EXHIBIT M: FTC ENFORCEMENT ACTIONS AND FINDINGS AGAINST META

Summary of Evidence

This exhibit documents multiple Federal Trade Commission (FTC) enforcement actions and findings against Meta (formerly Facebook), establishing a pattern of deceptive practices, privacy violations, and anticompetitive behavior that directly supports the allegations in this case. The documented history of regulatory violations demonstrates that Meta's treatment of developers like Veamcast follows a broader pattern of conduct that has been found unlawful by federal regulators.

1. Record $5 Billion FTC Privacy Settlement (2019)

In July 2019, the FTC imposed an unprecedented $5 billion penalty on Facebook for violating consumer privacy and breaching a previous 2012 FTC order.

Key Findings:

- **Violation of Prior Commitments**: The FTC found that Facebook violated its 2012 settlement with the FTC by deceiving users about their ability to control the privacy of their personal information.
- **Unprecedented Penalty**: The $5 billion fine was the largest ever imposed by

the FTC for privacy violations, representing the seriousness of the violations.

- **Pattern of Deception**: FTC Chairman Joe Simons stated: "Despite repeated promises to its billions of users worldwide that they could control how their personal information is shared, Facebook undermined consumers' choices."
- **Structural Remedies Required**: The settlement imposed unprecedented restrictions on Facebook's business operations, requiring a complete restructuring of its approach to privacy from the corporate board level down.

Source: Federal Trade Commission Press Release, July 24, 2019. "FTC Imposes $5 Billion Penalty and Sweeping New Privacy Restrictions on Facebook."

2. FTC Antitrust Lawsuit Against Meta (2020-Present)

In December 2020, the FTC sued Facebook for illegal monopolization, alleging a years-long course of anticompetitive conduct. The lawsuit is ongoing as of 2025.

Key Allegations:

- **Systematic Elimination of Threats**: The FTC alleges that Facebook engaged in a systematic strategy to eliminate threats to its monopoly through

acquisitions and anticompetitive conduct toward developers.

- **API Restrictions as Anticompetitive Tool**: The complaint specifically cites "the imposition of anticompetitive conditions on software developers" as a key method by which Facebook maintained its monopoly.
- **Pattern of Identifying and Neutralizing Threats**: The FTC found that "Facebook has enforced these policies by cutting off API access to blunt perceived competitive threats from rival personal social networking services, mobile messaging apps, and other apps with social functionalities."
- **Impact on Competition**: According to the FTC, this conduct "harms competition, leaves consumers with few choices for personal social networking, and deprives advertisers of the benefits of competition."

Source: Federal Trade Commission Press Release, December 9, 2020. "FTC Sues Facebook for Illegal Monopolization."

3. "Buy-or-Bury" Finding (2021)

In August 2021, the FTC filed an amended complaint against Facebook, describing its anticompetitive strategy as an illegal "buy-or-bury" scheme that directly mirrors the conduct alleged in this case.

Key Findings:

- **Systematic Targeting of Competitors**: The FTC found that Facebook "lured app developers to the platform, surveilled them for signs of success, and then buried them when they became competitive threats."
- **Direct Targeting of Competitors**: Acting Director of the FTC's Bureau of Competition, Holly Vedova, stated: "After failing to compete with new innovators, Facebook illegally bought or buried them when their popularity became an existential threat."
- **Documented Pattern Against Developers**: The FTC found that "Facebook abruptly reversed course and required developers to agree to conditions that prevented successful apps from emerging as competitive threats to Facebook."
- **Ongoing Behavior**: The FTC noted that "Facebook continues to monitor the industry for competitive threats to its personal social networking monopoly" and is "likely to impose anticompetitive conditions on access to its platform."

Source: Federal Trade Commission Press Release, August 19, 2021. "FTC Alleges Facebook Resorted to Illegal Buy-or-Bury Scheme to Crush Competition After String of Failed Attempts to Innovate."

4. API Restrictions and Platform Changes (2018)

In the wake of the Cambridge Analytica scandal, Facebook implemented numerous API restrictions that directly affected developers like Veamcast. These changes were presented as privacy measures but have been identified by the FTC as potentially anticompetitive.

Key Actions:

- **Systematic API Shutdowns**: Beginning in April 2018, Facebook restricted or removed numerous APIs that developers had relied upon, including those for media sharing and content discovery.
- **Selective Enforcement**: Many APIs were restricted through a new "app review" process that gave Facebook visibility into competitors' features before deciding whether to grant access.
- **Disparate Impact**: While presented as universal changes, the restrictions disproportionately affected smaller developers and potential competitors, while Facebook's own applications maintained similar functionality.

Source: TechCrunch, July 2, 2018. "Facebook rolls out more API restrictions and shutdowns."

Relevance to Current Case

The FTC's findings and enforcement actions establish a documented

pattern of conduct by Meta that directly parallels the allegations in this case:

1. **Systematic Use of API Restrictions Against Competitors**: The FTC has explicitly found that Meta uses API restrictions to target potential competitors, exactly as alleged regarding Veamcast.
2. **Surveillance of Developers**: The "buy-or-bury" strategy documented by the FTC - where Facebook monitors developers for competitive features before restricting API access - exactly matches Veamcast's experience with Facebook's App Review process.
3. **Pattern of Deception**: The FTC's $5 billion penalty for deceptive practices establishes Meta's willingness to make promises to users and developers that it subsequently violates.
4. **Ongoing Behavior**: The FTC's findings indicate this is not a historical issue but an ongoing pattern of conduct that continues to harm competition in the marketplace.

This regulatory history demonstrates that the conduct alleged in this case is not isolated but part of a broader, systematic strategy that has been identified and challenged by federal regulators as harmful to competition and consumers.

EXHIBIT N: DOCUMENTED API RESTRICTIONS AND DEVELOPER IMPACTS

Summary of Evidence

This exhibit documents Meta's systematic pattern of API restrictions that affected developers between 2018-2020, establishing that Veamcast's experience was not isolated but part of a broader pattern of potentially anticompetitive conduct. These restrictions followed a consistent sequence: requiring disclosure of features through App Review, identifying competitive functionalities, and then systematically disabling access to those features.

1. Timeline of API Restrictions (2018-2020)

April 2018: Initial Wave of Restrictions After Cambridge Analytica

Following the Cambridge Analytica scandal, Facebook announced sweeping changes to its API access that significantly impacted developers:

- **Mandatory App Review**: Facebook began requiring approval for all apps requesting access to various types of data, including check-ins, likes, photos, posts, videos, events, and groups.
- **Data Access Limitations**: Facebook removed developer ability to access personal information such as religious or political views, relationship status, education history, and media consumption activity.

- **Inactive App Data Purge**: Facebook implemented a policy to remove data access for apps not used in the previous 3 months.
- **Groups API Restrictions**: Access to member lists and content within groups was severely restricted.
- **Pages API Restrictions**: Previously available public content access was put behind mandatory app review.

Source: Facebook Newsroom, April 4, 2018, "An Update on Our Plans to Restrict Data Access on Facebook"

July 2018: Second Wave of API Restrictions

Facebook announced additional API restrictions that further reduced developer capabilities:

- **Public Content Discovery APIs**: Limited to page content and public posts on certain verified profiles.
- **Media Solutions APIs**: Facebook shut down Topic Search, Topic Insights, Topic Feed, and Public Figure APIs.
- **Marketing API**: New app review requirements were implemented for marketing-related API access.

- **Live Video APIs**: New app review permissions were required for live video functionality.

Source: TechCrunch, July 2, 2018, "Facebook rolls out more API restrictions and shutdowns"

August 2018: Permission Deprecations

Facebook deprecated key permissions that many apps relied on:

- **publish_actions Permission**: This critical permission, which allowed apps to publish content to Facebook on behalf of users, was deprecated, forcing developers to use Facebook's own Dialog interfaces instead.
- **Profile Expression Kit**: Deprecated due to "low adoption," removing functionality that allowed creation of rich profiles.

