UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA, TAMPA DIVISION

CASE NO: 8:24-cv-02242-MSS-TGW

JOSEPH DEAN,
Plaintiff, Pro Se

v.

META PLATFORMS, INC.,
Defendant

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

Plaintiff Joseph Dean, proceeding pro se, respectfully submits this Fifth Notice of Newly Discovered Evidence relevant to Defendant's pending Motion to Dismiss.

Plaintiff recognizes this constitutes a fifth notice of newly discovered evidence and does not take lightly the burden on the Court's time. However, the rapid acceleration of Meta's monopolization strategy during pending litigation compels immediate disclosure of evidence that represents direct admissions of monopolization by Meta's CEO during active federal litigation that are too significant to defer. Since filing the Third Notice on July 16, 2025 (documenting Exhibits X1–X4), two additional pieces of evidence have been newly discovered:

Exhibit X5: Zuckerberg's Live Admission of Continuing Monopolization Strategy During Active Federal Litigation

On July 15, 2025, while federal antitrust litigation against Meta remained active, Mark Zuckerberg appeared on The Information's TITV program and provided detailed, on-the-record admissions of Meta's strategy to systematically monopolize AI infrastructure and talent markets.

The interview contains direct statements regarding Meta's competitive strategy and capital deployment. This transforms the circumstantial evidence previously submitted into explicit proof of the systematic monopolization strategy alleged in Plaintiff's Complaint.

- Source: *The Information* TITV Interview with Mark Zuckerberg
- Date: July 15, 2025
- URL: https://www.youtube.com/watch?v=qDDOy90V4Jo
- Significance: Direct, public admission of Meta's monopolization strategy, including intent to corner AI talent and infrastructure markets and to leverage monopoly profits to dominate adjacent industries.

Exhibit X6: Internal Strategic Discussions to Abandon "Open Source" Deception and Implement Closed Monopolization Model

A July 14, 2025 *New York Times* investigative report revealing internal Meta planning to abandon its "open source" AI model in favor of a closed, proprietary model—confirming the bait-and-switch strategy alleged in Plaintiff's Complaint and particularly to Exhibit X which was filed on July 4, 2025.

- Source: *The New York Times* Investigative Report titled *"Meta's New Superintelligence Lab Is Discussing Major A.I. Strategy Changes*"
- Date: July 14, 2025
- URL: https://www.nytimes.com/2025/07/14/technology/meta-superintelligence-lab-ai.html
- Significance: Internal evidence that Meta's "open source" AI narrative was a deliberate deception designed to build market dependency before transitioning to closed monopolization—confirming the bait-and-switch theory central to Plaintiff's claims in Exhibit X

CONCLUSION

These new exhibits provide unprecedented, contemporaneous confirmation of Meta's willful monopolization strategy, satisfying all elements of Sherman Act § 2 and Clayton Act § 7 violations as alleged. Plaintiff respectfully submits Exhibits X5 and X6 for the Court's consideration as highly material to the pending Motion to Dismiss.

Under the established 'facilitate disposition' standard, this Court should exercise its discretion to consider Plaintiff's five NEWLY DISCOVERED EVIDENCE RELEVANT TO PENDING MOTION TO DISMISS filings because they directly address the specific deficiencies alleged in Meta's Motion to Dismiss and provide the factual foundation necessary to resolve the sufficiency of Plaintiff's claims, thereby facilitating rather than hindering the disposition of this action. This **"discretion generally will be exercised in terms of whether or not the proffered material … is likely to facilitate disposition of the action."** (*Wright & Miller, Federal Practice and Procedure § 1366, at 678 (3d ed.).*

Dated: July 23, 2025

Respectfully submitted,



Joseph Dean, Plaintiff, filing pro se

5131 Mayfair Park Ct.

Tampa FL, 33647

(310) 593-4485

joe@joedean.net

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I filed the foregoing with the Clerk of the Court using the CM/ECF system and served it via email on counsel for Defendant Diana Marie Fassbender on this 23rd day of July, 2025.

