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113<sup>th</sup> Congress, 1<sup>st</sup> Session..... Citizen Document, Feb. 21, 2014

A REQUEST FOR CONGRESSIONAL INTERVENTION

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COMMUNICATION

FROM

**CONCERNED CITIZENS ON BEHALF  
OF THE SHAREHOLDERS OF  
LEADER TECHNOLOGIES, INC.**

TRANSMITTING

A REQUEST TO RESTORE THE PRIVATE PROPERTY RIGHTS OF  
OHIO INNOVATOR LEADER TECHNOLOGIES, INC.—RIGHTS THAT  
HAVE BEEN CONFISCATED BY FEDERAL AGENCIES WITHOUT  
COMPENSATION IN VIOLATION OF THE FIFTH AMENDMENT



UNITED STATES OF AMERICA : 2014

THE UNITED STATES OF AMERICA  
FEBRUARY 21, 2014

HONORABLE MEMBERS OF CONGRESS,  
Senate and House of Representatives of the United States,  
Washington D.C.

DEAR HONORABLE MEMBERS: We respectfully ask Congress to exercise the power granted to them exclusively by the Fifth Amendment to restore the private property rights of Ohio innovator Leader Technologies Inc. (“Leader”)—rights confiscated by federal agencies without compensation.

Leader’s first patent was awarded on Nov. 21, 2006, for what is now called “social networking.” Since the late 1990’s, Leader shareholders have provided over \$10 million in entrepreneurial risk capital to support the research and development of Leader’s innovative ideas.

In brief, Facebook has stolen, and the federal government has enjoyed the free use of, Leader’s patented private property through denial of due process which includes:

- the withholding of evidence at trial;
- collusion with federal judges who held undisclosed Facebook interests;
- collusion with attorneys, federal judges and federal employees who failed to disclose relationships with Facebook;
- the co-opting of the U.S. Patent Office to invalidate Leader’s patent, fully seven years after its issuance and after an unprecedented three re-examinations.

On July 27, 2010 a federal jury found that Facebook, Inc., Palo Alto, California, was in “literal infringement” of Leader’s U.S. Patent No. 7,139,761 on 11 of 11 claims. The jury also found that no prior art existed.

Despite this finding, Leader lost its case on an obscure and unproven claim, in a trial in which a veteran judge was abruptly replaced and new claims were allowed for Facebook and discovery denied for Leader.

Subsequent federal appeals judges ruled against Leader using new evidence not heard by the jury, while Facebook pressured the United States Patent Office—even after appeals— to invalidate Leader’s entire patent.

This abuse of due process is euphemistically called “judicial activism.” We call it corruption. We implore Congress to preserve, protect and defend Leader’s property from this predatory conduct.

Enclosed is unmistakable evidence of financial misconduct and influence peddling by the Judicial and Executive Branches that deprive Leader of the enjoyment of its valuable private property. The **claims** and the **evidence** are set forth herein.

Sincerely,

CONCERNED CITIZENS ON BEHALF OF THE  
SHAREHOLDERS OF LEADER TECHNOLOGIES, INC.

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SUBMITTED TO MEMBERS OF THE  
113<sup>TH</sup> CONGRESS, 1<sup>ST</sup> SESSION, FEBRUARY 21, 2014

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**REQUEST FOR CONGRESS TO RESTORE THE  
PRIVATE PROPERTY RIGHTS OF LEADER  
TECHNOLOGIES, INC., COLUMBUS, OHIO THAT  
HAVE BEEN CONFISCATED BY THE JUDICIAL  
AND EXECUTIVE BRANCHES WITHOUT  
COMPENSATION**

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Submitted by concerned citizens on behalf of the shareholders of  
Leader Technologies, Inc., Columbus, Ohio  
Thursday, February 21, 2014

## **REQUEST**

We respectfully ask Congress to take the necessary actions, under the Takings Clause of the Fifth Amendment and other relevant Constitutional authorities, to restore the private property rights of technology innovator Leader Technologies, Inc., Columbus, Ohio (“Leader”). These rights have been confiscated without compensation by judicial and executive agencies of the federal government.

This legislative action to protect valuable private property should include:

**1. COMPENSATION FOR CONFISCATION AND DAMAGE.** Order the licensing of the government’s use of Leader’s invention going forward, and compensate the company for the benefits of past use, in an amount Congress deems fair and just.

**2. RESTORE LEADER’S PROPERTY RIGHTS.** Restore Leader’s full private property rights to U. S. Patent No. 7,139,761. Nullify the corrupt actions of the district court, Federal Circuit appeals court, U.S. Supreme Court and U.S. Patent Office related to Facebook’s unproven on-sale bar claim.

**3. PRESERVATION OF EVIDENCE.** Impound and mirror-copy for safekeeping with an honest broker at least 28 Mark Zuckerberg hard drives and Harvard emails from the 2003-2004 time frame that have been concealed from discovery in multiple litigations by Facebook’s law firms, including but not limited to

Gibson Dunn LLP, Cooley Godward LLP, White & Case LLP, Perkins Coie LLP, Latham & Watkins LLP, Blank Rome LLP, Weil Gotshal LLP, Blank Rome LLP, Orrick Herrington LLP and Fenwick & West LLP.

**4. IMPEACH THE CONSPIRATORS.** Remove from office all employees of the federal government who have knowingly participated in this deprivation of sacred private property rights in violation of their ethical pledges to the American people. In addition, sanction, discipline and prosecute wrongdoers to restore confidence in the rule of law.

### **A. BACKGROUND TO THE REQUEST**

*We fear that if Congress does not stop this disregard for the law in Leader's case, the message to American innovators will be to stop innovating, since inventors will not be protected or rewarded by the patent system and federal courts.*

*Big infringers don't invent. Individual inventors do. Invention is difficult, expensive, risky, and time consuming. By contrast, theft and copying are easy and cheap. What happens to an economy when the thieves have nothing to steal because innovation has not been protected?*

Concerned citizens on behalf of the shareholders of Leader Technologies, Inc. ("Leader"), Columbus, Ohio, respectfully request that Congress take the necessary actions to restore the private property of Leader in U.S. Patent No. 7,139,761 for social networking. Various agencies of the U.S. government use and rely upon Leader's invention without compensating the inventor and rightful patent holder.

These agencies include the White House, the President, Commerce Department, Patent Office, HealthCare.gov, and even the Congressional websites. These property rights have been trampled by evident corruption within the Executive and Judicial Branches.

Congress has exclusive authority over all patent private property rights granted under the U.S. Constitution, Article I, Section 8:

*"To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."*

On Jul. 27, 2010, Facebook, Inc. was judged to be in “literal infringement” of Leader’s patent on 11 of 11 claims (“*Leader v. Facebook*”). Despite this, key officials of the federal courts collaborated with the White House, Securities & Exchange Commission, Commerce Department and U.S. Patent Office to confiscate Leader’s private property. These agencies now enjoy Leader’s invention without due compensation. In fact, HealthCare.gov erroneously states publicly that Leader’s invention is “open source,” meaning nobody holds the rights.

Congress also has the authority to return property that has been seized without due process and compensation under Bill of Rights Fifth Amendment:

No person shall be “deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

Both have occurred in *Leader v. Facebook*: 1) abuse of due process, and 2) seizure of property without just compensation. Investigation into this misconduct has exposed **widespread judicial, administrative and banking corruption**. It is now evident that these various groups compared notes, and all wanted a piece of Leader’s invention. It is also apparent that none of them intended to honor Leader’s patent property rights.

The corruption appears to center on seminal events in 2008 related to American elections and preparations by certain financial institutions for an eventual Facebook initial public offering (“IPO”). These plans appear to have been shared with an exclusive group of judicial and political insiders who were directed to purchase certain mutual funds, such as Fidelity Contrafund, mostly before 2008.

These fund managers appear to have coordinated this activity with Goldman Sachs, Morgan Stanley, JPMorgan Chase, Facebook’s chairman and largest shareholder, James P. Breyer<sup>1</sup> of Accel Partners, LLP, and certain of his colleagues at the National Venture Capital Association, including Robert C. Ketterson (Fidelity), Anne Rockhold (Vanguard) and Ann H. Lamont (U.S. CTO Todd Y. Park’s director of Athenahealth, Inc. and Castlight Health, Inc. with Robert Kocher MD—HealthCare.gov).

The plan, verified by observed public conduct, was for these insider funds to eventually purchase Facebook private insider

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<sup>1</sup> “Faces of the Facebook Corruption” by [FBCP](#), Dec. 11, 2013.

shares, before the IPO, by means of so-called “dark pools,” which were unregulated offerings underwritten by Goldman Sachs. This pre-IPO activity drove Facebook’s valuation to \$100 billion. Artificially? These actions are analogous to an author writing his own reviews. Fidelity Contrafund has invested over \$2 billion dollars in this scheme. An equally exclusive group of Judicial and Executive Branch officials invested, as shown below.

This exclusive group of funds needed tens of billions of dollars in unencumbered funds to drive up Facebook valuation. So, we believe, the fund directors, certain directors of the National Venture Capital Association, and James P. Breyer devised various schemes to acquire huge volumes of free cash. These schemes likely included the so-called 2008 bank bailout as well as the energy stimulus—**all funded by the U.S. taxpayer.**

With this money, these funds and banks could support the Facebook public stock until all their insiders could pocket the promised windfall. Chief among this group is Lawrence "Larry" Summers, former Director of the National Economic Council, appointed by President Obama to oversee the bailout of at least four of the banks in this collusion—JPMorgan, Goldman Sachs, Morgan Stanley and State Street Corp.<sup>2</sup>

Untold billions of dollars of these taxpayer funds (maybe tens of billions) went overseas. There they were likely leveraged, then flowed back to purchase the Facebook private shares.

Securities & Exchange Commission (S.E.C.) Chair Mary L. Schapiro was the largest Obama administration purchaser of these Facebook dark pools. She did so despite her statements at confirmation and afterwards that dark pools undermined public confidence, and despite receiving numerous whistleblower warnings about this activity prior to the IPO.<sup>3</sup> After her confirmation, she even held hearings, ostensibly to regulate dark pools, but has done little, if anything, regarding the promised regulation.

Ms. Schapiro has the record for most Facebook dark pool holdings with at least 51 funds (see Sec. 9a below). However, the cabinet member with the highest dollar value of dark pool

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<sup>2</sup> [Summers, Lawrence “Larry,”](#) OGE Form 278 Financial Disclosure, Feb. 23, 2009; appointed Director of the National Economic Council by Barack Obama on [Nov. 23, 2008](#) (p. 31); holds at least 16 Facebook “dark pools” funds.

<sup>3</sup> [S.E.C. whistleblower warnings re. Facebook](#), S.E.C., posted Dec. 20, 2013.

holdings with at least \$23.4 million is Penny S. Pritzker,<sup>4</sup> Secretary of the Commerce Department who, on Jun. 22, 2013 replaced Rebecca M. Blank. Ms. Blank holds at least 40 funds.

Ms. Pritzker is another Harvard Law School contemporary of Barack Obama, Preetinder "Preet" Bharara (U.S. Attorney attacking Paul Ceglia, see below) and Thomas J. Kim (S.E.C. exemption, see below).

On Oct. 14, 2008, the S.E.C. granted Facebook an unprecedented exemption from the well-accepted 500-shareholder rule. This exemption was the excuse Goldman Sachs used to sell billions of dollars of Facebook private dark pools shares without public scrutiny. The S.E.C. chief counsel, who granted that exemption, was Thomas J. Kim, a Harvard Law School colleague of Barack Obama, and former partner at James W. Breyer's law firm, Latham & Watkins LLP. Mr. Breyer is also a Harvard University trustee. The conflicting relationships with Mr. Kim are unmistakable, especially since the exemption was granted without a public hearing.

