the middle attacks mainly for purposes of temporary blackouts to stifle political opposition, as seen in China referred to as "The Great Firewall of China." This was also employed by Hosni Mubarak, the then Egyptian President to stymie massive demonstrations against his regime during the Arab Spring in 2012.

Matthieu Aikins, Jamming Tripoli, WIRED (June 2012), at 146, 176 state that "Today you can run an approximation of 1984 out of a couple of rooms filled with server racks." And supporters of "Kill-Switch" contend that it will only be used in a true emergency against "cyber criminals" that threaten America's "information infrastructure".

The defendants bailed themselves out of their surreptitious acts the following way that took impeccable research, research and putting her life at risk even to expose fraudulent practices of defendants.

The internet law does little to cover the intermediaries and more to bail them out rather recklessly given legal-lag in catching up with understanding or reasoning the implications of such adverse invisible illegal practices. A stalker could profile the route or destination a critical customer to a taxi app would commonly take. And attempt cold-calling or profiling his/her identity for another customer or competitor that find application and profit in such information, severely compromising the privacy and security of such customers of the taxi app (ride-company) given their information is redirected through various channels of intermediaries that could internalise or act on scoured data, to tap into client base, or broker data at profit, solicit, or that at an extreme, could serve an extension to organised street crime, empowering street networks to perpetrate crimes in new ways, allowing for conducive human psychological maladies, to act on such acts as extortion, intimidation, threat, voyeurism, rape, stalking, theft, greed or other anti-social and immoral sociopathic conditions that could again someday cost an innocent victim her/his life while also mushrooming other societal crimes perpetrated in new ways. Plaintiff was traumatized enough to not take the taxi ever through various subtle, unwelcome, provocative or harassing suggestions of her criminal stalking and extortion.

Merging ontologies that are not developed from a common foundation ontology is a largely manual process and therefore time-consuming and expensive. Domain ontologies that use the same foundation ontology to provide a set of basic elements with which to specify the meanings of the domain ontology elements can be merged automatically. There are studies that offer generalised techniques for merging ontologies.

Linkedin, Youtube and Google exchanged such resources and employees to have sensitive information about customers stolen from clients while also arranging for human populated and botted real-time solicitations that were intimidative and harassing to plaintiff. They exchanged through a hand-shake trade secrets acquired from plaintiff's profiles. Plaintiffs numerous complaints resulted in rectification of a few of the exposed malpractices.

Web 3.0 is evolving into an Internet Of Things (IOT) where smart devices communicate human-to-computer and computer-to-computer. Wired describes the IOT as: revolving around machine-to-machine communications built on a cloud computing infrastructure and data sensors, enabling "mobile, virtual, and instantaneous connection" controlling everything from streetlights to seaports smart.

Google used her as human subject for AI research of a copyright work that plaintiff claims patent rights over apart from various other patents they filed for work she directly was involved in, in the industry.

In 1999, the internet was able to transmit at a speed of 2.5 Gbps. Less than a decade later, software engineers beta-tested transmission speeds of more than 10 billion bits per second (10 Gbps). Early 2015, Bell Labs measured a prototype's frequency range for data transmission of 106 MHz, enabling broadband speeds up to 500 Mbps over a distance of 100 meters.

High Bandwidth is required for fast data-transmission. To place bandwidth in perspective, the 1st modem developed in 1958 had a capacity of only 300 bps. In 2010, the Federal Communications Commission (FCC) classified broadband speed ranging from 200 kbps, or 200,000 bits per second, to six Mbps, or 6,000,000 bits per second. In 2015, the FCC updated its broadband threshold to 25 megabits per second (Mbps). XFINITY offers a 505 Mbps using a fiber-based service.

Section (J) on page 18 under Mobile devices & Applications for Internet Law in a nutshell suggests that:

Cisco estimates that almost a half billion mobile devices and connections were made in 2014. "Global mobile devices and connections in 2014 grew to 7.4 billion, up from 6.9 billion in 2013. Smart-phones accounted 88 percent of that growth, with 439 million net additions in 2014." - Cisco, Cisco Visual Networking Index Update 2014-2019 (Feb. 3, 2015).

Apparently, global mobile data traffic grew 69% in 2014.

The Internet Society (ISOC) is a cause-driven voluntary organization that supports the IETF to ensure that the IETF remains open and transparent".

ISOC, <https://www.arin.net/participate/governance/isoc.html>.

"ISOC is the organizational home of the International Engineering Task Force (IETF), the internet standards body responsible for developing the Internet's technical foundations through its open global forum."

The "internet" evolved rapidly in large part because of the role of non-heirarchical, open standards-setting organisations such as ISOC.

ISOC works on issues such as privacy, access, Internet exchange points on hubs, children and the Internet, net neutrality, spam, domain names, and open network standards.

Now, software licenses survive termination such as the lack of duty to keep the other party's trade secrets confidential.

CAUSE OF ACTION -- INTERNET RELATED VIOLATIONS

A] BREACH OF CONTRACT:

1) Violation of U.C.C Article 2

Silence or inaction by a party as per classical contract law, does not indicate ASSENT (official agreement to or approval of an idea, plan or request) or agreement from the plaintiffs end to fraudulent acts, infringement, misappropriation of Intellectual Property or licensing of plaintiff --- unbeknownst to her.

This is a violation of U.C.C Article 2.

2) FORGERY of E-SIGN to INDICATE PLAINTIFFS consent/identity

Plaintiffs electronic - records and signatures, stolen for contracts signed over free gmail accounts, were siphoned off by cyber criminals and spies of governments for private shoddy business investments using her identity.

Both UETA (Uniform Electronic Transactions Act) and E-SIGN § 101(c) requires consumers to affirmatively consent before an electronic communication or record can be sent in lieu of a physical writing.

Consumers are entitled to "disclosures" if an electronic record is substituted for a paper based record.

3) Violation of the Principles of the law of Software Contracts:

There were illegal acts against plaintiff sanctioned clandestinely, to siphon off her trade secrets and intellectual property outside the scope of the contract to the organisation, ---- whether by lease, license or sale!

The ALI reports as restatement to provide guidance to courts and legislatures while addressing software contracting issues:

- The nature of software transactions
- Contract formation and how industry practices govern terms
- The juncture between federal intellectual property rights and software contract law
- Software contracting terms such as warranties, remedies and transfer rules.

Therefore, as per Principles of Law of Software Contracts, §1.09

A software contract is unenforceable if it:
(a) conflicts with a mandatory rule of federal intellectual property law
(b) conflicts impermissibly with the purposes and policies of federal intellectual property law or
(c) would constitute federal intellectual property misues in an infringement proceeding.

Section 1.09, illus #8, invalidates a provision of license agreement, unbeknownst to plaintiff and acquired against her awareness.
The plaintiff has NOT transferred any of her work or assigned the rights to it to anybody that maybe fraudulently obtained through forgery or false statements.

And hence any fantasy or delusion, to transfer forcefully her intellectual property to PREVENT her from implementing her ideas or develop a competing program for 99 years is a GROSS and ATROCIOUS EXPLOITATION TO UNJUSTLY ENRICH illegal con-artists, criminal, racketeers, dacoits or smugglers looking for a change in profession from prostitution to sale of intellectual property given the value in it, and profit other disreputable, shoddy businesses that deeply HARM, DENT and DESTROY the backbone on which software industry is BUILT.

Public participation and nuisance, while producing software or publicly criticizing software as cacophonous nuisancical rant to prevent plaintiff's productivity is also challengeable under Section 109 -- especially the nature of crime involves body force using defense weapons.

VIOLATION OF U.C.C Article 2 Section 2.01

Under web wrap contract, a party will manifest assent to different terms at different points in time. TO avoid Statute of Frauds, recent trends in judicial decisions in courts enforce "cash now, terms later" licenses as long as the "licensor" that is the plaintiff -- - gives reasonable notice to the user, and an opportunity to decline the terms. -- NONE of which was arranged for through plaintiffs consent.

Fraudulent transfer of software to licensees without plaintiffs notice or agreement, to third parties that plaintiff isn't aware enjoys this privilege -- outside the scope of the employers organisation, so they could benefit her for investments given how many could share royalties is a violation of U.C.C §2.02-207 and Section 2.02 that applies rules for standard or mass-market transfers of generally available software --- that are unfortunately not generally available and proprietary in nature.

4) PAROL EVIDENCE RULE TO REDUCE FRAUDULENT ASERTIONS OF LICENSES:

Section 3.08 adopts parole evidence rule within the rules of admissibility to reduce the fraudulent assertions of the existence of license agreements and other transfers.

A license agreement does not fail for indefiniteness merely because -- the licensor --- who had no AUTHORITY to be the licensor of plaintiff for her intellectual property -- through any valid contract, bonds or agreements --- does not specify all of the key terms but had to have a battling element to integrate partial, non-existent or gap filling clauses.

5) CONTRACT MODIFICATION VIOLATIONS:

Section 2.03 provides that --- for continued exploitation and electronic transfer of plaintiffs software, to profit third parties and their own businesses, her ex employers needed e-notices of modification that are enforceable provided the TRANSFEREE --- in which case assumed to be plaintiff that hadn't agreed to any such arrangements --- receives a reasonable electronic notice of the modification AND the transferee electronically signifies agreement.

It validates no-oral-modifications clauses and especially so, if it wasn't waived by either parties.

B] COPYRIGHT AND LICENSING INFRINGEMENT

6) VIOLATION OF SOFTWARE CONTRACTING WARRANTIES:

6.1)

Section 3.02 of the Principles from both U.C.I.T.A and Article 2 of the U.C.C create a cause of actions for the --- fraudulently acquired licensees exhibitionism for misrepresenting plaintiffs delivered software, for failing to conform to its --- actual description in advertising and packaging.

The licensor -- that so fraudulently arranged to misappropriate plaintiff's property and license it out --- is potentially liable for express warranties to any fraudulently acquired transfers --- which the transferees exploit in the distributional chain, including intermediaries and end users.

6.2)

Principles of merchantable software has three features as per Section 3.01 (B) for merchant transferors, at a minimum ---

- 1) Pass without objection in the trade market or software contract
- 2) Be fit for ordinary purposes for which such software is used
- 3) Be adequately packaged and labelled.

Implied warranty of merchantability is non-existent for open source software --- that was the nature of work that plaintiff was contributing in at Cisco Systems, and hence the merchant found easy opportunity to elevate another fraudulently by siphoning off her work to another through deceptive and false representation. Because the changes and enhancements that were introduced in the open source software for the firm weren't contributed back to the software community.

And the principle is so framed because software developers will not have control over open source software which holds no bearing to plaintiff's nature of work.

6.3) Violation and Fraudulent Fitness Warranties

The licensor needs to know the --- particular purpose -- of the licensee than fraudulently gained access to plaintiff's data as a third party to NO relevance to her industry or work, -- to make a fitness type warranty.

The company that so warrants on the behalf of the software developer which in this case the plaintiff, that the software will work with a given computer system, then the company is LIABLE for warranty of fitness for a -- particular purpose under § 3.04 of Principles from U.C.C § 2-312 and UCITA § 405.

If it is ascertained that the licensor arranged for the privileges of the licensee's --> "particular purpose" irrelevant to software, a licensor violates a fitness warranty...

Such fitness warranties that are an obvious clause for --- Statute of Fraud --- may be created in part by false product advertising or false sales representations unbeknownst to the plaintiff that she innocently learns of during malicious investigations!

6.4) Violation of Non infringement Warranties:

The licensor intentionally after taking a bribe, arranged for transferring software that infringes patentable claims of plaintiff to profit licensee.

The U.C.C's Article 2 imposes a strict liability regime for transferring goods infringing the patents or other Intellectual Property rights of plaintiffs -- while the principles adopt a "Negligence standard".

7) SOFTWARE PERFORMANCE STANDARD:

7.1) Breach and Material Breach:

A breach occurs if a party without legal excuse fails to perform an obligation as required by the agreement.

A breach occurred as soon as plaintiff indicated through her job offer intent to move out of the firm for a more technically advanced and relevant position that paid her twice what Cisco did -- fearing exposure of the notification of their fraud to the leadership - to retaliate against her complaint.

The ALI reporters import concepts of tender, acceptance, rejection, repudiation, anticipatory repudiation, adequate assurance of performance, or other performance-related topics such as inspection from U.C.C Article 2 and the common law without substantial reworking.

Extreme pains were taken to arrange the breach, details for which are presented through declaration later, that included physical torture, and military warfare attacks apart from tampering of her regularly available work resources, gross misrepresentation and siphoning off her work.

7.2) Material Breach:

Section 3.11 that is derived from Restatement of Contracts §241 and UCITA § 701 -- defines a material breach as an electronic agent that allows the non-breaching party to declare the end of the contract.

False propagation of the intent of social media activity directly relevant to nobody in Plaintiffs organisation that schizophrenically developed adverse symptoms relating it to their own reality who the plaintiff had very little relevance to or idea that they existed even and has been an age-old victim of this in workplace where everybody expects false associations with her through assumptions and implication that were non-existent in her direct association with them instigated either by third party or by themselves since 2008 where Gujarat spies and Google invested heavily to marginalise plaintiff apart from Pierre Patina's hubris and Ray D'Ambrosio's and

Googles rivalry against Pierre Patino all of which plaintiff had absolutely NO relevance to and destroyed her career from the only need to benefit from her visibility and reputation to falsely merge their reality with hers, costing her career completely through malicious defamation that followed.

To clarify this, since Jan 2015, plaintiff went all out on FB out of extreme embarrassment, and disgust from the wrong sanctions that she could not tolerate anymore to blow everyone's cover, expose them and put them in their place.

In determining whether breach is material, factors that include are:

- 1) The terms of agreement
- 2) Usage of trade, course of dealing, and course of performance.
- 3) The extent to which aggrieved party will be deprived of the benefit reasonably expected.
- 4) the extent to which the aggrieved party can be adequately compensated for the part of the benefit deprived.
- 5) The degree of harm or likely harm to the aggrieved party and
- 6) the extent to which the behaviour of the party failing to perform or to offer to perform departs from standards of good faith and fair dealing.

Section 4.03 mandates automated disablement of software by placing a NOTICE on transferee to end her provisions, and who is also on notice of her particular breach for which the transferor plans to use automated disablement. §3.11

Either party proving a material breach can cancel the contract.

7.3) Rights to cure:

Breaching parties as per licensors infringed plaintiffs non-indicated licensing, is void and effective immediately. Breaching parties cure -- at their own expense. Their fraudulent practice of obtaining a license without plaintiffs consent or knowledge that destroyed her career and marginalised her life, doesn't uphold Principles of Law of Software Contracts. §3.12

7.4) Cancellation:

An aggrieved party -- the plaintiff -- may cancel a contract on a material breach of the whole contract if the breach has not been cured under 3.12 or waived".
As per Principles of Law of Software Contracts §4.04 (a) (2010).

Hence plaintiff can avail the option to cancel the whole contract for a breach of material if right to cure under is not waived and until licensees any connection or association to plaintiff is completely revoked including return of her infringed property from her privacy surreptitiously taped and passed off as their brain child.

REMEDIES FOR BREACH:

Principles of Software contracts assume parties to software contracts will adapt well-established principles from sales such as resale, market price, specific performance, and liquidated damages to software contracts. A single user-licensee that makes

multiple copies of the code infringes that makes multiple copies of the code infringes copyright and breaches the agreement.

Liquidated Damages:

Liquated damage clauses as per § 4.02 are enforceable so long as they are reasonable.

Cancellation of the contract:

As with Article 2 of U.C.C., Section of 4.04 states that the non-breaching party, has no right to cancel absent notice to the breaching party, which then --- triggers a right to cure.

Just the opposite was arranged for at Cisco through favourable litigation in favour of the breaching party -- a third party fraudulent licensee that was licensing plaintiff out for particular personal benefits unbeknownst to the plaintiff irrelevant to software - that made it impossible for her to continue employment in the firm.

As per these laws, the injured party is put in the same position as in the absence of the breach.

SPECIFIC PERFORMANCE:

The skills needed to own the library that plaintiff did are quite apart from what majority of engineers have in Cisco Systems leave alone third party fraudulent licensees of plaintiffs.

There was group boycott raised against her as a result of this that created dangerous workplace conditions that physically injured the plaintiff. Other details part of declaration and future trial proceeding documents.

The ALI reporters note that "the decree for specific performance may extend to such terms and conditions as to payments of the price, damages, confidentiality, and rights in the software as the court may deem just." See § 4.06 (b).

**CAUSE OF ACTION --- CRIMINAL ANTITRUST VIOLATION
PRICE FIXING, BID RIGGING, MARKET DIVISION OR ALLOCATION
SCHEMES**

Any international conspiracies affecting technology and innovation industry to the extent that it instigates genocide and destabilises the national security makes an antitrust allegation criminal in nature.

When competitors collude, prices are inflated and the customer is cheated. Price fixing, bid rigging, and other forms of collusion are illegal and are subject to criminal prosecution by the Antitrust Division of the United States Department of Justice.

Google colluded with agents of Indian government to displace her family and her life.

