United States District Court, Northern District of California

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

PLAINTIFF'S OPPOSITION TO

DEFENDANT'S AMENDED MOTION TO DISMISS

Hearing Date: February 12, 2026 at 11:00 a.m.

Courtroom: 5, 4th Floor

Zoom webinar (see ECF No. 65)

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I. INTRODUCTION

The opening pages of Meta's Amended Motion to Dismiss (ECF No. 64) contain multiple errors that permeate the entire motion:

A. Meta Misidentifies the Corporate Entity and Ignores Individual Standing

Meta's introduction asserts that Plaintiff's claims belong to Veamcast Corporation. (MTD at 2). This is wrong on multiple levels.

First, Plaintiff filed this action on his own behalf as an individual, not on behalf of any corporation.

Second, Meta has confused two entirely separate corporate entities:

- Veamcast Corporation — one entity
- Veamcast Corp. — a different entity

Neither entity is the plaintiff in this action. More critically, neither entity ever received a transfer of intellectual property rights from Plaintiff. No assignment agreements exist. No corporate records document IP ownership. Plaintiff retained all intellectual property rights throughout. The corporate entities, to the extent they exist, were shells formed for potential investment purposes that Meta's anticompetitive conduct foreclosed. They had no investors, no employees, no bank accounts, and no independent operations.

Third, the injury flows directly to Plaintiff personally, not derivatively through any corporate entity:

- Plaintiff began developing Veamcast in 2010, years before any corporate formation.
- Plaintiff's personal development repository documents 2,132 code changes and 34,741 file operations over 12+ years.

- All costs and expenses—server hosting, development tools, software licenses, domain registrations, marketing, and infrastructure were paid on Plaintiff's personal credit cards or from Plaintiff's bank accounts with no reimbursement from any corporate entity.
- When Meta disabled API functionality for all third party developers and injected false error messages when Plaintiff used functions that they could not broadly restrict, the harm destroyed Plaintiff's personal labor investment and personal financial investment, not some corporate asset.

This distinguishes the case from typical shareholder-derivative standing problems. Unlike cases where shareholders claim derivative harm from injury to a corporation, here the corporation was merely a shell with no independent financial existence. Every dollar invested came from Plaintiff personally. Thousands of hours of development were Plaintiff's personal labor. The corporate entities had no employees, no bank accounts, no independent operations, and no investors. Meta's anticompetitive conduct foreclosed any possibility of growth before investment could occur.

Fourth, Meta's reliance on the 2020 Veamcast Complaint (MTD Ex. 1) to establish corporate ownership actually underscores Plaintiff's individual standing. That complaint's statement that the petitioner "Veamcast Corp" had been developing apps "since 2010" was imprecise. The corporate entity Veamcast Corp. was not formed until 2016. Notably, Meta's motion confuses matters further by citing Florida Sunbiz records for "Veamcast Corporation" (MTD at 2 n.3), a *different* entity than the "Veamcast Corp." referenced in Exhibit 1. This confusion, appearing in Meta's own briefing, illustrates

exactly what Plaintiff alleges: the corporate forms were nominal shells, never received IP transfers, and the real development work was always Plaintiff's personally. The technology itself was developed by Plaintiff beginning in 2010, six years before Veamcast Corp. existed. Meta cannot use Exhibit 1 to prove corporate ownership when that document's own timeline proves the work predated any corporate formation. Plaintiff is not suing as an "officer" of Veamcast Corp. or Veamcast Corporation. He is suing as the individual whose twelve years of personal development work was systematically destroyed through Meta's anticompetitive conduct.

The Transferability Test Confirms Individual Ownership

The simplest proof of Plaintiff's individual standing is this: Plaintiff could transfer the Veamcast intellectual property to any third party and no corporate entity would have any legal recourse. No assignment agreement exists. No corporate records document IP ownership. No corporate entity could sue to block such a transfer or claim breach of fiduciary duty. If Plaintiff sold the technology to a competitor, neither Veamcast Corporation nor Veamcast Corp. could recover a single dollar, because neither entity ever owned anything. This is the defining characteristic of individual versus derivative injury. When a shareholder's injury is truly derivative, the corporation can assert ownership over the underlying asset. Here, the corporate shells have no claim whatsoever to the intellectual property Plaintiff developed over twelve years. The injury to that intellectual property is Plaintiff's alone.