**The Facebook IPO train had already left the station by 2008 when Leader Technologies filed against Facebook for patent infringement on Nov. 19, 2008—it appears that too many promises had already been made to let the U.S. Constitution stand in their way.**

Evidently, these actors had no intention of letting Leader's constitutional, superior patent property rights stop them. The plan seems to have been to bury Leader's claims by any means, legal or not.

Facebook initially tried to label Leader a "patent troll," but that did not stick, since Leader was an operating software business. Next they tried crying "poor us, we're picked on because we're big." During this phase, their claim was that the patent was nothing innovative. Their claim right up to one month before trial was "false marking"—that Leader was falsely marking its products and falsely claiming to have something innovative.

False marking fit their narrative that social media should be open and free and not proprietary. However, after a seminal hearing called the *Markman Hearing*—where Facebook's arguments were resoundingly discredited by the judge—they

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<sup>4</sup> [Pritzker, Penny S.](#), OGE Form 278 Financial Disclosure, May 8, 2013.



appear to have panicked and realized they could not win the case in a fair fight.<sup>5</sup> Hindsight says this is probably when the judicial corruption began.

Within a week after *Markman*, things started changing dramatically. The 25-year veteran judge, who said he was looking forward to the trial, suddenly announced his retirement and summarily left the bench just a month before the trial was to start. He was replaced by an Obama nominee for whom this would be his first trial. His first act was to allow Facebook to add an on-sale bar claim—the polar opposite to their initial false marking claim.

In other words, Facebook was allowed to flip-flop 180 degrees from claiming that Leader had created nothing innovative, to claiming that Leader had a valid innovation, but tried to sell it too soon. The replacement judge prejudicially *blocked* Leader from preparing any defenses or experts or witnesses to defend against the new on-sale bar claim, essentially condemning Leader to go into the on-sale bar battle unarmed—a gross abuse of due process. By contrast, Leader won all arguments for which they were allowed to prepare, most notably, they proved literal infringement on 11 of 11 claims and no prior art.

Facebook's on-sale bar claim continued to be affirmed uncritically by the courts right up to the Supreme Court. The Federal Circuit even made up *new evidence* to support Facebook (even though no new evidence may be presented on appeal), another gross breach of due process.

In addition, all the judges in all the courts failed to disclose their substantial financial holdings in Facebook interests, as well as their prior associations with Facebook lawyers. They also failed to act to preserve dramatic new evidence that Mark Zuckerberg and Facebook had lied to Leader's attorneys about the existence of 28 Zuckerberg hard drives and Harvard emails. Facebook's attorney, Gibson Dunn LLP, actually represented the Federal Circuit in an earlier ethics matter. Even so, the judges said not a whisper about their conflict of interest in breach of the Code of Conduct for U.S. Judges.

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<sup>5</sup> [Markman Briefs & Opinion](#), *Leader Technologies, Inc., v. Facebook, Inc.*, 08-cv-862-JJF (D.Del. 2008), \*.zip package.

**The conduct of the Executive and Judicial Branches is the fruit of a poison tree requiring Congressional remedies as the Third Branch of Government with the power of the purse and property.**

This massive corruption renders the decisions and actions of these courts and agencies the fruit of a poison tree.

Customary judicial and administrative remedies cannot be relied upon in this matter. Judge and administrative bias have tainted the proceedings in the federal courts and the Patent Office. Therefore, Congress—the People’s body—must now be relied upon for justice. Congress must exercise its exclusive Constitutional powers over the purse, private property and impeachment of corrupt judges and federal officials.

#### **THE TAKINGS CLAUSE OF THE FIFTH AMENDMENT**

Congress has the authority and duty under the Takings Clause of the Fifth Amendment to restore private property that has been seized improperly by the federal government. Congress should also compensate Leader for the federal government’s free enjoyment of the confiscated properties.

**No American citizen’s private property, patent or otherwise, is safe if the federal government is permitted to march in and use property without at least compensating the rightful owners.** The fact that government agencies colluded with Facebook and its cronies in the process makes the whole situation more egregious.

**B. RECIPIENTS OF THE REQUEST**

[Include]

**HOUSE**

ANN KIRKPATRICK, Arizona  
 BILL PASCRELL JR, New Jersey  
 DARRELL ISSA, California  
 DAVID E. PRICE, North Carolina  
 DAVID SCHWEIKERT, Arizona  
 ED PASTOR, Arizona  
 ERIC CANTOR, Virginia  
 GEORGE HOLDING, North  
 Carolina  
 GEORGE MILLER, California  
 JIM JORDAN, Ohio  
 JOHN KLINE, Minnesota  
 JOHN BOEHNER, Ohio  
 JOYCE BEATTY, Ohio  
 KYRSTEN SINEMA, Arizona  
 LUKE MESSER, Indiana  
 MARCY KAPTUR, Ohio  
 MATT SALMON, Arizona  
 PAT TIBERI, Ohio  
 PAUL GOSAR, Arizona  
 RENEE L. ELLMERS, North  
 Carolina  
 RAÚL GRIJALVA, Arizona  
 ROBERT C. BOBBY SCOTT,  
 Virginia  
 ROBERT E. LATTA, Ohio  
 RON BARBER, Arizona  
 SAM FARR, California  
 SCOTT GARRETT, New Jersey  
 STEVE ISRAEL, New York  
 SUSAN W. BROOKS, Indiana  
 TRENT FRANKS, Arizona  
 TREY GOWDY, South Carolina

**SENATE**

AL FRANKEN, Minnesota  
 AMY KLOBUCHAR,  
 Minnesota  
 BARBARA BOXER, California  
 BILL NELSON, Florida  
 CHUCK GRASSLY, Iowa  
 DAN COATS, Indiana  
 DIANNE FEINSTEIN,  
 California  
 JEFF FLAKE, Arizona  
 JOE DONNELLY, Indiana  
 JOHN MCCAIN, Arizona  
 KAY R. HAGAN, North  
 Carolina  
 MARCO RUBIO, Florida  
 MARK R. WARNER, Virginia  
 MIKE LEE, Utah  
 RICHARD BURR, North  
 Carolina  
 RAND PAUL, Kentucky  
 ROB PORTMAN, Ohio  
 SHERROD BROWN, Ohio  
 TIM KAINE, Virginia

*“We appeal to Congress to act in a bi-partisan way to protect Columbus, Ohio innovator, Leader Technologies, Inc., and in the process, save our private property system from wanton federal confiscation.”*

### C. LEGAL STANDARDS

1. **INTELLECTUAL PROPERTY.**  
[U.S. Constitution, Art. I, Sec. 8](#)
2. **PRIVATE PROPERTY OF ALL KINDS.**  
[Bill of Rights, Fifth Amendment, Takings Clause](#)
3. **DUE PROCESS.**  
[Bill of Rights, Fifth & 14th Amendments](#)
4. **ETHICAL STANDARDS. CONFLICTS OF INTEREST.**  
For [Judges](#). For the [Executive Branch](#). For [Attorneys](#).

**Canon 2:** A judge should avoid impropriety and the appearance of impropriety in all activities.

**[Ethics & Judicial Conduct 20-2:](#)** "Ownership of even one share of stock by the judge's spouse would require disqualification."

5. **DIRECTOR DUTY OF CARE.**  
[Business Judgment Rule](#). [Entire Fairness Standard](#).

### D. MORAL STANDARDS

1. **TEN COMMANDMENTS.**  
"Thou shalt not steal."  
"Thou shalt not bear false witness."
2. **GOLDEN RULE.**  
"Do unto others as you would have them do unto you."

### E. CONSTITUTIONAL FOUNDATIONS & PRECEDENTS

Boston College Law Professor Adam Mossoff wrote on Congress's jurisdiction over private property and the Takings Clause regarding patents:

"It is time to set the historical record straight and to recognize that nineteenth-century courts applied the Takings Clause to patents,

securing these intangible property rights as constitutional private property.”

Professor Mossoff emphasizes that the Bill of Rights [Fifth Amendment](#) provides that private property shall not be taken without just compensation.

“*Warner-Jenkinson* and *Festo* established that the expectations inherent in the patent since the nineteenth century are implicitly secured as constitutional private property, although Congress is free to negate these expectations prospectively under its plenary power to define the nature of the ‘exclusive Right’ secured under Article I, Section 8.”<sup>6</sup>

## F. SUMMARY

The evidence is unmistakable. Valuable patent properties have been confiscated by agencies of the federal government without compensation. The reaction in support of Leader Technologies, Inc. has been bi-partisan.

Americans of all political persuasions are appalled at the failure of the federal government in **not** enforcing patent property rights of true American inventors. This theft and confiscation of property is no respecter of party. It appears to have begun in the Clinton administration, continued through the Bush administration and carries on in the Obama administration.

Numerous members of the Judicial and Executive Branches have collaborated with a large number of third parties to deprive Ohio innovator Leader Technologies, Inc. (“Leader”) and its shareholders of substantial private property rights to their invention of “social networking.”

On July 27, 2010 Facebook was judged by a jury to be infringing Leader’s U.S. Patent No. 7,139,761 on all 11 of 11 claims.<sup>7</sup> In short, Leader proved that the engine running Facebook is Leader’s property.<sup>8</sup>

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<sup>6</sup> Adam Mossoff. “[Patents As Constitutional Private Property](#): The Historical Protections of Patents Under the Takings Clause.” *Boston Univ. Law Review*, Vol. 87, No. 689, SSRN Id924226 (2007), p. 695, fn. 26.

<sup>7</sup> [Jury Verdict Form](#); See also [Petition for Writ of Certiorari](#), *Leader Technologies, Inc. v. Facebook, Inc.*, No. 12-617 (U.S. Supreme Court Nov. 16, 2102).

<sup>8</sup> “Michael McKibben: Facebook is built on technology stolen from us” by Ave Tampere, [Eesti Paevaleht \(Estonia Daily\)](#), Oct. 14, 2013; See also [FBCP](#).

This request summarizes substantial facts to support this conclusion. The Judicial and Executive Branches have biased Leader's property rights in this matter. Therefore, the administration of justice falls to the overarching jurisdiction of Congress: 1) over the power of the purse, and 2) over private property rights protected by the Bill of Rights Fifth Amendment.

## **G. THE EVIDENCE**

### **1. FACEBOOK INFRINGES U.S. PAT. NO. 7,139,761.**

On Jul. 27, 2010, inventor and innovator Leader Technologies, Inc. ("Leader"), Columbus, Ohio, won a verdict against Facebook of literal infringement on 11 of 11 claims of its U.S. Patent No. 7,139, 761 for social networking. This occurred after a nine day jury trial that included a two-day "battle of computer science experts" from four universities where Leader's claims were argued for and against. Leader prevailed on all claims. Leader proved that the engine running Facebook is their invention, and that no prior art existed.

### **2. UNSUBSTANTIATED "ON-SALE BAR" RULING.**

The courts ruled against Leader anyway—on an unproven "on-sale bar" claim. This Facebook claim was added only a month before trial. It accused Leader of trying to sell its invention more than 12 months before filing the patent. This was a 180° turnabout since their claim throughout trial preparation was that Leader had created nothing innovative and was falsely marking its products.

By flip-flopping on the eve of trial, Facebook changed its argument from claiming Leader had created nothing innovative, to claiming that Leader had invented social networking, but tried to sell it too soon. They did not present a shred of hard evidence. They presented no witnesses or experts in support of their assertion. As a matter of law, Facebook had a duty to perform the well-settled *Pfaff v. Wells Electronics, Inc.* legal tests. They performed no tests whatsoever.