CAUSE OF ACTION AGAINST FRAUD AND CYBER CRIME IN CYBER SPACE:

Cyber land has afforded criminals means and methods of leading sophisticated life nowadays. Gone are the days where people need to learn dacoity skills, play gangster or street goon, and terrorise people for free money. A few tricks of the online internet trade, can fetch him wealth of information to replace his lowly black-market activities to now find a mention in an elevated category of -- white collar criminal that is lesser of a sin, given they now fall under a niche category where even big businesses with ivy league heads litigate and fight competitors on similar claims.

The cyber world has today become a goldmine for easily making money without breaking into anybodies house and has turned into a breeding ground of darkest web activities of the kind that forget due to similar psychological merger of reality of the kind mentioned in the Para above, of who not to consider as your next catch or prey -- to loot or live off of.

Such mergers-and-acquisitions in the fraud context, are the thing of interest to FTC, apparently, if honoured, as per law -- 15 U.S.C. § 45(a) that punishes -- unfair or deceptive acts of practices involving foreign commerce causing reasonably foreseeable injury within the United States.

An act or practice is deceptive if:

1) There is a representation, omission or practice. 2) that is likely to mislead the consumers acting reasonably under the circumstances; and 3) the representation, omission, or practice is material;

A] ONLINE-SPAM

1) They violated Telephone Consumer Protection Act by sending out bulk solicitations to strangers and other acquaintances, office colleagues, that a fiercely private person of very high reputation, and standing like that of the plaintiff, would abhor and be threatened by using either her telephone number employing technology that she is unaware of or by impersonating as her, that confused her colleagues of the designation of origin suspecting foul play.

They were kingpin internet telemarketers looking for opportunities to con monied people and stalked the plaintiff since her presence in US since 2007 when she was in school enrolled for a computer science masters degree.

2) CAN-SPAM

They assaulted the plaintiff by advertising and promoting pornographic links and marketing of her colleagues in a very dim light though the pornographic content had nothing to do with their colleagues, they apparently were attacking the ones I was associated with to get him to go berserk as they had access to my home browsing information sold to them by AT&T. This happened in 2009 and was brought to plaintiff's notice in 2016 during malicious investigations and prosecutions.

They siphoned off all of plaintiff's intellectual property and online study resources and everything she did on an everyday basis and time and again attempted to as

clerical and petty street goons make the attempt of seed guilt in her for watching this link back in 2009, given they had no other skills other than indulge in adult bullying, that was a passing off of her colleague that she had a good professional association with and was apparently sought after in the tech industry, that the plaintiff had no way of knowing at the time. Only to destroy her chance of benefiting from her connections.

Pierre Patino and Ray D'Ambrosio went on to ruin plaintiffs career by demoting her and plaintiff found out what his level of influence could have been only in 2016 and isn't certain yet of how he could avail himself sanctions or have the potential to cause this level of harm because she is surrounded by his choicest rivals or those that aspire to be like him or have his reality - that associate with her and assault her body using WMD resources all the time in her privacy sometimes even preventing her from sleeping through the night. There are old engineering college-mates of hers from two decades back that she doesn't acknowledge or lend any association to, and many such other similar entities from different phases of plaintiffs life that she recognises by familiarity as a distant acquaintance, or those that are impractical to have any association with beyond the scope of it be it as a schoolmate, an employee that worked in same company as plaintiff, employers client, distant relative, her neighbour, etc, that are hired hands of the defendants that ascertain this and buy them out to assault the victim to attempt to get her attention employing criminal intimidation tactics, trespassing her privacy to dishonour her for NOT honouring their solicitation and for exposing the criminal nature of economic espionage that she had no way of knowing defendants syndicated.

Any nuclear equipments or defence resources that they so acquire to realise their fantasies of associating with people in elite circles that such kinds not just should not know exist but is a grave insult and humiliation to the contribution of everyone in that forum to the world at large from how it deludes and clouds them of what NOT to do, in face of their putrefied and untouchable abilities that sinks every bodies behaviour into an abyss of lawlessness and extreme debauchery resorting to outlets like voyeurism, criminal stalking, dishonesty or sexual predatory attacks against those that do NOT identify with them, ONLY to get even with strangers for enjoying what they do in life, not knowing --- that it should have zero relevance to them and their life, especially in light of what they bring to table.

Their actions are so pitiful and ignoble, that it paints a thorough picture of human sanity, IQ and its crippled sensibilities, when overpowered by greed, spite, desire and ambition to achieve the same -- preposterously -- without the necessary means, methods or mental faculties, stunting one to identify their own disabilities --- to assimilate and practice an understanding of necessary societal norms adhered to and abided by in human behaviour and social interactions that is mandatory in healthy, urban, highly educated societies, that they are an embarrassment to, not knowing how to honour human acceptable behaviour from lack of necessary schooling or primary education, to determine the motive behind their acts, triggered by extreme humiliation from internalising their very limitation and abysmal worthlessness, choosing to associate rather defamatorily to people from far fetched circles that do NOT identify or give them a chance or scope for association, and brings to surface - to hide the embarrassment of their snub or treatment, the kind of debilitating, and crippled behaviour revealing one of their moral weakness, mental faculties and hence its

danger, that in spite of it, there are psychopathic elements in positions of powers with extreme forms of these symptoms that empower other deranged characters to act on their training, overtaken by their animal instincts, going so far as to subjugate an individual that is highly dignified, invisible and connected -- in her own privacy, in her alone time, using WMD and fusion centre resources -- acquired only for private exploits of the kinds that are offshoots of an extreme form of the same maladies listed above of those that only bless the society as a dangerous criminal and abuse it for housing them by destructing it --- in face of extreme hate and envy, or lack of any legit or meritorious means of attaining what they cannot, they FAIL to realise their actions require nothing short of a DEATH sentence.

They defamed her by morphing her images, circulating it to her work connections to ruin her reputation with them out of intense professional jealousy since 2009. This was syndicated by Ray D'Ambrosio, Google, Marissa Mayer and those that had access to government surveillance tools such as Arnab Basu at the behest of rivals of Pierre Patino from the US government.

Fraud solicitation without the recipient's consent that turned extortive and intimidative was then hushed up with misrepresentations, including a strong intent of malice and hate injuring the plaintiff gravely in the process.

Fraudulent statements made as references that got plaintiffs colleagues to dogmatically expect certain traits that plaintiff would not intend to honour or show, superfluous or glaringly irrelevant to what she signed up to do for the firm, especially arranged to bring a lot of attention towards plaintiff intentionally to put her in a spotlight, trigger her discomfort and annoy her, from the unnecessary inquiry, attention or hostility that she would then be presented with, that put her out of favour with her employer, motivated and justified his wrong actions that were rather aggressive.

She was presented with information that a person at her grade would hardly understand or deal in about company operations at very high management level; With this level of affectation, there were extreme and adverse reactions with the lower managements at offshore team and in San Jose, some at the highest levels even, that then syndicated a rather immoral attack against her in concert with Polaris Indian engineers in San Jose, CA. This was plaintiffs reality earlier as well that put her out of favour with her co workers from previous firms as well for which she eventually decided to walk out of jobs, because at her grade, or for those in middle management even, finding out trade secrets that provides one with such visibility and opportunities-for-visibility is like rigging for billions of dollars shying her away and limiting her to realise her potential. This included a lot of negative and immoral attacks that plaintiff was arranged to be at the receiving end of after ordinary engineers and low to mid level management learned who she knew and what their worth could be through electronic fraud and wire fraud. Arrangements were made to solicit her connections and discard her from the scene. She was then expected to take the stress of those that aren't at her level, for work a person at her grade would hardly receive such attention, focus or investment to, indicative that people were exploiting her for her designation and redirecting royalties from earlier patents filed from her infringed copyright into their own pockets that they didn't want plaintiff to know

about, and were continuing to license her copyright out to fraudulent parties, to those that found immense value in it.

Google, Marissa Mayer, Ray D'Ambrosio, Gujarat Government had arranged to out of an anti-competitive agenda, eliminate plaintiff and prevent her from realising these facts.

This cost plaintiff her jobs, immense humiliation, and was at the receiving end of ignoble spite, hate, anger, bitterness, resentment, a deranged outburst and an extreme dangerous level of physical attack was arranged using nuclear warfare, genetic warfare and bio-terrorism by introducing nanites in her body through contaminated food consumed. Where she should have been a billionaire easily, she is bankrupt today opening her family up to gross and vulgar profiling for private businesses or individuals to study her ways of life and practices to an extent that was criminal and got them to develop psychopathic tendencies from it. Their desperation to prevent her financial enrichment given the force with which her assault is arranged is indicative enough of the trouble brewing against those that sanctioned these crimes if their true motive stands exposed.

They have stolen innumerable of, brainstormed ideas from her privacy and notes, presented it as their brainchild and even filed patents -- most of which were undisclosed or unpublished. They have also redirected investments by manufacturing lies. And have since 2015, criminally assaulted her, causing disfigurement and grave injury of her body, to get her to share her assets with them. They had kidnapped plaintiff's reality since October 2011 using defense resources, and since she returned to US to file lawsuits earlier in 2016, has been criminally assaulted to deter trouble to those that availed them self these fraudulent sanctions to commit her identity fraud to enrich themselves unjustly without plaintiff's consent or knowledge and most that were forcefully continuing to show deceptive promotions either through advert, media, television or through business marketing and sales promotions.

She is presented with all things irrelevant to her work and career inclination and has no intention to deal with, extend out any help or allow association with the defendants in any way since they had caused her unthinkable financial losses, criminal intimidation and intrusion of her privacy, through defamation, marketing of false statements and cyber terrorism in US. They had enriched themselves by filing patents and posing as her to an unfathomable extent that enraged her for the unjust enrichment they afforded themselves at her expense apart from insurmountable harassment and unthinkable attacks in peoples dealing towards her that she was never in her life presented with until Gujarat Government and Ray D'Ambrosio joined hands to redirect her reality to them self or other favourable businesses in bay area for unearned profits or even standing to attempt it. They used and abused her, with coercive genocidal intent to overtake their lands and property, from intense hate after profiling her geographic roots, to exploit her rather heinously, making everything that came out of her public property -- some even posing as her beau for marketing purposes to rally on her good name and then siphon off credits, investments, projects and then pretend innocent to avoid penalty or liability -- all at ten arms length through high-tech electronic fraud gears.

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She was humiliated from the kind of people that forced their way into her life to associate with her rather despicably and like animals, threw themselves at her using radio enabled force devices provided by Ray D'Ambrosio that led to her theft of IP, video recording of her privacy and work, workplace violence leading to her eventual bankruptcy, from walking out of jobs and marginalised her both personally and professionally.

Given the value in her content, more found incentive to acquire electronic spy devices to steal her property and mob her.

Every step in the way she was prevented from seeking legal recourse with intense propaganda against her that made her situation far worse from police inaction given the sanctions came from a well-oiled criminal enterprise that street gangs, local goons, someone at a much higher position than the uneducated constables and sergeants would not question allowing aggressive empowerment of the same guilty miscreants that assaulted her with force in a more injurious manner to prevent the exposure of the guilty party that sanctioned theft and profiling of plaintiffs ethnic race, allowing them the filthy privilege of acting as a business of some repute in the country and hoping to continue to enjoy any standing or credibility from revelation of such vulgar practices - that stemmed from the desperate need to associate with plaintiffs connections, and so, provided access of a self made, reserved, young, highly dignified, highly educated woman -- some of the lowest, morally bankrupt sexual predators, street gangs, prostitutes, pimps, racketeers and other criminal agents - that sadistically derived intense satisfaction from assaulting her, watching her discomfort from their vulgar presence around her in her privacy and their only agenda was to prevent her Intellectual Property from fetching her anything, and redirecting it while keeping her occupied with their harassment, apart from trading it through fraud and filming of her privacy, forcefully mobbing her ONLY to prevent what she had coming her way in her life from seeing the light of day and create extreme nuisance and criminal harassment to tarnish, blur, reduce and dilute her standing.

Each of these had lost their mental sanity and were extremely dangerous to the safety and well being of the plaintiff and her family, having realised plaintiffs reach and connections, were criminally aggravated, hateful and desperate for having their names under investigation because of their crimes and criminal activities that were getting exposed one after the other apart from losing face from lying to the world of the nature of their earnings, lifestyle, merit and standing -- most of which was enabled through fraud. They wanted to continue to avail the benefits they realised by posing as plaintiff and were willing to continue to do anything it took to maintain that status quo!

Their actions lacked serious literary, artistic, political or scientific value serving as extortioners alone. It heavily leaned on patently offensive exhibition of vulgar sexual conduct. They were glaringly limited and so dangerous to ones standing that it served great incentive to have plaintiffs rivals or competitors to bring them in her vicinity during her project start up efforts to have them watch her and identify with her reality that they were an embarrassment and humiliation to, and any attempt at exchange or reasoning would serve the plaintiff a loss of face and self-respect given their disreputable nature and ignoble behaviours that could not afford them such luxury of association with plaintiff in any other form. Most of them intentionally were thrust

on her, from those "defendants" as legal tactic to intimidate, coerce, harass and cause emotional distress, using electronic means to support severe, repeated, hostile and criminal behaviour.

Given a few defendants fund terrorist outfits, the victim came to be part of false flag operations, was used as honey trap against her knowledge, and suffered psychological manipulations.

Defendants cyber stalked and cyber bullied plaintiff apart from surreptitiously filming her in her privacy, morphing her images to forward it to her highly established connections to destroy her reputation with them behind her back out of intense professional jealousy and to destroy her professional and personal standing while she was neck deep in work and other technical and intellectual matters far from the illiterate abilities of the defendants because she snubbed them out and didn't choose to deal with them because of their lowly identity.

These defendants had established themselves rather pompously as dot cons and had a deranged sense of self worth or attitude about it indulging in -- 1) Debt Collection Scams 2) Impostor Scams 3) Prizes, Sweepstakes and Lotteries, 4) Deceptive targeted Internet advertisements 5) Internet auctions 6) Internet Access Services 7) Credit Card Fraud 8) International Modem Dialling 9) Web Cramming 10) Multilevel Marketing Plans/Pyramids 11) Travel and Vacation Schemes 12) Business Opportunities 13) Investments and 14) Health Care products/services.

CAUSE OF ACTIONS:

Section 5 of the FTC Act prohibits, unfair methods ... acts or practices that are deceptive if: 1) there is a representation, omission or practice, 2) that is likely to mislead consumers acting reasonably under the circumstances; and 3) the representation, omission or practice is material.

Google, Linked in, Facebook:

Plaintiff was an innocent victim of internet marketing pyramid scheme on multiple sites and suffered injuries to her reputation through confusing marketing and sales of search engine advertisements that were gleaned and studied by those licensees and/or spies that watched her private activities, and also falsely got her to click on links that may not have been legitimate source of information but populated through Google page rank manipulation targeted at her, after locking down her computer, and/or her private wireless device, to sell content to her and through her. This practice was employed to get those that brokered and sold her browsing data to others seeking it and to plaintiff's connections to determine:

- 1) Her copyright, IP and learning inclinations to read and assimilate her work through the respective sites on professional front.
- 2) To defame and feed her their favourable attributes, to harass her with information manufactured for her through their previously established attacks.
- 3) To solicit her connections that studied her browsing patterns and websites visited carefully
- 4) to present and sell solicitors and customer information populated on specific sites for profit to benefit them and that had no relevance to what plaintiff was looking for, rather deceptively some even through fraudulent association with plaintiff.

5) to denigrate, defame and disparage her through careful placements of adverts, other reprehensible or harassing profiles on social media, job sites, community matrimony sites, professional networking sites, movie databases, music channels, and innumerable other sites to cyber terrorise her some that even left nasty comments pitching it in reality to her defamation that they had arranged for which she was at the receiving end of, at the time, far from the actual reality of her life.

6) To allow their hired hands to browse reprehensible content using the same wireless device shared with plaintiff by a housemate or whose passwords were hacked or compromised from filming of her private activities using fusion centre resources to associate limited, tactless, dull or debase activities to plaintiff and reduce her standing by blurring and tarnishment while she worked in Philips, Mercedes Benz R&D NA at Palo Alto, Argela and Cisco Systems.

The consumers earned exorbitantly from such deceptive posing and unfair practices that plaintiff had no idea about that she was enabling through her innocent observation of the layout of the search engine, and ornamentally exhibited solicitations, clicks or adverts some that even masqueraded over videos she watched in many online site such as youtube, facebook, ideation sites like ted, linked in, other technical subscriptions, news portals, and general curious consults and irks of the human mind that everybody resorts to the internet for, other than necessary inquiries, background checks of suspicious posings, purchases, social interactions and general knowledge.

Some that had silently observed plaintiffs work inclinations, arranged for her profiling, to steal her mail while she moved base from Chicago to Bay Area in June of 2009 where she lost all her books, notes and academic collection of more than 8 years apart from personally identifiable information that enabled her identity fraud destroying her career and personal life.

CAUSE OF ACTION:

In cyberspace, Federal Trade Commission Act (15 U.S.C. §45) prohibits deceptive acts or practices bases on three basic principles:

- 1) Online advertisements must be truthful and not misleading
- 2) Online advertisers must have evidence to back up their claims (substantiation)
- 3) They cannot be unfair

There were spies hired serving as government moles, that were for additional financial remuneration providing false endorsements that affected plaintiffs decisions and influenced attacks by her one time good references.

