UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA, TAMPA DIVISION

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

PLAINTIFF: JOSEPH DEAN

v.

DEFENDANT: META PLATFORMS INC

SECOND NOTICE OF NEWLY DISCOVERED EVIDENCE
IN OPPOSITION TO MOTION TO DISMISS

Plaintiff Joseph Dean ("Plaintiff"), proceeding pro se, hereby respectfully submits this Second Notice of Newly Discovered Evidence relevant to Defendant Meta Platforms, Inc.'s ("Meta") pending Motion to Dismiss. This evidence directly addresses the arguments raised in Meta's motion and provides substantial additional factual support for Plaintiff's claims under both the Sherman and Clayton Acts.

I. NEWLY DISCOVERED EVIDENCE

EXHIBIT U: ADDITIONAL PARALLEL LITIGATION

Multiple cases demonstrating Meta's systematic pattern of API weaponization against competitors:

- **Phhhoto Inc. v. Meta Platforms, Inc.**, Case No. 1:21-cv-6159 (E.D.N.Y. Nov. 4, 2021)
- **Six4Three LLC v. Facebook**, Case No. CIV533328 (San Mateo County, 2015-2025)
- **Developer Class Action - Reveal Chat HoldCo LLC v. Facebook**, Case No. 3:20-cv-00363 (N.D. Cal. 2020)
- **Social Fixer Developer Destruction** (2013)
- **Voxer "Collaboration Trap" Patent Case** (2012-2024)

Summary: These cases detail substantially identical anticompetitive conduct by Meta occurring during the same time period as the conduct alleged herein, including systematic API access termination, deceptive promises to developers, algorithmic suppression of competitor content, and creation of copycat products to eliminate competition.

EXHIBIT V: ONGOING SUPPRESSION TACTICS - YOUTUBE COMMENT CENSORSHIP

Plaintiff created video EXHIBIT_V_ITIF CENSORSHIP.mp4 available at *https://youtu.be/nnOeGKNRFtI* documenting censorship of Plaintiff's comments criticizing Meta's anticompetitive practices in response to a Meta-sponsored ITIF hour long panel discussion "FTC v. Meta Takeaways from a Landmark Trial" (June 26, 2025) available at *https://youtu.be/8npn89G1ies*.

Summary: Evidence showing Meta-sponsored ITIF's apparent censorship of Plaintiff's comments stating "Meta's anti-competitive practices extend beyond acquisitions the company has weaponized its application programming interface access to strangle emerging competitors. No mention whatsoever?" in response to a panel discussion about FTC v. Meta litigation. Notably, the Meta-sponsored ITIF panel completely ignored API restrictions as a form of anticompetitive conduct, focusing exclusively on decade-old acquisitions and claiming lack of market power because of the emergence of competitors since.

Evidentiary Value: Proves ongoing suppression tactics during litigation and consciousness of guilt regarding API weaponization allegations while showing Meta's systematic approach to controlling public discourse about its actual anticompetitive methods.

EXHIBIT W: EVIDENCE OF FACEBOOK'S SYSTEMATIC ELIMINATION OF VEAMCAST AND NBC NEWS EXPOSÉ

Based on 4,000 pages of leaked internal Facebook documents, NBC News revealed Meta's systematic strategy to eliminate competitors, combined with Plaintiff's personal Google AdSense account records providing direct evidence of personal standing and quantifiable anticompetitive harm.

Summary: NBC News investigative report (April 16, 2019) documented Facebook CEO Mark Zuckerberg's plan to "consolidate the social network's power and control competitors by treating its users' data as a bargaining chip." Internal documents show Facebook employees called the strategy "sort of unethical" and compared the company to "villains from Game of Thrones," while Doug Purdy described Zuckerberg as a "master of leverage." The leaked documents revealed that "when Facebook ultimately cut off broad access to user data in 2015, the move contributed to the decline of thousands of competitors and small businesses that relied on what Facebook had previously described as a “level-playing field"”.

Evidentiary Value: Plaintiff's personal Google AdSense account records establish personal standing through live dashboard access showing account ownership verification and complete revenue trajectory from platform launch through 2025. The records document Veamcast's explosive 2,030% growth in May 2016 ($3.84 to $81.80), peak performance of $104.16 in July 2016 (108% avg. monthly growth), followed by immediate 74% revenue collapse in September 2016 after API restrictions then near complete collapse. This creates perfect correlation between Meta's documented "master of leverage" elimination strategy and Veamcast's business trajectory, demonstrating exactly why Facebook targeted Veamcast as a rapidly scaling competitive threat requiring systematic elimination.

EXHIBIT W-1: NBC News Report - "Mark Zuckerberg leveraged Facebook user data to fight rivals and help friends, leaked documents show" (April 16, 2019)

EXHIBIT W-2: Veamcast Revenue Analysis Graph - Facebook Integration Success and API Shutdown Impact (2016-2017)

EXHIBIT W-3: Joseph Dean's Personal Google AdSense Account Records - Complete revenue trajectory establishing personal standing and documenting anticompetitive impact (2013-2025)

EXHIBIT X: CONTINUING PLATFORM MONOPOLIZATION STRATEGY

Meta's 2025 AI infrastructure control strategy demonstrating identical platform manipulation tactics used against Veamcast, showing continuing violations.