Source: Facebook for Developers Blog, April 24, 2018, "New Facebook Platform Product Changes and Policy Updates"

Evidence shows that these restrictions were not applied equally to all developers:

- **Instagram Messaging Integration**: While third-party messaging apps were restricted through API limitations, Facebook-owned Instagram was able to integrate messaging features across platforms.
- **WhatsApp Cross-Platform Sharing**: While restricting API access for third-party content sharing apps, Facebook enabled deeper integration between its own WhatsApp and Instagram services.
- **Selective Feature Mirroring**: After restricting API access to Snapchat-like apps, Facebook rapidly implemented nearly identical "Stories" functionality across Instagram, WhatsApp, and Facebook platforms.
- **Preferred Partner Exemptions**: Documentation reveals certain large partners received API exemptions for the same functionality that triggered restrictions for smaller competitors.
- **Automatic Enforcement Systems**: Developers reported receiving automated "abuse" notifications identical to the experience reported by Veamcast, with evidence showing these systems disproportionately affected potential competitors.

2. Internal Documentation of Competitive Intent

Documents revealed in regulatory investigations show that Meta's API restrictions were directly tied to competitive concerns:

- **Strategic Intent**: Meta CEO Mark Zuckerberg identified messaging apps as "the biggest competitive vector for us" and pushed for aggressive platform integration to create a "competitive moat."
- **Explicit Targeting of Competitors**: Internal communications revealed directives to "continue blocking messenger apps from accessing friends.get, even if we don't block them from running ads" and to block competitors who were "trying to build social networks and replace us."
- **App Monitoring for Competitive Threats**: Meta implemented systematic monitoring of apps using its platform to identify potential competitive threats before restricting their access.
- **"Reciprocity" Requirement**: Internal documents revealed that Meta's App Review process was used to determine "the appropriate level of reciprocity," demanding that apps "share back to Facebook" to receive API access, creating an unfair competitive advantage.

Source: Federal Trade Commission v. Meta Platforms, Inc., Case No. 1:20-cv-03590 (D.D.C.)

3. Documented Impact on Developers

The API restrictions had significant impacts on third-party developers, as documented in industry reporting:

- **Vine Example**: When Twitter launched Vine (a short video sharing app), Facebook cut off the app's ability to access friend-finding features, significantly hampering its growth potential.
- **Messaging Limitations**: Multiple messaging apps reported sudden restrictions in their ability to connect users or share content after implementing features that competed with Facebook's own services.
- **Content Removal**: Numerous developers reported content being removed from the platform without explanation or recourse - identical to Veamcast's experience.
- **Deceptive Support Responses**: A pattern emerged of Facebook support providing evasive or misleading responses to developer inquiries about restricted functionality, often closing support tickets without resolution.
- **Systematic Restrictions**: Analysis shows Meta's API restrictions followed a pattern where promising competitive apps would first experience "technical issues," followed by support delays, and ultimately functionality restrictions – exactly matching Plaintiff experience.

4. Regulatory Recognition of Pattern

Regulatory authorities have recognized this pattern of behavior as potentially anticompetitive:

- **FTC Complaint**: The FTC's complaint against Meta specifically cited "the imposition of anticompetitive conditions on software developers" as a key method by which Facebook maintained its monopoly.
- **European Commission Investigation**: The European Commission found that Meta "restricted access to its APIs to prevent the emergence of competing services."
- **UK Competition and Markets Authority**: Found that Meta "might have limited developers' access to certain features, potentially as a way to force them to provide more data."

Relevance to Current Case

The documented pattern of API restrictions directly parallels Veamcast's experience:

1. **Consistent Pattern of Review-then-Restrict**: Just as with Veamcast, Facebook repeatedly required developers to demonstrate functionality through App Review before subsequently restricting access to that same

functionality.

2. **Identical Technical Restrictions**: The restrictions experienced by Veamcast (publish_actions limitations, deceptive "abuse" messages, content removal) match documented restrictions applied to other developers.
3. **Similar Support Experience**: The pattern of Facebook support providing evasive responses, closing tickets without resolution, and deleting support threads mirrors Veamcast's documented experience.
4. **Competitive Intent**: Internal communications confirm that API restrictions were specifically targeted at potential competitors - exactly as alleged by Veamcast.
5. **Timing Correlation**: The timeline of API restrictions impacting Veamcast directly corresponds with Meta's broader strategy of consolidating messaging functionality across its platforms while restricting third-party competitors in the same space.

This extensive documentation demonstrates that Veamcast's experience was not an isolated incident but part of a systematic pattern of anticompetitive conduct by Meta that has been recognized by multiple regulatory authorities.

EXHIBIT O: ZUCKERBERG'S EMAILS ADMITTING "BUY-THEN- BURY" PRACTICE AGAINST COMPETITORS

Summary of Evidence

This exhibit presents evidence from regulatory investigations and legal proceedings that reveal Meta CEO Mark Zuckerberg's direct involvement in anti-competitive practices against developers and competitors. These communications demonstrate a consistent pattern of identifying competitive threats through the platform, then either acquiring them or restricting their access – a strategy that directly mirrors Veamcast's experience.

1. Direct Evidence of Competitive Targeting in Private Communications

The Vine API Restriction

In 2013, when Twitter launched Vine (a short video sharing app), an internal email exchange shows Zuckerberg personally approving cutting off the app's API access:

Email Exchange (January 2013):

> **Facebook Engineer**: "Twitter launched Vine today which lets you shoot multiple short video segments to make one single, 6-second video...

Unless anyone raises objections, we will shut down their friends API access today."

Mark Zuckerberg: "Yup, go for it."

Source: Federal Trade Commission v. Meta Platforms, Inc., Case No. 1:20-cv-03590 (D.D.C.), Exhibits; UK Parliament

Instagram Acquisition Rationale

Internal communications revealed Zuckerberg's motivation for acquiring Instagram was specifically to neutralize competition:

Email from Zuckerberg to Facebook CFO (April 2012):

> "These businesses are nascent but the networks are established, the brands are already meaningful and **if they grow to a large scale they could be very disruptive to us...** I'm increasingly thinking that we should just go ahead and pay a lot of money for Instagram."

"One reason why I'm leaning towards buying Instagram is to **neutralize a potential competitor**... It's a combination of (1) their product is good, (2) they're growing really quickly, and (3) **if we don't buy them this could be very disruptive to us."**

Source: Federal Trade Commission v. Meta Platforms, Inc., Case No. 1:20-cv-03590 (D.D.C.), Exhibits.

2. Documentation of "Competitive Moat" Strategy

Messages on Competitive Threat from Messaging Apps

Internal communications show Zuckerberg identifying messaging apps as the primary competitive threat to Facebook:

Message from Zuckerberg (2012):

> "The biggest competitive vector for us is for some company to build out a **messaging app for communicating with small groups of people, and then transforming that into a broader social network."**

"I want us to use M&A to build a competitive moat around us on mobile and ads."

Source: Federal Trade Commission v. Meta Platforms, Inc., Case No. 1:20-cv-03590 (D.D.C.), Exhibit PX2521.

Strategic API Restrictions Against Competitors

Meta executives explicitly discussed restricting API access to harm competitors:

Dan Rose (VP of Partnerships) Email (2013):

> **"We're going to continue blocking messenger apps from accessing friends.get, even if we don't block them from running ads."**

Zuckerberg on Blocking Competitors:

> **"I think we should block WeChat, Kakao and Line ads. Those companies are trying to build social networks and replace us."**

Source: Federal Trade Commission v. Meta Platforms, Inc., Case No. 1:20-cv-03590 (D.D.C.), Exhibit PX12108.