Facebook presented only attorney theater—a single *attorney*-doctored document, two *attorney*-edited video snippets taken out of context, and volumes of *attorney* innuendo. The jury became confused and mistook innuendo for evidence. While a jury can be excused for the confusion, the trial judge has no excuse. His solemn duty is to fix such mistakes of law. He did not.

On appeal, the Federal Circuit agreed that Facebook's evidence was insufficient. But the three-judge panel then rummaged through the cold court record for new evidence and ruled for Facebook on the basis of the judges' own fabricated evidence, without a hearing. This is shocking since their *new* evidence was never considered by the jury. As a matter of law, evidence that is not put before a jury is inadmissible. Judges have no authority to rule on their own fabricated evidence.

Additionally, the Federal Circuit failed to test its new evidence with the Supreme Court's *Pfaff* test, or even its own *Group One v. Hallmark Cards* test.

In summary, trial Judge Leonard P. Stark allowed the jury to be hoodwinked by Facebook's attorneys over Leader's vehement objections. While trial theater often confuses juries, as it did here, such theater is not evidence and must be thrown out. Instead, Judge Stark embraced it. Hindsight reveals the motives: 1) he was seeking appointment by President Obama who relied heavily on Facebook for votes and financing, and 2) he held substantial Facebook financial interests and stood to benefit substantially from decisions favorable to Facebook. These conflicts of interest shout for redress.

### 3. TRIAL COURT IMPROPRIETIES.

In a surprise move just one month before trial, presiding Judge Joseph J. Farnan, a 25-year veteran, abruptly retired; even though he said he looked forward to presiding at the trial.

Judge Farnan was replaced by Magistrate Judge Leonard P. Stark. This was to be Judge Stark's first trial. While inexperience is no sin, impropriety is.

New information reveals that Judge Stark's nomination was heavily influenced by Donald K. Stern from Facebook's attorney, Cooley Godward LLP.<sup>9</sup> This appearance of impropriety should have disqualified Magistrate Stark from the case. Instead, he was silent and carried on as if there was no impropriety.

In addition, at least 73.9% of Judge Stark's disclosed financial holdings (up to \$440,000) were held in Fidelity, Morgan Stanley and Vanguard Funds.<sup>10</sup> These funds became the #3, #5 and #9 largest investors in the Facebook initial public offering. If

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<sup>9</sup> "Cooley Partner Donald K. Stern Named Advisor to U.S. Department of Justice Transition Team," [Cooley LLP](#), Dec. 5, 2008.

<sup>10</sup> [Leonard P. Stark](#). Judicial Financial Disclosure, U.S. Courts, 2010.

one counts Baillie Gifford's holdings as Vanguard's, then add #2 to this list, since Baillie Gifford was Vanguard's adviser. See Fig. 1. In short, Judge Stark stood to benefit substantially from decisions favorable to Facebook. The Code of Conduct for U.S. Judges demanded that he disclose and disqualify himself.<sup>11</sup> He was silent.

(a) **TRADING JUDICIAL INTEGRITY FOR AN APPOINTMENT**

While Judge Stark's appointment was being considered by President Obama, under the advice of Facebook's Cooley Godward LLP attorney Donald K. Stern, Judge Stark allowed other Cooley attorneys, including Michael G. Rhodes, to argue for Facebook in his court.<sup>12</sup>

To make Mr. Rhodes' involvement even worse, he had been appointed several months earlier as chief counsel to Tesla Motors, Inc.<sup>13</sup> Tesla Motors, Inc. was the beneficiary of \$465 million in energy stimulus funds. A key adviser to the President on the placement of stimulus funds was McBee Strategic, LLC who was closely allied with Cooley.<sup>14</sup> McBee is led by Mike Sheehy, the former national security adviser to then Speaker of the House, Nancy Pelosi.

Elon Musk, CEO, Tesla Motors, has been a major donor to Barack Obama, and as recently as Feb. 11, 2014 was President

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<sup>11</sup> [Code of Conduct for U.S. Judges](#), U.S. Courts; See also [Ethics and Judicial Conduct](#), Guide to Judiciary Policy, Vol 2, Ch. 2, Published Advisory Opinions, Sec. 20-2, U.S. Courts, Judicial Conference, last revised Sep. 5, 2013.

<sup>12</sup> In addition to **Michael G. Rhodes**, other **Cooley Godward LLP** attorneys similarly conflicted include:

- |   |  |   |
|---|--|---|
| <ul style="list-style-type: none"> <li>• <b>Keefe, Heidi</b> (formerly White &amp; Case)</li> <li>• <b>Stameshkin, Elizabeth</b></li> <li>• <b>Weinstein, Mark R.</b> (formerly White &amp; Case)</li> <li>• <b>Norberg, Jeffrey</b></li> </ul> | <ul style="list-style-type: none"> <li>• Other Cooley partners close to the Obama administration include:</li> <li>• <b>Campos, Roel</b></li> <li>• <b>Lemieux, Ronald</b></li> <li>• <b>Amis, Tom</b></li> <li>• <b>Veitenheimer, Erich</b></li> <li>• <b>Stern, Donald K.</b></li> <li>• <b>Markey, Jeff</b>, McBee Strategic</li> <li>• <b>McBee, Steve</b>, McBee Strategic</li> <li>• <b>Sheehy, Mike</b>, McBee Strategic</li> </ul> | <ul style="list-style-type: none"> <li>• Facebook attorneys under the direction of Cooley Godward, White &amp; Case and Fenwick &amp; West include:</li> <li>• <b>Ullyot, Theodore W.</b></li> <li>• <b>O'Rourke, Samuel</b> (formerly White &amp; Case)</li> </ul> |
|---|--|---|

<sup>13</sup> "Michael Rhodes" by Zusha Elinson, [The Recorder](#), Feb. 22, 2010.

<sup>14</sup> "McBee Strategic and Cooley Align to Advise Companies Seeking Access to Clean Technology Public Sector Financing," [Bloomberg](#), Apr. 23, 2009.



Obama's dinner guest at the White House during the visit of French President Francois Hollande.

The appearances of impropriety are legion, and yet Judge Stark was silent.

**(b) COLLUSION OR CLAIRVOYANCE**

When asked why energy stimulus beneficiaries were mostly Barack Obama donors, Energy Secretary Steven Chu told Congress that no preference was given. However, Mr. Chu's 2008 financial disclosure reveals at least 28 Facebook "dark pools" funds, betraying his deference to McBee and Cooley advice. There has either been collusion here, or Mr. Chu's investing decisions are pure clairvoyance, since he is among a select group of judges and senior White House cabinet members to have foreseen in unison that these very funds would be the big Facebook IPO winners.<sup>15</sup>

As defined by S.E.C. Chair Mary L. Schapiro: "Dark pools are essentially private trading systems in which participants can transact their trades outside of the public markets."<sup>16</sup> Mr. Chu's funds parallel those of a select group of Judicial and Executive Branch Facebook insiders, his being concentrated in Fidelity, Vanguard and TIAA-CREF.

**(c) PROTECTING BARACK OBAMA'S FACEBOOK VOTER BASE AND THEIR IPO WINDFALL**

It is evident that Messrs. Chu, Sheehy, Rhodes, Musk, Stern, Stark and Obama were coordinating the *Leader v. Facebook* outcome they wanted in order to protect: 1) Barack Obama's vote micro-targeting<sup>17</sup> and campaign financing that exploited social networking data,<sup>18</sup> and 2) their promised Facebook IPO insider windfalls.<sup>19</sup>

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<sup>15</sup> [Steven Chu](#), Energy, OGE Form 278 Financial Disclosure, Jan. 6, 2009.

<sup>16</sup> Mary L. Schapiro. "Statement on Dark Pool Regulation," [S.E.C.](#), Oct. 21, 2009.

<sup>17</sup> Facebook targeted sharing. "How the Obama campaign won the race for voter data" by Dan Balz, [Washington Post](#), Jul. 28, 2013.

<sup>18</sup> "How Obama Raised 87% of his Funds through Social Networking" by [ResourceNation](#), October 15, 2008.

<sup>19</sup> "Why Goldman deal means Facebook will go public" by [NBC News](#), Jan. 3, 2011.

In summary, with this host of associations between the White House and Facebook's Cooley Godward LLP lawyers, Judge Stark had a solemn duty to disclose the impropriety and recuse himself. He was silent.

#### **4. DISTRICT COURT ABUSES OF DUE PROCESS.**

Just one month before trial, Judge Stark allowed Facebook to add the on-sale bar claim, but blocked Leader from preparing defenses to it. This was one of his first official acts as judge. Facebook's claim was added after the discovery period was closed by the court. Judge Stark then blocked Leader from conducting new discovery on the new claim, and refused to allow Leader to arrange additional witnesses and expert testimony, sending Leader into that battle unarmed. This is unadulterated abuse of due process.

When one considers that the subject matter is software source code, which a lay jury cannot possibly assess without expert testimony, Judge Stark's blocking Leader from obtaining expert testimony invalidates his on-sale bar decision on its face.

Notably, on-sale bar is the *only* element of the trial on which Facebook prevailed. Also notably, Judge Stark was appointed to the bench a week after the *Leader v. Facebook* trial.

By *denying* Leader its Fifth and 14<sup>th</sup> Amendment rights to due process, Judge Stark invalidated his on-sale bar decision by his evident bias, not even counting his other improprieties.

#### **5. FEDERAL CIRCUIT & SUPREME COURT ABUSES OF DUE PROCESS**

The case was appealed, first to the Federal Circuit, then to the U.S. Supreme Court. The Federal Circuit agreed that Judge Stark's on-sale bar decision was not sustainable as a matter of law. However, rather than reverse it, the court invented new arguments and evidence to support Facebook, including items that Facebook had not even argued to the jury. Then, in the secrecy of chambers—without giving Leader a hearing and opportunity to respond to the secretly concocted new allegations—they ruled for Facebook on this untested evidence.

Tellingly, they cited no source code or contracts or proofs of offers needed to prove on-sale bar. More telling, they did not use a single on-sale bar legal test, notably *Pfaff* and *Group One*. As an example, they cited a single email to American Express that

contained none of the legal elements needed to prove on-sale bar. In any event, the jury never saw it, so the court violated due process by using it as evidence.

The record shows the Federal Circuit was looking for a narrative to fool unsuspecting laypeople—perhaps Facebook IPO investors.

All three Federal Circuit judges, Alan D. Lourie, Kimberly A. Moore and Evan J. Wallach, held substantial Facebook financial interests. Judge Moore and Judge Wallach held Fidelity Contrafund which has notoriously invested over \$2 billion in Facebook “dark pools” stock since 2011.<sup>20</sup> Judge Lourie was heavily invested in T.Rowe Price, which purchased over 5% of Facebook’s “dark pools” insider shares *during* the *Leader v. Facebook* proceedings.

In addition, President Obama nominated Judge Evan J. Wallach to the Federal Circuit on Jul. 28, 2011.<sup>21</sup> Just **two days earlier**, on Jul. 26, 2011, *Leader* filed its appeal in that court.<sup>22</sup>

Judge Wallach is former *general counsel* and public policy adviser to Senator Harry Reid, who was his sponsor.<sup>23</sup> Judge Wallach's assignment to this case made no legal sense since he has no patent law experience.

### **Senator Harry Reid and Congresswoman Nancy Pelosi must recuse themselves from this investigation and vote**

Harry Reid's and Nancy Pelosi's apparent interference in *Leader v. Facebook* should disqualify them from any involvement in this request. The selections of Judge Stark and Judge Wallach to the *Leader v. Facebook* case were evidently steps to give the Barack Obama political machine a pro-Facebook decision.