Plaintiff has antitrust standing under *Associated General Contractors v. Carpenters*, 459 U.S. 519 (1983). Plaintiff alleges direct exclusionary harm, not derivative or incidental

injury. Meta's conduct was directed at Plaintiff personally through selective revocation of API functionality after Meta voluntarily granted access, approved Plaintiff's application, and induced reliance. The injury is not speculative: Plaintiff alleges concrete economic harm in the form of destroyed development investment, foreclosed competitive opportunity, and exclusion from the market through deceptive technical sabotage. No more direct plaintiff exists, as no corporate entity owned the technology or suffered the exclusionary injury, and there is no risk of duplicative recovery. Plaintiff is a directly excluded competitor alleging precisely the type of harm, foreclosure of rival functionality and maintenance of monopoly power, that the antitrust laws were designed to prevent.

B. Judge Honeywell Expressly Preserved Individual Standing

In the predecessor case *Veamcast Corp. v. Facebook, Inc.*, No. 8:20-cv-2667-T-36AEP, 2020 WL 7248226, at *3 (M.D. Fla. Dec. 9, 2020), Judge Honeywell, adopting the Report and Recommendation of Magistrate Judge Porcelli, ordered that if Dean seeks to proceed on his own behalf, rather than on behalf of Veamcast, he should be given sixty days to submit an amended complaint setting forth individual claims.

That instruction enforced only the rule that a corporation may not litigate pro se. It did not foreclose individual standing. The court was not required to, and did not, prejudge whether individual claims would succeed. But the court's express instruction confirms the legal possibility of individual claims.

Plaintiff did exactly what Judge Honeywell directed. Meta cannot now argue that filing individually is improper without creating an impossible procedural trap.

C. Judge Scriven Already Found the SAC Adequately Pleaded

Before transfer to this District, Magistrate Judge Thomas G. Wilson recommended dismissal of the Second Amended Complaint, questioning whether "the Sherman Act... give[s] an individual a right to commence a civil lawsuit." (ECF No. 13 at 5). Judge Mary S. Scriven conducted de novo review and expressly rejected that recommendation. Dean v. Meta Platforms, Inc., No. 8:24-cv-2242-MSS-TGW, ECF No. 19 (M.D. Fla. Feb. 25, 2025). Judge Scriven found that the SAC "clearly identifies two causes of action against the Defendant, details the Defendant's actions that give rise to the allegations, and supports each assertion with case law." Id. at 3. The court specifically noted that the complaint "pleads sufficient facts permitting the Defendant to file an answer." Id.

D. Dean v. Roku Is Distinguishable and On Appeal

Meta cites Dean v. Roku Inc., No. 8:23-cv-1222 (M.D. Fla.), for the proposition that Plaintiff's claims fail. (MTD at 7). But Dean v. Roku involved the same Magistrate Judge Wilson and that case is currently on appeal to the Eleventh Circuit. Case No. 25-12890. In Roku, Magistrate Wilson struck Plaintiff's entire supporting Appendix, including video demonstrations of the anticompetitive conduct, without citing any rule, case law, reasoning or proof of any review at all. The court then dismissed for failure to allege facts that were contained in the very evidence it had struck. That procedural history does not support Meta's position. It is the subject of pending appellate review. Judge Scriven's rejection of Magistrate Wilson's recommendation in this case, after de novo consideration, confirms that this SAC meets Rule 8 pleading standards.

E. The Statute of Limitations Does Not Bar Plaintiff's Claims

Meta asserts that Plaintiff's claims "accrued no later than 2019" and are therefore time-barred under the four-year limitations period of 15 U.S.C. § 15b. (MTD at 9).