II. RELEVANCE TO PENDING MOTION TO DISMISS

This newly discovered evidence directly addresses Meta's Motion to Dismiss arguments in several critical ways:

A. PATTERN OF ANTICOMPETITIVE CONDUCT UNDER FRE 404(b)

The parallel litigation documented in Exhibit U establishes a systematic pattern of anticompetitive conduct across five separate cases that directly parallels Plaintiff's allegations. This comprehensive evidence demonstrates Meta's coordinated strategy spanning 2012-2025:

1. API Access Termination:

- Phhhoto: "Instagram suddenly withdrew Phhhoto's access to the Instagram Find Friends API"

- Six4Three: "Facebook restricted developer access to Graph API data...Six4Three alleged that Pikinis could not function without such access"
- Reveal Chat: "Facebook shut off their application program interfaces (APIs) from third party developers" - identical to Veamcast experience
- Voxer: "Facebook cut it off from key features of the social-media platform in 2013" after technology disclosure
- Veamcast: Similar systematic API restrictions targeting competitive features

2. Deceptive Promises and "Collaboration Traps":

- Phhhoto: Meta promised newsfeed integration, then "strung Phhhoto along for months without making meaningful progress" followed by betrayal
- Six4Three: California Court of Appeal documented Facebook's systematic "bait-and-switch by initially providing developers with access to Facebook data, but later restricting that access"
- Voxer: Facebook approached for collaboration meetings to gather intelligence, then cut off platform access and misused disclosed technology in Facebook Live and Instagram Live
- Veamcast: Similar pattern of false cooperation followed by restriction

3. Algorithmic Suppression and Platform Manipulation:

- Phhhoto: Instagram implemented algorithm that "surreptitiously suppressed Phhhoto's visibility"

- Social Fixer: Systematic destruction - "all of that work was wiped out in an instant when Facebook decided to shut it down without notice"
- Veamcast: Comparable content suppression tactics

4. Targeting Strategy - Individual Developers to Major Apps:

- Social Fixer: Individual developer (Matt Kruse) classified as "noisy developer that could create trouble in the press" - shows Meta targets even one-person operations
- Phhhoto: Major app with 3.7M MAU forced to shut down after platform manipulation
- Reveal Chat: Class action representing multiple developers affected by "the most brazen, willful anti-competitive scheme in a generation"
- Six4Three: Court found Facebook targeted "potentially competitive apps in order to grow Facebook's business and advertising revenue"

5. Persistent Timeline Demonstrating Ongoing Strategy: These cases span 2012-2025, demonstrating a persistent, coordinated anticompetitive campaign rather than isolated business decisions. The Six4Three litigation alone continued for ten years (2015-2025), while the Voxer case (2012-2024) concluded with a $174.5 million jury verdict for technology theft.

This evidence is admissible under FRE 404(b) to prove Meta's:

- **Intent** to maintain monopoly power through systematic elimination of competitors across multiple years and victim categories
- **Knowledge** that API restrictions would harm competitive threats, as demonstrated by targeting "potentially competitive apps"

- **Plan** to use collaboration meetings as intelligence-gathering operations followed by platform exclusion
- **Absence of mistake** - showing deliberate anticompetitive strategy rather than legitimate business decisions, evidenced by internal classifications like "noisy developer"

The substantial similarity of conduct, methods, victims, and outcomes across five separate cases involving different developers, timeframes, and legal theories creates compelling pattern evidence that transforms Plaintiff's individual allegations into part of a documented, systematic strategy to maintain monopoly power through platform manipulation.

B. CONTINUING VIOLATIONS AND CONSCIOUSNESS OF GUILT

The YouTube censorship evidence demonstrates:

1. Ongoing Pattern: Meta's suppression tactics continue during the pendency of this litigation, showing the conduct is not historical but ongoing.

2. Current vs. Historical Analysis: The YouTube censorship evidence demonstrates Meta's ongoing efforts to suppress discussion of API weaponization - the actual core of its monopolization strategy - while allowing mainstream antitrust discussion to focus on issues that miss the real anticompetitive conduct.

3. Systematic Nature: The targeting of Plaintiff's specific comments about API weaponization is consistent with the pattern alleged in this case. Significantly, the Meta-sponsored ITIF panel's complete failure to address API restrictions as anticompetitive conduct - despite this being the core mechanism of current platform monopolization - demonstrates the effectiveness of Meta's suppression strategy in controlling public discourse about its actual anticompetitive methods.

Although the removal could conceivably stem from YouTube's automated moderation, the timing and content—criticism of Meta's API weaponization posted beneath a **Meta-sponsored** ITIF panel—make it probative of a continuing campaign to steer public discourse away from Meta's exclusionary conduct. **The fact that Plaintiff was first to post a comment displays what happened in a way that wouldn't have revealed itself had his comment been buried among many.** Viewed alongside the Phhhoto, Six4Three, Social Fixer, Reveal Chat, and Voxer episodes (Ex. U), this incident fits the same pattern of message control and developer suppression, corroborating Meta's ongoing plan and intent to monopolize. The 2025 episode also rebuts Meta's claim that Plaintiff relies only on "historical" acts, demonstrating that the challenged conduct is current and supporting a continuing-violation theory. Offered solely as **corroborative pattern evidence**—not stand-alone proof—this episode is admissible under Fed. R. Evid. 404(b)(2) (intent, plan) or, alternatively, 406 (habit), and its probative value outweighs any Rule 403 concerns.

C. SPECIFIC RESPONSES TO META'S MTD ARGUMENTS

1. Standing: The Phhhoto case shows Meta's systematic targeting of developers with innovative social features, directly supporting Plaintiff's individual standing as a similarly situated developer harmed by identical conduct.

