
BRIEFING FOR REPRESENTATIVE JIM JORDAN

CRITICAL CONSTITUTIONAL MATTERS FOR THE HOUSE OVERSIGHT COMMITTEE

Prepared October 19, 2012

AMERICAN AND RUSSIAN OPPORTUNISTS UNDERMINING U.S. SOVEREIGNTY AND CORRUPTING U.S. FINANCIAL AND JUDICIAL SYSTEMS

Tom Clancy couldn't make this up. Sadly, the facts seem to point to a self-styled Facebook "ecosystem" of principals who are pressing an internationalist agenda that undermines U.S. sovereignty and corrupts U.S. financial and judicial systems. They are also exploiting the innovations and stolen intellectual property from Ohio-based Leader Technologies to achieve their goal.

*Facebook has **one billion** users—three times the U.S. population. Their continued unscrupulousness cannot be anything other than an external shock to our financial system. Congress needs to act to prevent more damage.*

LAWRENCE SUMMERS

Lawrence Summers, who has held numerous senior positions in both the Presidents Bill Clinton and Barack Obama White Houses, looms large in this Facebook "ecosystem," as do two of his protégés, American Sheryl Sandberg and Russian Juri Milner. Summers recently popped up in Silicon Valley as a newly-appointed "special adviser" to Facebook director, Marc Andreessen;



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coincidentally while Andreessen was completing a dubious \$1 billion Facebook acquisition of Instagram — a company with 13 employees and no revenue. Andreessen was (and continues to be) a director in both companies. Summers also accepted appointment to the board of a financial transactions company, Square — a curious development given Facebook’s evident plan to make Facebook Credits an unregulated global currency. Summers’ interconnections within the Facebook “ecosystem” are astounding, most notably Summers’ 20-year World Bank associations with (a) Facebook COO Sheryl Sandberg, (b) Facebook’s second largest investor, Moscow-based Juri Milner and his companies Digital Sky Technologies and DST Global, and (c) Goldman Sachs and Morgan Stanley to whom Summers provided \$20 billion in U.S. taxpayer bailout funds while chief of President Obama’s National Economic Council.

GOLDMAN SACHS & MORGAN STANLEY

Goldman Sachs is an equity partner in Digital Sky Technologies (aka DST Global) with Juri Milner and Russian oligarch Alisher Asmanov. This partnership appears to have been created prior to the \$20 billion bailout of Goldman Sachs and Morgan Stanley by the U.S. taxpayers in 2008. DST has invested up to \$3 billion in Facebook. Goldman Sachs’ involvement in DST raises the obvious question as to whether DST may have used TARP funds to invest in Facebook. Goldman Sachs obfuscated when asked by Senator Chuck Grassley on July 24, 2010 where the bailout funds went that Goldman distributed to its partners overseas. Who in this administration said that was permissible? Goldman Sachs also underwrote a multi-billion dollar private market in Facebook’s insider stock sales while blocking American investors from participating. *Fortune* said the DST funds had “unknown origins.” Did Juri Milner use TARP funds received from Goldman Sachs to invest his billions into

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Facebook stock? Milner was involved in the late 1990's in Bank Menatep which was caught laundering billions for the Russian mob as well as diverting \$10 billion in World Bank and IMF funds.

ECONOMIST CODE OF ETHICS

A recent gathering of American economists were highly critical of economists who use their knowledge of global financial systems for personal gain. Where does Lawrence Summers fall along the ethical continuum involving “recommend[ing] policy prescriptions that served their clients' interests, at the expense of the economy as a whole?” This *Wall Street Journal* article continued “A leading group of academic economists has adopted conflict-of-interest rules in response to criticism that the profession not only failed to predict the 2007-2008 financial crisis but may actually have helped create it.”¹

**SHERYL SANDBERG; JURI MILNER; MOSCOW STATE
UNIVERSITY; THE RUSSIAN ACADEMY OF SCIENCES;
DST (AKA DIGITAL SKY TECHNOLOGIES);
OLIGARCH ALISHER ASMANOV**

The three figures in the Facebook “ecosystem”—Summers, Sandberg, Milner—appear to be at the epicenter of an international scheme to *fleece* the American public by using corrupt legal tactics, steal intellectual property required to implement the collusion, and establish an unregulated global money system. Remarkably, these three individuals played a central (and quite destructive) role in the early 1990's in the failed Russian voucher system that spawned the current oligarchy economy in the former Soviet Union. Now they have one billion current

¹ Ben Casselman. “Economists Set Rules on Ethics.” [*The Wall Street Journal*](#), Jan. 9, 2012.