3. Surveillance of Developers on the Platform

Platform as Competitive Intelligence Tool

Internal documents reveal Meta's strategy of using its platform to identify potential threats:

Zuckerberg on Platform Strategy (2012):

> "Going forward, the rational decision is to apply a heavier hand on integration in three cases: (1) requiring that non-critical Instagram, WhatsApp and Messenger products integrate more upfront so our apps effectively function as a single network in more instances, (2) **reserving specific use cases for Facebook** to prevent unnecessary network fragmentation..."

Source: Federal Trade Commission v. Meta Platforms, Inc., Case No. 1:20-cv-03590 (D.D.C.), Exhibit PX3602.

Early Detection and Elimination of Threats

FTC investigation revealed Meta's internal strategy for identifying nascent competitors:

Finding from FTC Complaint (August 2021):

> "Mr. Zuckerberg recognized early that even when these companies were **not full-fledged competitors, they could be dangerous** to Facebook if they were free to grow to scale."

Source: Federal Trade Commission Amended Complaint against Facebook, August 19, 2021.

4. Pattern of Developer Deception

Changing Platform Rules After Collecting Competitive Intelligence

Evidence shows Meta's pattern of changing platform rules after learning about competitive features:

Finding from FTC Investigation (2020):

> "Facebook abruptly reversed course and required developers to agree to conditions that prevented successful apps from emerging as competitive threats to Facebook."

Source: Federal Trade Commission Press Release, December 9, 2020, "FTC Sues Facebook for Illegal Monopolization."

Acknowledgment of Competitive Motivation

Regulatory investigations uncovered Meta's internal recognition of the competitive motivation behind platform changes:

Email from Senior Meta Executive (2014):

> "We will look like **complete idiots** if we lose our business to these messenger services and help them along the way."

Source: Federal Trade Commission v. Meta Platforms, Inc., Case No. 1:20-cv-03590 (D.D.C.), Exhibit PX12108.

5. Direct Acknowledgment of Platform Control as Tool Against Competition

In December 2018, internal emails were released by the UK Parliament revealing explicit acknowledgments of using platform policies against competitors:

Internal Policy Discussion (2013):

> "We maintain a small list of strategic competitors that Mark personally

reviewed. Apps produced by the companies on this list are subject to a number of restrictions... Any usage beyond that specified is not permitted without Mark-level sign-off."

Zuckerberg on Reciprocity and Data Collection:

> "I think the right solution here is to just require any strategic competitor to compensate us for access to our platform/distribution with their data or monetary payment. Without reciprocity, we'll keep getting killed."

Source: UK Parliament, "Note by Damian Collins MP, Chair of the DCMS Committee: Summary of key issues from the Six4Three files", published December 2018.

Relevance to Current Case

These communications establish a direct pattern of conduct that mirrors the experience of Veamcast:

1. **Identical Strategic Approach**: The "build a competitive moat" and surveillance of developer's strategy documented in these communications exactly matches the sequence Veamcast experienced: required disclosure through App Review, identification of competitive features, and subsequent restriction.

2. **Direct CEO Involvement**: The communications demonstrate that the targeting of potential competitors through API restriction was not the action of rogue employees but an explicit strategy approved at the highest levels of the company.
3. **Recognition by Regulators**: Multiple regulatory bodies have recognized this pattern of conduct as potentially anticompetitive, validating the experience reported by Veamcast.
4. **Consistent Methodology**: The pattern of using technical pretexts (such as "abuse" reports) to mask competitive motivations has been documented in multiple instances, matching Veamcast's experience of receiving false "abuse" notifications for newly created content.

These communications establish that Meta's treatment of Veamcast was not an isolated incident but part of a documented pattern of potentially anticompetitive conduct that has been recognized by multiple regulatory authorities around the world.

EXHIBIT P: WINKLEVOSS TWINS VS. ZUCKERBERG - THE LEGAL BATTLE

Summary of Evidence

This exhibit contains excerpts from a comprehensive Vanity Fair article by Ben Mezrich (author of "The Accidental Billionaires" which was adapted into the film "The Social Network") detailing the contentious legal battle between Mark Zuckerberg and the Winklevoss twins. The article reveals a pattern of behavior by Zuckerberg that directly parallels Meta's current business practices, including deception, tactical delays, and dismissal of legal concerns.

Source Information

- **Publication**: Vanity Fair, May 2019 Issue
- **Author**: Ben Mezrich
- **Article Title**: "He Thinks We're Going to Take a Swing at Him?": Inside the Decades-Long Cage Match Between Mark Zuckerberg and the Winklevoss Twins
- **Publication Date**: April 30, 2019
- **URL**: https://www.vanityfair.com/news/2019/04/inside-the-mark-zuckerberg-winklevoss-twins-cage-match/

Key Revelations

1. Pattern of Deceptive Conduct During Settlement

During the 2008 mediation between Zuckerberg and the Winklevoss twins, Zuckerberg exhibited suspicious behavior that echoes Meta's current approach to business relationships:

- **Refusal to Meet Without "Security Concerns"**: Zuckerberg initially refused to meet with both twins simultaneously during mediation, citing unfounded "security concerns" that they might physically attack him.
- **Tactical Settlement Manipulation**: The negotiations revealed that Zuckerberg potentially used settlement timing to his advantage, agreeing to a $65 million settlement while withholding critical information about Facebook's actual valuation.
- **Withholding Material Information**: The article states: "Shortly after they'd settled, it emerged that the twins were missing critical information related to the value of the stock they had received: an internal document, known as a 409A valuation, which had been created by an independent, third-party firm." This document valued the Facebook shares at a quarter of the price Zuckerberg's settlement offer had claimed.

2. Direct Evidence of Anticompetitive Intent

Private communications revealed Zuckerberg's true intentions in dealings with competitors:

- **Private Admission of Deceptive Intent**: The article references

Zuckerberg's instant messages that were later uncovered through forensic analysis, in which he explicitly stated his intent to deceive the Winklevoss twins, writing that he would **"fuck them"** and **"probably in the ... *ear."**

- **Philosophy of Ignoring Rules**: In another message, Zuckerberg wrote**: "You can be unethical and still be legal that's the way I live my life" -** a business philosophy that appears to have carried forward to Meta's operations.

3. Documented Pattern of Hacking and Privacy Violations

The article details Zuckerberg's history of unauthorized system access and privacy violations:

- **Unauthorized Website Access**: Zuckerberg allegedly hacked into ConnectU after being hired to build the site, creating fake profiles including one of Cameron Winklevoss containing racist content.
- **Media Account Hacking**: "Zuckerberg reportedly hacked into Crimson staffers' Harvard e-mail accounts by looking in the Facebook database for their account passwords" to monitor what reporters were writing about him.

4. Dismissal of Legal Concerns

The article documents Zuckerberg's dismissive attitude toward legal challenges:

- **Dismissing Litigation as Inconsequential**: When asked in an interview if he was worried about the lawsuit, Zuckerberg responded dismissively: "no I don't mean we have lawyers and it's just not it's not a huge concern."

Relevance to Current Case

This history establishes a consistent pattern of behavior by Zuckerberg that continues to the present day in Meta's business practices:

1. **Consistent Pattern Over Time**: The deceptive tactics, dismissal of legal concerns, and willingness to exploit technical access for competitive advantage seen in the Harvard Connection/ConnectU situation directly mirror the behavior alleged in the current case.
2. **Established Business Philosophy**: Zuckerberg's explicit statements about being "unethical" while remaining "legal" and his willingness to deceive competitors demonstrate the philosophical foundation underlying Meta's current business practices.
3. **Tactical Information Withholding**: Just as Zuckerberg allegedly withheld critical valuation information from the Winklevoss twins during settlement, Meta has been accused of providing misleading information to developers through its support channels.

This article, written by a respected author who has extensively researched Facebook's founding, provides valuable historical context that helps establish that the conduct alleged in the current case represents a consistent pattern of behavior rather than isolated incidents.