2. Plausibility of Claims: The detailed factual allegations in the Phhhoto complaint, involving substantially similar conduct during the same time period, demonstrate the plausibility of Plaintiff's monopolization and exclusive dealing claims.

3. Pattern Evidence: Courts routinely admit evidence of similar conduct in antitrust cases. See United States v. Microsoft Corp., 253 F.3d 34 (D.C. Cir. 2001) (admitting evidence of systematic exclusionary practices).

4. Intent to Monopolize: The Phhhoto case provides compelling evidence of Meta's specific intent to maintain monopoly power through elimination of competitive threats, a critical element under Sherman Act § 2.

III. LEGAL FRAMEWORK FOR ADMISSIBILITY

A. FRE 404(b) PATTERN EVIDENCE

This evidence satisfies all requirements for admissibility under FRE 404(b):

- **Relevant Purpose:** Proves intent, knowledge, plan, and absence of mistake
- **Clear Similarity:** Substantially identical conduct, methods, and timeframe
- **Probative Value:** Directly relevant to core elements of antitrust claims
- **Not Unfairly Prejudicial:** Evidence goes to conduct, not character

B. ANTITRUST PRECEDENT

Courts consistently admit pattern evidence in monopolization cases:

- **Microsoft:** Evidence of systematic exclusionary practices across multiple competitors
- **Essential Facilities Doctrine:** Pattern of denying access to competitors
- **Fraudulent Concealment:** Evidence of ongoing suppression supports tolling doctrines

IV. CONCLUSION

This newly discovered evidence materially strengthens Plaintiff's claims and directly refutes Meta's arguments for dismissal. The convergence of five parallel cases spanning 2012-2025, corroborated by independent investigative journalism from NBC News and Computer Weekly, establishes Meta's systematic pattern of using API restrictions to eliminate competitive threats.

Phhhoto demonstrates Meta's copy-then-kill strategy across platforms, while **Six4Three's** 10-year legal battle reveals court-recognized "bait-and-switch" tactics affecting 40,000+ applications. **Reveal Chat's** class action confirms this was "the most brazen, willful anti-competitive scheme in a generation," while **Social Fixer** shows Meta targets even individual developers classified as "noisy" threats. **Voxer's** $174.5 million patent verdict proves Meta's "collaboration trap" pattern of stealing technology after intelligence gathering.

The leaked documents revealing Zuckerberg as the "master of leverage" who employees compared to "villains from Game of Thrones" demonstrate systematic intent, while the YouTube censorship evidence shows this conduct continues during current litigation. Meta's internal admissions of using a "shotgun" against "well-intentioned companies" and pursuing "protectionist grabs" to prevent competitors from "stealing the graph" provide direct evidence of anticompetitive purpose.

The substantial similarity of conduct, methods, timing, and anticompetitive effects across individual developers to major applications creates compelling pattern evidence under FRE 404(b) that transforms Plaintiff's individual allegations into part of a documented, systematic strategy to maintain monopoly power through platform manipulation—precisely the explosive growth trajectory that Meta's own documents show they systematically eliminate before competitive threats can achieve "critical mass."

For these reasons, this evidence supports **DENIAL** of Meta's Motion to Dismiss and demonstrates that Plaintiff has adequately stated plausible claims for relief under both the Sherman and Clayton Acts. **EXHIBIT X** confirms this anticompetitive conduct continues through 2025 with Meta's AI infrastructure monopolization strategy.

Respectfully submitted July 4, 2025



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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 4th day of July, 2025.

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EXHIBIT U: ADDITIONAL PARALLEL LITIGATION

Multiple cases demonstrating Meta's systematic pattern of API weaponization against competitors spanning 2012-2025

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1. PHHHOTO INC. V. META PLATFORMS, INC. - Case No. 1:21-cv-6159 (E.D.N.Y. Nov. 4, 2021)

API Termination Pattern:

- "Instagram suddenly withdrew Phhhoto's access to the Instagram Find Friends API" (¶51)
- Timeline correlation: March 31, 2015 API cutoff after reaching 1 million users

Deceptive "Collaboration Trap":

- Meta promised newsfeed integration, then "strung Phhhoto along for months" before betrayal (¶48)
- February 1, 2015: Facebook's Bryan Hurren contacts Phhhoto: "potentially interesting platform integration opportunity"
- February 5, 2015: After Phhhoto declines Facebook Messenger integration, access systematically restricted

Copy-Then-Kill Strategy:

- Instagram launched "Boomerang" (Phhhoto clone) October 22, 2015 - same day as Phhhoto's Android launch
- Project manager: John Barnett (active Phhhoto user who conducted reconnaissance)

- Meta employees created personal accounts for competitive intelligence before elimination

Algorithmic Suppression:

- Instagram "surreptitiously suppressed Phhhoto's visibility" (¶67)
- August 9, 2015: Instagram blocks #Phhhoto from being pre-populated in posts

Business Destruction:

- Peak usage: 3.7 million Monthly Active Users, 1.3 million Daily Active Users
- 40% DAU/MAU ratio (considered excellent engagement)
- Forced to shut down June 2017 after systematic platform manipulation rendering it un-fundable

Legal Claims: Sherman Act § 2 monopolization through API restrictions, algorithmic suppression, and platform manipulation - identical to Veamcast allegations

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2. SIX4THREE LLC V. FACEBOOK - Case No. CIV533328 (San Mateo County, 2015-2025)

Court-Recognized "Bait-and-Switch":

- California Court of Appeal documented Facebook's systematic "bait-and-switch by initially providing developers with access to Facebook data, but later restricting that access"

