

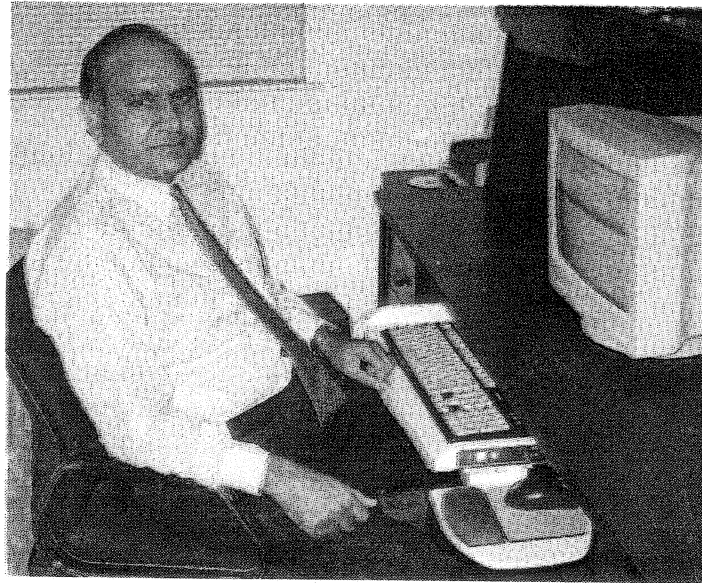
Engineer's Patent Validated In \$36.5 Million Court Case

By RICHARD SPRINGER
India-West Staff Reporter

After a seven-year legal battle, Indian American engineer Anil Gupta had his patent validated in a \$36.5 million court judgment – one of the largest patent infringement awards ever in the U.S. District Court for the Northern District of California.

In November, the U.S. Court of Appeals for the Federal Circuit ruled in favor of Atmel Corp. in San Jose, Calif., which in 1996 sued Silicon Storage Technology of Sunnyvale, Calif., for patent infringement over the "811" patent, which Gupta developed when he worked at Seeq Technologies about 20 years ago.

Atmel, a worldwide leader in the development, fabrication and sale of advanced semiconductors, in 1994 acquired the nonvolatile memory business unit of Seeq, including the rights to the 811 patent, according to Nitin Subhedar, a shareholder and patent litigation attorney in the law firm of Heller



Anil Gupta is currently managing director for the Data Flash unit at Atmel Corporation.

Ehrman White & McAuliffe in their Menlo Park, Calif. office.

Gupta's patent pioneered "the design of a circuit for selectively increasing the voltage on a conductive line in a semiconductor circuit," Subhedar told **India-West**.

The Indian American attorney called it an "interesting twist of fate" that Gupta worked at a series of companies after he left Seeq, including Excel, Signetics, Altera and Catalyst, before be-

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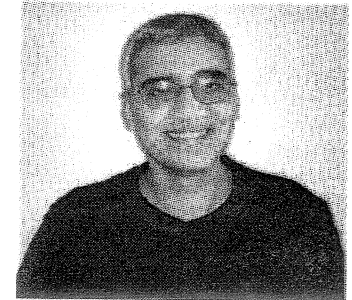
Foreign Workers Sue U.S. for Status Change Delays

By RICHARD SPRINGER
India-West Staff Reporter

A group of skilled foreign workers from throughout the United States Dec. 22 filed a class-action lawsuit against the U.S. Department of Homeland Security, charging that they have been left hanging in limbo for periods of up to six years and had their lives disrupted by the green card approval process.

The action was filed in U.S. District Court in Washington, D.C., by nine individual plaintiffs and ImmigrationPortal.com, an online forum that has linked many H-1B and L-1B visa holders who share similar experience – long waits to adjust status from temporary workers to permanent residents.

Rajiv S. Khanna, an attorney in Arlington, Va., and founder of ImmigrationPortal.com, filed the complaint. "Many of these



Immigration attorney Rajiv S. Khanna said his Web site, *ImmigrationPortal.com*, enabled the visa holders to join together and file the class-action lawsuit.

people have been waiting six years or more (to have their status adjusted), he told **India-West** Jan. 9.

"The fascinating aspect of the lawsuit is that it was filed by a community of people where nobody ever met each other. All of the plaintiffs joined online through a sense of identity and similarity."

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Foreign Workers Sue U.S. For Status Change Delays

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Khanna estimates that there are as many as 50,000 people in the U.S. in similar predicaments and added that his Web site experienced more than 12,000 visits since the action was filed.