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<sup>20</sup> “Fidelity’s Contrafund snaps up stakes in Facebook at \$63 billion valuation” by Tim McLaughlin, [Boston Business Journal](#), Jun. 2, 2011; See also “Fidelity Contrafund gets big lift from Facebook surge” by Eric Thayer, [Reuters](#), Dec. 11, 2013.

<sup>21</sup> “President Obama Nominates Judge Evan Jonathan Wallach to the United States Court of Appeals for the Federal Circuit,” [The White House](#), Jul. 28, 2011; See also [FBCP](#).

<sup>22</sup> “*Leader v. Facebook* Federal Appeals Fight Begins,” [Leader Technologies](#), Jul. 26, 2011; See also [FBCP](#).

<sup>23</sup> Judge Evan J. Wallach. [Judgepedia](#); See also [FBCP](#).

**(a) COURT DOCKET CENSORSHIP**

In addition to the preceding judicial misconduct, the Federal Circuit Executive and Clerk of Court, Jan Horbaly, failed to docket numerous *amicus curiae* briefs in support of Leader.<sup>24</sup> Then strangely, while not docketing the *amicus curiae* motions, Mr. Horbaly nevertheless accepted a Federal Circuit Bar Association (FCBA) motion in response to one of the *amicus curiae* briefs.<sup>25</sup> This court docket censorship exposed another undisclosed court bias since Facebook's attorney, Thomas G. Hungar, Gibson Dunn LLP, had represented the Federal Circuit judges and the Federal Circuit Bar Association (FCBA) in 2010.<sup>26</sup> The judges were silent about their relationship with Mr. Hungar.

Clerk Jan Horbaly was an ex Officio officer of the FCBA. Microsoft, one of Facebook's largest shareholders, is a member of the "Leaders Circle" at the FCBA, along with at least five Facebook law firms.<sup>27</sup> The court bias against Leader is quite evident.

**(b) CHIEF JUSTICE JOHN G. ROBERTS, JR.'S BIAS**

Finally, Chief Justice John G. Roberts, Jr. and the U.S. Supreme Court refused to hear the case. Justice Roberts failed to disclose his Facebook associations and financial holdings.

Justice Roberts mentors Facebook's appeals attorney, Thomas G. Hungar, Gibson Dunn LLP.<sup>28</sup> He also holds up to

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<sup>24</sup> [Collection of Motions](#). Brief of *Amicus Curiae* (Friend of the Court) Lakshmi Arunachalam, Ph.D. In Support Of Leader Technologies' Petition for Rehearing and Rehearing En Banc, \*.zip package.

<sup>25</sup> [Response to Request](#) of Federal Circuit Bar Association's Request for Reissue Re. *Leader v. Facebook*, Case No. 2011-1366 (Fed. Cir.) by Lakshmi Arunachalam, Ph.D., Sep. 17, 2012.

<sup>26</sup> [Submission by Amicus Curiae Federal Circuit Bar Association](#) in Support of Neither Party regarding Plaintiffs'-Appellees' Motion for Recusal of Chief Judge Randall R. Rader, Aug. 3, 2010, *Ass'n for Molecular Pathology v. US Patent and Trademark Office*, 653 F. 3d 1329 (Fed. Cir.).

<sup>27</sup> [Leaders Circle](#), Federal Circuit Bar Association (FCBA), Archive.org, Jan. 19, 2012 (Facebook stakeholders and law firms include Microsoft, Weil Gotshal LLP, Orrick Herrington LLP, Latham & Watkins LLP, Gibson Dunn LLP, Perkins Coie LLP and Fenwick & West LLP).

<sup>28</sup> "Q&A With Gibson Dunn's Thomas Hungar." [Law360](#), Sep. 30, 2009.

\$2.8 million in 21 Facebook “dark pools.” This includes Fidelity Contrafund.<sup>29</sup>

The appeals process is supposed to fix lower court errors of law, not enable them. Ultimately, we rely upon Chief Justice Roberts to be the backstop for our sacred constitutional rights. However, in *Leader v. Facebook* he has abandoned them. Justice Roberts’ ethical failures invalidate the Supreme Court’s conduct in *Leader v. Facebook*. The courts do not have the prerogative to simply ignore their duty and line their pockets. When one considers that other justices are also heavily invested in Facebook “dark pools” interests (see below), the situation becomes a sad one for American democracy.

(c) **FACEBOOK CONCEALED 28 ZUCKERBERG HARVARD HARD DRIVES AND EMAILS**

During the appeal, dramatic new evidence emerged in other litigation against Mark Zuckerberg. Although *Leader* was told that Mark Zuckerberg’s computer hard drives and Harvard email<sup>30</sup> archives were “lost” and thus unavailable for discovery, these hard drives and emails miraculously reappeared in *Ceglia v. Zuckerberg* on Jul. 18-19, 2012—just **one day** after the Federal Circuit denied *Leader*’s appeal on Jul. 17, 2012.<sup>31</sup>

Shockingly, the drives were in the possession of Facebook’s appeals attorney for *Leader v. Facebook*—Gibson Dunn LLP—the entire time. Gibson Dunn LLP had also been counsel to the Federal Circuit itself in an ethics case in 2010.<sup>32</sup> The judges were silent about these conflicts too.

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<sup>29</sup> [John G. Roberts, Jr.](#), Judicial Financial Disclosure, 2011 (Fidelity, Vanguard, T.Rowe Price, Microsoft and Goldman Sachs).

<sup>30</sup> [Mark Zuckerberg Deposition, Apr. 25, 2006](#), *ConnectU, LLC v. Mark Zuckerberg (The Facebook)*, 04-cv-11923-DPW (D.Mass. 2004); See also [Mark Zuckerberg Online Hacking Diary, Oct. 28, 2003](#), *01238 Alumni Magazine*, Jan. 10, 2006; Mark E. Zuckerberg and James W. Breyer solicitation of Stanford Univ. students, Oct. 26, 2005, Stanford Ctr. for Prof. Dev., Video: [YouTube](#) and [FBCP](#); See also the [Transcript](#).

<sup>31</sup> [Deposition of Bryan J. Rose](#), Facebook Forensic Expert, *Paul D. Ceglia v. Mark E. Zuckerberg*, 1:10-cv-00569-RJA (W.D.N.Y. 2010), Jul. 18, 2012; [Deposition of Michael F McGowan](#), Facebook Forensic Expert, *Id.*, Jul. 19, 2012.

<sup>32</sup> Submission by Amicus Curiae Federal Circuit Bar Association in Support of Neither Party regarding Plaintiffs'-Appellees' Motion for Recusal of Chief Judge Randall R. Rader, Aug. 3, 2010, [supra](#).

Gibson Dunn LLP evidently believed that while the Zuckerberg hard drives would hurt them in *Leader v. Facebook*, the drives would help them in *Ceglia v. Zuckerberg*. Their eagerness is understandable given the gag order issued by the *ConnectU v. Facebook* (the Winklevoss Twins) judge.<sup>33</sup>

Gibson Dunn LLP has a problem: knowingly withholding evidence is a crime.

The Ceglia civil depositions of Facebook's experts were blistering. They appear to have touched a Facebook nerve connected all the way to Attorney General Eric H. Holder. Three months later, on Oct. 25, 2012, U.S. Attorney Preetinder "Preet" Bharara filed *criminal* fraud charges against Ceglia.

Unconscionably, he threatened Ceglia's First Amendment right to petition by threatening more criminal charges if Ceglia continued to communicate with his attorneys in the civil case. Mr. Ceglia has fired back with strong Constitutional defenses.<sup>34</sup>

U.S. Attorney Bharara is a Harvard Law classmate of Barack Obama. He is also a former employee of Gibson Dunn LLP, Facebook's lawyer in the Ceglia case.

**(d) ARE FEDERAL WEB SITES, LIKE HEALTHCARE.GOV, USING CONFISCATED PROPERTY WITHOUT COMPENSATION BECAUSE FACEBOOK LIED TO THEM? THE NATION'S WELFARE DEMANDS STRAIGHT ANSWERS.**

The Federal Circuit totally ignored this new evidence, even after receiving a formal notice of its existence.<sup>35</sup>

This evidence should have been provided to Leader, and could likely prove many things, such as:

- a. whether Facebook was infringing Leader patent (*infringement*),
- b. whether Facebook knew it was infringing Leader patent (*willful infringement*),

<sup>33</sup> Order for Discovery of Computer Memory Devices, [Doc. No. 361-18](#), Filed Aug. 19, 2011, *CONNECTU v. FACEBOOK*, 2007-cv-10593-DPW.

<sup>34</sup> [First Amended Complaint](#), *Paul D. Ceglia v. Eric Himpton Holder, Jr., Preetinder S. Bharara, Janis M. Echenberg, Christopher D. Frye*, 13-cv-256-RJA (W.D.N.Y. 2013), Jun. 21, 2013; See also [Motion to Dismiss](#) for Failure to State an Offense, *U.S. v. Paul Ceglia*, 12-cr-876-ALC (S.D.N.Y. 2012), filed Nov. 27, 2013.

<sup>35</sup> [Motion for Reconsideration](#), Re. *Amicus Curiae* Lakshmi Arunachalam PhD Brief, 18 Jul. 2012. See also [Motion to Compel](#) Each Member Of The Federal Circuit To Disclose Conflicts Of Interest in *Leader v. Facebook* by *Amicus Curiae* Lakshmi Arunachalam, PhD, Sep. 5, 2012.

- c. whether Facebook actually stole Leader Technologies source code (*theft of trade secrets*), and /or
- d. whether the engine Facebook used copied Leader code (*copyright infringement*).

This evidence could have generated potential new Leader claims during the course of the *Leader v. Facebook* discovery. Leader was deprived of material Zuckerberg evidence. The existence of the 28 Zuckerberg hard drives and “lost” Harvard emails proves that Facebook and its attorneys committed criminal fraud in concealing it. Such fraud renders any subsequent Facebook claims the fruit of a poison tree. Facebook’s trial conduct was a fraud in its entirety.

**(e) FACEBOOK LAW FIRM DUPLICITY**

The following law firms contribute to the corruption of the Judicial and Executive Branches, in violation of their Rules of Professional Conduct, we believe. Space in this request is limited, so we will present only highlights of the misconduct, improprieties and appearances of impropriety that swirl around these firms.

(1) **Gibson Dunn LLP.** From 2008 to 2012, in evident collaboration with Cooley Godward LLP, Facebook’s attorneys told Leader’s attorneys that 28 Mark Zuckerberg Harvard hard drives and emails did not exist. Yet, they were magically able to produce them just one day after the Federal Circuit decision.<sup>36</sup>

Gibson Dunn LLP attorney, Thomas G. Hungar, had represented Facebook before the Federal Circuit in *Leader v. Facebook* while failing to disclose that he had earlier represented the interests of the judges, most notably Chief Judge Randall R. Rader, in 2010.<sup>37</sup>

Both the firm and court failed to disclose close associations with Jan Horbaly, Federal Circuit Executive and Clerk of Court, at the Federal Circuit Bar Association (FCBA).<sup>38</sup>

The Federal Circuit judges failed to disclose these appearances of impropriety as well.

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<sup>36</sup> Deposition of Bryan J. Rose, [supra](#).

<sup>37</sup> Submission by *Amicus Curiae* Federal Circuit Bar Association, [supra](#).

<sup>38</sup> Leaders Circle, Federal Circuit Bar Association (FCBA), [supra](#).