Targeting "Potentially Competitive Apps":

- Court found Facebook "restrict[ed] access to Graph API data by 'potentially competitive' apps in order to grow Facebook's business and advertising revenue"

"Master of Leverage" Strategy Revealed:

- Based on 4,000 pages of leaked internal documents obtained by NBC News
- Doug Purdy described Zuckerberg as **"master of leverage"** in systematic competitor elimination
- Facebook employees called strategy **"sort of unethical"** and compared company to **"villains from Game of Thrones"**

Developer Reliance Identical to Veamcast:

- "Six4Three relied on representations made by Facebook and Zuckerberg about data access in building Pikinis"
- API Destruction: "Facebook restricted developer access to Graph API data...Six4Three alleged that Pikinis could not function without such access"

10-Year Legal Battle: Decade long litigation (2015-2025) demonstrates persistence of anticompetitive conduct

Court of Appeal Recognition: Six4Three's petition to the California Court of Appeal (August 11, 2017) provides detailed allegations that Facebook executives "conspired to implement and conceal a scheme to shut down over 40,000 software applications, including Six4Three's, for purely anti-competitive reasons," with Mark Zuckerberg personally directing the anti-competitive scheme and other executives actively participating in the conspiracy.

3. DEVELOPER CLASS ACTION - REVEAL CHAT HOLDCO LLC V. FACEBOOK, Case No. 3:20-cv-00363 (N.D. Cal. 2020)

Industry-Wide Systematic Scheme:

- Multiple app developers alleged Facebook engaged in **"the most brazen, willful anti-competitive scheme in a generation"**
- Class action representing numerous developers affected by identical API restrictions
- Court recognized pattern of using "privacy" claims as pretext for anticompetitive conduct

API Weaponization Pattern:

- "Facebook shut off their application program interfaces (APIs) from third party developers" - identical to Veamcast experience
- Systematic competitor elimination by "shutting them off from the Facebook platform"
- Court found Facebook's "purported privacy concerns" regarding API restrictions "appear[ed] to be little more than a pretext"

Judicial Recognition of Anticompetitive Pattern:

- Court acknowledged Facebook used false privacy justifications to mask competitive elimination
- Recognized systematic pattern of "review-then-restrict" affecting multiple developers
- Found plausible claims that API restrictions were designed to eliminate competitive threats rather than address legitimate privacy concerns

Fraudulent Concealment Recognition:

- Court applied fraudulent concealment doctrine, finding developers could not reasonably discover the true anticompetitive nature of Facebook's conduct
- Recognized that Facebook's misleading explanations and privacy pretexts concealed the actual competitive motivations
- Established precedent that statute of limitations is tolled when platform conceals anticompetitive intent behind technical justifications

Legal Precedent for Current Case:

- Establishes that API restrictions targeting competitive features state valid antitrust claims
- Confirms that privacy pretexts cannot shield anticompetitive conduct from judicial scrutiny
- Provides judicial recognition that Facebook's systematic API changes constituted coordinated competitive elimination strategy
- Demonstrates that individual developer experiences like Veamcast were part of documented industry-wide scheme affecting thousands of applications

4. SOCIAL FIXER DEVELOPER TARGETING - Case Study (2013)

Individual Developer Systematic Elimination:

- Matt Kruse, one-man operation running browser plug-in allowing Facebook interface customization
- **"Noisy Developer" Classification:** Based on Six4Three leaked documents, Facebook internally classified Social Fixer as **"noisy developer that could create trouble in the press"**

Community Scale Before Destruction:

- "338,050 Likes, 13,360 support group members, 1.47 million Interest List followers"

Instant Business Destruction:

- **"I've spent four years and countless hours building up a community around my software...But all of that work was wiped out in an instant when Facebook decided to shut it down without notice"**
- **"I lost hundreds of thousands of users because they just couldn't use it anymore"**

No Due Process Pattern:

- **"I have never been given any details about what 'community standards' I was apparently violating (because I wasn't)"**
- **"I was never able to speak to, or even get in touch with, anyone at Facebook about the decision"**

Independent Corroboration: Computer Weekly investigation (November 6, 2019) confirmed Facebook's systematic targeting based on same leaked documents

5. VOXER "COLLABORATION TRAP" - Patent Case (2012-2024)

Intelligence Gathering Operation:

- "Voxer said its representatives disclosed its patented technology to Meta when the companies discussed a potential collaboration in 2012"
- Facebook approached Voxer for collaboration meetings to learn their technology

Copy-Then-Eliminate Timeline:

- 2012: Technology disclosure during "collaboration" meetings
- January 2013: Facebook adds voice messaging feature to Messenger
- Two weeks later: "Facebook cut it off from key features of the social-media platform in 2013"
- **"Noisy Developer" Classification:** Computer Weekly investigation confirmed Voxer internally labeled as **"noisy developer that could create trouble in the press"**

Technology Theft Confirmed:

- Jury found Meta infringed Voxer patents, awarding **$174.5 million** for using disclosed technology in Facebook Live and Instagram Live
- Shows Meta uses collaboration meetings as intelligence-gathering operations against competitors

Independent Validation: Computer Weekly reported CEO Tom Katis stated "Facebook viewed Voxer, which had tens of millions of users, as a 'competitive social network'"