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users of their core (stolen) technology and would have a significant impact on the U.S. and world economies.

The *curriculum vitae* of these individuals follow, compiled from publicly available sources.

Numerous Leader shareholders reside in Ohio's 4th Congressional District which Congressman Jim Jordan represents.

Are the facts, opinions and circumstances herein merely a random string of unflattering coincidences, or are they evidence of a more nefarious agenda?

	<i>Lawrence Summers</i>	<i>Sheryl Sandberg</i>	<i>Juri Milner</i>
1980			
1981			
1982			
1983	Harvard, Prof. of Economics		
1984			
1985			Moscow State University, BSc. Physics & Math
1987			Russian Academy of Sciences, Researcher
1988			
1989			
1990	Harvard, Adviser to Sheryl Sandberg		Wharton, MBA (1990-1992)
1991	World Bank, Chief Economist	World Bank, L. Summers Research Asst.	World Bank, Russian Banking Specialist
1992	Sheryl Sandberg, Juri Milner research assistants		Assisted Larry Summers, Sheryl Sandberg (1993)
1993	U.S. Treasury, Undersecretary, Int'l Aff.		
1994			Bank Menatep / Alliance Menatep, Director
1995	U.S. Treasury, Deputy Secretary	McKinsey & Company, Mgmt. Consultant	Met Russian oligarch Mikhail Khodorkovsky at the World Bank; employed by Khodorkovsky from 1994;
1996			Khodorkovsky and Bank Menatep laundered money for
1997			Russian organized crime in 1999 by diverting \$10 billion
1998			from World Bank and International Monetary Fund
1999	U.S. Treasury, Secretary	U.S. Treasury, Chief of Staff to the Secretary	(IMF); Milner does not disclose these associations in his
2000	President Bill Clinton		current biographies
2001	Harvard, President	Google, V.P. Online Sales Gmail creation	NetBridge / Mail.ru, CEO
2002	Brookings Institution, Fellow	Brookings Institution, Trustee	
2003	Mark Zuckerberg , 2002-2004; "Let the hacking begin,"		
2004	Oct. 28, 2003, 19 years-old; <i>The Harvard Crimson</i>		
2005	coverage, 2003-2004; "PayPal Mafia" Reid Hoffman,		
2006	Peter Thiel, James W. Breyer, Accel Partners LLP, coach		Digital Sky Technologies, Founder
2007	Zuckerberg, provide \$13 million; unending Facebook \$\$		Partners with Goldman Sachs and Russian oligarch
2008	D.E. Shaw & Co., Managing Director	Facebook, Chief Operating Officer	Alisher Asmanov; by 2009 70% of DST employees in
2009	Hedge Fund		London and Moscow are former Goldman Sachs
2010	U.S. National Economic Council, Director	Arranges first \$200M DST / Juri Milner investment (2009)	employees; former Goldman Sachs executives Alexander
2011	President Barack Obama; distributes TARP funds to		Tamas, Verdi Israeli, John Lindsfors join DST
2012	Goldman Sachs, Morgan Stanley, J.P. Morgan Chase,	Facebook, Director	DST Global, CEO
	State Street Corporation		Invests \$1.5-3.0 billion (est.) in Facebook; calls the
	Andreessen-Horowitz, Special Adviser;		transactions a "Pre-IPO Supplement"; invests in Zynga
	Harvard, Prof. of Economics; Square, Director		and Groupon along with James W. Breyer, Accel Partners
	\$1 billion Instagram buy; Facebook to Andreessen		LLP; DST becomes 2 nd largest Facebook investor; DST's
			partner Goldman Sachs brokers pre-IPO pumping of
			Facebook value to \$100 billion and brokers Facebook IPO

Figure 1: Biographies of Lawrence Summers, Sheryl Sandberg and Juri Milner

TIMELINE

1992 Between 1991 and 1993 “*wunderkind* professors of economics” including **Larry Summers** were unleashed as “ersatz policy ‘experts’” by the **World Bank** to implement their “flawed” plan for privatization of banking in the **Soviet Union**.² This reckless voucher system resulted in the emergence of the current system of corrupt Russian oligarchies controlled by the **Kremlin**; oligarchies that Summers is now exploiting.