(2) **Cooley Godward LLP.** Failed to disclose their White House involvement through their attorney, Donald K. Stern, who was influential in the nomination of Leonard P. Stark and his appointment to trial judge in *Leader v. Facebook* just one month before trial.<sup>39</sup>

Failed to disclose that their *Leader v. Facebook* attorney, Michael G. Rhodes, was appointed chief counsel for Tesla Motors on or about Feb. 22, 2010, less than three months before the *Leader v. Facebook* trial.<sup>40</sup>

President Obama's White House advisers Cooley Godward LLP and McBee Strategic LLC were instrumental in providing \$465 million in energy stimulus funds to Tesla Motors, Inc. and founder, Elon Musk. Mr. Musk is a notorious Obama donor.

Cooley Godward LLP also advised the President to nominate Leonard P. Stark.

Cooley's Michael G. Rhodes was simultaneously appointed chief counsel at Tesla Motors, Inc. and lead litigator in *Leader v. Facebook*. Cooley's man, Leonard P. Stark, replaced veteran judge Joseph J. Farnan just one month before trial.

Judge Stark then handed Cooley/Facebook the lawless on-sale bar ruling in *Leader v. Facebook*, and then received his appointment by President Obama a week later. The Code of Conduct was trampled.<sup>41</sup>

(3) **White & Case LLP.** Failed to disclose the participation of their former attorneys, Heidi Keefe, Mark Weinstein and Samuel O'Rourke in the concealment of the 28 Zuckerberg Harvard hard drives and emails in collusion with Gibson Dunn LLP.<sup>42</sup>

Failed to disclose the firm's former employment of Kathryn W. Siehndel, Patent Office FOIA Officer. Ms. Siehndel recently claimed executive communication privilege (involvement of the White House) in blocking *Leader v. Facebook* FOIA disclosures. She also failed to disclose even the nature of the information withheld.<sup>43</sup>

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<sup>39</sup> Donald K. Stern, [supra](#).

<sup>40</sup> Michael Rhodes, [supra](#); See also McBee Strategic and Cooley Align, [supra](#).

<sup>41</sup> Code of Conduct for United States Judges, Canon 2: A judge should avoid impropriety and the appearance of impropriety in all activities. [supra](#).

<sup>42</sup> "[Missing Facebook Documents](#)" by *Origins of Facebook's Technology*, Aug. 13, 2011.

<sup>43</sup> Patent Office Cover-up, [sub](#).



(4) **Fenwick & West LLP.** Failure to disclose Leader’s patent in prior art references in hundreds of subsequent Zuckerberg patent applications, even though they did in earlier Marc Andreessen patents.<sup>44</sup>

Duplicity of attorney “Christopher P. King” who changed his name to “Christopher-Charles King” only when he started work on Facebook patents at the Patent Office.<sup>45</sup>

Failure to seek a conflicts waiver from Leader Technologies, their former client, before representing Facebook.

(5) **Latham & Watkins LLP.** Prior to issuing the Facebook exemption from the 500-shareholder rule on Oct. 14, 2008, failure to disclose and insist on the recusal of their former attorney, Thomas J. Kim, Chief Counsel, Securities and Exchange Commission, since Mr. Kim’s former employer, Latham & Watkins LLP, represented James W. Breyer, then Chairman of Facebook, and Managing Partner of Accel Partners, LLP.<sup>46</sup>

Mr. Kim is a fellow Harvard Law Review editor who followed Barack Obama as an editor. He also attended that law school with Preetinder “Preet” Bharara (U.S. Attorney S.D.N.Y. attacking Paul Ceglia) and billionaire Penny S. Pritzker (Commerce Secretary).

Failure of Latham & Watkins LLP partners and former partners to disclose their intimate associations with and representation of the National Venture Capital Association (NCVA) where James W. Breyer was chairman.

These relationships include major beneficiaries of the S.E.C. Facebook 500-shareholder exemption, including James W. Breyer (Facebook/Accel Partners) Robert C. Ketterson (Fidelity), Anne Rockhold (Vanguard) and Ann H. Lamont (Oak Investments; Athenahealth; Castlight Health; Obamacare; HealthCare.gov). Also benefiting were Facebook’s underwriters Goldman Sachs, JPMorgan and Morgan Stanley, along with

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<sup>44</sup> “Proof Fenwick and West LLP Did Not Disclose Leader as Prior Art to Facebook” by [Donna Kline](#), Mar. 29, 2012.

<sup>45</sup> *Id.*

<sup>46</sup> Facebook Section 12(g) Exemption, Thomas J. Kim, [sub](#); See also “[SEC Cleared the Way for the Facebook ‘Pump and Dump’ Scheme in 2008.](#)” *Americans For Innovation*, Mar. 28, 2013; “[James W. Breyer’s tangled web of insider trading](#)” by [Donna Kline](#), May 2, 2012.

Facebook “dark pools” such as T.Rowe Price, State Street Corp, BlackRock and TIAA-CREF.<sup>47</sup>

Notably, Goldman Sachs, Morgan Stanley and State Street Corp notoriously received more than \$33 billion in taxpayer “bailout” funds in 2008. It now appears that the “crisis” was orchestrated to give these banks free cash to pump the pre-IPO Facebook valuation and create a windfall for their insiders.

Failure of Federal Circuit Judge Kimberly A. Moore to disclose that her husband, Matthew J. Moore, was hired by Latham & Watkins during the *Leader v. Facebook* proceedings.<sup>48</sup> Again, she was silent about this conflict with substantial Latham & Watkins Facebook interests.

(6) **Weil Gotshal LLP.** Failure to disclose conflicts of interest in its *amicus curiae* appearance in *Leader v. Facebook* representing the Federal Circuit Bar Association (FCBA) while the FCBA’s own ex Officio officer, Jan Horbaly, was censoring the record by refusing to docket other *amicus curiae* briefs in support of Leader.<sup>49</sup>

Failure of Federal Circuit Judge Kimberly A. Moore and Weil Gotshal to disclose that Weil Gotshal LLP, who appeared before her in *Leader v. Facebook*, was **her former client**.<sup>50</sup>

Failure of Weil Gotshal’s attorney, Edward R. Reines, to disclose that he had previously represented Facebook in an *amicus curiae* brief before Judge Kimberly A. Moore’s court, and could not therefore be unbiased on behalf of the public’s interest in *Leader v. Facebook*. In fact, the filing attempted to throw a

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<sup>47</sup> The secretive influence of [John P. Breyer](#), father of James W. Breyer, looms large and in the shadows over these activities. He is the chairman of IDG Capital Partners (China) and IDG-Accel (China). Son James, Facebook’s largest shareholder and former chairman, is also a director of these Chinese companies. The senior Breyer is a Hungarian contemporary of George Soros. He is believed to have heavily influenced Chinese tech policy. His influence in the Facebook Cartel is shadowy. Substantial investments by the Facebook cartel in Baidu, Inc., the “Chinese Facebook,” raise serious questions of undue foreign influence, including involvement in Obamacare and HealthCare.gov. See “Chinese involvement,” *supra*.

<sup>48</sup> Matthew J. Moore joins Latham & Watkins LLP, [Latham & Watkins LLP](#), Feb. 22, 2010; See also [FBCEP](#).

<sup>49</sup> Submission by *Amicus Curiae* Federal Circuit Bar Association, *supra*; See also Response to Request of Federal Circuit Bar Association’s Request, *supra*.

<sup>50</sup> S. HRG. 109–397, PART 5 - HEARING BEFORE THE COMMITTEE ON THE JUDICIARY UNITED STATES SENATE, Kimberly A. Moore Confirmation Hearing, 111th Congress, 2nd Session, Jun. 28, 2006, Serial No. Serial No. J–109–4, Pt. 5, Y 4.J 89/2, [GPO Abstract](#), [PDF](#) | [HTML](#), p. III, V, 53, 55-91.

blanket over the court's legion of conflicts. Judge Moore was silent about this conflict as well.<sup>51</sup> Judge Moore's silence is deafening.

(7) **Perkins Coie LLP.** Failure to disclose that revolving door partners and White House counsels, Robert F. Bauer and Anita B. Dunn, conflicted out the White House from any involvement or intervention in *Leader v. Facebook*. The recent claim of executive communication privilege to block *Leader v. Facebook* FOIA requests at the Patent Office points directly to the bias of these White House counsels. Curiously, their financial disclosures are not available for public review.

(f) **DESPITE THIS FRAUD, LEADER STILL PROVED LITERAL INFRINGEMENT**

Everything else that occurred to obstruct justice was a result of all the presiding judges in the case turning blind eyes to the truth.

6. **BREACHES OF THE CODE OF CONDUCT FOR U.S. JUDGES.**

Suspecting judicial foul play, investigators have discovered the following:

(a) **All the judges** in the case have substantial fund holdings in direct Facebook interests (estimated number of funds in parentheses):

- (1) [Roberts, John G., Jr.](#), (18) Chief Justice
- (2) Associate Justices ([Kagan](#), 18; [Scalia](#), 30; [Ginsberg](#), 12; [Alito](#), 18)
- (3) [Lourie, Alan D.](#), (24) Presiding Judge, Federal Circuit
- (4) [Moore, Kimberly A.](#), (16) Judge, Federal Circuit
- (5) [Wallach, Evan J.](#), (11) Judge, Federal Circuit
- (6) [Stark, Leonard P.](#), (12) Delaware District Court

(b) **FIDELITY CONTRAFUND INCLUDES AN ELITE SET OF SENIOR WHITE HOUSE AND JUDICIARY INSIDERS WHO**

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<sup>51</sup> *Marine Polymer Technologies, Inc. v. Hemcon, Inc.*, Case No. 2010-1548 (Fed. Cir.), [PACER.CAFC.USCOURTS.GOV](https://www.pacer.ca9.uscourts.gov).

**INVESTED IN THE ONE FUND THAT HAS ACQUIRED THE LARGEST HOLDING IN FACEBOOK OF ALL 6,000+ FUNDS. STATISTICALLY, THE ODDS THAT ALL THOSE PEOPLE INVESTED IN ONE FUND IS VERY LOW.** For example, on about Jul. 1, 2011, Fidelity Contrafund invested \$74 million in an unregulated Facebook<sup>52</sup> “dark pools” private offering underwritten by Goldman Sachs almost a year before the IPO on May 18, 2012. Contrafund disclosed that it invested another \$413 million in the IPO. They are the largest fund investor in Facebook.<sup>53</sup> Contrafund now holds over \$2 billion in Facebook shares.<sup>54</sup>

(c) **THE FOLLOWING JUSTICE OFFICIALS HELD FIDELITY CONTRAFUND** during the *Leader v. Facebook* proceedings:

- (1) [Roberts, John G., Jr.](#), (18) Chief Justice
- (2) [Moore, Kimberly A.](#), (16) Judge, Federal Circuit
- (3) [Wallach, Evan J.](#), (11) Judge, Federal Circuit

(d) **OTHER FIDELITY CONTRAFUND HOLDERS** within the Obama administration and judiciary made most of these purchases before 2008. The coincidence is uncanny. The following list shows the total number of “dark pools” funds held by the federal official (approximate number of holdings in parentheses).

- (1) [Blank, Rebecca M.](#), (40) Secretary, Dept. of Commerce
- (2) [Chu, Steven](#), (28) Secretary, Dept. of Energy
- (3) [Fong, Ivan K.](#), (27) Dept. of Homeland Security
- (4) [Geithner, Timothy F.](#), (11) Secretary, Treasury Dept.
- (5) [Holder, Eric H.](#), (16) Attorney General, Dept. of Justice
- (6) [Kerry, Cameron F.](#), (23) General Counsel, Dept. of Commerce
- (7) [Koh, Howard H.](#), (29) Dept. of Health & Human Services
- (8) [Martin, Carmel M.](#), (10) Dept. of Education
- (9) [McDonough, Denis R.](#), (8) Deputy Assistant, White House
- (10) [Nathan, Alison J.](#), (13) Legal Counsel, White House

<sup>52</sup> "Fidelity's Danoff Bets on Facebook" by Miles Weiss, [Bloomberg](#), Jun. 1, 2011.