Philips, Google, and the government used online affiliate marketers that masqueraded as ordinary consumers, but were actual paid/bribed representatives.

Advertisements on social media were disparaging and closely attacked and hurt plaintiff's sentiments confusing her of its source and truth given a prior relevance of it in her life either through malicious investigations, defamation, inquiries, or passable proximity that were untrue and vicious, confusing everybody of the source of the false information manufactured by rivals and competitors.

There were fraudulent disclosures staged based on lies sold on sites to get the plaintiff to own up what she hadn't understood to be what she did not know, keeping her

confused, using her association to justify past actions that others were responsible for and was wrongly attributed to her.

This enabled her medical identity theft.

Google sold her personal email information and studied it carefully to associate with plaintiff and their rivals those that were plaintiff's industry acquaintances confusing and destroying them of each others stand and tarnishing it enough to cut off ties.

Google and MBRDNA employees created plaintiffs fake facebook profile linking it to her yahoo account, sending out derogatory solicitations in bulk, traumatizing and paralysing the plaintiff enough to sell all her stuff to leave to her home country in 2011. Numerous attempts at going back and forth with facebook haven't closed this deceptive, coercive and intimidating communication attempt. She continues to receive disparaging statements from them. Earlier it was solicitation from Muslim countries that were spun by online firms to watchlist or intend as activity of a terrorist outfit from an extreme vulgar and anti-competitive perspective alone given the other attacks she was arranged to be at the receiving end of around that time.

Defendants: GOOGLE, YAHOO, FB, Philips, Raymond D'Ambrosio, US government, Arnab Basu, Minal Khodani, Pierre Patino, MBRDNA, et al.

15 U.S.C. § 7704(a)(1) prohibits any deceptive marketing attempts that provide false and misleading information, through emails, for spamming plaintiff and influencing her direct connections and colleagues in the industry against her.

The Federal Communications Commission FCC was established by Communications Act of 1934, 47 U.S.C. § 151.

It regulates interstate and international communications through radio, television, wire, satellite, and cable. The 1934 Act combined previous "statutes" governing telephone voice service and radio-broadcasting. This was amended in 1996 (TCA) for the goal of promoting competition in all communication sectors.

In 2013, the FCC repealed approximately 150 regulations, many of which were rendered legal fossils because of the Internet.

FCC has concluded that the Broadband Cable Internet Service was not a telecommunications service.

GLOBAL INTERNET TORTS:

Civil litigation arising out of e-mail, social media sites, and other computer related injuries.

Tort revolved around intentional torts, personal property torts, information-based torts, privacy, negligent security, information product liability, foreign Internet torts or depict that's, common law defences, and Section 230 of the Communications Decency Act (CDA).

Section 230 (f)(3) defines an "information content provider" as "any person or entity that is responsible, in whole or in part, for the creation or development of information provided through the Internet or any other interactive computer service."

47 U.S.C. § 230(c) (2).

Distributor Liability of republishers holds, as they are classified as primary publishers and held to the same liability standard as the author of a defamatory work because of their active roles in the publication.

*****HOUSING:

The Fair Housing Council FHC files suit against Roomates.com for violating Fair Housing Act (FHA) and California's housing discrimination laws. FHC has in the past contended that the website was the functional equivalent of a housing broker, "doing online what it may not lawfully do offline".

The Ninth Circuit states: " The message to website operators is clear: if you don't encourage illegal content, or design your website to require users to input illegal content, you will be immune."

CDA Section 230 as per above, provided no immunity.

SAMSUNG, Cisco, ACT India, et al:

Plaintiffs data was stolen from her Samsung S4 android phone that made it possible for third parties through installed apps, to access and copy all of plaintiffs photos, videos, notes including copyright, application data, trade secrets, email accounts, contacts, hard disk and geo-location information that allowed easy solicitation and stalking of plaintiff without her notice jeopardising her family and her.

Her data was then surreptitiously acquired and sold to third parties by an Internet information broker which is a violation of FTC Section 5 action for unfair and deceptive trade practices.

Service provider brokered to defendant's plaintiff's information also promoted marketing advertisements on their webpage depicting parodies from defamatory rumours doing the rounds about her life.

They also launched multiple attacks since May 2016, to crash her smart phone and two newly acquired batteries that had to be discarded given the hack.

She asserts multiple tort actions including intrusion upon seclusion, public disclosure of private facts, trespass to property, conversion, misappropriation, strict products liability (design defect and failure to warn), and secondary tort liability (vicarious liability).

Comcast had previously sold various personal data, including telephone records, other confidential information to make profits from the sale of such information.

Intentional cyber torts against the person where hate postings and online stalking doesn't stop its charity that eventually puts plaintiffs life in reasonable apprehension of imminent harm or offensive contact with her automatically becomes actionable under Restatement third of torts: liability for physical and emotional harm §18, §21 (2009).

TORT OF OUTRAGE:

To support tort of outrage or what the intentional infliction of emotional distress (IIED), conduct must be so outrageous in character and so extreme in degree, as to go

beyond all possible bounds of decency. RESTATEMENT (3rd) TORTS §46. This is often pleaded in online stalking or anonymous bullying cases.

The actors were well aware that their actions or conduct will cause severe emotional distress to plaintiff.

The outrageous behaviour was so extreme, that it exceeded all bounds of what was usually tolerated in a civilized community.

The RESTATEMENT (THIRD) OF TORTS, §46, illus. 1. Illustrates the tort of outrage by a stalking scenario adaptable to Internet stalking.

The tort of outrage is not cognizable for "demeaning comments" that a company made on an ex-employee's Facebook page.

1) Trespass to Virtual Chattels:

Trespass to chattels, is a personal property tort that is committed by intentionally 1) dispossessing another of a chattel 2) using or intermeddling with a chattel in the possession of another.

a. Spam e-mail:

Trespass to chattels occurs "when one party intentionally uses or intermeddles with personal property in rightful possession of another without authorization" and "the chattel is impaired as to its condition, quality, or value."

The federal CAN-SPAM Act does not trespass to chattels actions deployed against spam e-mailers. See 15 U.S.C. &7707(b) (2) (A) providing CAN-SPAM does not preempt state trespass laws.

The emails were unsolicited.

b. Trespassers:

Minal Khodani, Arnab Basu, were hired hands of Google and Ray D'Ambrosio as her house mate through lies and spy to glean information about her background, defame her, steal her property and indulge in lower social class outbursts and had misused plaintiff's computer network through falsification of point of origin of information.

The plaintiff is heavily burdened to provide concrete proofs of the data sent but is confident had nothing to do with her identity, her services or practices and serves as an INSULT to who she is and has enjoyed in society up until their presence in her life; was associated, forced guilt and acted against for circulation of items that she could not ascertain given it would be devastatingly reprehensible to her identity and standing, and was possible through misuse of her network shared by defendants only conspiring to take her opportunities away from her and was ascertained later from learning of their sources and motives to live off of plaintiff's identity. Most of these were frivolous stunts of dented minds that very low grade irrelevant entities manufactured out of spite and hate for not being able to relate or identify with her life's opportunities or reality due to intense professional jealousy.

c. Botnet as trespassers:

A hardware rootkit or a loophole stitched into the system allowed for easy compromise and subsequent handshakes, through future malwares introduced in the system from webpage's visited, allowed to hook and communicate with the rootkit, in

such a way that would avail the remote hacker an opportunity to siphon off all the contents in the plaintiffs computer. Multiple instances of the Malware enable remote virtual viewings of plaintiffs work, allowing them an opportunity to extort and claim stakes in her trade secrets, copyright and intellectual property. Plaintiff had a private FTTH (Fibre To The Home) plan for her internet browsing activities that was connected to a wifi router. She was using Kaspersky anti-virus. Her situation was so drastic that, in spite of necessary preventory measures, defendants found leeway into her systems, even making defunct her anti-virus software and browser settings where four years worth copyright and intellectual property that she had saved through bookmarks in her browser was deleted. Her emails were compromised. Her chat messages were discussed openly that were from ages ago concocting fraudulent information of her conversation revolving around colleague that was gross and glaring form of defamation.

They also enabled her medical identity theft through Blue Shield of California. Plaintiff took pains to ascertain that her medical records held by the hospital ere intact as per her reasons for visit. These defendants shamelessly manufactured and sold lies to thwart positive developments in plaintiffs life that got despicable agents to solicit her, served her costly at the time of her arranged marriage prospects from India, and was violent defamation for acceptable norms and principles of her life and people she associated with.

Other botnets in the guise of Malware, installed, but that which her OS or Antivirus could not red-flag against given its novelty, allowed for the defendants access of the plaintiffs computer to infect it further, and on the background was able to force users web browsers to websites of his choosing, that auto-generated fraudulent clicks on adverts posted on these websites through the online advertising eco-system allowing him to monetize such clicks.

Plaintiff was stalked through spy wares installed along with apps she used on her Samsung phone. The free work scrabble app came packaged with "advertising client" that generated pop-up ads that were intrusive and harassing. These spy wares drained plaintiffs monthly internet pack sooner than it should resulting in increased internet charges.

d. Theft of USB drive: Philips, Cisco

A company manager trespassed to chattels, to steal contents from the users USB drive. Plaintiff has a case in defamation, invasion of privacy and the Intentional infliction of emotional distress.

e. Cyber conversions:

Mislead and delusional exercise of dominion over high-worth property to merge ones merits less and petty standing to that of high-worth individual:

This tort is carried out by:

- 1) Intentionally dispossessing another of a chattel
- 2) Intentionally destroying or altering a chattel in the actors possession
- 3) Using a chattel in actors possession without authority

- 4) Receiving a chattel pursuant to sale, lease, pledge, gift or other transaction intending to acquire for him or another proprietary interest in it.
- 5) Disposing of a chattel by a sale, lease, pledge, gift or other transaction intending to transfer a proprietary interest in it.
- 6) Misdelaivering a chattel
- 7) Refusing to surrender a chattel on demand.

f. Conversion of plaintiffs associations to co-defendants businesses to build indirect reliance by dropping plaintiff's name:

The defendants, Alphabet, Tesla, Pierre Patino, Ray D'Ambrosio, Cisco employees and contractors, Basu, et al began spinning out businesses in close reliance through association with plaintiff through her extended relations, without letting her know, secretly using her name and good standing to avail sanctions, grants and investments many of which were her own after stealing all her copyright, acquired through wire and electronic fraud, and also sensitive trade secrets containing clients names, jeopardising the life of few of plaintiffs contacts in industry that she barely knew and would never reach out to even as reference or for favours to her embarrassment and horror, because they were very dangerous and caused her a lot of harm as a result of these miss-steps.

g. Conversion of contents from plaintiff's webpage to defendants sponsored and funded sites:

Plaintiff's copyright content were high-jacked regularly and palmed off as other webpage contents of research firms that identified that area of work under their offerings. Ray D'Ambrosio was notoriously established as a ring master that sponsored this heavily to make profits at plaintiff's expense.

h. Malicious Prosecution: Argela at the behest of Philips, Cisco at the behest of Philips and Argela, MBRDNA at the behest of Philips.

Plaintiff was a victim of malicious prosecutions albeit even at her workplace and home through hired housemates for claims of cyber tort against defendants that couldn't justify anything more than a hostile environment staged through kangaroo courts on fraudulent pretexts, revisiting her old workplace scenarios in a distorted sense to confuse and harass her while silently availing themselves the benefits of stealing trade secrets and proprietary materials of niche R&D labs. This level of harassment and interference caused her to forego her jobs willingly to attempt at keeping the miscreants away from her from extreme embarrassment through their ignoble actions.

Ray D'Ambrosio from Philips ascertained plaintiffs clients and trade secrets while she worked in Philips, that was invaluable to them and looked for ways to create a ruckus from realising her disdain in offering any benefits having had caught them after tortuously trespassing her personal privacy. They attempted to take control of her and commoditize her as their property --- an arrangement that she was not intimidated about nor would she ever consent to, but the defendants shamelessly went on to act on it since then stealing and licensing out her copyright and intellectual property for profit since then.

They relied upon facts that were viciously concocted out of intense hate towards plaintiff. He sought recovery upon a legal theory which is UNTENABLE under the facts known to him. Almost all the lies agreed upon were reverse-engineered after agreeing upon the pre-determined torture propaganda that the industry at large runs to his services for.

I. Abuse of Process:

The defendant:

- 1) Used a legal process against the plaintiff
- 2) Primarily to accomplish a purpose for which the process was not designed and
- 3) Harm has been caused to the plaintiff

J. Intentional Business Cyber torts:

Business cyber torts are often the last line of defence to protect ip rights such as the rights of publicity, trade secrets misappropriation, unfair competition and false advertising.

Business torts include interference with contract, fraud, misrepresentation, trade, libel and the misappropriation of trade secrets.

Misstatements in advertisements and palming off are regarded as frauds against the consuming public and a violation of the federal Lanham Act.

KNOWING USE OF AN IMPROPERLY DISCLOSED TRADE SECRET OR IDEA:

ONLY proper method of obtaining another TS is through --->

- reverse engineering,
- independent discovery or
- surveillance of activities --> "not reasonably shielded from public view"

The defendant "negligently", intentionally and recklessly interfered with the contractual relations of the plaintiff. The Uniform Trade Secrets Act specified that a party must have "had reason to know" that information it received was the trade secret of another, thus seeming to require proof of a reckless, rather than a merely negligent, disregard of the trade secrets of another.

Also, employer's investment in the information for which protection was sought is also determined.

Greater the investment, the more likely the court is to find an actionable appropriation.

Violation of 47 U.S. Code § 230 (c) (1).

FACEBOOK, LINKEDIN, GOOGLE, TESLA

47 U.S. Code § 230 (c) provides protection against
"Good Samaritan" blocking and screening of offensive material

47 U.S. Code § 230 (c) (1) specifically indicated that NO provider or user of an interactive computer service shall be treated as the "publisher or speaker" of any information provided by another information content provider.

The social media platforms trading of plaintiff's information to third parties for profit derived exorbitant trade-offs for established businesses through sanctions, projects and investments at plaintiff's loss and hence maintain a civil liability with the plaintiff for the violation of 47 U.S. Code § 230 (c) (1). Their trading of such information for for-profit initiatives got the third parties to directly connect with her that also got a mob and other dangerous elements to attack her jeopardizing her life and safety. This led to exploitation of her intellectual property and attack to her honor and criminal predatory sexist attacks from deranged psychopaths, all of which the plaintiff had to learn the hard way not knowing how or why her situation had gotten that drastic and hence finding herself investigating the matter to rid herself of the extreme misfortune and ill-elements she attracted that extorted her to get money from those she now had visibility to. So, in turn these third parties that were well established entrepreneurs in turn derived a sadistic pleasure from putting the plaintiff through it so she would not be able to reap the benefits of her own copyright work, to redirect it into their own pockets and went on to promote themselves through the plaintiff when she was in dire straits and found themselves altercating over who would win the shining trophy to gain credits for her work or invest in her work, that the plaintiff eventually was marginalised for and taken hostage by her ex co-workers to benefit from whom she knew, that sensed trouble from this arrangement for themselves because of their prior wrong actions against her and got her to be forcefully assaulted more violently using defense radio weapons by intruding on her privacy because she did not extend the privilege of mixing with them directly, while they got her to busy herself fending it off while availing themselves investments and attract sales for their initiatives through her as well as investments for stolen Intellectual Property from the plaintiff. She lost out on exorbitantly expensive opportunities; to avoid scam artists and reclaim her property back filed as others patents and copyright. She had to publish her work to avoid surreptitious copying of it, a few of which got into the hands of social media platforms that they in turn derived exorbitant investments and value in.

GOOGLE, CISCO, TESLA, TECH-INDUSTRY, DOES 1- N LICENSEES,
GOVERNMENT;

CAUSE OF ACTION -- Lanham Act -- Misappropriation Tort and copyright infringement:

1) The Plaintiff generated or gathered information 2) the information is time-sensitive 3) a defendant's use of the information constitutes free riding on the plaintiff's efforts; 4) the defendant is in direct competition with a product or service offered by the plaintiff; and 5) the ability of other parties to free-ride on the efforts of the plaintiff or others would so reduce the incentive to produce the product or service that its existence or quality would be substantially threatened.

CAUSE OF ACTION: TORTIOUS INTERFERENCE WITH BUSINESS
CONTRACTS:

The elements of a tortious interference with contractual relations claims are:

1) an advantageous 2) business relationship 3) under which plaintiff has legal rights, plus 4) an intentional and 5) unjustified 6) interference with that relationship 7) by the

defendant which 8) causes 9) a breach of that business relationship and 10) consequential damages.

The interference with prospective contractual relations requires the plaintiff to prove:

- 1) The defendant intentionally interfered with the plaintiffs existing or potential economic relations
- 2) For an improper purpose or by improper means and
- 3) Causes injury to the plaintiff.

Misappropriation of Trade Secrets:

Confidential information is information that a company protects from unlimited disclosure.

Trade secret law protects confidential proprietary information that was acquired by improper means or disclosed without permission.