EXHIBIT Q: META'S MOTION TO DISMISS IN FTC CASE COMPARED WITH INTERNAL DOCUMENTS

DISCLAIMER

This exhibit contains excerpts from Meta's Rule 52(c) Motion for Judgment filed in the FTC v. Meta Platforms, Inc. case (Case No. 1:20-cv-03590-JEB, D.D.C.) on May 15, 2025. The document presents publicly verifiable information, including court filings, public statements, market data, verified testimony from proceedings, and internal Meta communications produced in discovery.

RELEVANCE TO CURRENT CASE

This exhibit is relevant to the current case because it documents Meta's litigation positions and internal communications regarding market competition, platform policies, and business practices that relate directly to Veamcast's claims.

1. META'S POSITION ON COMPETITIVE THREAT IDENTIFICATION

Meta's Position in Rule 52(c) Motion:

"With the close of the FTC's case, the trial record establishes that Meta Platforms, Inc. ('Meta') acquired Instagram and WhatsApp in order to improve them and expand its own portfolio of services – to better compete against many dynamic, innovative, and fierce rivals. And Meta did just that." (FTC v. Meta Rule 52(c) Motion, p. 1)

Meta's Internal Communications:

"I think we should block WeChat, Kakao and Line ads. Those companies are trying to build social networks and replace us." - Mark Zuckerberg (2012-2013)

"Mobile messengers are one of the most significant competitive threats we face" - Facebook internal document (June 2012)

"...messenger services morphing into fully fleshed SSN sites" as "the biggest competitive threat we face as a business" - Javier Olivan

"we will look like complete idiots if we lose our business to these messenger services and help them along the way" - Javier Olivan

"Can you guys compile a 'this shit is getting scary deck' given all the data we have now? I want to circulate it with mteam with a message. we really need to double down on messenger / our messenger is broken..." - Javier Olivan (June 2012)

2. META'S POSITION ON MARKET DEFINITION

Meta's Position in Rule 52(c) Motion:

"The through line connecting all of these social apps is that each vies to show the most compelling user-generated content so that it can take as much user time and attention as possible from the other apps, including Meta's apps." (FTC v. Meta Rule 52(c) Motion, p. 8)

"No PSNS market... the relative differences between these apps have only narrowed in recent years." (FTC v. Meta Rule 52(c) Motion, pp. 8-9)

Meta's Internal Communications:

"MMs [mobile messengers] are increasingly moving into core social-networking product areas. This marks a transition from SMS replacement and a generic 'time spent' threat to a direct threat to our primary products" - Facebook internal mobile messenger document

"Dan Rose in 2012 wrote: 'I think we should talk about the competitive threat from WhatsApp, KakaoTalk, Line, etc. This might be the biggest threat we've ever faced as a company.' This was in an email to Sheryl Sandberg regarding topics for an offsite meeting."

"Javier Olivan expressed concern: 'We are definitely not playing in the same field as whatsapp does (as evidenced by the fact that we only have 200M messenger to messenger daily sends as opposed to their 12B daily sends by now).'"

Meta's public SEC filings consistently identify specific competitors differently across product categories, suggesting recognition of distinct market segments. Industry analysts from Morgan Stanley, JPMorgan, and Goldman Sachs maintain distinct category analyses for social networking platforms versus content consumption platforms in their public reports. User demographic and usage

pattern data from third-party research firms shows limited overlap between core Facebook/Instagram usage and platforms like YouTube or TikTok.

3. META'S POSITION ON API RESTRICTIONS

Meta's Position in Rule 52(c) Motion: Meta has consistently maintained that its platform policies are designed to protect user privacy and security, not to restrict competition.

Meta's Internal Communications:

"we're going to continue blocking messenger apps from accessing friends.get, even if we don't block them from running ads" - Dan Rose

"Going forward, the rational decision is to apply a heavier hand on integration in three cases: (1) requiring that non-critical Instagram, WhatsApp and Messenger products integrate more upfront so our apps effectively function as a single network in more instances, (2) reserving specific use cases for Facebook to prevent unnecessary network fragmentation..." - Mark Zuckerberg's "Thoughts on Family Management" memo (PX3602)

"By not having these issues on the table, important strategic questions go undiscussed unless we raise them in a private forum." - Zuckerberg's "Thoughts on Family Management" memo (PX3602)

4. META'S INSTAGRAM ACQUISITION CHARACTERIZATION

Meta's Position in Rule 52(c) Motion:

"Meta transformed Instagram from a promising but uncertain photo-sharing app with less than four million daily users in the United States into a feature-rich experience with more than 230 million U.S. users (and billions worldwide)." (FTC v. Meta Rule 52(c) Motion, p. 11)

"Instagram was therefore viewed as a differentiated complement for Facebook's (and Twitter's) users." (FTC v. Meta Rule 52(c) Motion, p. 11-12)

"As co-founder Kevin Systrom testified, if Instagram had stayed independent, success was hardly assured – 'it could have gone either way.'" (FTC v. Meta Rule 52(c) Motion, p. 12)

Publicly Verifiable Information on Instagram Acquisition:

Instagram had approximately 30 million users at time of acquisition and was growing at approximately 15% month-over-month according to public reports. Venture capital funding rounds for Instagram valued the company at $500 million shortly before the $1 billion acquisition, indicating significant market expectations for future growth.

Meta's Internal Communications:

"We can directly attribute the majority of Instagram's growth to distribution from the Facebook app and use of the Facebook graph." - Zuckerberg's "Thoughts on Family Management" memo (PX3602)

"Our best estimates are that had Instagram remained independent, it would likely be around the size of Twitter or Snapchat with 300-400 million MAP today, rather than closer to 1 billion." - Zuckerberg's "Thoughts on Family Management" memo (PX3602)

From Kevin Systrom (Instagram) to Javier Olivan (Facebook) in October 2012: "Mark was really clear that we should push hard on this in the email he sent us. Some form of cannibalization studies may be interesting in the long run but let's keep one thing in mind here: Instagram is Facebook, and Facebook is Instagram. Behavior will naturally shift to where we as an org create the most value for users — and as Mark said, it's just our job not to go out of our way to shift behavior away from posting photos on FB."

"We need to make sure that as users start using instagram heavily, this represents accretive value to the FB network. This might come in the form of making easier to share from instagram to FB / expose instagram feeds of people you follow on instagram on FB / other formats... but if the data suggests that as of now

instagram usage cannibalizes FB usage we should fix that first before promoting heavily." - Javier Olivan (October 2012)

5. META'S WHATSAPP ACQUISITION CHARACTERIZATION

Meta's Position in Rule 52(c) Motion:

"The FTC also failed to prove that WhatsApp 'was a nascent competitor' in the so-called PSNS market when Meta acquired it." (FTC v. Meta Rule 52(c) Motion, p. 14)

"WhatsApp's founders were deeply committed to keeping WhatsApp a lightweight messaging app without added features or ads." (FTC v. Meta Rule 52(c) Motion, p. 14-15)

"Mr. Zuckerberg – the ultimate decision-maker on the WhatsApp acquisition – testified that he 'thought that' such a pivot 'was extremely unlikely based on getting to know' WhatsApp's founders." (FTC v. Meta Rule 52(c) Motion, p. 15)

Publicly Verifiable Information on WhatsApp Acquisition:

WhatsApp had reached 450 million monthly active users worldwide at the time of acquisition with minimal marketing spend.

The $19 billion acquisition price represented one of the largest technology acquisitions in history, suggesting strategic value beyond the messaging

functionality. After acquisition, WhatsApp added numerous social features including Status (similar to Stories), Communities, and Channels, contradicting the characterization of founders' intentions for a "lightweight messaging app."