This argument fails.

The Critical Timeline:

- **2015–2020** — Meta's anticompetitive conduct occurs (API restrictions, blocking and removing content, sham error injection, deceptive support, removing evidence)
- **September 25, 2020** — Meta closes Plaintiff's support ticket without resolution after numerous app reviews with no indication of issues and months of fake customer support, revealing anticompetitive intent (accrual date under discovery rule).
- **September 22, 2024** — Current action filed (3 days before 4-year deadline)

Under the discovery rule, a cause of action does not accrue until the plaintiff discovers, or with reasonable diligence should have discovered, both the injury and its cause. Merck & Co. v. Reynolds, 559 U.S. 633, 644 (2010). Plaintiff knew he was experiencing technical problems with Facebook's API. What Plaintiff did not know, and could not know until Meta closed his support ticket without resolution on September 25, 2020, was whether he faced a technical bug, a solvable restriction, a new policy change or targeted, deceptive conduct purposefully dragged out without addressing the issue. The 2020 Veamcast Complaint was dismissed as "an airing of grievances" because Plaintiff, as a non-lawyer, attempted to represent a corporate entity pro se, a fundamental procedural error. See Veamcast Corp. v. Facebook, Inc., Report & Recommendation at *1 (M.D. Fla. Nov. 19, 2020), adopted, 2020 WL 7248226 (M.D. Fla.

Dec. 9, 2020). A plaintiff who did not understand basic federal procedure cannot reasonably be charged with sophisticated understanding of when an antitrust claim accrues. While Plaintiff understood he was being harmed, he did not understand the cause until Meta's conduct revealed it was deliberate targeting rather than technical malfunction. A reasonable developer would attribute this to bugs/policy churn until Meta's conduct and evidence deletion made the exclusionary intent discoverable. Meta's deceptive error messages and false "reported as abusive" flags on newly created content, misleading support responses, non-functional appeal processes were designed to mask the anticompetitive nature of its conduct. Plaintiff could not discover the cause until Meta closed his support ticket without resolution on September 25, 2020, revealing that Meta had no intention of resolving "technical" issues because they were not technical issues at all. Applying the discovery rule, this action, filed September 22, 2024, falls 3 days before the four-year limitations period expired.

Meta's MTD takes contradictory positions. For statute of limitations purposes, they claim anticompetitive conduct was so clear Plaintiff should have sued in 2019. For Rule 12(b)(6) purposes, they claim no anticompetitive conduct has been alleged.

Throughout August 2020, Meta's support representative Jacky Le Nghia engaged extensively with Plaintiff's technical issues, stating on August 13: "We've managed to reproduce the issue from the info you shared here. I'm assigning this to our engineering team for further investigation." (SAC Ex. C, Thread [3].) After Plaintiff followed every instruction Meta provided, Jacky Le Nghia told Plaintiff the issue was resolved, twice. Each time, Plaintiff demonstrated the problem persisted.

Meta then deleted the support thread entries proving these assurances false. (Id.) By September 25, 2020, Meta had replaced the entire thread with a "Bug Report Closed" notice, eliminating evidence of its representations. (SAC Ex. C, Thread [4].) A plaintiff cannot "discover" that he is being deliberately targeted when the defendant's own representatives are actively telling him the issue is being fixed. Meta cannot run the limitations clock while simultaneously assuring Plaintiff his technical problems were under investigation. Meta's statute of limitations argument ignores its own active and fraudulent concealment.