Trade secrets may not be patentable or subject to copyright, because these forms of intellectual property protection require disclosure in return for limited monopoly.

Cyber Fraud:

- 1) A Knowingly false misrepresentation by the defendant 2) an intent to deceive or induce 3) justifiable reliance by the plaintiff, and 4) resulting damages.

Fraud or misrepresentation includes wilfully deceiving another with intent to induce a person to alter their position to their detriment.

B) Trade Libel in Cyberspace: USA, Philips, Gujarat Government spies, MBRDNA; The plaintiff was injured in an outrageous manner 1) through statements made that disparaged the quality of the plaintiff's product 2) that the offending statement was couched as fact, not opinion 3) that the statement was false 4) that the statement was made with malice; and 5) that the statement resulted in monetary loss.

Defendant's intention was to make false statements that created public hatred, contempt or ridicule.

Individual and Media Prima Facie tort:

- 1) Publication of articles 2) of a defamatory statement 3) concerning the plaintiff 4) in a negligent breach of the professional standard of care 5) that resulted in demonstrable injury.

1) Libel per Quod:

Communication --- that may not be defamatory on its face -- that is defamatory when connected with other facts. To bring libel per quod claim, a plaintiff must prove: 1) a false and defamatory statement concerning another 2) an unprivileged publication to a third party 3) fault amounting at least to negligence on the part of the publisher and 4)

either actionability of the statement irrespective of special harm or the existence of special harm caused by the publication.

2) Libel Per Se --- Gujarat government; Cisco; Argela; Kal Mos; US Govt; Basu, Khodani et al;

Plaintiff was defamed by a non-media defendant regarding kinds of defamatory statements that do not concern a matter of public importance. The defamatory statements have natural tendency to provoke a plaintiff to wrath or expose him to public hatred, contempt, or ridicule, the plaintiff need not prove that the statement actually damaged her or him; damages are presumed;

The plaintiff was subject to following libel that turned into violent hate-crime:

- 1) Falsifying her work history
- 2) Having an abortion
- 3) Being a Transgender
- 4) Marketing her chastity and impugning of it.
- 5) Having AIDS, when she had not maintained any partners or relationships in more than a decade, of being promiscuous when she was feared to be approached for her high standing, etc.
- 6) Of being a hippie when she was just the opposite.
- 7) Of having had relationship with an office colleague of considerable seniority between 2009 - 2015 that she didn't know existed.
- 8) Of being dishonest to dent her upright, straightforward, sharp-shooter nature.
- 9) Of having been married to someone she wasn't to avail him sanction:
- 10) Of having had no literal abilities
- 11) Of having intestinal issues through noises triggered using fusion centre resources.
- 12) And many such statements that damaged her standing in her acquaintances circles;
- 13) Of having had her morphed images doing the rounds in her acquaintances circles that created considerable rumour mongering and stir.
- 14) That I was traded as an annuity.
- 15) Pornographic FB pages linked to her yahoo account.
- 16) FACEBOOK solicitations and extreme retaliatory hate-crimes through contacts and false advertisements.
- 17) Social media real-time ornamental design display solicitations and defamation that was capitalised on by ex-employers, rivals and competitors for her close monitoring by promoting nuisances and disparaging information.

PRIVACY BASED CYBERTORTS:

The right of privacy includes 4 causes of actions:

- 1) The right to be free from invasion into ones solitude or intrusion upon seclusion
 - An unauthorized prying into a plaintiff's seclusion;
 - An intrusion would be highly offensive or objectionable to a reasonable person;
 - The matters upon which the intrusion occurred were private;
 - The intrusion caused anguish and suffering;

The nature of tort depends upon some type of highly offensive prying into the physical boundaries or affairs of another person breaching social norms about intruding upon the space of another;

Plaintiff had actual expectation of seclusion or objectively reasonable solitude;

Eavesdropping, wiretapping, or intercepting e-mails could qualify as intrusions upon seclusion.

Plaintiff suffered in the following way:

Opening a persons mail

Searching persons safe or wallet

Reviewing a persons banking information.

2) The right to be free from public disclosure of private fact

Publicity was given to disclosure of private facts;

The facts were private, not public,

The matter made public was such as to be highly offensive to a reasonable person;

The matter publicised was not one of legitimate public concern;

3) Appropriation & Right of Publicity:

The defendant's use of the plaintiff's identity

The appropriation of plaintiffs name or likeness to defendants advantage, commercially or otherwise;

The plaintiff has not given defendant consent.

The right of publicity applies to "one who appropriates the commercial value of a person's identity by using other indicia of identity for purposes of trade is subject to liability."

4) The right to be free from placement in a false light

One who gives publicity to a matter concerning another in a way that places the other before the public in a false light is subject to liability to the other for invasion of his privacy, if 1) the false light in which the other was placed would be highly offensive to a reasonable person; and 2) the actor had knowledge of or acted in reckless disregard as to the falsity of the publicised matter and the false light in which the other would be placed.

5) Negligent Data Brokering:

This cause of action is violated as the defendant owed a duty to plaintiff whose information was disclosed to same criminals that had destroyed her reputation and professional standing so much so that they eventually syndicated genocide against her. At the time when victim had taken drastic steps to recover from these mishaps, she was without her notice further assaulted and mobbed by a populace empowered by these data brokers that recklessly, maliciously and hatefully shared her data subjecting plaintiff and her family to unreasonable risk of harm causing her grave injury.

This harm was foreseeable as inherently dangerous because the defendants had taken pains to ascertain facts about the fallouts that had caused her to take life changing decisions to relocate to her home country that eventually, because of their abhorrent behaviour compelled her, for her safety to relocate to US yet again.

It seems incomprehensible to have defendant harm an innocent person looking forward to forgetting her past, to be subject to such a heinous act of sharing her information to the same criminals and stalkers apart from selling it to N third parties for profit outside the scope of work, that too without her consent or knowledge. Multiple homicide attempts were made against victim since exposure of the guilty party to attempt to keep themselves above law.

This level of intentional negligence, proved deadly and economically disastrous to plaintiff apart from diabolically reducing her reputation and standing, personal and professional, through tarnishment and forced associations, that otherwise would have no justification or scope for. It served as a breach to enrich defendants for their private gains.

6) Product Liability:

Section 402(A) of the Restatement of Torts holds manufacture strictly liable for harm to person or property caused by "any product in a defective condition unreasonably dangerous to the user."

U.S Courts have recognized 3 paradigmatic types of defects in products litigation:

1) Manufacturing defects 2) design defects 3) the failure to warn or inadequate warnings.

7) Google Email Violations:

Google shared plaintiffs email and chat logs saved in their servers for profit to third parties as well as banked on it for advertisement, product development, business modelling, marketing and advertisement revenue. The data they gleaned from her email allowed them to compete with plaintiff to marginalise her. This is a violation of Electronic Communications Privacy Act (ECPA). This level of interception of emails has taken place from close to a decade now and plaintiff finds claims in wire fraud. This email interception allowed them to geo-locate her to arrange for her defamation, theft of trade secrets and intellectual property offline as well causing plaintiff grave injury to her reputation and professional standing apart from having a mob come after her given they came up with products that plaintiff had direct industry experience in and served as a threat to her profession giving it held an appearance of her possible consent to trade for profit, was a breach of contract arranged for to profit from possible trading of her sensitive, highly valuable copyright and proprietary nature of her work that was siphoned off clandestinely by Google hired hands that surfaced in plaintiffs life, at different times for brief period most that were not directly relevant to plaintiff and that she was unaware of, but that went on to cause harassment and grave assault to her, refusing to stop stalking, associating or leave her alone, in various forms both online and offline.

Google not just stole her IP and copyright through electronic fraud, wire fraud and mail theft, but then went on to file patents on these acquired copyright. These levels of interest in her work incited a mob at large to assault and marginalise her at work bringing her way unreasonable and unjustifiable hate, envy, anger and resentment that turned violent through workplace assaults that followed her home.

Google violated multiple anti-trust and anti-competitive clauses quite aggressively while going after plaintiffs ex co-worker that was a close rival of theirs by using her as an instrument to attack him. Google took personal decisions out of vendetta against her colleagues based off of the data they studied from her email accounts to destroy her associations with them. They then resorted to plaintiff to attack each other destroying her career and personal life from the ripple effect of other crimes and illegal actions that were sanctioned against plaintiff some through government that enrolled her for a satellite identity fraud scheme by licensing her out to N outside companies, individuals and research labs and other hooligans that threatened her through defamation and genocidal attack for having this level of visibility not

understanding her situation, arranging for theft of her property and state sponsored surveillance of her privacy to marginalise her.

Google probably gleaned she existed from her carbon footprint on Orkut and gmail crash feedbacks sent back in 2005-2006 while she worked on optical fibre products of Alcatel Lucent, also her postings of niche research efforts in Orkut early 2008, on technology that was fairly nascent back in the day revolving around "Genetic Algorithm", that they stole from her unpublished and undisclosed copyright work, along with proprietary documents from her work at Alcatel-Lucent, surreptitiously, for their own fibre networks --- at profit of a third party irrelevant to it all, for stealing her mail that contained all her academic books, notes, and text from school and other academic materials from more than a decade, the mail that was then repackaged with fraudulent and shady materials like a green turkey towel, a novel and a bottle of water. They went on to become her organisations clients while she worked in Mercedes Benz R&D NA (MBRDNA) in 2010 after having had thwarted her work assignments in Philips prior year because of their rivalry with her colleague from Philips named Pierre Patino. She was set up to fail here while being interrogated maliciously at the behest of bribed agent of Google from Philips named Ray D'Ambrosio and other Google employees that had bribed out few employees of MBRDNA.

Grants and investments that were arranged for plaintiff were on numerous occasions thwarted by Google to their own projects after gleaning her trade secrets. This left no incentive in pursuing projects or methods, concepts, and ideas prototyped or conceptualised end to end by plaintiff from the blatant disregard of their deplorable act that had ended up having petty elements commoditize her, publicly disclosing all her private work. Her families' privacy and safety was severely compromised.

They attempted to build a good faith dealing with her to resolve their mess, while extending help to bail her out of the outrageous situation they had thrust her into in 2015 while she worked for Cisco Systems during a bid that was rigged to redirect her federal grant, that eventually lead to malicious litigation exhibiting double-standards when they had prior to this heavily funded her marginalisation to eliminate her.

Google also managed to gain access to plaintiffs android phone since November 2013, and without her consent had her photos uploaded to Google photos server through an automatic sync that was preset after an update and not enabled by plaintiff.

Apps downloaded on Google Play allowed for pop ups that sent her targeted advertisements.

Cause of Actions:

Google's actions are in violation of:

- 1) Breach of Contract;
- 2) Breach of implied covenant of good faith and fair dealing;
- 3) Violation of Store Communications Act, 18 U.S.C. §2701
- 4) Violation of Stored Communications Act, 18 U.S.C §2702
- 5) Violation of California's Unfair Competition Law, Cal. Bu. Prof. Code §17200
- 6) Lanham Act
- 7) RICO Act

- 8) Clayton Act
- 9) Sherman Act
- 10) Vicarious Infringement and Vicarious Liability to other aggravated crimes;

CAUSE OF ACTION: COMPUTER FRAUD AND ABUSE ACT (CFAA):

CFAA prohibits, punishes and deters computer hackers, e.g., 'electronic trespassers'.
18 U.S.C. § 1030.

It creates liability for 1) Intentional accesses to a computer without authorization or exceeding authorized access, and thereby obtaining information from any protected computer, in violation of § 1030(a)(C)(2), (2) knowingly and with intent to DEFRAUD, accesses a protected computer without authorization, or exceeds authorized access, and by means of such conduct furthers the intended fraud and obtains anything of value, in violation of § 1030(a)(4), or (3) intentionally accesses a protected computer without authorization, as a result of such conduct, recklessly causes damage, or causes damage and loss, in violation of § 1030 (a)(5)(B)–(C).

CFAA also prohibits ANYONE from intentionally accessing a computer used in interstate or foreign commerce without authorization or by exceeding authorized access and thereby obtains access to information. 18 USC § 1030(a) (2) (C).

18 U.S.C § 1030 (a) (5) (A) (I) punishes the release of viruses, worms, or Malware to penetrate a computers firewall in order to steal or destroy data. 18 U.S.C. § 1030(a) (5). Section 1030(a) (5) criminalizes those who deliberately attack computers or infect data with harmful code.

Accessing a computer to commit espionage --> 18 U.S.C. §1030(a)(1).

Trafficking in passwords for a government computer or when the trafficking affects interstate or foreign commerce, 18 U.S.C. § 1030(a)(6).

Committing fraud an integral part of which involves unauthorized access to a computer used in, or affecting interstate or foreign commerce, 18 U.S.C. § 1030(a)(4);
Damaging a computer used in, or affecting, interstate or foreign commerce (e.g., a worm, computer virus, Trojan House, time bomb, a denial of service attack, and other forms of cyber attack, cyber crime, or cyber terrorism, 18 U.S.C §1030(a)(5);)
Computer trespassing (e.g., hacking) resulting in exposure to certain governmental, credit, financial, or computer-housed information 18 U.S.C. §1030(a)(2)

Intentionally damaging by knowing transmission 18 U.S.C. § 1030 (a) (5)

Accessing a computer to Defraud & Obtain Value 18 U.S.C § (a) (4)

Recklessly Damaging by Intentional Access 18 USC § 1030 (a)(5)(B)

Negligently causing Damage and loss by Intentional Access 18 USC § 1030(a)(5)(C)

Extortion with Computers 18 USC § 1030(a)(7)

CFAA allows a civil action for loss incurred from violation of its statutes:
if it resulted in the modification or impairment or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of one or more individuals and caused physical injury to any person.

Loss covers "any reasonable cost to any victim, including the cost of responding to an offence, conducting a damage assessment, and restoring the data, program, system or

information to its condition prior to the offence, and any revenue lost, cost incurred, or other consequential damages incurred because of interruption of service." 18 U.S.C. § 1030 (e) (11).

The loss suffered from a violation exceeds \$5000 as required. 18 U.S.C §1030(c)(4)(A)(i)(I).

CAUSE OF ACTION: Electronic Communications Privacy Act:

Plaintiff seeks private action under ECPA act for intentionally intercepting, endeavouring to intercept, or procure any other person to intercept or endeavour to intercept, any wire, oral, or electronic communication." 18 U.S.C. §2511(1) (a). A civil violation in prima facie case can be established given the contents via an interception of an electronic communication was obtained using a device.

ECPA imposes liability on a person who intentionally intercepts ... any wire, oral, or electronic communication," 18 U.S.C §2511(1) (a), subject to a number of exemptions. 18 U.S.C. § 2511(2) (a) -- (h)

"Electronic Communication" includes communication by radio, 18 U.S.C. §2510(12), and readily accessible to the general public means, with respect to radio communication that the communication is "not ... scrambled or encrypted," 18 U.S.C § 2510 (16) (A).

This act exempts intercepting "radio communication" by any station for the use of the general public, by certain governmental communication systems "readily accessible to the general public," including police, fire, and civil defence agencies; by a station operating on an authorized frequency for "amateur, citizens band, or general mobile radio services;" or by a marine or aeronautical communications system. 18 U.S.C. § 2511(2) g (ii) (I) - (IV).

ECPA criminalises 1) Intercepting or endeavouring to intercept electronic communications

2) Disclosing or endeavouring to disclose unlawfully intercepted information 18 USC § 2511(1) (c)

3) Using the content of unlawfully intercepted information. 18 USC § 2511(1)(d)

Electronic communication includes any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by wire, radio, electromagnetic, photoelectric, or photo-optical system that affects interstate or foreign commerce. 18 U.S.C. §2510(12)

CAUSE OF ACTION: STORED COMMUNICATION ACT 18 USC §§ 2701 --2711 governs the privacy of stored Internet communications.

An SCA violation requires a person:

1) Intentionally access without authorization a facility through which an electronic communication service is provided or intentionally exceed authorization to access that facility, and

2) Thereby obtain, alter, or prevent authorized access to an electronic communication while it is in electronic storage. Section 2701(c) (1) exempts from subsection (A)

"conduct authorized by the person or entity providing a wire or electronic communications service."

18 USC § 2701(c)(1).

The SCA defines an electronic communication service (ECS) as any service which provides to users thereof the ability to send or receive wire or electronic communications." 18 U.S.C. § 2510(5).

Plaintiff asserts a civil right of action to protect against persons who gain unauthorized access to an electronic communication storage facility. A person violates §2701 if he or she "intentionally accesses without authorization a facility through which an electronic communication service is provided; or intentionally exceeds an authorization to access that facility; and thereby obtains, alters, or prevents authorized access to a wire or electronic communication while it is in electronic storage in such system. 18 U.S.C. §2701

CAUSE OF ACTION: IDENTITY THEFT

The Identity Theft Penalty Enhancement Act established a new offence of aggravated identity theft effective July 15, 2004.

18 USC §1028(A).

Section 1028A applies when a defendant "knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person" during and in relation to any felony violation of certain enumerated federal offences.

This statute can be deployed against phishers or hackers that misappropriate trade secrets or other information through fraudulent emails.

In cases of terrorism related aggravated identity theft, a punishment of up to 5 years of imprisonment is handed out.