Meta's Internal Communications:

"I believe (otherwise i would not have made such a big deal of this) that the sumproduct of shift to mobile + messengers growing organically with huge retention and virality = potential recipe for not be around in a couple from years from now." - Javier Olivan

"I want us to use M&A to build a competitive moat around us on mobile and ads" - Mark Zuckerberg (PX2521)

"I've given the imperative that by the end of H1, I want our mobile apps to be as much about messaging as they are about News Feed" - Mark Zuckerberg (PX2521)

"the biggest competitive vector for us is for some company to build out a messaging app for communicating with small groups of people, and then transforming that into a broader social network" - Mark Zuckerberg identifies "mobile messaging" as "the biggest competitive risk and opportunity" (PX2521)

6. META'S POSITION ON MONOPOLY POWER

Meta's Position in Rule 52(c) Motion:

"Meta's apps are free for users. Meta cannot profitably charge users any price for Facebook and Instagram without losing those users to Meta's many free rivals." (FTC v. Meta Rule 52(c) Motion, p. 3)

"The FTC has no evidence that Meta has the power to profitably hold price above or output below a competitive benchmark." (FTC v. Meta Rule 52(c) Motion, p. 3)

Meta's Internal Communications:

Meta's Q1 2025 earnings report shows a >10% increase in ad prices year-over-year while maintaining user growth, indicating potential pricing power in advertising markets. Meta currently holds approximately 23.8% of the U.S. digital advertising market according to eMarketer's 2025 industry report.

"As calls to break up the big tech companies grow, there is a non-trivial chance that we will be forced to spin out Instagram and perhaps WhatsApp in the next 5-10 years anyway." - Zuckerberg's "Thoughts on Family Management" memo (PX3602)

"I believe this contributes significantly to our brand issues. We have data that many people see Facebook as getting less relevant and believe our best days are

behind us." - Zuckerberg's "Thoughts on Family Management" memo (PX3602)

"Even if we continue on a path -- intentionally or not -- where we siphon off the value from the Facebook network to other apps that we eventually spin out, we may later regret not course correcting sooner..." - Zuckerberg's "Thoughts on Family Management" memo (PX3602)

7. META'S COMPETITIVE STRATEGY

Meta's Position in Rule 52(c) Motion:

"Meta did just that. Meta has made two promising mobile apps with uncertain prospects into two of the most successful apps in the world, enjoyed by approximately half of the planet's population (including hundreds of millions of U.S. consumers) on demand, in unlimited quantities, all for free." (FTC v. Meta Rule 52(c) Motion, p. 1)

Meta's Internal Communications:

Discussing Atlas acquisition to prevent advertisers from taking "our valuable and proprietary targeting information and use it on other ad systems like Google's, which would destroy our biggest strategic advantage" (PX2521)

"IMHO the ultimate core disagreement boils down to whether you are ok or not with an end state where IG becomes much bigger than FB (even if from a FB Inc

pure $s perspective based on the current 'marginal user data' you would be better off)" - Javier Olivan (2018)

"For cross promotions our hold out seems to be costing IG 19MM MAP per year. IG are currently growing at 263MM YoY so this is ~7% of IG growth." - Alex Schultz

"Even if IG cannibalizes facebook every study we have done shows that it's incremental to total family time" - Alex Schultz

8. VEAMCAST EXPERIENCE WITH META'S PLATFORM

Documented Veamcast Experience:

- Veamcast was developed since 2010 as a platform for video/voice/photo publishing and sharing services, initially relying very heavily on Meta's Facebook Graph API.
- Meta employees downloaded and tested the Veamcast app using email addresses from tfbnw.net (a domain registered to Facebook for auditing apps), including multiple test accounts between 2019-2020.
- After reviewing Veamcast's functionality through these test accounts, Meta systematically disabled API functionality that Veamcast relied upon, despite previously approving such functionality.

- Veamcast identified patterns of false "abuse" reports against newly created content that had not yet been viewed by users, with error messages claiming content was "reported as abusive" when it was impossible for anyone to have seen it yet.
- Veamcast has never been given any evidence or specific report of any abusive or questionable material on their platform.
- Meta unilaterally deleted all Veamcast-related content from its platform without prior notice or justification, resulting in catastrophic damage to the application's user base and reputation.
- Meta actively concealed its anticompetitive conduct by:
    - Providing misleading responses through its support system
    - Deliberately deleting support threads containing evidence of its conduct
    - Directing Plaintiff to non-functional appeal processes
    - Falsely claiming issues were resolved when they remained blocked
- Meta's support engaged in a pattern of obfuscation and stonewalling, providing misleading and evasive responses, effectively refusing service while maintaining the appearance of providing support.

- Veamcast was forced to completely revamp its application to remove all Facebook API integration, at substantial cost and development effort.
- The timing of API restrictions coincided with Veamcast introducing messaging features that competed with Meta's own services.

9. INDEPENDENT RESEARCH ON META'S PLATFORM POLICIES

Third-Party Findings on Meta's Platform Enforcement:

- Third-party audits of platform enforcement actions show statistically significant correlation between competitive overlap and likelihood of experiencing policy enforcement.
- Independent developer surveys show that apps with features competitive to Meta's core services report higher rates of API access issues than non-competitive apps.
- The UK Competition and Markets Authority investigation (2022) found evidence of differential treatment in how quickly certain apps had their APIs restored after policy changes.
- Public case studies of developers who lost access show that competitors to Meta-owned services were more likely to experience permanent API restrictions than non-competitors with similar functionality.

CONCLUSION

This exhibit presents Meta's litigation positions in the FTC case alongside internal communications and public information that contradict those positions. The internal documents demonstrate that Meta:

1. Systematically identified companies as competitive threats
2. Deliberately employed strategies to eliminate competition
3. Used API restrictions specifically as weapons against competitors
4. Had executive awareness of anticompetitive intent
5. Acknowledged their market power and the strategic importance of acquired properties

These documents support Veamcast's claims of anticompetitive behavior and selective enforcement against potential competitors.

EXHIBIT R: ROHINGYA LAWSUIT AGAINST META – PLATFORM RESPONSIBILITY PRECEDENT

SUMMARY OF EVIDENCE

This exhibit details the $150 billion class action lawsuit filed by Rohingya refugees against Meta (formerly Facebook) for its alleged role in amplifying hate speech and inciting violence during the Myanmar genocide. The case establishes a critical precedent for platform accountability and directly parallels Meta's treatment of Veamcast, demonstrating a pattern of prioritizing growth and engagement over responsible content moderation.

RELEVANCE TO CURRENT CASE

The Rohingya lawsuit against Meta is highly relevant to the current case for several reasons:

1. Similar Pattern of Harmful API and Algorithm Use: Meta's algorithms amplified harmful content in Myanmar just as its API restrictions were weaponized against Veamcast, both showing how Meta's technical infrastructure can be manipulated to cause harm.

2. Inadequate Content Moderation: The case demonstrates Meta's consistent pattern of inadequate content moderation and enforcement of its own policies, especially for non-English content and in markets outside the United States.

3. Ignoring Early Warnings: Meta repeatedly ignored warnings about its platform's harm in Myanmar, similar to how it disregarded legitimate developer concerns in Veamcast's case.

4. Evidence of Intentional Conduct: Both cases reveal that Meta had knowledge of the harmful effects of its actions but chose to prioritize growth and engagement over responsible platform governance.

5. Legal Precedent for Platform Accountability: The Rohingya case establishes potential new legal frameworks for holding platforms like Meta accountable for the consequences of their design and policy decisions.

FACTUAL BACKGROUND

The Lawsuit and Claims

In December 2021, Rohingya refugees filed a $150 billion class action lawsuit against Meta in courts in the United States and United Kingdom. The lawsuit alleged that Facebook's algorithms amplified hate speech against the Rohingya population and that the company failed to invest in adequate content moderation, contributing to violence that led to the Myanmar military's genocidal campaign in 2017.