	Lawrence Summers	Sheryl Sandberg	Juri Milner
1990	Harvard, Adviser to Sheryl Sandberg		Wharton, MBA (1990-1992)
1991	World Bank, Chief Economist	World Bank, L. Summers Research Asst.	World Bank, Russian Banking Specialist
1992	Sheryl Sandberg, Juri Milner research assistants		Assisted Larry Summers, Sheryl Sandberg (1993)

Figure 2: Summers, Sandberg and Milner were proponents of a Harvard-*wunderkind*-led, neo-classical Russian voucher privatization system that devastated reform and created the current oligarch system. They appear poised to finally capitalize on this tragedy via the Facebook “ecosystem.”

1993 In 1993 **Larry Summers** with **Sheryl Sandberg**’s assistance engaged the energies of a then-Wharton MBA student, Russian **Juri Milner**, to write the **World Bank** paper “Voucher Investment Funds” advocating the **Russian voucher system**³ in their “insane and unnecessary haste.”⁴

1994 While at the **World Bank** working with **Larry Summers** and **Sheryl Sandberg**, **Juri Milner** met **Russian oligarch Mikhail Khodorkovsky**. He returned to Russia and worked for **Khodorkovsky** who owned **Bank Menatep** which in 1999 became involved in the diversion of \$4.8 billion in **IMF** funds.⁵

² David Ellerman. “Lessons From East Europe’s Voucher Privatization.” [World Bank](#), 1999, fns. 2, 11.

³ Andrei Volgin and Yuri Milner. “Voucher Investment Funds.” [World Bank](#), 1993.

⁴ David Ellerman. “Can the World Bank Be Fixed?” [Univ. of California, Riverside](#), 2005 (citing John Maynard Keynes’ observations about the Russian Revolution and the “surprisingly apt” comparisons to Russia in the 1990’s).

⁵ “Russian scandal widens.” [CNN Money](#), Aug. 26, 1999. See also [Wolff, M. \(Oct. 21, 2011\)](#). How Russian tycoon Yuri Milner bought his way into Silicon Valley. [Wired](#).

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This money-laundering of an estimated \$10 billion by the Russian mob via Bank Menatep also involved **World Bank** funds.⁶ Tellingly, Juri Milner does not disclose this association in any of his current biographies. Milner’s activities between 1994 and 2007 are murky.

1999-2001 **Sheryl Sandberg** served as **Larry Summers’** Chief of Staff at the **U.S. Department of the Treasury** while he was Secretary of the Treasury under **President Bill Clinton**.

	<i>Lawrence Summers</i>	<i>Sheryl Sandberg</i>	<i>Juri Milner</i>
1993	U.S. Treasury, Undersecretary, Int'l Aff.		
1994			Bank Menatep / Alliance Menatep, Director
1995	U.S. Treasury, Deputy Secretary	McKinsey & Company, Mgmt. Consultant	Met Russian oligarch Mikhail Khodorkovsky at the World Bank; employed by Khodorkovsky from 1994;
1996			Khodorkovsky and Bank Menatep laundered money for Russian organized crime in 1999 by diverting \$10 billion from World Bank and International Monetary Fund (IMF); Milner does not disclose these associations in his current biographies
1997			
1998			
1999	U.S. Treasury, Secretary President Bill Clinton	U.S. Treasury, Chief of Staff to the Secretary	
2000			NetBridge / Mail.ru, CEO

Figure 3: While Summers and Sandberg worked for President Bill Clinton in the Treasury Department, Summers’ protégé Juri Milner worked at Bank Menatep, which laundered billions of dollars for Russian organized crime and diverted \$10 billion in funds from the World Bank and the IMF.

2001 Between 2001 and 2003 **Fenwick & West LLP** represented Columbus, Ohio inventor **Leader Technologies** as counsel and was privy to Leader’s trade secrets.