Access Device Fraud:

18 USC § 1029 addresses theft using payment devices. Congress defined "access" broadly to avoid the problem of legal lag as new technological innovations and products surface.

Unauthorized access devices include lost, stolen, or revoked devices, whereas "counterfeit" ones include fictitious, altered, or forged devices. 18 USC §1029 (E) (2) & (3).

Conviction for access device fraud may result in a 10 year prison sentence. 18 USC § 1029 (a)(E) & (c)(1)(A)(i)

CAUSE OF ACTION: ANTI-STALKING:

Plaintiff was subjected to criminal intimidation, assault and harassment from stalking her using spy devices and fusion centre resources, locking down on her geo-location even while away from her fixed residence, employing a facility of interstate commerce, to engage in a course of conduct with the intent to place a person in reasonable fear of death or serious bodily injury either to that person, prospects, and immediate family member, and 3) the course of conduct actually put that person in reasonable fear of death or serious bodily injury to herself, prospects and immediate family member.

The charged defendants agreed to participate in this conspiracy. Aiding and abetting such heinous act, is punishable as the principal if the government establishes, beyond a reasonable doubt, that the defendant committed the stalking or aided, abetter, counselled, commanded, induced or procured the substantive act of stalking by another person. 18 USC § 2

FEDERAL THREATS:

A federal statute makes it a crime to transmit in interstate commerce "any communication containing any threat ... to injure the person of another." 18 USC § 875(c)

Indecent Speech and Censorship:

The Communications Decency Act Section 223(a) criminalizes the transmission via a telecommunication device of a suggestion, proposal, image or other communication which is obscene, lewd, lascivious, filthy, or indecent, with intent to annoy, abuse, threaten, or harass another person." 47 USC §223(a).

First Amendment protects sexual expression that is indecent but not obscene -- especially when done to put the identity thieves in their place.

Cyber bullying Prevention Act federal statute states: "Whoever transmits in interstate or foreign commerce any communication, with intent to coerce, intimidate, harass, or cause substantial emotional distress to a person, using electronic means to support severe, repeated, and hostile behaviour, shall be fined under his title or imprisoned. "

CAUSE OF ACTIONS: COPYRIGHT INFRINGEMENT:

Copyright, online or offline, provides protection through multiple legal systems, to the authors of "original works of authorship," including literary, dramatic, musical, artistic, and other creations of the mind.

It is well settled that copyright protection extends to works stored on computer servers as well e.g., web mail servers, cloud services, smart phone application data servers, private firms data centres, online store databases, intermediary web servers, other telecommunication equipments that copyright material leave traces and logs in, fake consumer reporting marketing firms, satellite communication servers, radio base station records, cell phone tower records, etc -- i.e. it encompasses any networking device used to store data that has traces or logs of the copyrightable work the true owner of which is its original creator or author and not devices on which traces of such authorship is within reach.

Copyright work includes under Section 106 (6) in the case of sound recordings, to perform the copyrighted work publicly by means of digital audio transmission. 17 USC § 116.

Section 102(a) of this Act subsists in original work of authorship fixed in any tangible medium expression, now known or later developed, from which they can be

perceived, reproduced or otherwise communicated, either directly or with the aid of a machine or a device.

17 USC §102

Fixed in tangible medium of expression indicated that a work is sufficiently permanent and not ephemeral, and is stable enough to permit it to be perceived, reproduced, or otherwise communicated for a period of more than transitory duration. 17 USC §101.

The creator of such work ----> may communicate the fixation with the help of a machine or device -- that encompasses an internet wifi device or a computer through which a site could be accessed to presents novel trade secrets, concepts, methods or ideas.

Including, an act of sending email or viewing web page --- both constitute a qualifying copy for copyright claim -- given it leaves traces in computers RAM. Anything established over an Operating System that is loaded on a RAM is copyrightable and hence contents of a smart phone via application installed on them irrespective of whether they leave traces on various applications housed on operating system of Google, Apple or the original app maker.

A cache, including browser cookies is also copyrightable -- because it qualifies for a fixed copy. Hence --> bookmarks saved on browsers. Except in face of a computer repair limited copies could be allowed, and hence any loss of the material bookmarks or otherwise constitutes a "copyright infringement" or misappropriation.

When the effect of the use of infringed copyright work is mainly driven by its immense market value or potential for market of the copyrighted work then such claims as fair use hardly sell, especially when the amount and substantiality of the work is well ascertained, and requires considerable labour, time, investment and intellectual rigour apart from its widespread application and economic value especially when its extorted out without plaintiffs consent.

CAUSE OF ACTION:

Direct Infringement: is caused when the copying of copyright owners five exclusive rights under 17 USC §106 is violated.

Secondary Copyright Liability:

Contributory: One who, with knowledge of the infringing activity, induces, causes, or materially contributes to the infringing conduct or another.

Vicarious: One who has the right and ability to supervise the infringing activity and also has a ----> direct financial interest.

Inducement: One who "distributes a device" with the object of promoting its use to infringe copyright, as shown by clear expression or other affirmative steps taken to foster infringement.

Digital Millennium Copyright Act, 17 USC § 1203 provides criminal sanctions against circumventing copyright protection or marketing anti-circumvention devices.

DMCA authorizes a court to grant temporary and permanent injunctions on such terms, as it deems reasonable to prevent or restrain a violation. See 17 USC § 1203 (b)(1).

DMCA's ANTI-Circumvention Provisions:

Technological measures that "effectively protects a right of a copyright owner under DMCA's Section 201 Title 17, if the measure, in the ordinary course of its operation, prevents, restricts, or otherwise limits the exercise of a right of a copyright owner under this title." 17 USC § 1201 (b)(2)(B).

It prohibits the circumvention of anti-access technology as well as the making and selling of anti-circumvention devices.

To "circumvent a technological measure" means that the defendant has descrambled a scrambled work, decrypted an encrypted work, or bypassed a "technological measure protecting a copyrighted work" --> that "effectively controls access to a work" if the measure, in the ordinary course of its operation, requires the application of information, or a process, or a treatment, with the authority of the copyright owner, to GAIN access to the work, thus making it a crime. 17 USC (a) §(1)(A),§(3)(A),(B)

DMCA's Anti-Trafficking Provision:

This covers those who traffic in, or manufacture, import, offer to the public, or provide, any technology, product, service, device, component, or part thereof that can circumvent "a technological measure" controlling access to a copyrighted work. 17 U.S.C § 1201(a)(2)

Online Service Providers (OSP's) cannot be immunised per the provisions of DMCA because 1) the information was used for more than the reasons to provide internet services, controlled or operated by or for the service provider. 2) The data was gleaned for actual knowledge, making the material or activity infringing and were aware of the content exchanged. 3) Received financial benefits directly from such activities through brokering of data or marketing based off of the information gleaned. 4) Continued to interfere with standard technical measures used by the copyright owners to prevent them from protects their works.

Extraterritorial Reach:

The Copyright Act under Section 106, 17 USC § 106 provides that " the importation into the United States, without authority of the owner copyright under this title, of copies ... of a work that have been acquired outside the US is an infringement of the exclusive right to distribute copies.

False Attributes/Moral Attributes:

The internet raises a potential for infringement of an authors moral rights, when their creations are presented as and when a website links to another site and is protected by Visual Artists rights act of 1990(VARA) against distortion, revision or any kind of alteration.

Derived from Maree Sansbury, Moral Rights and Their Application in Australia 147 (2003)

Trademark Infringement: Google, Yahoo, Gujurath Government, Polaris Cisco, USA, Ray D'Ambrosio, Pierre Patino, etc.

Plaintiff has been a victim of aggravated trademark infringement as tort to achieve ---
> "trade secret misappropriation, defamation, privacy/publicity and e-personations" since 2009, to an extent that wiped out/sabotaged her social connections, career growth & prospects, financial standing and personal developments causing grave upheavels, disruptions and displacement in her life from the afforded new identity of the defendants.

Platforms such as facebook, twitter and linkedin are new age (video-gamers, white collar criminals, burglars, terrorists, solicitors) mini-mecca of venues for trademark infringement and easily achieved e-personations, false merger of reality and elevations.

New TM issues such as using a competitors name in metatags and/or domain names are also evolving at a rapid pace.

Lanham Act of 1946 (Lanham Act) provides a civil action against any person who shall, without consent of the registrant, use in commerce any reproduction, counterfeit copy, or colourable imitation of a registered mark in connection with the sale, offering for sale, distribution, or advertising of any goods with such use is likely to cause confusion, or to cause mistake, or to deceive." 15 USC § 1114(1)(a).

A trademark is a limited property right in a particular word, phrase, or symbol, and federal trademark protection is only available for marks used in commerce."
15 USC § 1127.

Traditional or conventional trademarks are identifiers that employ words, logos, pictures, symbols, or combinations of these elements.

The conventional use of trademarks has expanded to include single colour trademarks, sound trademarks, three dimensional trademarks, shape trademarks and even scent trademarks.

Both registered and unregistered trade names and trademarks are protected under the Lanham Act. Lanham Act § 1 et seq., 15 USC % 1051 et seq.

Any misappropriation or dilution through services rendered, adopting or using another's well established trademark or registering an infringed trademark all are violation of Lanham Act.

Context is critical to a distinctiveness analysis, and the level of distinctiveness of a mark can be determined only by reference to the goods or services that the mark identifies. Plaintiff identifies with a unique and tiny ethnic group very well known and well-established in India that with the very mention of the surname its value and stand in society at large is well reverberated and ascertained enough to attract enough envy of those that do not remotely hail or have anything remotely close to the practices of her roots. Even Americans that set eyes on her were envied by her distinctive behaviour and nature of her trade name and services she particularly brought to table finding immense value in infringing and siphoning it off under their trade name while

aggressively investing in defaming her identity and ethnic root with false advertising and propaganda rather cheaply and shamelessly.

Some tried to elevate their standing from being at the receiving end of ethnic practices of their racial history allowing for dilution and blurring of her trademark through fraudulent and miscalculated association, false marketing, endorsements and tarnishment.

Any false and derogatory presentation of her work to insult, defame or impugn plaintiff and misrepresent her trade-name is a violation of 15 USC §1127 that protects activities associated with a specific trade name disallowing anyone else to realise a reality far from it.

False source of services is also infringement of a service name.

Deceptive and fraudulent practices of abusing others trade name and trademark by registering domain names with offensive strings to deal with mental maladies irrelevant to plaintiff for being exposed of ones dirty work and attempting to pass it off under another's TM is also a violation of § 43 (a) of Lanham Act that ---> prohibits the use of false designation of origin, false descriptions, and false representations in the advertising and sale of goods and services.

Section 43 (a) of the Lanham Act recognizes two distinct protectable interests:

- 1) Protection against unfair competition in the form of an action for false advertising, and
- 2) Protection against false association in the form of a lawsuit for false endorsement.

Selling plaintiffs identity in lesser, and damaging trade dress while siphoning off plaintiffs identity in even more threatening trade-names that are disreputable and irrelevant to plaintiffs trade and service name.

Trade Dress is also entitled to protection under the Lanham Act if:

- 1) It is inherently distinctive or has acquired distinctiveness through secondary meaning,
- 2) It is primarily non functional
- 3) Its "imitation" would result in a likelihood of confusion in consumer's minds as to the source of the product.

REMEDY for Identity Theft:

Restitution includes costs incurred by identity theft, and identity thieves are ordered to pay victims lost wages and reasonable attorney fees incurred as a result of the theft. Reasonable attorney fees to clear her reputation, account for lost life events, undeserving defamatory comments, burden of bearing the disparagement, withheld and forestalled life events, change in lifestyle, career and economic prospects, acute pain and emotional distress.

REMEDIES FOR CRIMINAL VIOLATIONS:

§2320. Trafficking in counterfeit goods or services

(a) Whoever intentionally traffics or attempts to traffic in goods or services and knowingly uses a counterfeit mark on or in connection with such goods or services shall, if an individual, be fined not more than \$2,000,000 or imprisoned not more than 10 years, or both, and, if a person other than an individual, be fined not more than \$5,000,000. In the case of an offense by a person under this section that occurs after that person is convicted of another offense under this section, the person convicted, if an individual, shall be fined not more than \$5,000,000 or imprisoned not more than 20 years, or both, and if other than an individual, shall be fined not more than \$15,000,000.

§2319. Criminal infringement of a copyright

(a) Whoever violates section 506(a) (relating to criminal offenses) of title 17 shall be punished as provided in subsection (b) of this section and such penalties shall be in addition to any other provisions of title 17 or any other law.

(b) Any person who commits an offense under subsection (a) of this section—

(1) shall be imprisoned not more than 5 years, or fined in the amount set forth in this title, or both, if the offense consists of the reproduction or distribution, during any 180-day period, of at least 10 copies or phonorecords, of 1 or more copyrighted works, with a retail value of more than \$2,500;

(2) shall be imprisoned not more than 10 years, or fined in the amount set forth in this title, or both, if the offense is a second or subsequent offense under paragraph (1); and

(3) shall be imprisoned not more than 1 year, or fined in the amount set forth in this title, or both, in any other case.

(c) As used in this section—

(1) the terms “phonorecord” and “copies” have, respectively, the meanings set forth in section 101 (relating to definitions) of title 17; and

(2) the terms “reproduction” and “distribution” refer to the exclusive rights of a copyright owner under clauses (1) and (3) respectively of section 106 (relating to exclusive rights in copyrighted works), as limited by sections 107 through 120, of title 17.

1341. Frauds and swindles

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretences, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, or takes or receives there from, any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined under this title or imprisoned not more than five years, or both. If the violation affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

§2521. Injunction against illegal interception

Whenever it shall appear that any person is engaged or is about to engage in any act which constitutes or will constitute a felony violation of this chapter, the Attorney General may initiate a civil action in a district court of the United States to enjoin such violation. The court shall proceed as soon as practicable to the hearing and determination of such an action, and may, at any time before final determination, enter such a restraining order or prohibition, or take such other action, as is warranted to prevent a continuing and substantial injury to the United States or to any person or class of persons for whose protection the action is brought. A proceeding under this section is governed by the Federal Rules of Civil Procedure, except that, if an indictment has been returned against the respondent, discovery is governed by the Federal Rules of Criminal Procedure.

§2520. Recovery of civil damages authorized

INJUNCTIVE RELIEF:

The injunctive relief that the Act authorizes to prevent dilution of a famous mark is considered "extraordinary", as it is available regardless of the presence or absence of actual or likely confusion, of competition, or of actual economic injury.

Deceptive acts or practices where an omission or representation is likely to mislead a reasonable consumer or a reasonable or ordinary member of an audience, such as

children, the elderly or the terminally ill, whose "capacity to reason" may be impaired.

Electronic communication is intercepted, disclosed, or intentionally used in violation of this chapter may in a civil action recover from the person or entity, other than the United States, which engaged in that violation such relief as may be appropriate.

(b) Relief — In an action under this section, appropriate relief includes—

- (1) Such preliminary and other equitable or declaratory relief as may be appropriate;
- (2) Damages under subsection (c) and punitive damages in appropriate cases; and
- (3) A reasonable attorney's fee and other litigation costs reasonably incurred.

REMEDY FOR RETALIATION:

She was retaliated against for filing complaints of the breach, for bagging job opportunities, for having high level visibility and for availing grants. Nature of much of her anti-competitive, anti-trust, defamatory and round the clock electronic physical restraint is for retaliatory reasons alone to prevent her from realising her naturally progressed career prospects since mid 2000's and since 2009 by Ray D'Ambrosio, Google and Gujurathi spies alone that has turned homicidal today to blackmail plaintiff from turning them into prison:

18 U.S. Code § 1514A - Civil action to protect against retaliation in fraud cases:

(c) REMEDIES.—

(1) IN GENERAL.—

An employee prevailing in any action under subsection (b)(1) shall be entitled to all relief necessary to make the employee whole.

(2) COMPENSATORY DAMAGES.—Relief for any action under paragraph (1) shall include—

(A) Reinstatement with the same seniority status that the employee would have had, but for the discrimination;

(B) the amount of back pay, with interest; and

(C) compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

Infringement of U.S. copyright law

Preliminary injunctive relief needs to be granted given the infringer wasn't a licensee nor was the work available for being adapted as any derivative work for the public that it was fraudulently disclosed to without plaintiff's consent or agreement. Her work was licensed, brokered, stolen surreptitiously and she was physically assaulted to attempt stulting her productivity, progress and work assignment even when she worked from home and even after she resigned from the organisations.

CONCERTED GROUP CONDUCT:

INJUNCTION: Federal Trade Anti-trust Law provides for treble damage for concerted commercial conduct. The common law tort of civil conspiracy resorts to where anti-trust law does not apply or provide any remedial advantage. As a result common law may predate fed laws or rely heavily on cases decided under those acts.

AFFIRMATIVE REMEDIES:

If action is not barred by the statute of limitation, or the plaintiffs laches or delay in bringing the suit or unclean hands in the matter in controversy should limit or bar the grant of relief. Where no affirmative defence is established, remedies include:

Damages, restitution and injunctive relief.

Where the extent of past pecuniary injury can be established with sufficient certainty, compensatory damages may be recovered.