According to the lawsuit, Facebook became the dominant information platform in Myanmar when it entered the market in 2011, yet failed to adequately prepare

for the risks associated with this expansion. The lawsuit was filed in California on behalf of Rohingya refugees in the United States, with a similar legal action in the UK representing refugees in Bangladesh.

The litigation was spearheaded by law firms Edelson PC and Fields PLLC, with attorney Richard Fields leading the effort. As Fields explained to NPR: "Facebook played a central role. We know there are other people involved. Of course, the government of Myanmar was involved. But Facebook played a central role."

Meta's Role in the Myanmar Genocide

The United Nations Fact-Finding Mission on Myanmar determined in 2018 that Facebook had been a "useful instrument" for spreading hate speech that fueled violence against the Rohingya. A Reuters investigation found more than 1,000 examples of posts, comments, and images attacking the Rohingya and other Muslims on Facebook.

After the UN report, Facebook acknowledged its role in the crisis, with Meta officials admitting in 2018: "We weren't doing enough to help prevent our platform from being used to foment division and incite offline violence." However, according to Amnesty International's 2022 report, Meta's subsequent measures to address the issues proved "wholly inadequate."

Whistleblower Evidence

The case gained additional strength from whistleblower Frances Haugen's 2021 revelations, which provided internal documents showing that Meta was aware of how its algorithms amplified hate speech and misinformation. As highlighted in the lawsuit, Facebook's algorithms did more than just distribute harmful content—they actively engaged in content creation through the way they amplified and accelerated the spread of hate speech.

A 2022 Amnesty International report based partly on Haugen's documents concluded that Meta "substantially contributed to the serious human rights violations perpetrated against the Rohingya" through its "dangerous algorithms and its relentless pursuit of profit."

Meta's Response and Defense

Meta has consistently declined to comment specifically on the lawsuit. In a statement at the time, a Meta spokesperson said: "We're appalled by the crimes committed against the Rohingya people in Myanmar. We've built a dedicated team of Burmese speakers, banned the Tatmadaw (Myanmar military), disrupted networks manipulating public debate and taken action on harmful misinformation to help keep people safe."

Meta's primary legal defense has been to invoke Section 230 of the Communications Decency Act, which generally protects platforms from liability for user-generated content. However, the Rohingya lawsuit attempts to circumvent this by applying Myanmar law to the claims, as Myanmar does not have similar protections for platforms.

LEGAL DEVELOPMENTS AND CURRENT STATUS

The case has faced legal challenges. In January 2023, U.S. District Judge Yvonne Gonzalez Rogers dismissed the U.S. case with prejudice, finding the claims were barred by the two-year statute of limitations for personal injury claims. The plaintiffs appealed this decision to the Ninth Circuit Court of Appeals.

In a significant development in March 2024, the Independent Investigative Mechanism for Myanmar released a report detailing evidence that the Myanmar military ran a covert Facebook network that systematically distributed hate speech against the Rohingya during the 2017 clearance operations. This report identified more than 10,000 posts that contained hate speech, with some posts receiving hundreds of comments calling for violence against the Rohingya.

In January 2025, a Rohingya survivor filed a whistleblower complaint with the U.S. Securities and Exchange Commission (SEC), asking the agency to investigate Meta for alleged violations of securities laws. The complaint alleges that Meta

misrepresented to shareholders its substantial contribution to what the U.S. government has classified as genocide.

PARALLELS TO VEAMCAST CASE

The Rohingya lawsuit against Meta reveals striking parallels to Veamcast's experience:

1. Algorithm and API Abuse: In both cases, Meta's technological infrastructure was weaponized – in Myanmar through algorithms that amplified hate speech, and in Veamcast's case through selective API restrictions.

2. Prioritizing Growth Over Responsibility: Meta consistently prioritized rapid growth and user engagement over responsible platform governance in both scenarios.

3. Inadequate Review Systems: The Rohingya case exposed Meta's severely inadequate content moderation infrastructure (at one point having just one Burmese-speaking moderator for 1.2 million users), while Veamcast experienced deliberately obstructive support systems.

4. Pattern of Dismissing Concerns: Meta ignored repeated warnings from civil society, researchers, and its own business partners about potential harms in Myanmar, similar to its dismissal of legitimate developer concerns in Veamcast's case.

5. Deceptive Public Statements: In both cases, Meta made public commitments to improvement while internal documents revealed knowledge of harmful effects without adequate remediation.

IMPLICATIONS FOR PLATFORM ACCOUNTABILITY

The Rohingya lawsuit represents a landmark challenge to platform immunity and establishes several important principles relevant to Veamcast's claims:

1. Algorithmic Accountability: The case establishes that platforms may be held accountable not just for hosting harmful content but for algorithmically amplifying it.

2. Section 230 Limitations: By attempting to apply Myanmar law, the case tests the geographical limitations of Section 230 immunity.

3. Duty of Care: The lawsuit reinforces the concept that platforms have a duty of care to users and can be liable when they knowingly design systems that cause foreseeable harm.

4. Corporate Transparency: The case highlights Meta's pattern of misrepresenting its moderation capabilities and the effectiveness of its safeguards.

CONCLUSION

The Rohingya lawsuit against Meta demonstrates that the company's treatment of Veamcast was not an isolated incident but part of a broader pattern of conduct. In both cases, Meta prioritized growth and engagement over responsible platform governance, with harmful consequences. The legal theories advanced in the Rohingya case provide a framework for understanding Meta's liability for its API restrictions and support system manipulation in Veamcast's case, further supporting Plaintiff's antitrust claims.

SOURCES

1. The Guardian, "Rohingya sue Facebook for £150bn over Myanmar genocide," December 6, 2021.
2. NPR, "Facebook's parent is being sued by Rohingya refugees over Myanmar violence," December 14, 2021.
3. Reuters, "Rohingya refugees sue Facebook for $150 billion over Myanmar violence," December 7, 2021.
4. The Washington Post, "Rohingya refugees sue Facebook for $150 billion, alleging it helped perpetuate genocide in Myanmar," December 7, 2021
5. Reuters, "Rohingya lawsuit against Facebook a 'wake-up call' for social media," December 10, 2021.

6. PBS News, "Amnesty report finds Facebook amplified hate ahead of Rohingya massacre in Myanmar," September 29, 2022.
7. Time, "Report: Facebook Algorithms Promoted Anti-Rohingya Violence," September 29, 2022.
8. Reuters, "Why Facebook is losing the war on hate speech in Myanmar," August 15, 2018.
9. Amnesty International, "United States: Rohingya survivor asks US regulator to investigate Meta's potential role in Myanmar atrocities," January 31, 2025.
10. Relief Web, "Anti-Rohingya Hate Speech on Facebook: Content and Network Analysis - Myanmar," March 27, 2024.
11. Courthouse News Service, "Meta faces appeal of $150 billion hate speech lawsuit over role in Myanmar genocide,"

EXHIBIT S: META'S ANTICOMPETITIVE API GOVERNANCE PRACTICES

SOURCE OF EVIDENCE

All evidence in this exhibit is drawn from:

API Governance: The Case of Facebook's Evolution

https://journals.sagepub.com/doi/full/10.1177/20563051221086228

van der Vlist, F. N., Helmond, A., Burkhardt, M., & Seitz, T. (2022).

This peer-reviewed academic research article was published in the journal *Social Media + Society* (Impact Factor: 5.5) in May 2022. The authors conducted a comprehensive analysis of Facebook's API evolution based on:

1. Archived Facebook developer documentation (2006-2020)
2. API reference materials
3. Internal Facebook documents disclosed during litigation
4. Public statements and developer blog posts

The researchers analyzed over 1.9 million archived Facebook developer pages to document how Facebook's APIs evolved from simple programming interfaces into sophisticated governance mechanisms used to control third-party developers and competitors.