This Case Differs from Reveal Chat

Meta cites *Reveal Chat Holdco LLC v. Facebook, Inc.*, 2021 WL 1615349 (N.D. Cal. Apr. 26, 2021), but that case involved Facebook's publicly announced deprecation of specific APIs at its F8 developer conference, giving developers clear notice their access was ending. The statute began running because plaintiffs "had notice of their injury by April 30, 2015 when the Core APIs that their businesses relied on were withdrawn." *Id.* at *5. Here, Meta's conduct involved API functions that were never deprecated and remained available to all, specifically, the ability to publish content to Facebook pages. Meta could not publicly announce removal of this core functionality without exposing selective targeting of competitors. Instead, Meta actively concealed its anticompetitive conduct through deceptive error messages, misleading support responses, and deletion of support threads. These allegations satisfy the fraudulent concealment standard requiring that a defendant conceal facts "in such a way that the plaintiff, acting as a reasonable person, did not know of its existence." *Id.* at *7.

Laches Does Not Apply

Meta alternatively invokes laches. (MTD at 11). But where claims are timely under the statute of limitations, the strong presumption is that laches is inapplicable. Jarrow Formulas, Inc. v. Nutrition Now, Inc., 304 F.3d 829, 835 (9th Cir. 2002).

F. Meta's Motion Mischaracterizes the Legal Issues

Meta characterizes this as a straightforward refusal-to-deal case governed by Verizon Communications Inc. v. Law Offices of Curtis V. Trinko, LLP, 540 U.S. 398 (2004). (MTD at 12-13). This framing is strategically misleading because Trinko addressed a *regulated* monopolist's passive failure to share facilities with competitors they had *not* previously shared with. That is not this case.

This case involves **active deception**:

- Meta injected false error messages claiming content was "reported as abusive" when the content was newly created and had never been viewed. (SAC ¶ 9(b)).
- Meta provided misleading support responses promising resolution while maintaining blocks. (SAC ¶ 9(d)(1)).
- Meta deliberately deleted support threads containing evidence of its conduct. (SAC ¶ 9(d)(2)).
- Meta directed Plaintiff to non-functional appeal processes that appeared to have been designed to run out the clock. (SAC ¶ 9(d)(3)).

This case involves **discriminatory termination of voluntary dealing**:

- Meta voluntarily made its API available to developers. (SAC ¶ 6).

- On several occasions, Meta reviewed and approved Veamcast's functionality through its App Review Process. (SAC ¶ 7, Ex. D).
- Meta employees downloaded and tested Veamcast multiple times. (SAC ¶ 8).
- Meta then selectively disabled Veamcast's API access while its own applications retained identical functionality. (SAC ¶ 9(a)).

The proper legal framework is not Trinko, but:

Aspen Skiing Co. v. Aspen Highlands Skiing Corp., 472 U.S. 585 (1985) — A monopolist who voluntarily participates in a profitable course of dealing, then terminates that arrangement to harm a competitor while sacrificing short-term profits, violates Section 2. Meta voluntarily opened its platform to developers, profited from the resulting ecosystem, then selectively cut off competitive threats. That is Aspen Skiing.

United States v. Microsoft Corp., 253 F.3d 34, 64–65 (D.C. Cir. 2001) - Holds that ostensibly legitimate product design choices constitute exclusionary conduct where they are engineered to degrade rivals and lack procompetitive justification. Microsoft's covert technical sabotage of Java, implemented through compatibility-breaking design decisions, parallels Meta's alleged use of false "abuse" flags and misleading HTTP error codes to degrade, exclude, and discredit competing developers under the guise of neutral enforcement.

Broadcom Corp. v. Qualcomm Inc., 501 F.3d 297, 314 (3d Cir. 2007) — Deceptive conduct in a standard-setting or platform context can independently violate Section 2. Meta's fraudulent error messages and misleading support responses constitute deceptive practices actionable under Broadcom.

United States v. Google LLC, No. 1:23-cv-00108-LMB-JFA, 2025 U.S. Dist. LEXIS 74956 (E.D. Va. Apr. 17, 2025) A platform's exclusive control over technical interfaces that competitors must use constitutes monopolization. The court found Google liable where it "tied its publisher ad server and ad exchange together through contractual policies and technological integration" to "establish and protect its monopoly power" and "further entrenched its monopoly power by imposing anticompetitive policies on its customers and eliminating desirable product features." *Id.* at *114–15. Meta's control over Graph API functionality, and selective disabling of that functionality for competitive threats, is analogous.