<sup>53</sup> "Morgan Stanley Funds in Big Bet Facebook Bet" by Aaron Lucchetti and Telis Demos, [The Wall Street Journal](#), Aug. 24, 2012; See also [S.E.C. EDGAR](#).

<sup>54</sup> "Fidelity Contrafund gets big lift from Facebook surge" by Eric Thayer, [Reuters](#), Dec. 11, 2013.

- (11) [Remy, Donald M.](#), (28) General Counsel, Army
- (12) [Sullivan, John J.](#), (19) Federal Election Commission (FEC)
- (13) [Thomas, Clarence](#), (3) Assoc. Justice, Supreme Court

#### 7. **S.E.C. IMPROPRIETIES.**

Securities & Exchange Commission Chair, Mary L. Schapiro presided over an unprecedented exemption from the 500-shareholder rule granted on Oct. 14, 2008 via Fenwick & West LLP (counsel to Facebook; former counsel to Leader Technologies).

The exemption triggered a multi-billion dollar, unregulated<sup>55</sup> “dark pools” sale of pre-IPO Facebook insider stock to Fidelity, T. Rowe Price, JPMorgan, Goldman Sachs, Vanguard, BlackRock, Sands Capital, Capital Research, TIAA-CREF, Baillie Gifford and Morgan Stanley, among others. However, while *publicly promising* to rein in unregulated “dark pools,” Schapiro has privately invested in at least 51 such funds—more than anyone else in the Obama administration.<sup>56</sup>

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<sup>55</sup> [Facebook Section 12\(g\) Exemption](#), Thomas J. Kim, filed by Fenwick & West, LLP, U.S. S.E.C., Oct. 14, 2008.

<sup>56</sup> [Mary L. Schapiro](#), Chair, Securities & Exchange, OGE Form 278 Financial Disclosure, 2008.

Facebook Shares as of June 30, 2012			
RANK	NAME	TOTAL AUM	FB SHARES AS OF JUNE 30
1	Goldman Sachs Asset Management, L.P. (U.S.)	82,329.1	36,634,486.0
2	Baillie Gifford & Company	60,809.1	19,380,440.0
3	Fidelity Management & Research Company	544,656.5	18,774,915.0
4	T. Rowe Price Associates, Inc.	338,744.6	18,663,997.0
5	Morgan Stanley Investment Management, Inc. (U.S.)	54,113.2	16,362,788.0
6	BlackRock Fund Advisors	768,143.8	11,690,656.0
7	Sands Capital Management, LLC	22,157.4	11,649,292.0
8	Jennison Associates, LLC	80,316.4	9,691,825.0
9	The Vanguard Group, Inc.	908,526.5	9,582,480.0
10	Capital Research Global Investors (U.S.)	366,059.2	8,273,200.0

Source: "Who Else Has a Big Bet on Facebook" by Telis Demos, *The Wall Street Journal*, Aug. 24, 2012

**Figure 1:** From "Who Else Who Else Has a Big Bet on Facebook" by Telis Demos, *The Wall Street Journal*, Aug. 24, 2012; [S.E.C. EDGAR](#).

The following Facebook insiders dumped their stock holdings on Day 3 of trading in the Facebook IPO in unprecedented amounts. Normally insiders are forbidden from selling such large volumes during the months following an IPO.

<b>Facebook Insider Trading, May 22, 2012 (Tues. 3<sup>rd</sup> Day)</b>		
<i>Name of Insider</i>	<i>Price per Share</i>	<i>Value</i>
1. James W. Breyer et al (Accel Partners LLP)	<b>\$37.58</b>	<b>\$6.51 Bil</b>
2. Yuri Milner et al (DST-Moscow, Mail.ru, Digital Sky, Alisher Usmanov)		<b>\$3.79 Bil</b>
3. Mark Zuckerberg		<b>\$1.13 Bil</b>
4. Goldman Sachs		<b>\$914 Mil</b>
5. Peter Thiel		<b>\$633 Mil</b>
6. Meritech Management (Ann H. Lamont)		<b>\$263 Mil</b>
7. Microsoft		<b>\$246 Mil</b>
<b>TOTAL</b>		<b>\$13.26 Billion</b>

**TABLE 1: FACEBOOK INC.** CIK#: [0001326801](#), S.E.C. EDGAR.

These facts point to the inescapable conclusion that an exclusive group of insiders, led by those identified in Fig. 2, were central figures in the corruption of the Judicial and Executive Branches.

Meritech Management is a reference to major investor Ann H. Lamont,<sup>57</sup> a central figure in the Obamacare and HealthCare.gov scandal involving U.S. chief technology officers Todd Y. Park and Aneesh Chopra. Yuri Milner represents “Russia’s richest oligarch” Alisher Usmanov, who is a confidante of Russian President Vladimir Putin.

Recent discoveries show that U.S. CTO Todd Y. Park has undisclosed associations with Baidu, Inc., the Beijing-based “Chinese Facebook” through Sands Capital Management, LLC (See Fig. 1 above).<sup>58</sup>

<sup>57</sup> [Lamont, Ann H.](#) (a.k.a. Ann Huntress Lamont), Senate Candidate Edward M. Lamont Financial Disclosure, May 6, 2006; Lamont holds at least 139 investments in Facebook “dark pools” valued up to \$430 million.

<sup>58</sup> “Chinese involvement in Obamacare hidden by missing S.E.C. fraud certifications,” [Americans For Innovation](#), Jan. 28, 2014; See also [FBCP](#).

And if the preceding were not enough to prove the courts' prejudice and **foreign involvement** against Leader Technologies, there's more.<sup>59</sup>

## 8. U.S. PATENT OFFICE IMPROPRIETIES.

After Leader had prevailed on two previous patent reexaminations requested by Facebook, Patent Office Director, David J. Kappos ordered an *unprecedented* third reexamination before his departure. This third request has expanded the attack, using the same failed technical arguments, to invalidate Leader's entire patent—to make it as if the patent never existed.<sup>60</sup>

On Dec. 23, 2013, during the Patent Office's Christmas break, the Patent Trial & Appeals Board (PTAB), comprised of judges **Stephen C. Siu**, **James T. Moore** and **Meredith C. Petravick**, refused to consider Leader Technologies' claims amendments developed to try and slow down the corruption freight train. Only after this did that Patent Office FOIA office reveal that the previously concealed conflicts log for PTAB staff attorney, William J. Stoffel, lists Fidelity, Vanguard and IBM—primary Facebook stakeholders—as conflicts.<sup>61</sup>

By affirming Examiner **Deandra Hughes'** dramatic flip-flop of all earlier opinions about Leader's patent over the last ten years—including two previous reexaminations on the same arguments—the PTAB's action invalidated Leader's patent in a wholly lawless manner. This PTAB action is akin to government police showing up at your house one day, kicking you out, and then enjoying your property for themselves and their cronies.

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<sup>59</sup> [Briefing for Representative Jim Jordan](#) (OH) - HOUSE OVERSIGHT COMMITTEE - American and Russian Opportunists Undermining U.S. Sovereignty and Corrupting U.S. Financial and Judicial Systems, Oct. 19, 2012

<sup>60</sup> *Leader Technologies, Inc. v. Facebook, Inc.*, App. 2014-000788, Reexam. No. 95/001,261, Pat. 7,139,761 B2, [U.S. Patent Office](#).

<sup>61</sup> Failure to amend claims lawfully submitted, [Patent Appeals and Trial Board \(PATB\)](#), Dec. 23, 2013.



**(a) EVEN THE FOIA CRUMBS SHOW THE PATENT OFFICE IS CORRUPT**

On Jan. 14, 2014, at the direction of an appeals judge, the Patent Office FOIA Officer, Kathryn W. Siehndel, a former employee of Facebook’s law firm in this matter, White & Case LLP (which she did not disclose), released previously redacted Patent Trial & Appeals Board (PTAB) judicial conflicts logs. Judges are required to keep an electronic database of all their conflicts of interest, at all times.

These logs show a direct link between the *Leader v. Facebook* judges, Facebook and Facebook’s purveyors of “dark pools” pre-IPO investing that occurred during these proceedings.

For the first time, the PTAB conflicts log disclosed a staff attorney named **William Stoffel**. According to his LinkedIn profile, Mr. Stoffel is a former IBM employee, just like Patent Office Director David J. Kappos. IBM sold 750 patents to Facebook during the *Leader v. Facebook* proceedings. Even more questionable, Mr. Stoffel disclosed not only **IBM**, but also **Fidelity** and **Vanguard**, two of the prime movers in the unregulated private “dark pools” markets created and sold for Facebook pre-IPO stock in 2011 by Goldman Sachs.

<b>STOFFEL, William J.</b>				
Attorney, Patent Trial and Appeal Board (PTAB); Officer, American Inns of Court; formerly employed by IBM				FOIA Request No. F-13-00218, Response, Unredaction, Jan. 14, 2014.
670 PA	E1	Courtenay III, St. John	Stoffel, William	Vanguard health care fund (sector fund)
671 PA	E1	Courtenay III, St. John	Stoffel, William	Vanguard international growth index fund
672 PA	E1	Courtenay III, St. John	Stoffel, William	Vanguard PA long term tax exempt
673 PA	E1	Courtenay III, St. John	Stoffel, William	Vanguard Real Estate Investment Trust (REIT) index
674 PA	E1	Courtenay III, St. John	Stoffel, William	Vanguard
675 PA	E1	Courtenay III, St. John	Stoffel, William	Fidelity
676 PA	E1	Courtenay III, St. John	Stoffel, William	Fidelity Municipal mutual fund
677 PA	E1	Courtenay III, St. John	Stoffel, William	Fidelity real estate investment mutual fund
678 PA	E1	Courtenay II, St. John	Stoffel, William	IBM

**Vanguard & Fidelity:** Primary Facebook “dark pools” pre-IPO investing purveyor facilitated by Goldman Sachs, Morgan Stanley, JPMorgan during *Leader v. Facebook*

**IBM:** Sold 750 patents to Facebook during *Leader v. Facebook*; David J. Kappos former employer

**FIGURE 2: WILLIAM STOFFEL**, Counsel, Patent Trial and Appeal Board (PTAB), conflicts log information (previously withheld) revealed for the first time on Jan. 14, 2014 a direct conflict of interest between the PTAB members assigned to the *Leader* reexamination and Facebook interests, namely **Vanguard**, **Fidelity** and **IBM**. Judge Stephen C. Siu’s former employment by **Microsoft** prevented him

from avoiding the appearance of impropriety as well, and demanded recusal. He too was silent. These conflicts demanded the recusal of the entire PTAB.<sup>62</sup>

Judge Meredith C. Petravick merely repeated “Art Units” as her conflicts, thus concealing her actual conflicts. The electronic conflicts database is mandated in the Judicial Conference. Her entries are transparently deceptive.<sup>63</sup>

PETRAVICK, Meredith			
Administrative Patent Judge, Patent Trial and Appeal Board (PTAB); FOIA Request No. F-13-00218, Response, Unredaction, Jan. 14, 2014.			
			Officer, American Inns of Court
523	J	BM	Petravick, Meredith
524	J	BM	Petravick, Meredith
525	J	BM	Petravick, Meredith
526	J	BM	Petravick, Meredith
527	J	BM	Petravick, Meredith
528	J	BM	Petravick, Meredith
529	J	BM	Petravick, Meredith