Where interference was malicious, either punitive damages or restitution of the defendant's profits be allowed.

Where an award of monetary relief doesn't adequately protect the plaintiff, injunctive relief may be granted.

INTERFERENCE WITH CONTRACTUAL RELATIONS:

A tortious conduct causes a principal threat of economic harm to partners, shareholders and consumer relations apart from employees and their family.

Unauthorized use of this system is prohibited and subject to criminal and civil penalties, including all penalties applicable to wilful unauthorized access (UNAX) or inspection of taxpayer records (under 18 U.S.C. 1030 and 26 U.S.C. 7213A and 26 U.S.C. 7431).

4) Federal officials that grant and sanction such acts are subject to injunctive relief under 42 U.S.C.A §1983, especially if they "conspire with or participate in concert with state officials who, under colour of state law, act to deprive a person of protected rights."

State officials sued in their personal capacity are "persons" for purposes of §1983 for actions taken under colour of state law.

Private persons that are held to have acted under colour of state law where liable if:

- 1) They act in concert with state or municipal officers or employees, or
- 2) They purport to act pursuant to state law, or
- 3) They acted under the authority of some state statute that purports to give them the power to act, such as those authorizing summary garnishments (collection of debts),
- 4) There is substantial state nexus with defendants activities, as where defendant is subject to extensive state regulation (an insurance company or public utility) or received significant state aid, either directly as in the case of grants or tax exemptions (i.e., private universities) or indirectly as where defendant is permitted to use public property or facilities (e.g., a YMCA) and is regularly allowed to do so.

These actors were not performing discretionary actions and were motivated by personal greed alone; hence cloaking their criminal actions behind any immunity to shield them from liability for damages is unreasonable and unjustified.

ACTIONABLE AND PRIVILEGED INFRINGEMENT/APPROPRIATION:

Authors and inventors always get exclusive rights to their writings and discoveries.

Infringement is an "act" that violates the exclusive intangible property rights of another.

To prove induced infringement under §271(b), a patent holder must
Show direct infringement of the patent as well as both knowing
And specific intent to encourage another party's patent infringement.

See e.g., *Broadcom Corp. v. Qualcomm Inc.*, 543 F.3d 683, (Fed.Cir.2008).

DAMAGES REMEDY FOR PATENT INFRINGEMENT:

The patent statute, 35 U.S.C § 284, requires a minimum damage award of no less than a reasonable royalty for the use made of the invention by the infringer. On the other hand there is no provision for recovery of the infringer's profits. In *eBay, Inc. v. MercExchange, LLC*, 547 U.S 388 (2006), the Supreme Court reiterated that courts must apply the traditional four-factor test when granting equitable injunctive relief in patent infringement cases.

These factors consideration of the extent of

- 1) Irreparable injury
- 2) Inadequate legal remedies
- 3) A balance of hardships, and
- 4) The public interest.

CAFC allows for permanent injunction for patent infringement cases.
CAFC requires showing wilful infringement permitting enhanced damages requires at least showing of objective recklessness and impose no affirmative obligation to obtain opinion of counsel.

Pursuant to §337 of the Tariff Act of 1930, 19 U.S.C § 1337, a U.S patent owner may "petition" the International Trade Commission (ITC) to order subject to review by the U.S Trade Representative (USTR) and the President, the exclusion of imports which infringe the patent.

A U.S. patent owner may also petition the USTR to impose sanctions on foreign countries providing "inadequate or ineffective" protection to the IP of U.S nationals.

The "Copyright Remedy Clarification Act of 1990 (CRCA)" amended "§501(a) of the 1976 Copyright Act" to make it clear that "states, state instrumentalities and state officers or employees" ---> acting in their "official capacities" can be held "liable for copyright infringement" in the same manner as anyone else. See 17 U.S.C § 501(a), 511.

TRADE SECRET APPROPRIATION REMEDY:

Given the trade secrets were information related to sensitive patents that weren't made public yet and others that were, a grant of injunctive relief is mandated.

Citation 1:

In *Peabody v. Norfolk*, 98 Mass, 452 (1868) case, the court rejected all the pleas concluding that,

- 1) A person that invents or discovers, and keeps secret a process of manufacture, whether a proper subject for a patent or not, has an assignable property interest in it, which a court of equity will protect against one who in "violation of contract and breach of confidence" undertakes to apply it to his own use or to disclose it to 3rd persons;
- 2) An employee may be bound even beyond the term of employment by a promise not to disclose a secret imparted to him during the course of his employment. This enhances employees standing, sets him apart as a differentiator, determines his take-home, salary, bonus, opportunities, connections, exposure, experience, career progression, etc!
- 3) Trade secret does *not* lose its character by being confidentially disclosed to agents or servants without whose assistance it could not be made of any value.
- 4) A 3rd party who has notice of the confidential relation but nevertheless makes arrangements to have the secret communicated to him may be *enjoined* from carrying out the arrangement.

A property - a trade secret information that was stolen surreptitiously using tortuous methods and submitted to a government agency for sanctions in India, US, etc, to avail investments and grants to themselves, that were then used, acted on, or disclosed by the government agency through various channels is actually a "taking of property" that "requires compensation" under the Fifth Amendment of the U.S Constitution. The information was not voluntarily disclosed to the government agency and was submitted by the defendants with the intent to profit from it at the expense of plaintiff.

A business idea to be quantified as a trade secret has to be ----> "new, novel or original and concrete" -- especially if it is accepted and used to contemplate compensation.

Compensation is always a condition for use of a trade secret.

The value of the material disclosed is reasonably astronomical, and contract is implied to be breached if such information is disclosed, where such information was not for their use without appropriate compensation that was unreasonable given the work arrangement and hence such conditions were outside the scope of employment - i.e. the trade secrets were not open for contests, trading or acquisition and such confidential relations were not entertained. The organisation went behind plaintiff's back to acquire them and made astronomical profits unjustly. This put plaintiff in lot of bad blood with her ex employers opening her up to rather sub-standard interrogations that were malicious and false, just to provoke her into accepting concocted set of lies, terminate her good industry standing, including taking away her ideas, grants, intellectual property and arranging for wmd attacks using defence resources for exposure..

DEFAMATION:

Slander doesn't require showing of proof to recover special damages (i.e., actually pecuniary) when oral statements are made about another's "trade or business" when they are defamatory on their face to the extent that it could cause grave harm.

Like for example if unfortunately for you, your boss is sleeping around with an escort and ends up in a divorce battle with his wife, then that isn't public concern. And if you were unfortunately dragged in to save his career from his rivals that relished his misfortunes, that aren't public concern either, you do not become contender to own his mistakes or become his new woman -- now open to his rivals to attack and defame for standing up for herself.

Certain "defamatory statements that are purely private and shouldn't raise public concern doesn't apply first amendment rule and hence can recover "presumed as well as punitive" damages.

No proof of monetary damage, lost profits, or the defendant's intent to deceive.

Unfair Trade Practices Consumer Protection Law (UTPCPL) provide for public and private remedies for deceptive and unfair practices.

Federal Statutory Remedies:

§ 43 (a) of the Lanham Act --> to recover "damages as well as injunctive Relief" for "consumer-aimed deceptive practices", businesses have increasingly relied on an once obscure provision of the Lanham Act, 15 U.S.C § 1125 (a), as amended by the Trademark Revision Act of 1988, Applies to 4 types -- namely

- 1) Any word, term, name, symbol, or device, or any combination thereof;
- 2) Any false designation of origin
- 3) Any false or misleading description of fact
- 4) Any false or misleading representation of fact;

REMEDY PROVIDED:

§§34(a), 35(a) and 36 of the Lanham Act provided remedies in these sections for Injunctions,

Profits,

[

Requires proof of bad faith or
Wilful misconduct for infringement of registered marks

]

Damages including possible treble damages as a form of liquidated damages,

[

Include profits lost by the plaintiffs on sales actually diverted,
or sales at reduced prices resulting from the false ads,
cost of counter ads *****

quantifiable harm to good will *****

An award of defendants profits with proof such as

--> plaintiff lost sales or profits, OR

--> defendants gained profits in an inequitable manner.

--> as was honored in Balance Dynamics Corp. v. Schmitt Industries,
204 F.3d 683 (6th Cir. 2000)

costs,
[

- For false advertising, [created actual confusion, demonstrable damage, show of injury apart, from literal falsity, wilfulness or bad faith]
- False descriptions [wiki]
35 USC § 292(a)
--> prohibits markings or advertising designating an item
As patent protected when in fact the item is not protected
by a granted or pending patent or is counterfeit.

- Time, energy, money, new skills development, intellectual labour and
uninvited harm to
Investigate and discover reasons for and respond to false ad campaigns.
- Present value of lost income stream, attorney fees in exceptional case,

Monetary relief

[
For a successful §43(a) claim can be extensive
]

And destruction of infringing articles applying to cases brought under § 43(a).

***Unthinkable pains were taken to represent facts omitting those that are necessary
to make an implied representation that wasn't misleading. ****

The plaintiff was infact deceived and suffered grave losses.

I) WILLFUL PATENT INFRINGEMENT: ENHANCED DAMAGES AND ATTORNEY FEES

The infringers deliberately copied the ideas and design of another
The infringer knew the patent was invalid because it was infringed.
The infringers behaviour as party to the litigation involved routine torture and trespass
into plaintiffs privacy using WMD resources.
The infringer's size and financial condition availed him government sanctions that
were fraudulently gained access to.
The duration of the defendant's misconduct went on since 2010 where physical
assault surfaced since 2011 and got torturous, homicidal since 2015 and indulged in
violent abuse to prevent plaintiff from finding out since last 6 months.
Remedial action by the defendant was torture, violent defamation that put plaintiff's
life in danger and genocide
The defendant's motivation for harm was loud and clear.
Whether the defendant attempted to conceal its misconduct through extreme and
malicious investigation, falsities, torture and defamation.

TRADEMARK ACT:

Individuals just like businesses spend considerable time grooming themselves investing not just time but money and intellectual labour in the effort to "establish an identity" for themselves or their business product offerings, service, so that the public at large will become and remain aware of them in the den of the marketplace. This identity they spend considerable time, money and life investing in, is not open to the public discretion to alter, reduce or debase, to meet their own objectives of self-identification or for the sake of their business especially when what they choose to portray is lies, deceit, fraud and denigration of a high standard product or identity.

Intent of fraud determines the appropriateness of ordering of defendants profits or awarding plaintiff actual compensation prevented from defendants wrong actions and punitive damages.

"Proof of Intent" will have a bearing on the remedy awarded for infringement.

A showing of "fraudulent intent" will provide for a basis of awarding punitive as well as compensatory damages and/or an accounting of defendant's profits. *****

In the absence of evidence of a fraudulent intent, relief may well be limited to an injunction prohibiting infringement in the future.

Appreciable number of actual or prospective purchasers of a product or service were highly confused, including plaintiffs own recent employer, that is apparently enough to create liability for infringement.

An appreciable number does not necessarily mean a majority.

There is no "numerical standard" that law sets for "misguided purchasers" and confusing similarity may be established by evidence of even a "small number of actual mistakes" made by "average consumers."

See McCormick & Co. v. B. Manischewitz Co., 206 F.2d 744 (6th Cir.1953).

Purchaser confusion as to the source of goods or services is not the only way to prove likelihood of confusion, where " purchasers" are likely to confuse products after their purchase and where subsequent sellers are likely to confuse products either before or during their sale.

Any confusion among physicians and pharmacists, rather than source confusion among purchasers of prescription drugs, held sufficient to support a finding infringement.

REMEDIES IN CASES OF DILUTION OF FAMOUS MARKS.

15 U.S. Code § 1116 - Injunctive relief

Plaintiff hence asks for injunctive relief, according to the principles of equity and upon such terms as the court may deem reasonable, to prevent the violation of any right of the registrant of a mark registered in the Patent and Trademark Office or to prevent a violation under subsection (a), (c), or (d) of section 1125 of this title.

15 U.S.C. 1117 (Section 35 of the Lanham Act): Recovery for violation of rights

§1117 Recovery for violation of rights

(a) Profits; damages and costs; attorney fees

When a violation of any right of the registrant of a mark registered in the Patent and Trademark Office, a violation under section 1125(a) or (d) of this title, or a willful violation under section 1125(c) of this title, shall have been established in any civil action arising under this chapter, the plaintiff shall be entitled, subject to the provisions of sections 1111 and 1114 of this title, and subject to the principles of equity, to recover (1) defendant's profits, (2) any damages sustained by the plaintiff, and (3) the costs of the action. The court shall assess such profits and damages or cause the same to be assessed under its direction. In assessing profits the plaintiff shall be required to prove defendant's sales only; defendant must prove all elements of cost or deduction claimed. In assessing damages the court may enter judgment, according to the circumstances of the case, for any sum above the amount found as actual damages, not exceeding three times such amount. If the court shall find that the amount of the recovery based on profits is either inadequate or excessive the court may in its discretion enter judgment for such sum as the court shall find to be just, according to the circumstances of the case. Such sum in either of the above circumstances shall constitute compensation and not a penalty. The court in exceptional cases may award reasonable attorney fees to the prevailing party.

(b) Treble damages for use of counterfeit mark

In assessing damages under subsection (a) for any violation of section 1114(1)(a) of this title or section 220506 of title 36, in a case involving use of a counterfeit mark or designation (as defined in section 1116(d) of this title), the court shall, unless the court finds extenuating circumstances, enter judgment for three times such profits or damages, whichever amount is greater, together with a reasonable attorney's fee, if the violation consists of—

(1) intentionally using a mark or designation, knowing such mark or designation is a counterfeit mark (as defined in section 1116(d) of this title), in connection with the sale, offering for sale, or distribution of goods or services; or

(2) providing goods or services necessary to the commission of a violation specified in paragraph (1), with the intent that the recipient of the goods or services would put the goods or services to use in committing the violation.

In such a case, the court may award prejudgment interest on such amount at an annual interest rate established under section 6621(a)(2) of title 26, beginning on the date of the service of the claimant's pleadings setting forth the claim for such entry of judgment and ending on the date such entry is made, or for such shorter time as the court considers appropriate.

(c) Statutory damages for use of counterfeit marks

In a case involving the use of a counterfeit mark (as defined in section 1116(d) of this title) in connection with the sale, offering for sale, or distribution of goods or services, the plaintiff may elect, at any time before final judgment is rendered by the trial court, to recover, instead of actual damages and profits under subsection (a), an award of statutory damages for any such use in connection with the sale, offering for sale, or distribution of goods or services in the amount of—

- (1) not less than \$1,000 or more than \$200,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just; or
- (2) if the court finds that the use of the counterfeit mark was wilful, not more than \$2,000,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just.
- (d) Statutory damages for violation of section 1125(d)(1)

In a case involving a violation of section 1125(d)(1) of this title, the plaintiff may elect, at any time before final judgment is rendered by the trial court, to recover, instead of actual damages and profits, an award of statutory damages in the amount of not less than \$1,000 and not more than \$100,000 per domain name, as the court considers just.

- (e) Rebuttable presumption of wilful violation

In the case of a violation referred to in this section, it shall be a rebuttable presumption that the violation is wilful for purposes of determining relief if the violator, or a person acting in concert with the violator, knowingly provided or knowingly caused to be provided materially false contact information to a domain name registrar, domain name registry, or other domain name registration authority in registering, maintaining, or renewing a domain name used in connection with the violation. Nothing in this subsection limits what may be considered a wilful violation under this section.

15 U.S.C. 1120 (Section 38 of the Lanham Act): Civil liability for false or fraudulent registration

§1120 Civil liability for false or fraudulent registration

Any person who shall procure registration in the Patent and Trademark Office of a mark by a false or fraudulent declaration or representation, oral or in writing, or by any false means, shall be liable in a civil action by any person injured thereby for any damages sustained in consequence thereof.

REMEDIES FOR DAMAGES:

A] INJUNCTION:

The very nature of the patent right is the right to exclude others. An INVALID patent doesn't allow the right to the patentee who is the actual infringer, any enjoyment to royalties, or protection of his patent rights. The infringer, who is fraudulently posing

as the patentee should not be allowed to continue his infringement in the face of such a holding.

A court should not be reluctant to use its equity powers once a party has so clearly established his patent rights.

The four factor tests involved:

- 1) a reasonable likelihood of success on the merits;
- 2) Irreparable harm to the patentee without a preliminary injunction
- 3) A balance of the party's relative hardships
- 4) The public interest

B] LOST PROFITS

Lost profits is usually calculated on the lost privileges to capitalise on the market share and value of the product that will be determined through a declaration in the course of the lawsuit, exact value of which will be ascertained during trial.

C] PRICE EROSION:

Here we can recover damages for price erosion -- by attempting to correct for the cross-elasticity of demand between the infringing good and the patentee's good. That is after having reverse passed off plaintiff's infringed copyright as patentees good, there was depreciation - to a vulgar extent - in the prices of plaintiff goods to keep her from finding out and alarming others. The infringer ate into plaintiff's research and development cost - with absolutely none of the R&D costs or ability of his own. Hence plaintiff made fewer profits due to the infringed good.

D] INTERNATIONAL REMEDIES:

Aside from equitable relief, foreign jurisdictions also award damages to compensate for infringement, and other generous unfair competition principles.