6. NBC NEWS EXPOSÉ: SYSTEMATIC "MASTER OF LEVERAGE" STRATEGY

Leaked Document Evidence (April 16, 2019): Based on 4,000 pages of internal Facebook documents, NBC News revealed: "Mark Zuckerberg leveraged Facebook user data to fight rivals and help friends, leaked documents show"

from https://www.nbcnews.com/tech/social-media/mark-zuckerberg-leveraged-facebook-user-data-fight-rivals-help-friends-n994706

"Facebook CEO Mark Zuckerberg oversaw plans to consolidate the social network's power and control competitors by **treating its users' data as a bargaining chip**"

"When Facebook ultimately cut off broad access to user data in 2015, the move contributed to the **decline of thousands of competitors and small businesses**"

Internal Acknowledgment of Unethical Conduct:

- Facebook employees called strategy **"sort of unethical"**
- Company compared to **"villains from Game of Thrones"**
- Doug Purdy described Zuckerberg as **"master of leverage"**

Specific Targeting Evidence:

- **$250,000 API "Tax" Strategy**: Internal documents revealed Facebook required developers to spend minimum $250,000 annually on advertising or lose API access - weaponizing platform dependency
- **40,000 App Audit for Elimination**: Facebook systematically audited over 40,000 applications to identify and eliminate competitive threats

- **"Shotgun" Destruction Tactics**: Mike Vernal, VP Engineering, admitted: "We only have one tool today (a shotgun) and we give you warning when **we're going to shoot you in the head**"

Direct Competitive Motivation:

- **"Stealing the Graph" Strategy**: Bryan Klimt, Facebook engineer: "We are doing this in a protectionist grab to make sure no one else can make a competing social network by bootstrapping our social graph"
- **Strategic Competitor Lists**: Internal "Mark-level sign-off" required for strategic competitors - demonstrating CEO-directed elimination strategy
- **Developer Intelligence Operations**: Systematic gathering of competitive intelligence through App Review process before elimination

Perfect Veamcast Pattern Match:

- **Growth Phase Targeting**: Documents show Meta specifically targeted apps achieving rapid user acquisition - matching Veamcast's 2,030% growth triggering systematic elimination
- **Review-Then-Restrict Pattern**: Identical to Veamcast's experience of demonstrating functionality through App Review followed by immediate API restrictions
- **Revenue Destruction Confirmation**: NBC investigation confirms "decline of thousands of competitors" - validating Veamcast's 74% revenue collapse as part of documented systematic strategy

7. COMPUTER WEEKLY INVESTIGATION: "SHOTGUN" ELIMINATION TACTICS

Independent Journalistic Validation (November 6, 2019): Based on the same Six4Three documents, Computer Weekly investigation titled "How Facebook's 'Switcheroo' plan concealed scheme to kill popular apps" confirmed:

From https://www.computerweekly.com/feature/How-Facebooks-Switcheroo-plan-concealed-scheme-to-kill-popular-apps

Internal Admission of Destructive Tactics:

- Mike Vernal, VP Product and Engineering: **"We only have one tool today (a shotgun) and we give you warning when we're going to shoot you in the head"**
- Acknowledged using "shotgun against well-intentioned companies"

Systematic Competitive Targeting:

- **"Stealing the Graph"** strategy: Bryan Klimt, Facebook engineer: **"We are doing this in a protectionist grab to make sure no one else can make a competing social network by bootstrapping our social graph"**

$250,000 Extortion Scheme:

- Facebook proposed developers must spend **at least $250,000 annually** on advertising or lose API access
- "Should we make Neko a prerequisite for access to permissions?"

40,000 App Audit for Elimination:

- Facebook audited 40,000+ apps to identify competitive threats
- Systematic elimination of competitors, communications apps, and any platform achieving user growth

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RULE 404(b) PATTERN EVIDENCE ANALYSIS

Systematic Pattern Across 2012-2025:

1. Intent to Maintain Monopoly Power:

- Documented "master of leverage" strategy to eliminate competitive threats
- Internal classifications of "noisy developers" and "potentially competitive apps"
- Zuckerberg personal review of strategic competitors requiring "Mark-level sign-off"

2. Knowledge of Anticompetitive Impact:

- Internal admissions strategy was "sort of unethical"
- Acknowledged using "shotgun against well-intentioned companies"
- Conscious decision to help competitors "whenever possible"

3. Systematic Plan and Method:

- Consistent "collaboration trap" pattern: lure competitors, gather intelligence, copy features, eliminate access
- API weaponization as primary elimination tool
- Copy-then-kill strategy across multiple platforms (Facebook, Instagram)

4. Absence of Mistake:

- Deliberate targeting of successful apps achieving growth
- Systematic auditing of 40,000+ apps for competitive threats

- Coordinated elimination strategy spanning individual developers to major applications

Timeline Pattern: Individual developer targeting (Social Fixer 2013) → Major app elimination (Voxer 2013, Phhhoto 2015) → Industry-wide systematic restrictions (Veamcast 2016) → Class action recognition (Reveal Chat 2020) → Ongoing litigation (2025)

LEGAL CONCLUSION

These five cases, corroborated by independent investigative journalism and spanning 13 years (2012-2025), establish Meta's systematic pattern of using API restrictions to eliminate competitive threats. The substantial similarity of conduct, methods, victims, and outcomes across different developers, timeframes, and legal theories creates compelling pattern evidence under FRE 404(b).

The evidence transforms Plaintiff's individual allegations into part of a documented, systematic strategy to maintain monopoly power through platform manipulation - precisely the "master of leverage" strategy that Meta's own leaked documents reveal was designed to eliminate competitive threats before they could challenge Meta's monopoly position.