RELEVANCE TO CURRENT CASE

This independent academic research is relevant because it:

1. **Documents Systematic Pattern**: Shows Meta's deliberate use of API changes to undermine competitors and control its ecosystem
2. **Reveals True Motivations**: Contrasts public claims about privacy protection with internal documents revealing business protection as the primary goal
3. **Provides Academic Validation**: Offers independent scholarly analysis that validates the pattern that aligns with Veamcast's experience
4. **Establishes Historical Context**: Demonstrates that Meta's treatment of Veamcast follows a consistent historical pattern

1. DIRECT EVIDENCE OF STRATEGIC API RESTRICTIONS

According to the researchers' analysis:

"When Facebook changed API access to friends' data in 2014-2015, this severely impacted the business models and apps of complementors as well as academic research tools, causing shutdowns across the ecosystem."

The research revealed that these changes were strategically motivated:

"These changes were not only meant to provide more granular privacy controls for Facebook users but were the outcome of internal reassessments at Facebook about the business value of its data-sharing practices with third-party app developers and businesses. This reassessment operation was internally referred to as 'protect the graph'."

The researchers found explicit evidence of anticompetitive intent:

"As was later revealed, by limiting and restructuring API access to user and friends data in these ways, Facebook intended to undermine any competitors who used friend data and to reward complementors who added value to Facebook Platform."

2. COMPETITIVE INTELLIGENCE GATHERING AND MONITORING

The researchers found that Facebook used app review processes to gather competitive intelligence:

"App Review gives us valuable competitive intelligence about what developers are building."

The study identified that Facebook implemented a discriminatory governance approach:

"In this way, Facebook's API governance shares similarities with what Caplan and Gillespie (2020) describe as a 'tiered governance' strategy in the case of YouTube, where different users face different rules, material resources, and procedures."

This control system was comprehensive in nature:

"These mechanisms govern the platform's many different types of users and uses, including business and academic research."

3. THE "RECIPROCITY" REQUIREMENT

The researchers discovered internal documents showing that app review was used for strategic purposes beyond security:

"Internal documents revealed that App Review was used to determine 'the appropriate level of reciprocity'." Facebook implemented a mandatory data sharing requirement for developers:

"Facebook's 'reciprocity' principle ('take data, give data') demands that apps 'share back to Facebook,' so that, it is not only 'good for the world,' but also 'good for us'." CEO Mark Zuckerberg explicitly stated: "I think the right solution here is to just require any strategic competitor to compensate us for access to our platform/distribution with their data or monetary payment. Without reciprocity, we'll keep getting killed. (UK Parliament, 2018)

5. CONTRADICTING PUBLIC PRIVACY CLAIMS

The research uncovered direct contradictions between public messaging and internal motives:

"In Facebook's own words, App Review represented 'just another product feature to improve quality,' while the API-level changes were meant to 'protect the business/model/data'."

The researchers noted competing explanations for API changes:

"On the one hand, Facebook reports that App Review is a proactive measure for protecting user trust and privacy; on the other hand, it limits competitors' access to valuable Facebook data."

The study found internal admissions that policy enforcement was secondary:

"As head of Facebook Platform Justin Osofsky wrote: 'Historically, we've treated policy enforcement as a secondary function of platform'."

6. INFRASTRUCTURAL POWER THROUGH API GOVERNANCE

The researchers analyzed how APIs function as instruments of power:

"APIs are neither simple nor stable technical objects but complex governance arrangements that continuously change and evolve, which is crucial to gaining an understanding of how APIs tie into platforms' power."

The study found that Facebook deliberately shapes its ecosystem:

"Platforms like Facebook do not only shape their own evolution, but also shape (or 'orchestrate') the evolution of their ecosystem through API design, governance, and strategy."

The researchers highlighted the power implications of this control:

"If platforms like Facebook exert a powerful influence over their ecosystem, then we need to consider the implications for those affected."

7. ACQUISITION INTEGRATION STRATEGY

The researchers documented Facebook's technical integration strategy following acquisitions:

"When Instagram (2012) and WhatsApp (2014) were acquired, their back-ends initially remained entirely separate from the rest of Facebook Platform. They later migrated to Facebook's data centers to 'ease the integration with other internal Facebook systems' by unifying 'their underlying technical infrastructure' to further 'increase Facebook's utility and keep users highly engaged inside the company's ecosystem'."

The study noted how this integration serves to prevent potential antitrust remedies:

"The consolidation of these different apps and services 'from Facebook,' including their different APIs, may also make it increasingly difficult to break up the platform."

CONCLUSION

This peer-reviewed academic research confirms that Meta has systematically used API governance as an anticompetitive weapon. The researchers documented how Facebook has evolved from providing simple programming interfaces to implementing a sophisticated governance system that enables it to:

1. Identify potential competitors through app review processes
2. Gather intelligence about their products and features
3. Selectively restrict access to critical APIs based on competitive threat
4. Covertly force "reciprocity" from developers, requiring data sharing that benefits Facebook
5. Use public privacy claims to mask competitive motivations

The pattern revealed in this independent research precisely matches Veamcast's experience, where API access was restricted following disclosure of features through App Review. The academic evidence shows this is not an isolated

incident but part of a deliberate strategy directed from the highest levels of Meta's management, including direct involvement from CEO Mark Zuckerberg.

The Court should consider this independent academic validation alongside other evidence when evaluating Meta's claims in this case.

EXHIBIT T: CATEGORIZED EVIDENCE OF META'S ANTICOMPETITIVE AND UNETHICAL CONDUCT THROUGH PUBLIC STATEMENTS AND TESTIMONY

SUMMARY OF EVIDENCE

This exhibit presents the most compelling evidence of Meta's anticompetitive practices from public statements, testimony, and internal documents. It demonstrates a consistent pattern of behavior from Meta's founding through recent times, showing how the company identifies competitive threats and systematically restricts API access or acquires potential competitors.

RELEVANCE TO CURRENT CASE

The evidence presented is relevant to the current case for several reasons:

- Pattern of Conduct: Demonstrates a consistent pattern of behavior from Meta's founding through recent times that aligns with Veamcast's experience
- Public Admissions: Contains direct statements from Meta executives that contradict their legal positions in this case
- Historical Context: Shows how Meta's approach to competition and platform governance evolved from early questionable ethics to systematic manipulation of API access

- Direct Relevance to API Claims: Specifically addresses Meta's approach to platform access and developer relationships, directly supporting claims about discriminatory API restrictions
- Credibility Assessment: Provides public statements that allow direct assessment of Meta's current claims against a documented history of conduct
- Executive Involvement: Reveals the direct involvement of Mark Zuckerberg in decisions to restrict competitive apps

1. DOCUMENTED STRATEGIC USE OF API RESTRICTIONS

Source: UK Parliament, Digital, Culture, Media and Sport Committee Report

- **Statement**: "Twitter launched Vine today which lets you shoot multiple short video segments to make one single, 6-second video... Unless anyone raises objections, we will shut down their friends API access today. - Facebook engineer, with Mark Zuckerberg replying: 'Yup, go for it'"
- **Relevance**: Direct evidence of CEO-approved API restriction against competitors

Source: FTC Exhibit PX12108

- **Statement**: "we're going to continue blocking messenger apps from accessing friends.get, even if we don't block them from running ads" - Dan Rose
- **Relevance**: Shows Meta using API restrictions specifically to hinder competitors

2. MESSAGING APPS AS COMPETITIVE THREATS

Source: FTC Exhibit PX2521

- **Statement**: "the biggest competitive vector for us is for some company to build out a messaging app for communicating with small groups of people, and then transforming that into a broader social network"
- **Relevance**: Shows Meta's specific concern about messaging apps as competitive threats
- **Dan Rose email:** "I think we should talk about the competitive threat from WhatsApp, KakaoTalk, Line, etc. This might be the biggest threat we've ever faced as a company."
- **Relevance**: Demonstrates executive awareness of the competitive threat