Contact Info:

Diana Marie Fassbender – Lead Counsel
Attorney for Defendant Meta Platforms, Inc.
Fla Bar ID #17095
dszego@orrick.com
Tel: (202) 339-8400

EXHIBIT X5: ZUCKERBERG'S LIVE ADMISSION OF CONTINUING MONOPOLIZATION STRATEGY DURING ACTIVE FEDERAL LITIGATION

Source: The Information's TITV Interview with Mark Zuckerberg

Date: July 15, 2025

Significance: Direct admission of systematic monopolization strategy during pending federal antitrust proceedings

I. EXECUTIVE SUMMARY

On July 15, 2025, while federal antitrust litigation against Meta remained active, Mark Zuckerberg appeared live on The Information's TITV program and provided explicit, on-the-record admissions of Meta's strategy to systematically corner AI infrastructure and talent markets. The interview represents unprecedented corporate admission of monopolistic intent, delivered with casual confidence that reveals Meta's belief they operate beyond regulatory reach.

II. LEGAL FRAMEWORK: "CORNERING THE MARKET" AS ANTITRUST VIOLATION

Established Doctrine

"Cornering the market" through systematic resource monopolization violates Sherman Act § 2 when it:

- **Forecloses competitors** from essential inputs needed to compete effectively
- **Raises rivals' costs** through supra-competitive pricing that forces industry-wide inflation
- **Creates barriers to entry** by monopolizing scarce, non-replicable resources
- **Leverages existing monopoly power** to dominate adjacent markets

III. ZUCKERBERG'S DIRECT ADMISSIONS OF MARKET CORNERING

A. Systematic Talent Market Cornering

Jessica Lessin: "There have been reports of pay packages at $100 million, $200 million. How do you justify that amount of investment for these researchers?"

Mark Zuckerberg: "if you're going to be spending hundreds of billions of dollars on compute and building out multiple gigawatts of clusters then you know it really does make sense to compete super hard and **do whatever it takes** to get the you know **50 or 70 or whatever it is top researchers** to build your team... there's just an **absolute premium for the best and most talented people.**"

Legal Significance: Direct admission of targeting specific number of top researchers and willingness to use unlimited financial resources ("do whatever it takes") to corner talent market.

B. Infrastructure Monopolization Strategy

Mark Zuckerberg: "we're building multiple multi-gigawatt data centers... **Hyperion is going to scale to up to 5 gigawatts** over the coming years... the size of the site covers **a significant portion of the footprint of Manhattan** in terms of space. The thing is just massive."

Legal Significance: Creating infrastructure of unprecedented scale designed to prevent competitive response - classic barrier-to-entry creation.

C. Explicit Admission of Competitive Advantage Through Capital

Jessica Lessin: "That was what jumped out at me about your announcement... you saying you have the capital to do this, which made me think it was maybe a slight jab at those competitors who might have to still raise the capital to build that out. Do you see that as an advantage?"

Mark Zuckerberg: "**Well, I mean I think it's an advantage...**"

Legal Significance: When directly asked if having capital while competitors must raise funds constitutes an advantage, Zuckerberg confirmed "yes" - explicit acknowledgment of using monopoly profits to gain unfair competitive advantage.

D. Monopoly Leveraging Admission

Mark Zuckerberg: "an absolutely massive amount of compute which we can support because **we have a very strong business model that throws off a lot of capital**."

Legal Significance: Direct admission of using social media monopoly profits to fund AI market dominance - textbook monopoly leveraging.

IV. QUANTITATIVE EVIDENCE OF MARKET CORNERING

A. Talent Market Foreclosure

- **Targeting specific researchers:** "50 or 70... top researchers" - systematic targeting of finite resource pool
- **Supra-competitive pricing:** $1.25 billion offers (Tom's Hardware, July 21, 2025) creating unsustainable cost inflation for competitors
- **Exclusive multi-year contracts:** Removing talent from competitive marketplace for extended periods

B. Infrastructure Market Foreclosure

- **Scale monopolization:** 5+ gigawatt facilities representing unprecedented computational capacity
- **Geographic dominance:** Data centers "covering significant portion of Manhattan footprint"

- **Speed deployment:** "Hurricane-proof tents" to establish dominance before competitors can respond

C. Capital Advantage Quantification

- **"Hundreds of billions"** in committed AI spending
- **Self-funded expansion** while competitors must seek external capital
- **"Whatever it takes"** pricing strategy unconstrained by normal business considerations

V. TIMING SIGNIFICANCE: MARKET CORNERING DURING ACTIVE LITIGATION

This interview occurred on July 15, 2025, while:

- **Federal antitrust litigation** against Meta remains pending
- **FTC enforcement actions** are actively proceeding
- **Congressional investigations** into Meta's monopolistic practices are ongoing

Rather than modifying behavior in response to legal challenges, Zuckerberg announced an **escalation** of the exact market cornering strategies challenged in current litigation.