2002 In late 2002 **Leader Technologies** filed for patents on its innovations, now called “social networking.”⁷

⁶ Timothy L. O’Brien. (Aug. 28, 1999). Russian Industrialist in Money Laundering Inquiry Accuses Moscow Aides. [The New York Times](#), Aug. 28, 1999; See also “Russian mob probe widens. Report: European banks, IMF drawn into Russian money laundering investigation.” [CNN Money](#), Aug. 24, 1999; Douglas Herbert. “IMF faces new Russia test.” [CNN Money](#), Aug. 26, 1999.

⁷ After making numerous haughty statements in the press about Michael McKibben and Leader Technologies having nothing innovative and being “patent trolls” who were attempting to piggyback off of Facebook’s success, Facebook failed to present a single piece of prior art to justify their assertions. Facebook put forward numerous patents by the Xerox PARC Computer Science Laboratory friends of their expert witness, Dr. Saul Greenberg. Despite Greenberg presenting unqualified science at trial (he made [false statements](#) which Judge Leonard P. Stark did

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- 2003 During 2003 **Leader Technologies** prepared its innovations for market. New testimony reveals that **Mark Zuckerberg** and his Harvard roommates **Dustin Moskowitz** and **Chris Hughes** learned about Leader technology in early 2003, stalled other students working on other “facebook” during the year, *received a copy of Leader’s platform source code* on about Oct. 28, 2003, and used it to launch Facebook on Feb. 4, 2004.
- 2003 Oct. 23 From Oct. 23, 2003 to Sep. 15, 2004 *The Harvard Crimson* carried 22 news articles about 19-year old sophomore **Mark Zuckerberg**. Only **Bill Clinton** and **George Bush** received more mentions. Al Franken received 16, Google 14, Microsoft 10, Bill Gates and Pope John Paul II 3 each. By comparison, the two other “facebook” at Harvard, namely the Winklevoss Twins’ Harvard Connection and Aaron Greenspan’s houseSYSTEM, received 4 mentions each. **Larry Summers** was President of Harvard during this time,⁸ creating the reasonable speculation that only he could have organized such inordinate coverage.
- 2004 May By May 2004 former **PayPal** co-founder **Reid Hoffman** had become a first investor and business coach for **Mark Zuckerberg**. He has just recently started claiming that he was the first outside investor in Facebook and introduced Zuckerberg to **Peter Thiel**, his fellow former PayPal executive. This account is markedly different from earlier accounts that credit Napster founder **Sean Parker** with the introduction. The story morphs with each new telling. If Hoffman did coach

not disqualify pursuant to *Daubert*), Greenberg still failed to prove that any of the Xerox technology was innovative over Leader’s. Facebook also filed for and was granted *two* patent reexaminations at the U.S. Patent Office, but failed *both times* to put forward even a single item of prior art to prove their accusations. Therefore, Facebook’s “patent troll” haughtiness was simply the evident bluster of the guilty. [*Daubert v. Merrell Dow Pharmaceuticals, Inc.*](#), 509 US 579 (Supreme Court 1993) at 595-597 (the trial judge must ensure the reliability of scientific testimony). See also “Lack of Expert Witness Credibility,” [Brief Of Amicus Curiae Lakshmi Arunachalam, Ph.D.](#) In Support Of Leader Technologies' Petition For Rehearing And Rehearing En Banc, p. 23. Filed Jul. 10, 2012, *Leader Tech v. Facebook*, Case No. 2011-1366 (Fed. Cir.).

⁸ Summary of The Harvard Crimson articles about Mark Zuckerberg. [*Origins of Facebook’s Technology*](#), Aug. 27, 201, fn. 7.

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Zuckerberg at Harvard, this contradicts Zuckerberg's testimony in *ConnectU* where he makes no mention of Hoffman.⁹

- 2004 Jun. 2004 In Jun. 2004, former **PayPal** co-founder **Peter Thiel** is introduced to **Mark Zuckerberg** by **Reid Hoffman** or **Sean Parker** (depends upon who is telling the story) and *immediately* invests \$500,000.
- 2004 Jun. 24 **Leader Technologies'** patent on social networking publishes for the first time at the U.S. Patent Office. Zuckerberg hires **Stephen Dawson Haggarty** because the Leader code is too sophisticated to change. These changes in Groups functionality are heralded.
- 2005 May 26 **James W. Breyer** and **Accel Partners LLP** announce publicly a \$12.7 million investment in **Facebook**.¹⁰
- 2005 Oct. 26 **James W. Breyer** of **Accel Partners LLP** and **Mark Zuckerberg** *solicit to induce* third party developers at Stanford University to build apps on the **Facebook** framework stolen from **Leader Technologies** for the first time.¹¹
- 2006 Nov. 21 On Nov. 21, 2006 **Leader Technologies** received U.S. Patent No. 7,139,761; the platform that is the Facebook engine.
- (ca. 2002-2009) **Goldman Sachs** has never disclosed exactly when they became a substantial investor in Moscow-based **DST** (aka **Digital Sky Technologies**) along with Russian oligarch **Alisher Asmanov** and **Juri Milner**, but they are believed to be "among DST's five investors."¹² Approximately 70% of DST's employees and