**Obstructed FOIA Disclosure ("Art Units" are not relationships)**

Art Unit 3630s (3632, 3633, 3634, 3635, 3636, 3637) for Answers mailed Oct 2006 - Sept. 2008  
 Art Unit 3650s (3651, 3652, 3643, 3654, 3655, 3656, 3657) for Answers mailed Oct 2006 - Sept. 2008  
 Art Unit 3660s (3661, 3662, 3663, 3664) for Answers mailed Oct 2006 - Sept. 2008  
 Art Unit in 3610s (3611, 3612, 3616, 3617, 3618) for Answers mailed Oct 2006 - Sept. 2008  
 Art Units 3640s (3641, 3642, 3644) for Answers mailed Oct 2006 - Sept. 2008  
 Art Units 3670s (3671, 3672, 3773, 3676, 3677, 3679) for Answers mailed Oct 2006 - Sept. 2008  
 Art Units 3680s (3681, 3682, 3683) for Answers mailed October 2006 - April 2008

**FIGURE 3: MEREDITH C. PETRAVICK**, Administrative Patent Judge, assigned to Patent Trial and Appeal Board (PTAB) evaluation of Leader Technologies’ unprecedented 3<sup>rd</sup> patent reexamination. This obstructed conflicts disclosure was provided in a supplemental FOIA response for the first time on Jan. 14, 2014, three weeks after she had ordered Leader’s 7-year U.S. Pat. No. 7,139,761 invalidated. This disclosure had been redacted in 2013, but was ordered to unredact after an appeal. These “Art Unit” log entry obscurities are unique to Judge Petravick. No other judge obscured names and companies. She is very evidently hiding her past relationships, and the USPTO FOIA Officer, Kathryn W. Siehndel—a former employee of Facebook attorney White & Case LLP—is very obviously cooperating in the obstruction.<sup>64</sup>

<sup>62</sup> [William J. Stoffel](#), Attorney, Patent Trial and Appeals Board (PATB), App. 2014-000788, Reexam. No. 95/001,261, Pat. 7,139,761 B2, FOIA Conflicts Disclosure, FOIA Response, A-14-000001, F-13-00218, Jan. 14, 2014, p. 19.

<sup>63</sup> [Electronic Conflicts Screen System](#), Judicial Conference. U.S. Courts, Dec. 10, 2009 (“the Judicial Conference requires all judges to use an electronic conflicts screen system.”).

<sup>64</sup> [Meredith C. Petravick](#), Administrative Patent Judge, Patent Trial and Appeals Board (PATB), App. 2014-000788, Reexam. No. 95/001,261, Pat. 7,139,761 B2, FOIA Conflicts Disclosure, FOIA Response, A-14-000001, F-13-00218, Jan. 14, 2014, p. 16.

Public records reveal that Mr. Stoffel and Judge Petravick are long-time fellow officers in a Patent Office professional group named “The Pauline Newman IP American Inn of Court.”

“Inns of Court” meet about once a month. Of their four goals, three are self-perpetuation and one is related to professional outreach, including ethics. Oddly, even though Pauline Newman is a sitting Federal Circuit judge, the trade group bears her name. Such ego-stroking amounts to influence peddling.

At least two of the three judges on the third Leader reexamination are associated with Mr. Stoffel. The third judge, Stephen C. Siu is also conflicted. He was formerly employed by Facebook stakeholder Microsoft. The Patent Office continues to stonewall disclosure of the backgrounds of not only Meredith Petravick, but also Stephen C. Siu and James T. Moore. Judge Siu made the Microsoft disclosure himself on LinkedIn.

**AMERICAN INNS OF COURT**

**Goals:** ① Promote Inns\* ② Insure Inns Continuity\* ③ Communicate Excellence  
(including ethics) ④ Viability and Growth of Inns\* \*Self perpetuation

### Officers

#### The Pauline Newman IP American Inn of Court

<p><b>Counselor</b></p> <p>Hon. James T. Moore, Esq.  US Patent and Trademark Office  p: (703) 731-5533  e: <a href="#">Send Mail</a></p> <p>Teresa Stanek Rea, Esq.  US Patent and Trademark Office  p: (202) 624-2620  e: <a href="#">Send Mail</a></p>	<p><b>Reporter</b></p> <p>William J. Stoffel  US Patent and Trademark Office  p: (215) 586-4558  e: <a href="#">Send Mail</a></p> <p><b>Emeritus</b></p> <p>Hon. Meredith Petravick  US Patent and Trademark Office  p: (703) 597-3226  e: <a href="#">Send Mail</a></p>
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**Source:** [http://home.innsocourt.org/inns/officers.aspx?innid=30452\[1/22/2014 8:07:40 AM\]](http://home.innsocourt.org/inns/officers.aspx?innid=30452[1/22/2014 8:07:40 AM])

**FIGURE 4: OLD BOY GATHERINGS.** These portions of an American Inns of Court are proof that **William J. Stoffel's** conflicts re. **Fidelity, Vanguard** and **IBM** biased the Leader reexamination proceedings in which **Meredith C. Petravick, James T. Moore** and **Stephen C. Siu**, were the three judges assigned by **David J. Kappos** before his departure. Numerous shareholder complaints were sent to **Teresa Stanek Rea**, but she also failed to disclose her conflicts in the FOIA request.<sup>65</sup>

Every judge and agency official with involvement in *Leader v. Facebook* trial holds multiple investments in Fidelity and/or Vanguard Facebook interests. These holdings dramatically exceed the statistical odds of this group of people holding these specific funds. A study of the Office of Government Ethics Form 278 financial disclosures of the Executive Branch and selected courts shows that this pattern repeats itself suspiciously only with certain apparent insiders.<sup>66</sup>

<sup>65</sup> [Officers](#). The Pauline Newman IP American Inn of Court, p. 16, accessed Jan. 22, 2014, p. 16.

<sup>66</sup> [OGE Form 278](#). Obama Appointees & *Leader v. Facebook* Judicial Financial Disclosures, 2008-2012, *Americans For Innovation*, undated, c.a. Oct. 2013.

<b>Leader v. Facebook Patent Officials with Fidelity &amp; Vanguard Facebook “Dark Pools” Holdings / Conflicts of Interest</b>				
<i>Official</i>	<i>Agency</i>	<i>Title</i>	<b>Fidelity</b>	<b>Vanguard</b>
Kappos, David J.	Patent Office	Director		<b>13</b>
Blank, Rebecca M.	Commerce	Secretary	<b>10</b>	<b>9</b>
Grove, Robert M.	Commerce	Director	<b>11</b>	
Kerry, Cameron F.	Commerce	General Counsel	<b>16</b>	<b>7</b>
Roberts, John G., Jr.	Supreme Court	Chief Justice	<b>10</b>	<b>2</b>
Lourie, Alan D.	Federal Circuit	Chief Judge		<b>16</b>
Moore, Kimberly A.	Federal Circuit	Circuit Judge	<b>8</b>	<b>3</b>
Wallach, Evan J.	Federal Circuit	Circuit Judge	<b>6</b>	
Stark, Leonard P.	District Court, Del.	2 <sup>nd</sup> Trial Judge	<b>7</b>	<b>1</b>
<b>Farnan, Joseph J.</b>	<b>District Court, Del.</b>	<b>1<sup>st</sup> Trial Judge</b>	<b>0</b>	<b>0</b>
Petravick, Meredith C.	PTAB Patent Judge	3 <sup>rd</sup> Reexam	<b>X</b>	<b>X</b>
Stoffel, William J.	PTAB Counsel	3 <sup>rd</sup> Reexam	<b>X</b>	<b>X</b>

**Table 2:** X = conflicting associations with Facebook interests. The only honest broker in this list appears to be Judge Joseph J. Farnan. He oversaw *Leader v. Facebook* up to one month before trial, after which he “retired” to make way for Obama appointee Leonard P. Stark. Judge Stark was formally appointed to his judgeship by President Obama just a week after the trial—evident reward for giving the administration the verdict they wanted. On Jan. 20, 2010, Judge Farnan had conducted the pivotal *Markman Hearing* which was a disaster for Facebook. Just a week later, on Jan. 26, 2010, Judge Farnan suddenly announced his “retirement” having previously told the litigants he was looking forward to the trial. He still practices law in Delaware.<sup>67</sup>

Judge Joseph J. Farnan appears to have been the only honest broker in this cast of characters. Tellingly, he was pressed into retirement just a month before trial. Actually, Judge Farnan did not retire. He went into private practice and continues to practice law in Delaware. Strange conduct from someone who said he was looking forward to the *Leader v. Facebook* trial just months earlier. It appears that the Facebook cartel did not like Judge Farnan’s *Markman* opinion.<sup>68</sup>

On Dec. 23, 2013, Patent Judges Meredith Petravick, James T. Moore and Stephen C. Siu rejected Leader’s claim

<sup>67</sup> “District judge Joseph J. Farnan Jr. has announced that he will retire from the bench on July 31<sup>st</sup>” by [Delaware IP Law Blog](#), Jan. 26, 2010; See also [FBCP](#).

<sup>68</sup> *Markman* Briefs & Opinion, [supra](#).

amendments without credible explanation or rationale. Preposterously, the patent examiner reversed seven years of USPTO opinion.

Three weeks later, Judge Petravick obstructed a FOIA instruction that ordered disclosure of her conflicts log. However, the log was littered with references to files elsewhere, which amounts to a redaction of that information in violation of the appeals order. Tellingly, she is the only judge whose conflicts log does not list actual conflicts. Reference to files elsewhere makes a mockery of the ethics disclosure process. See Fig. 3.

Following Mr. Kappos' recess appointment in 2009; he invested about \$1 million in Vanguard Funds, one of the Facebook "dark pools" prime movers. Facebook began its reexamination requests soon after Mr. Kappos' appointment. He was formerly employed as chief intellectual property counsel at IBM, which sold Facebook 750 patents during the *Leader v. Facebook* proceedings.<sup>69</sup> Despite these evident conflicts, Mr. Kappos ordered the third reexamination against Leader.

Mr. Kappos reinforced the USPTO bias against Leader when he established and promoted a formal Patent Office Facebook page to 11,000 employees.<sup>70</sup>



**FIGURE 5: PATENT OFFICE FACEBOOK PAGE**, started May 14, 2010.

<sup>69</sup> "Facebook buys 750 patents from IBM: source" by Dan Levine and Alexei Oreskovic, *Reuters*, May 22, 2012; See also [FBCP](#).

<sup>70</sup> [U.S. Patent Office Facebook Page](#), est. May 10, 2010; See also USPTO (David J. Kappos) [Press Release, May 10, 2010](#).

In his May 10, 2010 press release, Mr. Kappos stated:

“I’m confident our Facebook presence will complement the USPTO Web site as a means of communicating and connecting with the public and our stakeholders in the intellectual property community. With more than 400 million people on Facebook, we knew it was an important place for us to be.”

Such statements prejudiced Leader with ***all*** USPTO employees, including the examiner and judges in the reexamination. These are *prima facie* conflicts of interest that invalidate all USPTO actions. They made it nearly *impossible* for Leader to get fair treatment.

**(b) DAVID J. KAPPOS STARTED THE USPTO FACEBOOK PAGE JUST AS THE WHITE HOUSE FORCED OUT JUDGE JOSEPH J. FARNAN AND INSTALLED JUDGE LEONARD P. STARK.**

Note that Mr. Kappos established the USPTO website at the same moment that veteran district court Judge Joseph J. Farnan was being replaced by Obama nominee Leonard P. Stark as the trial judge—on the eve of trial, which started on July 19, 2010. It was also at this same time that the newly appointed Judge Stark, in a brazen breach of due process, allowed Facebook to add the on-sale bar claim and blocked Leader from preparing defenses.