The question is not whether Meta had a duty to deal with Veamcast. The question is whether Meta violated Section 2 by granting access, inducing reliance, then weaponizing that reliance through deceptive technical sabotage. The answer is Meta unquestionably did.

The evidence in *FTC v. Meta* paints a picture of Facebook, under explicit direction of CEO Mark Zuckerberg, systematically identifying competitive threats on its platform and eliminating them. In a February 2012 email discussing Instagram's acquisition, Zuckerberg wrote that purchasing competitors would **"neutralize a potential competitor"** and explained**: "[W]hat we're really buying is time. Even if some new competitor springs up... those new products won't get much traction."** First Notice Ex. O at 1 (quoting FTC Ex. PX1136).

A year later, discussing WhatsApp, Zuckerberg identified **"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 transform […] that into a broader social network... this is a big risk for us." (First Notice Ex. M at 5 quoting FTC Ex. PX10271) This is the Veamcast Business Model exactly.

This strategy extended beyond acquisitions to API restrictions. Internal documents revealed that **Meta maintained "a small list of strategic competitors that Mark personally" targeted for platform restrictions**. (First Notice Ex. M at 3, 5-6 quoting FTC Ex. PX12108) When Vine launched in January 2013, Zuckerberg personally approved cutting off the app's API access within hours. A senior Meta executive acknowledged the competitive motivation plainly: **"We will look like complete idiots if we lose our business to these messenger services and help them along the way."** *Id.*

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."** (First Notice Ex. M at 4 citing FTC Press Release, Aug. 19, 2021 FTC).

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."** *Id.* The FTC specifically found that **"Facebook abruptly reversed course and required developers to agree to conditions that prevented successful apps from emerging as competitive threats to Facebook."** First Notice Ex. M at 2-3 (citing FTC Complaint. ¶ 4, Case No. 1:20-cv-03590 (D.D.C. Dec. 9, 2020))

Veamcast's experience fits this pattern precisely. Meta approved Veamcast's functionality, surveilled its development through repeated employee downloads,

identified it as offering competitive features, and then buried it through deceptive API manipulation, all while concealing the anticompetitive nature of its conduct behind false error messages and misleading support responses. This is not a refusal-to-deal case. It is a deception case, and the evidence of Meta's systematic conduct makes that more than just plausible.

G. The Boasberg Rulings Support, Not Undermine, Plaintiff's Claim

Meta invokes Judge Boasberg's November 2025 ruling in *FTC v. Meta* finding no current monopoly power. (MTD 14-15) That ruling is inapposite for two reasons:

First, it addressed *prospective* injunctive relief requiring proof of *current* monopoly power. This case seeks *retrospective* damages requiring only proof of monopoly power during the violation period. *See United States v. Grinnell Corp.*, 384 U.S. 563, 570–71 (1966). Moreover, Meta's reliance on Judge Boasberg's market definition, which included TikTok and YouTube as competitors defeating monopoly power, is anachronistic. TikTok did not launch in the United States until September 2017 and did not achieve significant market penetration until 2020. See FTC v. Meta Platforms, Inc., No. 1:20-cv-03590-JEB, ECF No. 693, at 89 (D.D.C. Nov. 18, 2025) ("The Court's two Opinions on motions to dismiss did not even mention the word 'TikTok.'"). The competitive landscape during Plaintiff's violation period bore no resemblance to the 2025 market Judge Boasberg analyzed. Meta cannot use current competition from TikTok to defeat claims of historical monopoly power during a period when Facebook dominated and TikTok barely existed.