Sources:

- NBC News Report: "Mark Zuckerberg leveraged Facebook user data to fight rivals and help friends, leaked documents show" (April 16, 2019)
- Computer Weekly Investigation: "How Facebook's 'Switcheroo' plan concealed scheme to kill popular apps" (November 6, 2019)
- Note by Damian Collins MP, Chair of the UK Parliament's Digital, Culture, Media and Sport Committee – Selected Documents Ordered from Six4Three

EXHIBIT V: ONGOING SUPPRESSION TACTICS - YOUTUBE COMMENT CENSORSHIP

Plaintiff posted video EXHIBIT_V_ITIF CENSORSHIP.mp4 at https://youtu.be/nnOeGKNRFtI showing censorship of Plaintiff's comments criticizing Meta's anticompetitive practices in response to a Meta-sponsored ITIF panel discussion "FTC v. Meta: Takeaways from A Landmark Trial" (June 26, 2025) available at https://youtu.be/8npn89G1ies.

Summary: Video evidence documenting systematic censorship of Plaintiff's comment stating ***"Meta's anticompetitive practices extend beyond acquisitions - the company has weaponized its Application Programming Interface access to strangle emerging competitors. No mention whatsoever?"*** posted in response to the ITIF panel discussion.

Video Transcript:

(video shows the thumbnail for FTC v. Meta: Takeaways from A Landmark Trial)

(panel displays, one sentence at a time)

- **This Think Tank talks for over an hour about the FTC v Meta trial.**
- **They discuss whether Meta has a monopoly and whether their acquisitions of Instagram and WhatsApp were anticompetitive.**
- **The panel repeatedly mentions TikTok and YouTube as current competitors to justify Meta's acquisitions from 2012 and 2014.**
- **But TikTok didn't exist as a competitor when Meta acquired Instagram in 2012 or WhatsApp in 2014.**
- **The legal analysis should focus on the competitive landscape at the time of the acquisitions, not today's market.**

- **Instead, they use 2025 market conditions to defend conduct that occurred over a decade ago.**
- **Not once in over an hour do they mention API access restrictions or platform manipulation as anticompetitive conduct.**

*(scrolls to show Plaintiff Comment **"Meta's anticompetitive practices extend beyond acquisitions - the company has weaponized its Application Programming Interface access to strangle emerging competitors. No mention whatsoever?")***

- **I posted a comment stating that Meta has weaponized API access to strangle emerging competitors.**
- **When I checked later, my comment had been removed or hidden from the discussion.**
- **The Comment Count remains at 0.**

*(large red arrow points to **0 comments**)*

(new InPrivate browser window opens displaying the same page again, this time, the Plaintiff is not logged on and his comment is not visible)

- **Opening the URL InPrivate (Incognito in Chrome) proves the comment has been suppressed.**

*(another arrow appears with the text **"My comment shows for me when I'm logged on but not for other users."**)*

- **Clearly, I've been censored.**

*(browser navigates to https://itif.org/our-supporters. Arrow points to **Meta.**)*

- **Meta is a financial contributor to ITIF, the organization hosting this panel.**

*(arrow points to **Charity Navigator Three Star** Trust Badge)*

- **ITIF gets 3 out of 4 stars**

(browser navigates to https://charitynavigator.org/ein/204403497)

*(scrolls down to show that the organization gets **full** points on every metric except Financial Statements–**none**, Tax Form Distributed to Board Before Filing–**Missing** and Form 990 indicates tax form is available on nonprofits website–**No.**)*

- **Lost a star for complete lack of financial transparency**

(*again shows Plaintiff Comment "Meta's anticompetitive practices extend beyond acquisitions - the company has weaponized its Application Programming Interface access to strangle emerging competitors. No mention whatsoever?")*

- **There can be no legitimate justification for the suppression of this comment**
- **Thank you for watching**

Evidentiary Value: Proves ongoing suppression tactics during litigation and consciousness of guilt regarding API weaponization allegations while showing Meta's systematic approach to controlling public discourse about its actual anticompetitive methods.

EXHIBIT W: EVIDENCE OF FACEBOOK'S SYSTEMATIC ELIMINATION OF VEAMCAST

EXHIBIT W-1: NBC News Report - "Mark Zuckerberg leveraged Facebook user data to fight rivals and help friends, leaked documents show" (April 16, 2019)
EXHIBIT W-2: Veamcast Revenue Analysis Graph - Facebook Integration Success and API Shutdown Impact (2016-2017)
EXHIBIT W-3: Joseph Dean's Personal Google AdSense Account Records - Complete revenue trajectory establishing personal standing and documenting anticompetitive impact (2013-2025)

I. PERSONAL STANDING THROUGH LIVE ACCOUNT ACCESS

Real-Time Evidentiary Foundation: Unlike typical antitrust cases that rely on historical documents or reconstructed financial data, Plaintiff's standing rests on continuously accessible, live account records that can be demonstrated in real-time before the Court. This extraordinary evidentiary foundation provides immediate, verifiable proof of ownership, personal standing and anticompetitive impact through Plaintiff's personally owned Google AdSense dashboard - a level of direct, unimpeachable evidence rarely available in platform monopolization cases. The live account access eliminates any potential disputes regarding data authenticity, ownership, or the precise timing and magnitude of anticompetitive harm, creating an unprecedented evidentiary record for demonstrating the immediate and quantifiable impact of Meta's systematic API restrictions on individual developers.

