UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOSEPH DEAN,
Plaintiff,

Case No. 5:25-cv-10597-NC

v.

META PLATFORMS, INC.,
Defendant.

EXHIBIT Z

SIXTH NOTICE OF NEWLY DISCOVERED EVIDENCE RELEVANT TO PENDING MOTION TO DISMISS

I. SUMMARY

On July 7, 2025, Plaintiff filed Exhibit X presenting an analytical forecast: Meta's public "open source" AI posture would follow the same platform pattern Plaintiff experienced as a developer: openness to induce reliance, extraction of value, then closure once strategic objectives were achieved.

That forecast, made while watching Mark Zuckerberg and Satya Nadella of Microsoft discussing the open source “Behemoth” model, was grounded in Meta's own LlamaCon 2025 disclosures and Meta's documented history of platform manipulation. Within days, Meta’s executives and internal reporting corroborated the analysis. Within months, personnel changes and internal disclosures provided independent confirmation. In recent weeks several sources report Meta is executing the forecasted pivot away from open-source AI. Its next-generation models, codenamed Avocado and Mango, are reportedly being developed as proprietary systems rather than open source.

This Notice presents newly discovered evidence confirming that Meta's conduct toward Plaintiff was not isolated, but part of a systematic corporate strategy. The conduct Meta exhibited toward Plaintiff, inducing reliance on API access, extracting competitive intelligence through App Review, then revoking access while maintaining functionality for its own applications, is the same pattern now confirmed at enterprise scale in Meta's AI strategy.

II. THE ANALYTICAL FORECAST (EXHIBIT X – JULY 7, 2025)

In Exhibit X, Plaintiff analyzed Meta's LlamaCon 2025 presentation and identified a familiar platform pattern:

(1) public promises of openness to attract developers and researchers;

(2) consolidation of dependency on Meta-controlled infrastructure;

(3) extraction of contributions, data, and labor; and

(4) restriction or closure of access once competitive risk emerges.

Based on these observable facts, and Meta's prior conduct toward third-party developers, Plaintiff forecast that Meta would abandon its open-source commitments once that extraction phase was complete.

III. RAPID PUBLIC CONFIRMATION (JULY 14–16, 2025)

Within nine days, independent sources corroborated the core of Plaintiff's analysis:

July 14, 2025 — Mark Zuckerberg announced "hundreds of billions" of dollars in proprietary superintelligence infrastructure investment, describing compute clusters occupying "a significant part of Manhattan." (Ex. X1; CNBC).

July 14, 2025 — The New York Times reported internal Meta discussions about abandoning open-source models in favor of closed proprietary development. (Ex. X6).

July 15, 2025 — Zuckerberg stated publicly: "*We'll be careful what we choose to open source going forward.*" (Ex. X5; TITV interview).

July 16, 2025 — Congressional testimony documented Meta's knowing, executive-authorized mass ingestion of copyrighted works for AI training, despite internal warnings that the conduct was unlawful. (Ex. Y).

These events independently validated Plaintiff's July 7 forecast.

IV. NEWLY DISCOVERED EVIDENCE CONFIRMING THE PIVOT

A. The Proprietary Pivot.

In December 2025, CNBC reported that Meta's Avocado model—successor to the shelved Llama 4 Behemoth—"could be a proprietary model," representing a fundamental shift from Meta's open-source strategy. Benzinga described the potential shift as "a dramatic philosophical reversal for the company." CNBC further reported internal frustration that a competing Chinese lab's DeepSeek R1 model incorporated elements of Meta's open-source Llama architecture, reinforcing executive concern that openness had enabled competitors. (Ex. Z-1).

WinBuzzer subsequently reported that Meta is "reportedly developing two proprietary models, codenamed 'Mango' and 'Avocado,'" describing the restructuring as "a formal break from the past" and reporting that "abandoning the open-source Llama lineage became necessary after the postponement of the Llama 4 'Behemoth' model due to performance failures." (Ex. Z-2).

These disclosures confirm the trajectory of Plaintiff's earlier analysis: Meta used open access to achieve strategic objectives, then moved to close the ecosystem once competitive value had been extracted.

B. Internal Corroboration.

Personnel changes and internal disclosures independently corroborate the forecasted pivot.

On October 22, 2025, Meta laid off approximately 600 employees from its Fundamental AI Research (FAIR) unit, the team that championed Meta's open-source approach, while explicitly sparing its proprietary TBD Labs division. (Ex. Z-3; CNBC).

On November 19, 2025, Yann LeCun, Meta's chief AI scientist and principal architect of its open-source strategy, announced his departure after 12 years. Reporting attributed his exit to Meta's new leadership favoring "*a more closed approach.*" (Ex. Z-4; CNBC).

In January 2026, LeCun publicly confirmed that Meta manipulated benchmark results for its Llama 4 model, stating in an interview with the Financial Times that the AI team "fudged" the results and that Zuckerberg "basically lost confidence in everyone who was involved." (Ex. Z-5-A; Financial Times via Yahoo Finance). LeCun separately warned: "A lot of people have left; a lot of people who haven't yet left will leave." (Ex. Z-5-B; CNBC).

These internal developments, layoffs targeting open-source advocates, departure of the chief open-source champion, admitted benchmark manipulation, and predicted talent exodus—independently confirm that Meta's pivot from openness is systematic, not incidental.

V. LEGAL SIGNIFICANCE

The newly discovered evidence confirms that Plaintiff did not speculate about Meta's conduct; he identified a repeatable platform pattern based on Meta's own disclosures and prior behavior.

Exhibits X, Y, and Z together demonstrate a systematic strategy:

(1) Meta induces reliance through promises of openness;

(2) Meta extracts value from those contributions;

(3) Meta restricts or closes access once competition emerges and strategic objectives are achieved; and

(4) Meta obscures the transition through misleading public statements, technical obfuscation or, as now confirmed, through manipulated benchmarks.

This evidence directly supports Plaintiff's Sherman Act § 2 claim by demonstrating that Meta's conduct toward Plaintiff was part of a broader and ongoing monopolization strategy, not an isolated or idiosyncratic business decision.

VI. CONCLUSION

Meta invited reliance through promises of openness, extracted value, and then closed the ecosystem as forecast in Exhibit X, consistent with the corporate mindset revealed in Exhibit Y, and now confirmed by the newly discovered evidence in Exhibit Z.

The Motion to Dismiss should be evaluated in light of this confirmed pattern.

Respectfully submitted,



Joseph Dean, Pro Se Plaintiff

Dated: February 5, 2026