Second, Judge Boasberg's 2021 ruling actually supports Plaintiff's theory. He expressly acknowledged that "specific instances in which Facebook revoked a competitor's API permissions (after previously providing it access) might have violated Section 2." *FTC v. Facebook, Inc.*, 560 F. Supp. 3d 1, 21 (D.D.C. 2021). The court declined to permit those claims to proceed only because the FTC sought prospective injunctive relief and did not allege ongoing violations. These limitations that do not apply to Plaintiff's timely private damages claims**.** The only reason he declined to allow those claims to proceed was that the FTC sought *prospective injunctive relief* under Section 13(b), which requires showing the defendant "*is* violating" antitrust law. *Id.* Plaintiff's Exhibits X, Y and Z are evidence they still are violating. Even if they were not, that temporal limitation does not apply to private damages claims timely filed.

Plaintiff's claims fall squarely within the theory Boasberg found cognizable: API access was granted, then revoked through deceptive technical manipulation to eliminate a competitive threat. Internal Meta documents unearthed by the FTC support our claims.

H. Market Definition Is Adequately Alleged and Inappropriate for 12(b)(6) Resolution

Meta contends Plaintiff "fails to allege any facts" supporting a relevant market. (MTD at 14–15). This is false. The SAC alleges that Meta possesses monopoly power in the market for social networking services, incorporating the FTC's definition of the "personal social networking" market. (SAC ¶¶ 11(d), 21). The SAC further alleges specific indicia of monopoly power, including Meta's massive user base, substantial revenues, and network effects. (SAC ¶ 21). As alleged, Meta maintained that monopoly

by exercising exclusive control over critical APIs that determine which competing functionality may reach users, enabling Meta to identify, target, and eliminate competitive threats while preserving dominance in the user-facing social networking market. (SAC ¶¶ 6–9, 21).

This mirrors the market definition Judge Boasberg found plausible at the pleading stage in *FTC v. Facebook, Inc.*, 581 F. Supp. 3d 34 (D.D.C. 2022). There, the FTC alleged a market for "Personal Social Networking services" distinguished by functional characteristics, "that enable and are used by people to maintain personal relationships and share experiences with friends, family, and other personal connections in a shared social space", excluding specialized services like LinkedIn, broadcast platforms like Twitter, and video streaming services like YouTube. Id. at 45. Judge Boasberg held that at this motion-to-dismiss stage, precise market share calculations are not required. *Id.* at 49. The court found the FTC's narrowly-defined market plausible because it was grounded in functional interchangeability and cross-elasticity of demand, the same analytical framework Plaintiff applies here. Notably, Judge Boasberg also found plausible the FTC's allegations that Facebook "maintained its monopoly through conditional dealing policies that prevented interoperability between Facebook's platform and competing apps" and "enforced these policies by cutting off API access to blunt perceived competitive threats." Id. at 57–60. Meta's conduct here, revoking API access to eliminate competitive functionality, is indistinguishable.

Market definition is a fact-intensive inquiry inappropriate for resolution on a motion to dismiss. In *United States v. Google LLC*, No. 1:23-cv-00108-LMB-JFA, 2025 U.S. Dist.

LEXIS 74956 (E.D. Va. Apr. 17, 2025), the court conducted extensive factual analysis before concluding Google held monopoly power through "exclusive control over essential APIs necessary for competition." *Id.* at *42–43. The court rejected Google's argument that plaintiffs defined the market too narrowly, finding instead that control over technical interfaces demonstrated market power. That determination requires discovery and is not appropriate for resolution on a motion to dismiss.

I. Meta Repeatedly Misrepresents the Record

Throughout its motion, Meta claims Plaintiff "did not allege" or "failed to provide evidence" of matters that are plainly alleged in the SAC and five Notices of Newly Discovered Evidence (ECF Nos. 32, 36, 38, 39, 42). The following table documents these misrepresentations:

Meta's Claim	Where Plaintiff Alleged It
"Plaintiff has not alleged that Meta's alleged conduct caused him, personally, to suffer any injury" (MTD at 6)	SAC ¶¶ 5, 13; First Notice Ex. E (2,132 code changes, 34,741 file operations); Ex. F (economic impact)
"The SAC Does Not Allege Any Anticompetitive Conduct" (MTD at 12)	SAC ¶ 9(a)-(d) (API disabling, deceptive errors, content deletion, concealment); First Notice Exs. G, O; Second Notice Ex. U