**9. BREACHES OF ETHICAL STANDARDS IN THE EXECUTIVE BRANCH.**

Suspecting Patent Office foul play, investigators have discovered the following:

**(a) EXECUTIVE BRANCH, SEC, COMMERCE DEPARTMENT AND PATENT OFFICE PERSONNEL** involved in *Leader v. Facebook* have substantial holdings in Facebook interests in their disclosure statements:

- (1) [Blank, Rebecca M.](#), (40) Secretary
- (2) [Pritzker, Penny S.](#), (30) Secretary
- (3) [Groves, Robert M.](#), (19) Director, Census
- (4) [Kerry, Cameron F.](#), (23) Chief Counsel
- (5) [Kappos, David J.](#), (13) Director, USPTO

- (6) [Chopra, Aneesh](#), U.S. (19) Chief Technology Officer
- (7) [Schapiro, Mary L.](#), (51) Chair, Commerce Dept.
- (8) **Park, Todd Y.**, (Accessibility blocked), HealthCare.gov architect
- (9) [Kocher, Robert P., M.D.](#), (37) Special Assistant to the President for Healthcare and Economic Policy (Obamacare chief architect), National Economic Council<sup>71</sup>
- (10) **Bauer, Robert F.**, (Accessibility blocked), White House counsel
- (11) **Dunn, Anita B.**, (Accessibility blocked), White House counsel
- (12) **Bharara, Preetinder “Preet”**, (Accessibility blocked), U.S. Attorney, S.D.N.Y.
- (13) [Genachowski, Julius M.](#), (30), Chair, Federal Communication Commission (FCC), author of the FCC newsroom "survey" plan

(b) Numerous additional conflicts of interests have been uncovered:

(1) **STEPHEN C. SIU**, Patent Judge, as mentioned above, was formerly employed by Microsoft, one of Facebook’s largest investors.<sup>72</sup> Microsoft is a “Sustaining Leader” of the Federal Circuit Bar Association (FCBA).<sup>73</sup> The FCBA made an appearance and filed a motion in the *Leader v. Facebook* case that argued to excuse the conflicts of interests of the judges,<sup>74</sup> a motion that they later withdrew. The extreme bias is apparent.

(2) **KATHRYN W. SIEHNDEL**, USPTO FOIA Officer, was formerly employed by White & Case LLP, one of Facebook’s legal counsels in *Leader v. Facebook*—a fact she has not

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<sup>71</sup> [Robert P. Kocher, MD](#), OGE Form 278 Financial Disclosure, Feb. 20, 2009.

<sup>72</sup> [Stephen C. Siu](#). LinkedIn Profile, accessed Jun. 20, 2013.

<sup>73</sup> Microsoft “Sustaining Leaders.” [Federal Circuit Bar Online Community](#), as of May 15, 2013, accessed Dec. 10, 2013.

<sup>74</sup> [Response to Request of Federal Circuit Bar Association's Request](#) for Reissue Re. *Leader v. Facebook*, Case No. 2011-1366 (Fed. Cir.) by Lakshmi Arunachalam, Ph.D., Sep. 17, 2012.



disclosed—and has failed to disqualify her involvement in *Leader v. Facebook* related inquiries.<sup>75</sup>

In various Freedom of Information Act (FOIA) inquiries, Ms. Siehndel has stonewalled attempts to obtain biographical information about the judges and examiner and has refused to provide a complete list of the USPTO personnel who have been involved in the *Leader v. Facebook* matter. She has invoked presidential communication privilege as her excuse for heavily redacting documents, but has systematically refused to explain her reasons.<sup>76</sup> Why is the President involved? Evidently to protect his 50 million Facebook “likes.”

(3) **USPTO REFUSAL TO PROVIDE FINANCIAL STATEMENTS, BIOGRAPHICAL AND OTHER INFORMATION.** Ms. Siehndel has refused to provide required financial and other ethics data in response to public inquiries, including for the following judges and examiners involved in the *Leader* patent reexamination:

- i. **Petravick, Meredith C.**, patent judge
- ii. **Moore, James T.**, patent judge
- iii. **MacDonald, Allen R.**, patent judge
- iv. **Hughes, James R.**, patent judge
- v. **Hughes, Deandra**, patent examiner

#### 10. **PROPERTY CONFISCATION BY FEDERAL AGENCIES.**

During the *Leader v. Facebook* proceedings, various U.S. government agencies collaborated with Facebook to use *Leader*’s invention without license or compensation. This activity includes, but is not limited to:

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<sup>75</sup> [Kathryn Walsh Siehndel](#), Patent Office FOIA Associate Counsel, LinkedIn Profile, accessed Jun. 25, 2013.

<sup>76</sup> “Patent Office Cover-up in *Leader v. Facebook*,” [USPTO](#), Feb. 7, 2013; See also “FOIA Renewed Appeal to U.S. PATENT OFFICE Response, *Leader v. Facebook*, Apr. 2, 2013,” [USPTO](#), Apr. 1, 2013.

(a) **BARACK & MICHELLE OBAMA'S FACEBOOK PAGE.**

Barack Obama has relied upon Leader's technology for his daily communication and fund raising with upwards of 50 million followers on Facebook. If the count includes Michelle Obama and various Obama PACs, the total is higher.<sup>77</sup> The total value of Leader's invention to the President is astronomical.



**FIGURE 6: BARACK OBAMA FACEBOOK PAGE**, Apr. 16, 2013

(b) **USPTO-DAVID J. KAPPOS FACEBOOK PAGE.**

USPTO Director David J. Kappos has relied upon Leader's technology for his regular communication with the USPTO's 14,000 employees (see Fig. 3 above).

<sup>77</sup> [Barack Obama](#) Facebook Screen Capture, Apr. 16, 2013 11:36am AM EDT.

(c) **HEALTHCARE.GOV.** HealthCare.gov relies on Leader’s social networking invention while making false claims to the technology being “open source.”<sup>78</sup>



**FIGURE 7: HEALTHCARE.GOV PRIVACY STATEMENT.** Ambiguously claims use of “open source” software, like Facebook, which is Leader Technologies’ invention (despite easily discredited U.S. Patent Office Christmas Eve-Eve decision).

HealthCare.gov architect, **Todd Y. Park**,<sup>79</sup> who is currently the White House chief technology officer, has substantial conflicts of interest with the Facebook cartel. This includes with **Ann H. Lamont**.<sup>80</sup> Ms. Lamont holds at least 139 Facebook “dark pools” funds valued up to \$430 million. In fact, her list of funds reads like the *Who’s Who* of the Facebook Cartel.

Ms. Lamont’s holdings include **Athenahealth, Inc.**—a company founded by Mr. Park, and where his brother, Ed Y. Park, is the chief operating officer. Ms. Lamont and Robert Kocher MD, are directors in Todd Y. Park’s other company, **Castlight Health, Inc.** Dr. Kocher is President Obama’s Obamacare architect, and a former member of the National Economic Council with Lawrence “Larry” Summers.

Neither Todd Y. Park’s nor Ed Y. Park’s financial disclosures are available, despite numerous requests. [Dr. Kocher's 2009 financial disclosure](#) has been rediscovered, despite its recent removal from the White House Office of Government Ethics website.

<sup>78</sup> “Obamacare Website Makes Corrupt Claims About The Technology” by Contributing Writers, [Americans For Innovation](#), Nov. 8, 2013.

<sup>79</sup> “Obama’s Chief Tech Officer Todd Y. Park Mired in Conflicts of Interest” by [Americans For Innovation \(AFI\)](#), Nov. 15, 2013 and [FBCP](#); See also “HealthCare.gov Doomed By Widespread Unethical Conduct” by [AFI](#), Nov. 26, 2013 and [FBCP](#); “Chinese Involvement in Obamacare Hidden by Missing S.E.C. Fraud Certifications” by [AFI](#), Jan. 28, 2014; See also [FBCP](#).

<sup>80</sup> Lamont, Ann H., [supra](#).

**Both Athenahealth and Castlight Health are deeply embedded in HealthCare.gov. This duplicity puts all of America's health data at risk.**

(d) **DEPRIVED ENJOYMENT OF PROPERTY RIGHTS.** The grossly corrupt justice in *Leader v. Facebook* has deprived the shareholders of Leader Technologies, Inc. the right to the use and enjoyment of property, including their due compensation for the risk taking in funding the more than \$10 million and 145,000 man-hours to actually invent the social networking technology that so many now enjoy via Facebook's proven infringement.

#### **H. RELIEF REQUESTED**

1. **COMPENSATION FOR CONFISCATION AND DAMAGE.** Order the licensing of the government's use of Leader's invention going forward, and compensate the company for the benefits of past use, in an amount Congress deems fair and just.

2. **RESTORE LEADER'S PROPERTY RIGHTS.** Restore Leader's full private property rights to U. S. Patent No. 7,139,761. Nullify the corrupt actions of the district court, Federal Circuit appeals court, U.S. Supreme Court and U.S. Patent Office related to Facebook's illegitimate on-sale bar claim.

3. **PRESERVATION OF EVIDENCE.** Impound and mirror-copy with an honest broker for safekeeping, at least 28 Mark Zuckerberg hard drives and Harvard emails from the 2003-2004 time frame that have been concealed from discovery in multiple litigations by Facebook's law firms Gibson Dunn LLP, Cooley Godward LLP, White & Case LLP, Blank Rome LLP, Perkins Coie LLP, Latham & Watkins LLP, Weil Gotshal LLP, Orrick Herrington LLP and Fenwick & West LLP.

4. **IMPEACH THE CONSPIRATORS.** Remove from office all employees of the federal government who have knowingly participated in this deprivation of sacred private property rights in violation of their ethical pledges to the American people. In addition, sanction, discipline and prosecute the wrongdoers to restore confidence in the rule of law.

## I. CONCLUSION

As concerned citizens, we believe this matter offers Congress a once-in-a-lifetime opportunity to draw a line in the sand against the abuse of private property rights spreading through Washington D.C. like the plague.

The innovation that the Leader Technologies entrepreneurs brought to the world is as important as Thomas A. Edison's invention of the light bulb. However, the technology has never had the chance to develop responsibly. Instead, the invention was hijacked by organized criminals intent on using it to press their secret agendas.

We fear that if Congress does not stop this disregard for the law in Leader's case, the message to American innovators will be to stop innovating, since inventors will not be protected or rewarded by the patent system and federal courts.

Big infringers don't invent. Individual inventors do. Invention is difficult, expensive, risky, and time consuming. By contrast, theft and copying is easy and cheap. However, what happens to an economy when the thieves have nothing to steal because innovation has been discouraged? It becomes impoverished.

We appeal to Congress to act in a bi-partisan way to protect Columbus, Ohio innovator, Leader Technologies, Inc., and in the process, save our private property system from wanton federal confiscation.

Sincerely,

February 21, 2014

*Concerned Citizens on Behalf of  
The Shareholders of Leader Technologies, Inc.*

**Opinion Notice:** The preceding is opinion. Readers are encouraged to think for themselves and do their own independent research before drawing their conclusions about the facts presented herein. As with any opinion, readers should not rely upon this information without independent verification.

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Online locations for this document include:

- HTML: <http://www.leader.com/docs/Request-for-Congressional-Intervention.html>
- PDF: <http://www.leader.com/docs/Request-for-Congressional-Intervention.pdf>
- PDF: <https://drive.google.com/file/d/0BzY82Uj8lJyncU00TjVhNzhoNWs/edit?usp=sharing>
- PDF: <http://www.fbcoverup.com/docs/Request-for-Congressional-Intervention.pdf>

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