Joseph Dean's personal Google AdSense account provides direct evidence of anticompetitive harm through live dashboard access, establishing:

- **Personal Account ownership verification** through real-time login
- **Complete transaction history** from platform launch through 2025
- **Revenue trajectory documentation** showing anticompetitive impact

II. THE "MASTER OF LEVERAGE" STRATEGY REVEALED

Exhibit W-1: NBC News Exposé (April 16, 2019)

Based on **4,000 pages of leaked internal Facebook documents**, NBC revealed:

"**Facebook CEO Mark Zuckerberg oversaw plans** to consolidate the social network's power and control competitors by treating its users' data as a bargaining chip"

"When Facebook ultimately cut off broad access to user data in 2015, the move contributed to the **decline of thousands of competitors and small businesses**"

Key findings:

- Facebook employees called strategy **"sort of unethical"**
- Company compared to **"villains from Game of Thrones"**
- Doug Purdy described Zuckerberg as **"master of leverage"**

III. VEAMCAST'S EXPLOSIVE GROWTH AND SYSTEMATIC DESTRUCTION

Exhibit W-2: Revenue Performance Graph *Visual demonstration of explosive growth and targeted shutdown correlation*

Exhibit W-3: Joseph Dean's Personal AdSense Records *Complete revenue history from personal account establishing standing*

A. EXPLOSIVE GROWTH TRAJECTORY (2016)

- **May 2016 Soft launch:** $81.80 *(2,030% growth from April)*
- **July 2016:** $104.16 *(Peak performance)*
- **August 2016:** $91.21 *(Sustained high performance)*

B. TARGETED SHUTDOWN IMPACT

- **August 2016: API shutdown eliminates social integration**
- **September 2016: Revenue collapse to $23.54** ***(74% decline)***
- **Forced Platform Pivot: Loss of Facebook integration forced abandonment of social features that drove viral growth**
- **2017-2025: Complete revenue destruction - from $104 (sub-penny per view transactions) peak to essentially $0 monthly earnings**

IV. PERFECT CORRELATION: STRATEGY MEETS EXECUTION

Timeline Synchronization:

- **2015:** Meta implements data cutoff strategy *(leaked documents)*
- **2016:** Veamcast achieves explosive growth *(108% average per month from May to August, 2,030% in May alone)*
- **August 2016:** Knee-jerk API shutdown targets social features
- **September 2016:** Immediate 74% revenue collapse
- **Post-2016:** Growth trajectory disrupted

The explosive growth pattern demonstrates exactly why Facebook targeted Veamcast and continued to do so until 2020 when Plaintiff discovered truth.

EXHIBIT X: META'S AI "OPEN SOURCE" DECEPTION - CONTINUING PLATFORM MONOPOLIZATION STRATEGY

Evidence of Identical Platform Control Strategy Extended to AI Infrastructure

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I. THE "META OPEN-SOURCE ARTIFICIAL INTELLIGENCE" ILLUSION - TECHNICAL DECEPTION OF THE PUBLIC

Meta's Public Narrative (May 7, 2025 - LlamaCon 2025): Mark Zuckerberg and Microsoft CEO Satya Nadella promoted Meta's Llama 4 AI model as "open source" artificial intelligence, marketed as democratizing AI access for developers and researchers.

The Technical Reality: Meta's "open" AI models require $40,000 NVIDIA H100 GPUs and massive compute clusters that only hyperscale companies can afford. The largest Llama 4 variant is effectively accessible only to Meta's scale of infrastructure. The very nature of AI technology creates perfect conditions for deceptive access control - unlike traditional software where functionality differences are immediately apparent, AI model performance variations are incredibly difficult to compare, validate, or even detect. This opacity allows Meta to provide artificially constrained "open" versions while claiming full transparency, knowing that competitors cannot easily prove they are receiving inferior access. The technical complexity creates an ideal smokescreen for systematic competitive disadvantage disguised as democratization.

Plaintiff's Assessment: Only a narrow slice of technical observers can parse the exchange between Mr. Zuckerberg and Mr. Nadella. This LlamaCon conversation represents a sophisticated deception disguised as altruistic technology democratization. The public hears "open-source AI for everyone" the real strategy is **AI-infrastructure lock-in** that preserves Meta’s platform dominance, especially likely when considering the Defendant’s history.

KEY STRATEGIC QUOTES FROM THE TRANSCRIPT:

On May 7, 2025, at LlamaCon 2025, Meta CEO Mark Zuckerberg and Microsoft CEO Satya Nadella participated in a public conversation promoting Meta's Llama 4 AI model as "open source," (available at https://www.youtube.com/watch?v=hbFzq3wsma4). Analysis of Zuckerberg's statements reveals identical bait-and-switch tactics used against Veamcast, now applied to AI infrastructure.

1. Infrastructure Dependency Creation

Zuckerberg (26:01): "*we have models like um like the Behemoth one that we're working on which I think it's really unclear how you would use it except to distill it into more reasonable forms*"

Zuckerberg (26:12): "*even for us to use it ourselves we had to build a bunch of infrastructure internally even just to be able to like post-train it*"

2. Distillation as Control Mechanism

Zuckerberg (27:00): "*the distillation it's just like it's magic I mean you basically can make it so that you can get 90% or 95% of the intelligence of something that is 20 times larger*"

Zuckerberg (27:26): "*there's a relatively small number of labs in the world that could do that kind of um either distillation or even operate models of that scale*"

3. Hardware Lock-in Strategy

Zuckerberg (28:56): "*the llama 4 shape of 17 billion parameters per expert was designed because the atomic unit that we have at meta is an H100"* (this means anyone without fleets of Nvidia's H100 GPUs cannot run the full model efficiently.)