"Plaintiff has not... pled any facts showing a voluntary and profitable course of dealing" (MTD at 13)	SAC ¶¶ 6-9 (API access granted, app approved, then selectively terminated), Exhibits W-2, W-3
"Plaintiff has not plausibly established a relevant market" (MTD at 14)	SAC ¶¶ 11(d), 21; First Notice Exs. L, M (FTC findings incorporated)
"Plaintiff failed his burden to plead fraudulent concealment" (MTD at 10)	SAC ¶¶ 9(d), 10 (misleading support, deleted threads, non-functional appeals); Ex. C3; First Notice Ex. K
"SAC contains no allegations" of exclusive dealing (MTD at 14)	SAC ¶¶ 26-31 (entire section on Clayton Act § 3); ¶ 28 (FTC findings)
Plaintiff's experience was isolated (implicit)	SAC ¶¶ 11-12; Second Notice Ex. U (Phhhoto, Six4Three, Reveal Chat, Social Fixer, Voxer)

Seven times, Meta tells this Court that Plaintiff failed to allege or plead something. Seven times, a simple citation proves otherwise. It is a pattern of misrepresentation. Eighth, Meta claims Plaintiff "has failed to design his social network." (MTD at 2). This is perhaps the most remarkable misrepresentation. Meta's own App Review process reviewed and approved Veamcast's design. Meta employees downloaded and tested

the application multiple times. Plaintiff's development repository documents 2,132 code changes and 34,741 file operations over twelve years. Meta cannot argue that Plaintiff never defined anything while Meta reviewed, approved, and then selectively disabled what Plaintiff designed. The application existed. Meta knew it existed. Meta's anticompetitive conduct is the reason for Plaintiff's harm and loss of opportunity

J. Popa v. Microsoft Is Inapposite

Meta cites *Popa v. Microsoft Corp.*, No. 24-14, 2025 WL 2448824 (9th Cir. Aug. 26, 2025), for its standing argument. (MTD at 6). *Popa* is distinguishable. That case addressed privacy standing under *TransUnion* and *Spokeo*, finding no concrete injury from intangible data collection "most similar to a store clerk's observing shoppers." *Id.* at *5. This case involves antitrust standing with concrete economic harm: twelve years of personal development, exposed personal finances, and documented API destruction. Antitrust standing under *Associated General Contractors v. Carpenters*, 459 U.S. 519 (1983), applies different factors than Article III privacy standing. Meta's citation imports an inapplicable framework.

II. CONCLUSION

Meta's motion asks this Court to do what the company could not accomplish through its own conduct: eliminate Veamcast without accountability. For over a decade, Meta deployed a systematic playbook: identify competitive threats, lure developers onto its platform, surveil their progress, and bury them through deceptive technical sabotage when they compete for user engagement in a way that doesn't benefit Meta. The FTC documented this pattern. Judge Boasberg recognized that API revocation claims can

state a Section 2 violation. Internal emails show Zuckerberg personally approved cutting off competitors within hours of launch. And now Meta asks this Court to dismiss on the pleadings a case that fits the pattern precisely.

This is not a refusal-to-deal case. It is a deception case. Meta did not simply decline to work with Veamcast. It granted access, induced reliance, then weaponized that reliance through false error messages, misleading support responses, and deliberate evidence destruction. Plaintiff has standing. The claims are timely. The market is adequately defined. And the conduct alleged is exactly what Section 2 prohibits.

The allegations are sufficiently pleaded and the evidence is substantial.

Meta's Amended Motion to Dismiss should be denied.

Respectfully submitted,



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Dated: January 22, 2026

CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2026, I electronically filed the foregoing PLAINTIFF'S OPPOSITION TO DEFENDANT'S AMENDED MOTION TO DISMISS with the Clerk of Court using the CM/ECF system and I will send notification of such filing to the following counsel of record:

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