E] REASONABLE ROYALTY:

A inventor and actual owner of a patent deserves to seek damages that amount to a reasonable royalty.

Given the nature of genocidal attacks, and false imprisonment of plaintiff since 2010, the anti-competitive and anti-trust intent is apparent.

Hence plaintiff deserves to gain back lost profit of the infringers sales. If unable to show through proof, the patentee still receives reasonable royalties ---- on each of the infringed uncompensated sales.

The royalties received by defendants through ---

- 1) Licensing of infringed invalid patents
- 2) The rates paid by the licensee for the use of other patents comparable to the patents in suit
- 3) The effect of selling the patented specialty in promoting sales of other products of the licensee;

The existing value of the invention to the licensor as a generator of sales of his non-patented items;

- Extent of such derivative or conveyed sales;
- 4) Established profitability of the product made under the patent; its commercial success; and its current popularity;
 - 5) The utility and advantages of the patent property over the old modes or devices, if any, that had been used for working out similar results;
 - 6) The portion of the profit or of the selling price that may be customary in the particular usefulness or in comparable businesses to allow for the use of the invention or analogous inventions.
 - 7) The portion of the realizable profit that should be granted to the inventions distinguished from non-patented elements, the manufacture process, business risks, or significant features or improvements added by the infringer.
 - 8) The amount that a licensor and licensee such as the infringer, would have agreed upon at the time the infringement began, if both had been reasonably and voluntarily trying to reach an agreement;

That is, the amount which a prudent licensee -- who desired, as a business proposition, to obtain a license to manufacture and sell a particular article embodying the patented invention -- would have been willing to pay as a royalty and yet be able to make a reasonable profit and which amount would have been acceptable by a prudent patentee who was willing to grant a license.

15 U.S. Code § 1114 - Remedies; infringement;

- (1) Any person who shall, without the consent of the registrant—
 - (a) use in commerce any reproduction, counterfeit, copy, or colorable imitation of a registered mark in connection with the sale, offering for sale, distribution, or advertising of any goods or services on or in connection with which such use is likely to cause confusion, or to cause mistake, or to deceive; or
 - (b) reproduce, counterfeit, copy, or colorably imitate a registered mark and apply such reproduction, counterfeit, copy, or colorable imitation to labels, signs, prints, packages, wrappers, receptacles or advertisements intended to be used in commerce upon or in connection with the sale, offering for sale, distribution, or advertising of goods or services on or in connection with which such use is likely to cause confusion, or to cause mistake, or to deceive, shall be liable in a civil action by the registrant for the remedies hereinafter provided. Under subsection (b) hereof, the registrant shall not be entitled to recover profits or damages unless the acts have been committed with knowledge that such imitation is intended to be used to cause confusion, or to cause mistake, or to deceive.
- (2) Notwithstanding any other provision of this chapter, the remedies given to the owner of a right infringed under this chapter or to a person bringing an action under section 1125(a) or (d) of this title shall be limited as follows:
 - (A) Where an infringer or violator is engaged solely in the business of printing the mark or violating matter for others and establishes that he or she was an innocent infringer or innocent violator, the owner of the right infringed or person bringing the action under section 1125(a) of this title shall be entitled as against such infringer or violator only to an injunction against future printing.
 - (B) Where the infringement or violation complained of is contained in or is part of paid advertising matter in a newspaper, magazine, or other similar periodical or in an electronic communication as defined in section 2510(12) of title 18, the remedies of

the owner of the right infringed or person bringing the action under section 1125(a) of this title as against the publisher or distributor of such newspaper, magazine, or other similar periodical or electronic communication shall be limited to an "injunction" against the "presentation of such advertising matter" in future issues of such newspapers, magazines, or other similar periodicals or in future transmissions of such electronic communications. The limitations of this subparagraph shall apply only to innocent infringers and innocent violators.

(D) A person shall be liable for using a domain name under subparagraph Cyberpiracy prevention(1)(A) if that person is the domain name registrant or that registrant's authorized licensee.

(E) As used in this paragraph, the term "traffics in" refers to transactions that include, but are not limited to, sales, purchases, loans, pledges, licenses, exchanges of currency, and any other transfer for consideration or receipt in exchange for consideration.

Injunctive or monetary relief in the case of bad faith or reckless disregard, which includes a willful failure to comply with any such court order.

18 U.S. Code § 2323 -

(c)Restitution.—

When a person is convicted of an offense under section 506 of title 17 or section 2318, 2319, 2319A, 2319B, or 2320, or chapter 90, of this title, the court, pursuant to sections 3556, 3663A, and 3664 of this title, shall order the person to pay restitution to any victim of the offense as an offense against property referred to in section 3663A(c)(1)(A)(ii) of this title.

18 U.S. Code § 3663A - Mandatory restitution to victims of certain crimes

(2) For the purposes of this section, the term "victim" means a person directly and proximately harmed as a result of the commission of an offense for which restitution may be ordered including, in the case of an offense that involves as an element a scheme, conspiracy, or pattern of criminal activity, any person directly harmed by the defendant's criminal conduct in the course of the scheme, conspiracy, or pattern. In the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court, may assume the victim's rights under this section, but in no event shall the defendant be named as such representative or guardian.

(b) The order of restitution shall require that such defendant—

(1) in the case of an offense resulting in damage to or loss or destruction of property of a victim of the offense—

(A) return the property to the owner of the property or someone designated by the owner; or

(B) if return of the property under subparagraph (A) is impossible, impracticable, or inadequate, pay an amount equal to—

(i) the greater of—

(I) the value of the property on the date of the damage, loss, or destruction; or

(II) the value of the property on the date of sentencing, less
(ii) the value (as of the date the property is returned) of any part of the property that is returned;

(2) in the case of an offense resulting in bodily injury to a victim—

(A) pay an amount equal to the cost of necessary medical and related professional services and devices relating to physical, psychiatric, and psychological care, including nonmedical care and treatment rendered in accordance with a method of healing recognized by the law of the place of treatment;

(B) pay an amount equal to the cost of necessary physical and occupational therapy and rehabilitation; and

(C) reimburse the victim for income lost by such victim as a result of such offense;

(c)

(1) This section shall apply in all sentencing proceedings for convictions of, or plea agreements relating to charges for, any offense—

(A) that is—

(i) a crime of violence, as defined in section 16;

(ii) an offense against property under this title, or under section 416(a) of the Controlled Substances Act (21 U.S.C. 856(a)), including any offense committed by fraud or deceit;

(iii) an offense described in section 1365 (relating to tampering with consumer products); or

(iv) an offense under section 670 (relating to theft of medical products); and

(B) in which an identifiable victim or victims has suffered a physical injury or pecuniary loss.

15 U.S. Code § 1117 - Recovery for violation of rights

(a) Profits; damages and costs; attorney fees

When a violation of any right of the registrant of a mark registered in the Patent and Trademark Office, a violation under section 1125(a) or (d) of this title, or a willful violation under section 1125(c) of this title, shall have been established in any civil action arising under this chapter, the plaintiff shall be entitled, subject to the provisions of sections 1111 and 1114 of this title, and subject to the principles of equity, to recover (1) defendant's profits, (2) any damages sustained by the plaintiff, and (3) the costs of the action.

(b) Treble damages for use of counterfeit mark

In assessing damages under subsection (a) for any violation of section 1114(1)(a) of this title or section 220506 of title 36, in a case involving use of a counterfeit mark or designation (as defined in section 1116(d) of this title), the court shall, unless the court finds extenuating circumstances, enter judgment for three times such profits or damages, whichever amount is greater, together with a reasonable attorney's fee, if the violation consists of—

(1) intentionally using a mark or designation, knowing such mark or designation is a counterfeit mark (as defined in section 1116(d) of this title), in connection with the sale, offering for sale, or distribution of goods or services; or

(2) providing goods or services necessary to the commission of a violation specified in paragraph (1), with the intent that the recipient of the goods or services would put the goods or services to use in committing the violation.

In such a case, the court may award prejudgment interest on such amount at an annual interest rate established under section 6621(a)(2) of title 26, beginning on the date of the service of the claimant's pleadings setting forth the claim for such entry of judgment and ending on the date such entry is made, or for such shorter time as the court considers appropriate.

(c) Statutory damages for use of counterfeit marks

In a case involving the use of a counterfeit mark (as defined in section 1116(d) of this title) in connection with the sale, offering for sale, or distribution of goods or services, the plaintiff may elect, at any time before final judgment is rendered by the trial court, to recover, instead of actual damages and profits under subsection (a), an award of statutory damages for any such use in connection with the sale, offering for sale, or distribution of goods or services in the amount of—

- (1) not less than \$1,000 or more than \$200,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just; or
- (2) if the court finds that the use of the counterfeit mark was willful, not more than \$2,000,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just.

(d) Statutory damages for violation of section 1125(d)(1)

In a case involving a violation of section 1125(d)(1) of this title, the plaintiff may elect, at any time before final judgment is rendered by the trial court, to recover, instead of actual damages and profits, an award of statutory damages in the amount of not less than \$1,000 and not more than \$100,000 per domain name, as the court considers just.

(e) Rebuttable presumption of willful violation

In the case of a violation referred to in this section, it shall be a rebuttable presumption that the violation is willful for purposes of determining relief if the violator, or a person acting in concert with the violator, knowingly provided or knowingly caused to be provided materially false contact information to a domain name registrar, domain name registry, or other domain name registration authority in registering, maintaining, or renewing a domain name used in connection with the violation. Nothing in this subsection limits what may be considered a willful violation under this section.

15 U.S. Code § 1116 - Injunctive relief

The several courts vested with jurisdiction of civil actions arising under this chapter shall have power to grant injunctions, according to the principles of equity and upon such terms as the court may deem reasonable, to prevent the violation of any right of the registrant of a mark registered in the Patent and Trademark Office or to prevent a violation under subsection (a), (c), or (d) of section 1125 of this title.

15 U.S. Code § 1122 - Liability of United States and States, and instrumentalities and officials thereof

(c) Remedies

In a suit described in subsection (a) or (b) for a violation described therein, remedies (including remedies both at law and in equity) are available for the violation to the same extent as such remedies are available for such a violation in a suit against any person other than the United States or any agency or instrumentality thereof, or any individual, firm, corporation, or other person acting for the United States and with authorization and consent of the United States, or a State, instrumentality of a State, or officer or employee of a State or instrumentality of a State acting in his or her official capacity. Such remedies include injunctive relief under section 1116 of this title, actual damages, profits, costs and attorney's fees under section 1117 of this title, destruction of infringing articles under section 1118 of this title, the remedies provided for under sections 1114, 1119, 1120, 1124 and 1125 of this title, and for any other remedies provided under this chapter.

ANTI-TRUST

1)

Section 7 of the Clayton Act prohibits mergers and acquisitions where the effect "may be substantially to lessen competition, or to tend to create a monopoly." As amended by the Robinson-Patman Act of 1936, the Clayton Act also bans certain discriminatory prices, services, and allowances in dealings between merchants. The Clayton Act also authorizes private parties to sue for triple damages when they have been harmed by conduct that violates either the Sherman or Clayton Act and to obtain a court order prohibiting the anticompetitive practice in the future.

2)

Remedy for violation of Sherman Act:

Punishment. Price fixing, bid rigging, and market allocation by companies and individuals are felonies punishable by a fine of up to \$10 million for corporations and a fine of up to \$350,000 or three years imprisonment (or both) for individuals for offenses committed before June 22, 2004. These maximum Sherman Act penalties were increased in June 2004. For offenses committed on or after June 22, 2004, the maximum corporate fine is \$100 million, the maximum individual fine is \$1 million, and the maximum jail term is 10 years. These violations are also subject to the alternative fine provision in 18 U.S.C. § 3571, which permits a fine of up to twice the gross financial loss or gain resulting from a violation. To date the largest fines ever imposed for a price-fixing conspiracy are \$500 million for a corporation and \$10 million for an individual.

Victims. The victims of price fixing, bid rigging, and market allocation can be private parties or government entities, whether federal, state, or local. The Antitrust Division will prosecute these violations regardless of who the victim is.

Civil Remedies and Treble Damages. Criminal prosecution, incarceration, and substantial fines are the most effective, but not the only, deterrents to antitrust crimes. In those instances when the federal government or its agencies have been the victims of antitrust violations, the Department of Justice may obtain treble damages under the Clayton Act (15 U.S.C. § 15a) and civil penalties up to treble damages under the False Claims Act (31 U.S.C. § 3729). In addition, private parties (including state and local governments) can recover three times the damages they suffer as a result of an

antitrust violation, and they may use successful federal prosecution of collusion as prima facie evidence against a defendant in a follow-on suit for treble damages.

3) Licensing Remedies:

A license denominated from exclusive to non-exclusive may still have the same concerns posed by formal exclusivity. i.e. a licensor may be prevented from practising the technology or licensing it out to more than one entity.

When such a restraint is practiced over a prolonged duration, it becomes reasonably necessary to introduce putative procompetitive efficiencies in favour of the affected party. That starts with remunerating her for all her losses. The effective duration of a restraint maintained by employer that is currently adhered to, may depend on a number of factors, including the option of the affected party to terminate the arrangement unilaterally and the presence of contract terms applicable unpaid balances, unjust enrichments from infringements, palming-offs, stolen trade-secrets, clienteles, connections, stolen intellectual property, losses, promotions, bonuses, other career skills relevant to the affected party and her planned future outcomes that she put a complete hold on to prevent further unfair disclosures and dissolutions after palming-offs and eventual losses that resulted from this deadlock, and all the profits made by third party licensees that stole and used the affected parties identity and know-how's to spin their reality in her light, that then afforded them their attempted superficial growth opportunities, and other such commitments that continued to delude and encourage the licensee to renew a license arrangement and continue to mob and cold-call the inventor that the employer served a licensor of without her consent.

Her technology was not a simple know-how, it introduced a new industry in the innovation market, that had an effect on multiple markets, it's not a simple algorithm to re-do well-known bubble-sort with quick-sort to enhance scalability. SO the offering wasn't at a algorithm level of a file that offered a small feature. It was th conceptualisation of the end to end product in itself that would carry multiple such design, architecture, algorithms, libraries, operating systems, chip-sets, drivers that the defendants had absolutely none of the standing or exposure to even attempt their hands on it.

This is unpardonable - to forcefully disclose everything that was employees trade secrets, investments, clienteles and intellectual labour - all irrelevant to the employer. And make arrangement to destroy every one of it by passing it off to another and publicly disclose it. This kind of despicable stunt is dangerous, mandates future prohibitory measures, disciplining and correction.

18 U.S. Code § 1831 - Economic espionage

(5) conspires with one or more other persons to commit any offense described in any of paragraphs (1) through (3), and one or more of such persons do any act to effect the object of the conspiracy,

shall, except as provided in subsection (b), be fined not more than \$5,000,000 or imprisoned not more than 15 years, or both.

(b) Organizations.—

Any organization that commits any offense described in subsection (a) shall be fined not more than the greater of \$10,000,000 or 3 times the value of the stolen trade secret to the organization, including expenses for research and design and other costs of reproducing the trade secret that the organization has thereby avoided.

18 U.S. Code § 1832 - Theft of trade secrets - Industrial Espionage:

(5) conspires with one or more other persons to commit any offense described in paragraphs (1) through (3), and one or more of such persons do any act to effect the object of the conspiracy,

shall, except as provided in subsection (b), be fined under this title or imprisoned not more than 10 years, or both.

(b) Any organization that commits any offense described in subsection (a) shall be fined not more than the greater of \$5,000,000 or 3 times the value of the stolen trade secret to the organization, including expenses for research and design and other costs of reproducing the trade secret that the organization has thereby avoided.

15 U.S. Code § 1 - Trusts, etc., in restraint of trade illegal; penalty

Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal. Every person who shall make any contract or engage in any combination or conspiracy hereby declared to be illegal shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by fine not exceeding \$100,000,000 if a corporation, or, if any other person, \$1,000,000, or by imprisonment not exceeding 10 years, or by both said punishments, in the discretion of the court.

15 U.S. Code § 2 - Monopolizing trade a felony; penalty

Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by fine not exceeding \$100,000,000 if a corporation, or, if any other person, \$1,000,000, or by imprisonment not exceeding 10 years, or by both said punishments, in the discretion of the court.

15 U.S. Code § 3 - Trusts in Territories or District of Columbia illegal; combination a felony

(a) Every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce in any Territory of the United States or of the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, is declared illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by fine not exceeding \$100,000,000 if a corporation, or, if any other person, \$1,000,000, or by imprisonment not exceeding 10 years, or both said punishments, in the discretion of the court.

(b) Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce in any Territory of the United States or of the District of Columbia, or between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia, and any State or States or foreign nations, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by fine not exceeding \$100,000,000 if a corporation, or, if any other person, \$1,000,000, or by imprisonment not exceeding 10 years, or by both said punishments, in the discretion of the court.

15 U.S. Code § 15 - Suits by persons injured from Anti-Trust violations. -Recovery

(a) Amount of recovery; prejudgment interest

Except as provided in subsection (b), any person who shall be injured in his business or property by reason of anything forbidden in the antitrust laws may sue therefore in any district court of the United States in the district in which the defendant resides or is found or has an agent, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the cost of suit, including a reasonable attorney's fee.