- **Javier Olivan Statement**: "messenger services morphing into fully fleshed SSN sites" as "the biggest competitive threat we face as a business"
- **Relevance**: Shows Meta's strategic concern about messaging apps evolving into social networks
- **Internal Facebook document on mobile messengers**: "Mobile messengers are one of the most significant competitive threats we face"
- **Relevance**: Consistent identification of messaging apps as key competitors

3. ACQUISITION STRATEGY TO ELIMINATE COMPETITION

Source: FTC Exhibit PX2521

- **Statement**: "I want us to use M&A to build a competitive moat around us on mobile and ads" - Zuckerberg
- **Relevance**: Explicit anticompetitive motivation for acquisitions
- **Instagram Acquisition Email**: "One reason why I'm leaning towards buying Instagram is to neutralize a potential competitor... It's a combination of (1) their product is good, (2) they're growing really quickly, and (3) if we don't buy them this could be very disruptive to us" - Zuckerberg
- **Relevance**: Clear intent to prevent competitive disruption

4. SYSTEMATIC TARGETING OF COMPETITORS

Source: FTC Evidence (PX12108)

- **Mark Zuckerberg:** "Those companies are trying to build social networks and replace us" -
- **Relevance**: Shows intent to block competitive threats
- **Javier Olivan:** "I think we should block WeChat, Kakao and Line ads.

  Relevance: Shows Meta's willingness to use platform control against competitors especially when compared with Dan Rose Email on page 3

5. BUSINESS ETHICS AND APPROACH

Source: 60 Minutes

https://youtu.be/tMWJGs3CQ_Q?t=269

- **Timestamp**: 4:29-4:46
- **Statement**: "Zuckerberg hacked into the school's computers to collect images of students... he created something called Face Mash his first year in Harvard and it's a sort of 'Hot or Not' for the Harvard community"
- **Relevance**: Establishes early pattern of unauthorized data access
- **Timestamp**: 4:48-5:05

- **Statement**: " Zuckerberg: “Harvard was just not happy that I was using their images and..”
- yeah well they said you hacked... did they punish you?
- Zuckerberg: yeah just put on some sort of um I don't know what do you call it… um”
- “probation?"
- –Zuckerberg: “sure”
- **Relevance**: Demonstrates dismissive attitude toward unauthorized access

Source: Bloomberg: "Building the Facebook Empire"

- **Timestamp**: 9:52-10:10
- **Statement**: "on February 4th 2004 just as he was expected to complete work on their site [Harvard Connection] Zuckerberg and his friends instead launched the Facebook"
- **Relevance**: Shows pattern of deceptive business dealings
- **Timestamp**: 10:42-10:55

- **Statement**: "in the lawsuit they claim that that you were duplicitous are you worried about it? Zuckerberg: No I don't… I mean we have lawyers and it's just not it's not a huge concern"

- **Relevance**: Demonstrates dismissive attitude toward legal concerns

Source: Business Insider/Vanity Fair (2019)

https://www.vanityfair.com/news/2019/04/inside-the-mark-zuckerberg-winklevoss-twins-cage-match

- **Statement**: "Zuckerberg reportedly hacked into Crimson staffers' Harvard e-mail accounts by looking in the Facebook database for their account passwords, in hopes that they had used the same passwords for their Facebook accounts as they did for their Harvard e-mail accounts. He also reviewed Facebook logs for all of their failed login attempts, thinking that they had at some point mistakenly entered their Harvard e-mail account passwords into Facebook when trying to log in."

- **Relevance**: Pattern of unauthorized access to investigate potential threats

- **Statement**: "When in another I.M. he told a friend, 'You can be unethical and still be legal that's the way I live my life,' he was voicing a philosophy that would make future Facebook stockholders rightly nervous."

- **Relevance**: Explicit statement of unethical business philosophy
- **Statement**: "“[I]f you ever need info about anyone at harvard,” he wrote to a friend, “just ask”: i have over 4000 emails, pictures, addresses, sns …people just submitted it…i don’t know why…they “trust me”… dumb fucks.”
- **Relevance**: Shows attitude toward user privacy and overall lack of regard for users privacy and for other people in general
- **Statement**: "After being left in the lurch by Zuckerberg and surprised by the launch of Facebook on February 4, 2004, the twins and their friend Narendra scrambled to find programmers to finish ConnectU, which finally went live on May 21, 2004. To add insult to injury, Zuckerberg then hacked ConnectU and created another Cameron Winklevoss account."
- **Relevance**: Direct evidence of unauthorized access to competing platforms
- **Statement**: " It was years after he settled with the twins that the I.M.s found their way onto the Internet by way of a particularly intrepid journalist at *Business Insider,* Nicholas Carlson, and only then that Cameron and Tyler would get a look at the taunting notes detailing the various ways Zuckerberg planned to ‘fuck them,’ as he wrote in one message, ‘probably in the … ear.’ In legal terms, the I.M.s may have

occupied a gray area—they were not a smoking gun—but they were still dangerous. With respect to Zuckerberg's moral character, however, they were less gray than black-and-white. When in another I.M. he told a friend, 'You can be unethical and still be legal that's the way I live my life,' he was voicing a philosophy that would make future Facebook stockholders rightly nervous. To add insult to injury, Zuckerberg then hacked ConnectU and created another Cameron Winklevoss account. 'We copied his account like his profile and everything,' he wrote to a friend, 'except I made his answers all like white supremacist.' Under 'Hometown' he'd written, 'I'm fucking privileged ... where do you think I'm from?' Under 'Favorite quote': 'Homeless people are worth their weight in paper clips — I hate black people'. If he had indeed hacked into the Web site he was supposed to have helped build, in the twins' opinion, Zuckerberg had potentially violated federal law. And the fake profile was just the start. In other I.M.s, Zuckerberg bragged about further hacking ConnectU's code and deactivating user accounts, just for fun."

- **Relevance**: Direct evidence of intentional sabotage of competitors

6. NETWORK INTEGRATION AND CONTROL

Source: FTC Exhibit PX3602 (Zuckerberg's "Thoughts on Family Management" memo)

- **Statement**: "Going forward, the rational decision is to apply a heavier hand on integration in three cases: (1) requiring that non-critical Instagram, WhatsApp and Messenger products integrate more upfront so our apps effectively function as a single network in more instances, (2) reserving specific use cases for Facebook to prevent unnecessary network fragmentation..."
- **Relevance**: Shows deliberate strategy to control API access
- **Statement**: "We can directly attribute the majority of Instagram's growth to distribution from the Facebook app and use of the Facebook graph."
- **Relevance**: Demonstrates Meta's awareness of its platform power over competitors

Source: StartupAcademy: "Competition is for Losers - Peter Thiel"

https://www.youtube.com/watch?v=REKbaA6USy4

- **Statement**: "if you're starting a company if you're the founder entrepreneur starting a company you always want to aim for Monopoly

and um and that uh and you want to always avoid competition" - Peter Thiel, first investor in Facebook giving lecture at Stanford.

- **Relevance**: Shows philosophical foundation from key investor

CONCLUSION

This evidence demonstrates a consistent pattern of anticompetitive behavior by Meta. From direct statements by Mark Zuckerberg approving API restrictions against competitors to internal documents explicitly describing how to use platform access as leverage, the record shows that Meta systematically identifies competitive threats and either restricts their access or acquires them.

This pattern is particularly relevant to Veamcast's experience of having API access restricted after disclosure of features through App Review. The statements compiled here transform what might otherwise appear to be isolated technical issues into part of a documented pattern of anticompetitive conduct that has been recognized by regulatory authorities around the world.

The Court is respectfully urged to consider this evidence when evaluating the credibility of Meta's claims in this case.