Zuckerberg (29:02): "*we want to be able to run like these things very efficiently on that*" (meaning Llama 4 is hardware-tuned for H100 GPUs—efficiency for Meta, de-facto barrier for everyone lacking that $40 K hardware)

II. THE FAMILIAR PATTERN: BAIT-AND-SWITCH THROUGH DEPENDENCY

A. Facebook Platform Strategy (2007-2016)

1. **Promise**: "Open" platform for developers
2. **Dependency Creation**: Developers build businesses relying on Facebook APIs
3. **Control Mechanism**: Restrict API access to eliminate competitors
4. **Outcome**: Meta maintains monopoly while competitors are eliminated

B. AI Platform Strategy (2025-Doomsday)

1. **Promise**: "Open source" AI models for all developers
2. **Dependency Creation**: Developers build AI applications relying on Llama models
3. **Control Mechanism**: Only Meta-scale infrastructure can run full models; "distillation" becomes chokepoint
4. **Outcome**: Meta controls AI infrastructure while maintaining illusion of openness

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III. THE DISTILLATION TRAP

Meta's Advantage:

- Aggregate data of all types from **billions of users** to train Llama models
- Controls the "distillation" process that creates smaller, usable versions
- Keeps proprietary training data while distributing filtered outputs

Developer Reality:

- Receive compressed "crumbs" from Meta's distillation process
- Never access the underlying training data or full model capabilities
- Become dependent on Meta's infrastructure and controlled outputs

Identical to API Strategy: Meta keeps the valuable data/infrastructure; competitors get limited, controlled access that can be restricted at will.

Essential-Facilities / Refusal-to-Deal Doctrine. A monopolist's control of an indispensable infrastructure that competitors cannot practicably duplicate constitutes exclusionary conduct—even when a nominal form of access is offered—if the access provided is inadequate or discriminatory. *See* **Otter Tail Power Co. v. United States**, 410 U.S. 366, 377-78 (1973) (electric-transmission grid); **Aspen Skiing Co. v. Aspen Highlands Skiing Corp.**, 472 U.S. 585, 608-11 (1985) (joint ski-ticket system). Meta's exclusive command of the high-end compute clusters and proprietary distillation pipeline required to run full Llama 4 models is the modern digital equivalent: by withholding full-function access and supplying only a degraded "open" variant, Meta forecloses effective competition and perpetuates its platform monopoly notwithstanding its public "open source" narrative.

IV. CONTINUING MONOPOLIZATION UNDER GUISE OF OPENNESS

This AI strategy represents the **identical methodology** used against Veamcast and other platform developers:

1. **Promise Open Access**: Create illusion of equal opportunity
2. **Build Dependency**: Encourage reliance on Meta-controlled infrastructure

3. **Maintain Control**: Ensure only Meta has full access to valuable resources
4. **Eliminate Threats**: Use infrastructure control to restrict potential competitors

Inevitable Weaponization: Based on Meta's documented history of API restrictions against competitors, the AI infrastructure control will inevitably be weaponized against competitors, business enemies, and any entity Meta perceives as threatening its interests. Just as Facebook eliminated Veamcast and thousands of other developers by restricting API access, Meta will use AI infrastructure dependency to eliminate future competitive threats.

It's not open source, it's open manipulation. It's trickery.

V. ZUCKERBERG'S ADMITTED UNETHICAL CONDUCT PHILOSOPHY

Direct Admission: Mark Zuckerberg has been quoted stating **"You can be unethical and still be legal that's the way I live my life."** (Vanity Fair, 2019)

This admission provides direct evidence of:

- **Conscious disregard for ethical boundaries** in business conduct
- **Deliberate exploitation of legal loopholes** to harm competitors
- **Personal philosophy** that underlies the systematic anticompetitive conduct alleged herein

Pattern Confirmation: Zuckerberg's self-described unethical approach explains the sophisticated deception in AI "open source" claims - technically legal marketing while creating monopolistic infrastructure control that the vast majority of the public cannot comprehend.

VI. RELEVANCE TO CURRENT LITIGATION - GLOBAL IMPERATIVE

This evidence demonstrates:

- **Continuing Pattern**: Same bait-and-switch methodology from 2016 Veamcast case through 2025 AI strategy
- **Systematic Intent**: Platform control as deliberate monopolization tool by self-admitted unethical actor
- **Absence of Mistake**: Repeated use of identical strategy shows conscious anticompetitive plan
- **Technical Deception**: Exploitation of public's limited technical understanding of this incredible new technology to disguise monopolization as democratization
- **Critical Threat**: AI infrastructure monopolization by admitted unethical actor poses unprecedented threat to technological development and competition

Current Relevance: This conduct demonstrates that the platform manipulation tactics that eliminated Veamcast represent Meta's core business philosophy under Zuckerberg's admitted unethical approach, not isolated historical conduct. The stakes have escalated from social platform monopolization to AI infrastructure control with global implications.

Meta's AI "open source" strategy reveals the **continuing and escalating nature** of the platform manipulation tactics that eliminated Veamcast, now applied to a 'behemoth' A.I. technology infrastructure as Meta positions itself to dictate not only who may innovate, but how humanity itself will advance.

CERTIFICATION

I, Joseph Dean, declare under penalty of perjury that the foregoing exhibits are true and accurate copies of the documents and evidence described herein, and that all facts stated are true to the best of my knowledge and belief.

Joseph Dean, Pro Se Plaintiff, Dated: July 4, 2025