VI. PROFESSIONAL RECOGNITION OF ANTICOMPETITIVE IMPLICATIONS

Jessica Lessin's Analysis: Technology journalist with 20+ years covering Meta immediately recognized monopolistic implications, noting Zuckerberg's "unprecedented approach to how he deploys capital—these days in tens of billions of dollar chunks" as something she had "never heard Zuckerberg discuss in the last 20 years around running Meta."

This independent professional assessment confirms that industry observers immediately recognized the market cornering significance of Meta's strategy.

VII. CORROBORATING EVIDENCE OF SYSTEMATIC MARKET CORNERING

Tom's Hardware Report (July 21, 2025): Media report alleging Meta offered single AI researcher $1.25 billion over four years ($300+ million annually), which researcher declined. Demonstrates willingness to distort competitive markets through unprecedented, supra-competitive offers that no rational competitor could match. ***Abel Founder Claims Meta Offered $1.25 Billion Over Four Years to AI Hire — 'Person Still Said No'***, Mark Tyson https://www.tomshardware.com/tech-industry/artificial-intelligence/abel-founder-claims-meta-offered-usd1-25-billion-over-four-years-to-ai-hire-person-still-said-no-despite-equivalent-of-usd312-million-yearly-salary

VIII. LEGAL IMPLICATIONS

A. Sherman Act § 2 Violations

Monopoly Maintenance: Using dominant platform profits to maintain monopoly power through resource cornering

Monopoly Extension: Extending monopoly power into AI markets through systematic input foreclosure

Willful Monopolization: Deliberate strategy to corner essential resources and exclude competitors

B. Clayton Act § 7 Violations

Substantial Lessening of Competition: Systematic talent and infrastructure cornering eliminates competitors' ability to compete effectively

Tendency to Create Monopoly: Resource monopolization creates monopolistic market structure in emerging AI industry

IX. CONCLUSION

Mark Zuckerberg's July 15, 2025 interview provides unprecedented direct evidence of systematic market cornering strategy executed during active federal antitrust litigation. The casual confidence with which he describes spending "hundreds of billions" to corner talent and infrastructure markets while federal courts consider Meta's monopolistic conduct demonstrates not merely anticompetitive intent, but contempt for regulatory oversight itself.

The admissions transform circumstantial evidence into explicit proof of the willful monopolization strategy alleged in Plaintiff's Complaint, establishing all elements necessary for Sherman Act and Clayton Act violations through systematic market cornering.

The Information TITV Interview with Mark Zuckerberg

https://www.youtube.com/watch?v=qDDOy90V4Jo

Date: July 15, 2025

Source: The Information's TITV Program

Interviewer: Jessica Lessin, CEO and Editor-in-Chief, The Information

Subject: Inside Zuckerberg's AI Playbook

EXHIBIT X6: INTERNAL STRATEGIC DISCUSSIONS TO ABANDON "OPEN SOURCE" DECEPTION AND IMPLEMENT CLOSED MONOPOLIZATION MODEL

Source: The New York Times investigative report

Date: July 14, 2025

Headline: "Meta's New Superintelligence Lab Is Discussing Major A.I. Strategy Changes"

Url: https://www.nytimes.com/2025/07/14/technology/meta-superintelligence-lab-ai.html

Significance: Internal evidence of systematic deception and strategic monopolization planning during active federal antitrust proceedings

I. EXECUTIVE SUMMARY

On July 14, 2025, The New York Times revealed that Meta's newly formed superintelligence lab, led by 28-year-old Alexandr Wang, has been conducting internal discussions about **abandoning their most powerful "open source" AI model (Behemoth) in favor of developing a closed, proprietary model.** This represents direct evidence of the systematic deception underlying Meta's public "open source" narrative and confirms the bait-and-switch monopolization strategy alleged in Plaintiff's complaint.

II. STRATEGIC SIGNIFICANCE: FROM DECEPTION TO OPEN MONOPOLIZATION

A. Timing During Active Federal Litigation

These internal strategic discussions occurred while federal antitrust litigation against Meta remained pending, demonstrating willful continuation and escalation of monopolistic conduct during active judicial proceedings.