In determining whether an award of interest under this section for any period is just in the circumstances, the court shall consider only—

- (1) whether such person or the opposing party, or either party's representative, made motions or asserted claims or defenses so lacking in merit as to show that ""such party or representative acted intentionally for delay, or otherwise acted in bad faith;""
- (2) whether, in the course of the action involved, such person or the opposing party, or either "party's representative", violated any applicable rule, statute, or court order providing for sanctions for "dilatatory behavior or otherwise providing for expeditious proceedings"; and
- (3) whether such person or the opposing party, or either party's representative, engaged in conduct primarily for the purpose of delaying the litigation or increasing the cost thereof.

15 U.S. Code § 35 - Recovery of damages, etc., for antitrust violations from any local government, or official or employee thereof acting in an official capacity

(b) Preconditions for attachment of prohibition; prima facie evidence for nonapplication of prohibition

Subsection (a) shall not apply to cases commenced before the effective date of this Act unless the defendant establishes and the court determines, in light of all the circumstances, including the stage of litigation and the availability of alternative relief under the Clayton Act, that it would be inequitable not to apply this subsection to a pending case. In consideration of this section, existence of a jury verdict, district court judgment, or any stage of litigation subsequent thereto, shall be deemed to be prima facie evidence that subsection (a) shall not apply.

15 U.S. Code § 36 - Recovery of damages, etc., for antitrust violations on claim against person based on official action directed by local government, or official or employee thereof acting in an official capacity

(b) Nonapplication of prohibition for cases commenced before effective date of provisions

Subsection (a) shall not apply with respect to cases commenced before the effective date of this Act.

The Privacy Protection Act

The Privacy Protection Act (PPA), Title 42 U.S.C. § 2000aa, severely limits the ability of law enforcement to search for or seize documentary or work product materials from a person who is reasonably believed to have a purpose to disseminate to the public a newspaper, book, broadcast, or other similar form of public communication--generally requiring law enforcement to use subpoenas instead.

Violation of Anti-trust statutes - Sherman Act, RPA Act, Clayton Act:

The US grants private parties (and all state governments, acting on behalf of their citizens) a wholly independent right to seek:

- Monetary Damages
- Court injunctions to order potentially far-reaching changes in anti-trust defendants conduct.

Damages. Section 4 of the Clayton Act 1914 allows the recovery of damages by “any person injured in his business or property by reason of anything forbidden in the antitrust laws” (section 4, Clayton Act). The Act entitles a successful private claimant to an award of triple damages and costs (including a reasonable attorney’s fee) (section 4, Clayton Act).

Remedy for Violation of RPA:

Liability.

Failure to provide promotional allowances or services on a proportionally equal basis is a violation of the RPA. When a claim under Section 2(d) or (e) is brought by the Government, injury to competition need not be proven. *FTC v. Simplicity*, 360 U.S. 55, 70-71 (1959). Private plaintiffs, on the other hand, must prove injury. The good faith meeting competition defense under Section 2(b) is the only defense available to discriminatory promotional allowances/services; none of the other defenses applicable to Section 2(a) are available under Sections 2(d) and (e). The reasonably contemporaneous requirement under Section 2(a) also applies here.

REMEDIES:

The RPA should be taken seriously as liability can be expensive; successful plaintiffs are awarded treble damages. 15 U.S.C. § 15(a). The FTC still may be willing to enforce the RPA through oversight and by seeking injunctions. See, e.g., *In re McCormick & Co.*, Docket No. C-3939. The FTC guidelines on promotional allowance/services should be consulted before providing such promotions. See 16 C.F.R. § 240 et seq.

Labor Management Relations Act -- 29 U.S.C. 186

The maximum criminal penalty for prohibited payments to, or receipt by, labor union officials, labor organizations, and employee representatives of things of value from employers and persons acting in the interest of employers whose labor-management relations are governed by the Taft-Hartley Act (29 U.S.C. § 141, et seq.) is imprisonment for five (5) years and a fine for each violation occurring after October 12, 1984, in which the amount of money or thing of value involved in the violation exceeds \$1,000.

United States v. Phillips, 19 F.3d 1565 (11th Cir. 1994), cert. denied sub. nom. USX Corp. v. United States, 115 S.Ct. 1312 (1995). Moreover, proscribed employer payments which are made directly or indirectly to labor organizations under circumstances which do not satisfy the statutory exceptions described in 29 U.S.C. § 186(c)(1) through (c)(3) [compensation without service, settlement payments accompanied by fraud or duress, and delivery of goods outside the regular course of business] are also subject to criminal prosecution under subsection (d)(2) without proof of any corrupt purpose underlying the transaction.

Injunction for violation of Communications Decency Act:
the preliminary injunction order did not encompass prosecutions under Section 223(a)(2) for violations of 47 U.S.C. § 223(a)(1)(A), (C), (D), or (E) which concern the use of a telecommunications device to annoy, abuse, threaten or harass another person.[FN1]

FN1. Section 223(a)(1)(A), which prohibits the transmission over a telecommunications device of, any comment, request, suggestion, proposal, image, or other communication which is obscene, lewd, lascivious, filthy, or indecent, with intent to annoy, abuse, threaten, or harass another person, is presently being challenged in Apollo media Corp. V. Reno, NO. 97-346 (N.D. CA.). We will provide separate guidance to you on the outcome of that case, as warranted.

Remedy for 15 U.S.C § 15

(a) Amount of recovery; prejudgment interest. Except as provided in subsection (b), any person who shall be injured in his business or property by reason of anything forbidden in the antitrust laws may sue therefore in any district court of the United States in the district in which the defendant resides or is found or has an agent, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the cost of suit, including a reasonable attorney's fee. The court may award under this section, pursuant to a motion by such person promptly made, simple interest on actual damages for the period beginning on the date of service of such person's pleading setting forth a claim under the antitrust laws and ending on the date of judgment, or for any shorter period therein, if the court finds that the award of such interest for such period is just in the circumstances. In determining whether an award of interest under this section for any period is just in the circumstances, the court shall consider only—

(1) whether such person or the opposing party, or either party's representative, made motions or asserted claims or defenses so lacking in merit as to show that such party or representative acted intentionally for delay, or otherwise acted in bad faith;

- (2) whether, in the course of the action involved, such person or the opposing party, or either party's representative, violated any applicable rule, statute, or court order providing for sanctions for dilatory behavior or otherwise providing for expeditious proceedings; and
- (3) whether such person or the opposing party, or either party's representative, engaged in conduct primarily for the purpose of delaying the litigation or increasing the cost thereof.

§ 43 (c) of the Lanham Act REMEDY:

Allowing others to palm off and deceptive product substitution and alteration by distributors or retailers that falls under international jurisdiction falls under state common law or statutory regulation.

Provides federal protection against dilution of "famous" marks, and the registration provisions of the Lanham Act allow for opposition to or cancellation of a registration where the mark, if used, would cause "dilution" under 43(c). See 15 USC §§1052, 1063-64, 1092.

Federal Trademark Dilution Act of 1995, amended in 2006, contains preemptions for state dilution law, see 15 USC § 1125(c)(6), state dilution statutes continue to provide important dilution protection beyond that provided by federal law, BUT risk preemption under Supremacy clause of the US constitution.

The extension and duration of use of a mark or name need not be great, so long as the mark is used in this country by a going business whose sales are more than "token or sporadic".

The trademark revision act of 1988 amended the Lanham Act to make clear that "use in commerce" means the bona fide use of a mark in the ordinary course of trade and not merely a token use to reserve a right in the mark -- 15 U.S.C § 1126

Lanham Act to allow intent-to use (ITU) applications for registration by a person having a bona fide intention to use the mark in commerce and to bring a suit in federal court for infringement.

See 15 USC 1057(c). PTO maintains two registers. Marks intended for use or actually in commerce or "registered in certain foreign countries" and "having sufficient inherent or acquired distinctiveness to identify and distinguish goods or services" may be registered on the Principal Register.

Courts apparently have in the past allowed mark holders to "tack" a first use of an earlier mark onto a subsequent mark so long as the marks create the same, continuing commercial impression and the latter mark does not materially differ from or alter the character of the earlier mark. *Brookfield Communications v. West Coast Entertainment Corp.*, 174 F.3d 1036 (9th Cir.1999).

MISIDENTIFICATION:

Another party made commercial use of the statute, another party made commercial use of the TM after the mark became famous, and the "unauthorised use is likely to cause dilution" of the "distinctive quality of the famous mark."

§43 of the Lanham Act, 15 U.S.C §1125, was amended in 1995 by the Federal Trademark Dilution Act (FTDA) to provide federal dilution protection for famous marks.

FTDA also provides for "damages and destruction" of infringing articles where a wilful intent to trade on the owners *****reputation***** or to cause dilution may be shown.

Lanham Act § 43(c)(1), 15 U.S.C § 1125(c)(1) limits federal dilution to blurring and tarnishment.

"Overreaching" a "trademark violation" is justified when there is "high likelihood" of "confusion or dilution" and its TM owners prerogative in goodfaith to protect ones name and prohibit reverse domain name hijacking.

Injunction and damage recovery for Violation of Anticybersquatting Consumer Protection Act (ACPA).

DEFENSES AND REMEDIES:

Plaintiff's prima facie case of infringement must assert defendants actions were willful, wanton and malicious stemming from irrelevant and unjustifiable reasons of racial hatred and professional jealousy.**** There was absolutely no "MISCONDUCT" on behalf of the plaintiff to limit her relief. There can be no policy reasons remotely attributable to deny or limit relief for an infringement.

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Her employer attempted dilution, abandonment, functionality, and loss of distinctiveness (genericide), raised at any time as ground for cancelling the registration of a federally registered mark. Section 14 of the Lanham Act, 15 USC § 1064

RELIEF:

Sections 34 and 35 of the Lanham Act, 15 U.S.C §§ 1115-1116, state that the courts are to grant relief for infringement of federally registered marks according to "principles of equity" which arguably includes the traditional equitable defenses of laches, acquiescence and unclean hands.

The plaintiff has NEVER acquiesced and indicated any hint of support to the defendant's use of plaintiff's mark or name which is why it was maintained a secret from the plaintiff.

There was no prejudicial delay that would affect the defendant. There was NO unreasonable delay either given the level of concealment maintained and the single handed study, evidence finding and investigation of the matter by the plaintiff that was for the first time navigating through these subjects while representing herself as a prose litigant and thwarting various life threatening attempts of the defendant to create insurmountable delays.

Such cases that are fraudulently concealed to deceive, confuse and mistake the consuming public requires "carefully examining the facts of a particular case" while "balancing the competing interests and equities of the parties" and also the interest of "consuming public in being protected" against ****deception, confusion and mistake****

Unclean hands consist of virtually any sort of immoral or illegal conduct, so long as it relates to the subject matter in litigation. For example unclean hands may be found and protection denied where a mark misrepresents the ingredients of a product. See, e.g., Clinton E. Worden & Co. v. California Fig Syrup CO., 187 U.S 516 (1903) protected denied mark "Syrup of Figs" which was used on a syrup containing no figs.

Civil And Administrative Remedies:
See 19 U.S.C § 1526,

The victims of TM, trade name or trade dress infringement or willful dilution or cybersquatting can include:

- 1) Injunctive Relief
- 2) Damages
- 3) An accounting of the defendant's profit's
- 4) In exceptional cases attorney's fees.
- 5) Administrative remedies include cancellation of a federal TM registration
- 6) Barring importation of goods bearing an infringing mark or name

See 19 U.S.C § 1526 (e) indicates that Customs seizure of goods believed to be counterfeit, does not constitute a "taking" under the Just Compensation of Clause of the U.S Constitution.

Any infringing imports of a federally registered mark can be barred by registering such a business name with the Customs Services as per § 42 of Lanham Act, 15 U.S.C. §1124 enabling a federally registered mark and any domestic and qualifying foreign users.

Petition § 42 of Lanham Act, 15 U.S.C § 1124, which enables the **owner of a federally registered mark** and any domestic and qualifying foreign users of a business name to register with the Customer Service to have *infringing imports barred,* a party may petition the International Trade Commission, which has authority under §337 of Tariff Act of 1930, 19 U.S.C. § 1337 as subsequently amended in 1974, 1979, 1984, and 1988 to issue subject to Presidential review exclusion orders or cease and desist orders, to prevent an unfair method of competition, including registered TM infringement, in the importation of articles into the U.S. or their subsequent sales.

***** A party may also petition the U.S Trade Representative to impose sanctions on foreign countries that give inadequate or ineffective protection to the intellectual property of U.S nationals.

MONEY DAMAGES:

In recognition of the difficulty in proving money damages and the inherent inadequacy of damages to remedy continuing acts of infringement, the courts routinely make the equitable remedy of injunction available in TM and trade name

infringement cases, though the relief must be awarded subject to the principles of equity.

AWARDS FOR TM COUNTERFEITING ACT: ***** EXPARTE ORDERS

"The Trademark Counterfeiting Act of 1984" authorizes virtually mandatory awards of treble damages and attorney's fees in civil counterfeiting cases, see 15 U.S.C § 1117(b), the court shall, unless the court finds extenuating circumstances, enter judgement for such awards and also authorizes courts to enter such awards and also authorize courts to enter such awards and also authorizes courts --->>> "to enter such as "interim relief ex parte orders" for "seizure of goods and counterfeit marks", the means of making such marks, and records concerning any of the above, where the person being processed against is likely to ***destroy, conceal or render **** inaccessible any of the above. See 15 U.S.C § 1116(d).

The Anti-Counterfeiting Consumer Protection Act of 1996 makes available "statutory damages" to TM owners for losses attributable to "TM counterfeiting."
See 15 U.S.C §1117, authorizing statutory damages between \$500 and \$100,000 per counterfeit mark for each type of goods or services, and if the defendant's conduct is willful, up to \$1000000 per counterfeit mark.

In awarding compensatory damages the courts have generally employed liberal damage measures and have not required the extent of damage to be proved with the same degree of certainty as the fact of damage.

CORRECTIVE ADVERTISING TO DISPEL THE "REVERSE CONFUSION" DAMAGES RECOVERABLE

In Big O Tire dealers, Inc v. Goodyear Tire & Rubber Co., 561 F.2d 1365 (10th Cir.1977), for example, the court held that the plaintiffs could recover damages for corrective advertising that would be necessary to dispel the "reverse confusion" (i.e an impression that plaintiff was passing off its "Big Foot" tires as those of the defendant, rather than the other way around, that had been shown to have been created by the defendants advertising. The court went on to hold that the amount to be awarded could be calculated by taking the amount the defendant spent on the offending nationwide advertising, reducing it by a percentage to reflect the number of states in which plaintiffs did business and allowing plaintiffs to recover up to 25% of that amount.

The 25% limitation was based on the FTC's practice of requiring businesses which engage in misleading advertising to spend 25% of their advertising budget on corrective advertising, and was said to reflect the fact that a dollar-for-dollar expenditure is probably not required to dispel confusion in the consuming public's mind.

See also Sands, Taylor & Wood v. Quaker Oats, 34 F.3d 1340 (7th Cir.1994) upholding a \$10.3 million award as a reasonable royalty in a reverse confusion case but remanding for a more precise statement of the trial court's reasons for doubling of this amount pursuant to §35(a) of the Lanham Act.

Given the willful intent of the defendant, the owner of the famous mark is entitled to the remedies set forth in 15 U.S.C § 1117(a) and 1118 (namely profits, damages, costs, attorney fees, and ***destruction of infringing articles subject to the discretion of the court **** and the principles of equity. The federal cybersquatting prevention provision authorizes a court to order the forfeiture, cancellation, or transfer of domain name, 15 U.S.C § 1125 (d)(1)(C), and creates an in rem civil action against the domain name, 15 U.S.C § 1125(d)(1)(C) and creates an in rem civil action against the domain name 15 U.S.C § 1125(d)(2).

The federal cyber squatting prevention provision authorizes a court to order the forfeiture, cancellation or transfer of a domain name, 15 U.S.C § 1125(d)(1)(C), and creates as in rem civil action against the domain name 15 U.S.C § 1125(d)(2). See, *Harrods Limited v Sixty Internet Domain Names*, 302 F.3d 214 (4th Cir.2002) upholding the constitutionality of the in rem provisions and holding that the provision is not limited to violations of §1125(d)(1), but also authorizes in rem actions for certain federal infringement and dilution claims. The injunctive and monetary remedies afforded for TM infringement under §§ 34-35 of the Lanham Act, 15 U.S.C 1116-1117, have been extended to violations of 15 U.S.C §1125(d) as well.

REMEDIES and ACCOUNTING:

The commercial victim, in product substitution and alteration, may recover provable compensation damages and obtain an injunction from a court, or a cease and desist order from the FTC Commission, or exclusion or cease and desist order from the "International Trade Commission", against further substitutions or alterations.

Plaintiff can also recover punitive damages, restitution of defendant's profits. Because P's damages and D's profits may be particularly difficult to prove in product substitution and alteration cases, the availability of "injunctive relief and punitive damages" is all the more important.