Among the defendants in the lawsuit are Homeland Security Secretary Tom Ridge, U.S. Attorney General John Ashcroft, and the directors of the four immigration centers in Nebraska, Vermont, Texas and Laguna Niguel, Calif., where applications are processed.

The nine plaintiffs include: Dr. Ram K. Gandhi, an assistant professor and pre-doctoral orthodontist in Kansas City, Mo., whose employment-based Adjustment of Status application when the complaint was filed last month had been pending since April 16, 2001; and Savita Krishnamurthy, a technical writer from Washington, D.C., whose application for adjustment is pending at the Vermont service center.

Other plaintiffs are Rajkumar Kandasami, a software engineer in Farmington, Mich., whose AOS petition was filed Oct. 7, 2002, in Vermont; and Rajah Kalipatnapu of San Jose, Calif.; a software engineer whose application is pending at the Laguna Niguel service center.

Kalipatnapu recently told the *San Jose Mercury News* that he is worried his H-1B will expire before his application is processed.

"Everything is temporary. I'm living a temporary life," Kalipatnapu said.

"People are losing jobs,"

Khanna said, adding that Congress has indicated that a period of six months is a reasonable waiting period for AOS.

In a follow-up e-mail to **India-West**, Khanna stated, "In the interim, an employee is left with continuous dread and insecurity. Loss or diminishment of employment almost invariably means abrupt uprooting of years of life and career built in this country."

"In most cases," Khanna continued, "USCIS (Citizenship and Immigration Services) practice permits not even one day of grace period to arrange for passage out of U.S. — a state of affairs a long way from the constitutional ideal of 'pursuit of happiness.'"

"Additionally, for labor certi-

fication-based cases, which form a large majority of employment-based applications, any substantial career advancement is unwise. A promotion leads to nullification of the entire green card process, thereby necessitating starting the process all over again — resetting the six-year countdown back to zero," the Virginia immigration attorney said.

Khanna said that under government regulations, professional workers whose visas expire while their applications are pending may apply to extend their temporary work permits.

But they have to stand in long lines and get fingerprinted each time, despite the fact that the fingerprints are already on file. "These are off-the-wall procedures," he charged.

28% Rise in Infosys Profit

BANGALORE (Reuters) — Infosys Technologies Ltd., India's largest listed software services firm, reported a 28 percent rise in quarterly profit Jan. 9 and raised its full-year forecasts on a booming outsourcing business. The Bangalore-based company predicted earnings would grow 30.6 percent for the year to March 2004, up from an earlier estimate of 25 percent.

"Now that the economy is picking up, the budgets of our clients are much more stable and going forward there is optimism," said chief operating officer Kris Gopalakrishnan. Expectations of more orders and stable prices prompted the firm to raise its full-year revenue growth forecast to 33 percent from 28 percent. Infosys shares were up 0.41 percent at Rs. 5,863 in morning trading, after initially jumping five percent to a near three-year high.

The firm had a profit of Rs. 3.28 billion (\$72.1 million), or Rs. 48.5 per diluted share, in the fiscal third quarter ended Dec. 31, compared with a profit of Rs. 2.56 billion, or Rs. 38.22 per diluted share, in the year-ago period, and Rs. 3.0 billion in the second quarter. "It is a strong performance and has beaten market estimates, driven by strong volume growth and slight improvement in margins," said Pratish Krishnan, analyst at Cholamandalam Securities.

Profits Rise at HDFC Bank on Lending Boom

MUMBAI (Reuters) — HDFC Bank Ltd., India's second-largest private sector bank, reported a 32-percent rise in third-quarter profits Jan. 9, on the back of a boom in retail lending and in line with analysts' expectations.

Analysts said the outlook is bright as consumer lending is seen growing for at least two more years amid historically low interest rates.

HDFC Bank's shares ended up 1.42 percent at Rs. 367.05 on the Mumbai Stock Exchange, after rising as high as Rs. 379.20.

"I feel the stock is fully valued now although I expect it to show annualized growth of around 30 percent in both top line and bottom line (results) for a couple of years at least," said Siddhartha Bhaiya, analyst at brokerage Stratcap Securities.

"It is trading at around 20 times financial year 2004 earnings while State Bank of India is at a ratio of nine."

The New York Stock Exchange-listed bank said its net profit was Rs. 1.304 billion (\$28.7 million) in the third quarter ended Dec. 31. That compared with a profit of Rs. 988.8 million reported a year earlier.

State Bank of India is expected to report a 20 percent year-on-year rise in net profits to Rs. 9.4 billion, while private sector rival ICICI Bank Ltd. is forecast to post a 14 percent rise to Rs. 3.7 billion. The banks haven't set dates for releasing their earnings numbers.

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