B. Validation of "Bait-and-Switch" Theory

The discussions confirm Plaintiff's allegation in Exhibit X that Meta's "open source" AI strategy was never genuine but rather a sophisticated monopolization scheme designed to:

1. **Build market dependency** through apparent openness
2. **Eliminate competitive development** by controlling essential infrastructure
3. **Transition to closed monopolization** once market dominance achieved

III. EXCERPTS

A. Organizational Structure for Market Control

"Wang's exclusive team of around a dozen newly hired researchers, a handful of his deputies from Scale AI, and Nat Friedman, the former chief executive of GitHub, a software start-up."

Legal Significance: Concentration of AI strategic decision-making in small, exclusive team demonstrates intent to maintain centralized control over market-determining technologies.

B. Physical Isolation and Secrecy

"The group is working in an office space siloed from the rest of the company and next to Mr. Zuckerberg"

Legal Significance: Physical separation and proximity to CEO demonstrates the strategic importance and secretive nature of monopolization planning, suggesting awareness of anticompetitive implications.

C. Declaration of Closed Operations

"In the meeting, he said the work of his small team would be private, but Meta's entire A.I. division would now be working toward creating superintelligence"

Legal Significance: Explicit abandonment of transparency contradicts public "open source" commitments and reveals true monopolistic intent.

D. Unprecedented Capital Deployment

"In June, the company made a $14.3 billion investment in the A.I. start-up Scale AI, which was founded and led by Mr. Wang. Under the deal, Meta took a 49 percent stake in the company"

Legal Significance:

- **Vertical Integration:** Bringing essential AI infrastructure in-house to control supply chain
- **Capital Barrier Creation:** $14.3 billion acquisition creates insurmountable competitive barriers
- **Talent Monopolization:** Acquiring entire leadership team of key AI infrastructure company

E. Organizational Rebranding for Market Dominance

"The company has since renamed its entire A.I. division 'Meta Superintelligence Labs,' with Mr. Wang as chief A.I. officer"

Legal Significance: Complete organizational restructuring around "superintelligence" concept demonstrates strategic shift toward total AI market dominance.

F. Deliberate Performance Sabotage

"Meta had finished feeding in data to improve its Behemoth model, a process known as 'training,' but has delayed its release because of poor internal performance"

Legal Significance: Suggests possible deliberate degradation of "open source" model performance to justify transition to closed proprietary system.

G. Strategic Development Cessation

"After the company announced the formation of the superintelligence lab last month, teams working on the Behemoth model — which is known as a 'frontier' model — stopped running new tests on it"

Legal Significance: Coordinated cessation of development on open model demonstrates strategic decision to withhold competitive capabilities from marketplace.

H. Historical "Open Source" Commitments

"For years, Meta has chosen to open source its A.I. models, which means it makes the computer code public for other developers to build on... Meta executives have long argued it is better for the technology to be built in public so that A.I. development will move faster and be accessible to more developers."

I. Explicit Abandonment of Open Principles

"Any move toward a closed A.I. model would be a philosophical change at Meta as much as a technical one."

Legal Significance: Acknowledgment that closing AI models represents fundamental philosophical shift from stated principles demonstrates systematic deception of marketplace and regulatory authorities.

J. Previous Public Commitments to Openness

Meta executives had stated "The platform that will win will be the open one" and enabled competitors like "the Chinese A.I. company DeepSeek [to release] an advanced A.I. chatbot thanks in part to Meta's open-source code."

K. CEO's Qualified Commitment Reveals Strategic Deception

"In a podcast interview last year, Mr. Zuckerberg said, 'We're obviously very pro-open source, but I haven't committed to releasing every single thing that we do.'"

Legal Significance: Previous qualified statement reveals that Meta's "open source" commitment was always conditional and strategic rather than principled, supporting allegations of systematic marketplace deception.

L. Systematic Competitor Weakening

"Mr. Zuckerberg has embarked on a spending spree to create the new lab, offering as much as nine-figure pay packages to hire top researchers from companies like OpenAI, Google, Apple and Anthropic"

M. Internal Disruption and Anticipated Exodus

"In August, at the end of the company's next vesting period, which is when some workers are able to sell portions of their stock, some employees expect an exodus of A.I. talent who were not chosen to join Mr. Wang's superintelligence team"

Legal Significance: Internal talent disruption and anticipated departures demonstrate that even Meta's own researchers recognize the anticompetitive and exclusionary nature of the new strategic direction.

IV. CONCLUSION

The New York Times investigation provides insight into Meta's internal monopolization planning, revealing that the company's public "open source" AI narrative was always a sophisticated deception designed to build market dependency before implementing closed monopolization as alleged and documented in Plaintiff's Exhibit X.