⁹ [Mark Zuckerberg Deposition, Apr. 25, 2006](#), *ConnectU LLC v. Zuckerberg et al*, 1:04-cv-11923-DPW (D.Mass. 2004).

¹⁰ Breyer becomes **Facebook** Chairman. Breyer claims he did not know Zuckerberg very long prior to investing, but that story appears doubtful. Breyer let slip in Munich, Germany in 2010 that others from Accel Partners (likely fellow Harvard alums **Jim Swartz** and **Ping Li** with the help of ex-**PayPal** co-founders **Reid Hoffman** and **Peter Thiel**) had been working with Zuckerberg since 2003. Jim Swartz and Ping Li were called "big winners" in the Facebook IPO by *C/Net*.

¹¹ James W. Breyer, Accel Partners LLP, and Mark Zuckerberg. "Entrepreneurial Thought Leaders Seminars." [Stanford Center for Professional Development](#), Oct. 26, 2005 @49m11s; See also [Transcript Tr. 39:14-40:8](#).

¹² Ryan Tate, "The 'Hard' Russian Oligarch Behind Facebook's New Money." [Gawker](#), May 27, 2009.

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executives in London and Moscow are former Goldman Sachs employees.¹³

- 2007 Oct. 25 **Microsoft** invested \$250 million in **Facebook**.¹⁴ Microsoft is implicated in the cover up of investments by the judges in Facebook and other conflicts of interest at the **Federal Circuit** in *Leader v. Facebook*.¹⁵
- 2008 Mar. 24 **Sheryl Sandberg** left Google and became Chief Operating Officer at **Facebook**.
- 2008 Oct. 13 **Facebook** filed for an **SEC exemption** from the 500 shareholder rule. The exemption filed by **Fenwick & West LLP**, former corporate counsel to **Leader Technologies**.
- 2008 Oct. 14 **Facebook** received an **SEC exemption** from the 500 shareholder rule.¹⁶ The ostensible purpose of the exemption was with regard to the “employee benefit plan” and “for compensatory purposes,” although hindsight finds deceptive language including the inserted phrase on page 2: “(and may in the future grant RSUs [Restricted Stock Units] to directors and certain consultants as well)” and “could in the future have more than 500 holders of RSUs” and “only be issued to employees and directors of the Company and consultants.” No reasonable

¹³ See also Simon Goodley, “Facebook investor DST comes with ties to Alisher Usmanov and the Kremlin – Three Goldman Sachs bankers, Alexander Tamas, Verdi Israelian and John Lindfors joined DST over the past three years.” [The Guardian](#), Jan. 4, 2011.

¹⁴ Brad Stone. “Microsoft Buys Stake in Facebook.” [The New York Times](#), Oct. 24, 2007.

¹⁵ **Judge Kimberly A. Moore and Judge Alan D. Lourie**. Microsoft is a director of The Federal Circuit Bar Association where the Federal Circuit Clerk of Court Jan Horbaly is an Ex Officio officer, and the Bar Association filed an unusual request on Jul. 11, 2012 to have the Federal Circuit judge’s conflicts of interest in *Leader v. Facebook*, including undisclosed investments in Facebook, excused and absolved.¹⁵ The Clerk *refuses* to docket the opposition to this request by Dr. Lakshmi Arunachalam. [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.

¹⁶ Anne Krauskopf, Senior Special Counsel, Response of the Office of Chief Counsel, Division of Corporation Finance, [SEC Edgar](#), Oct. 22, 2008. (“Will not object if Facebook, Inc. does not comply with the registration requirements of Section 12(g) of the Securities Exchange Act of 1934 (the “Exchange Act”) with respect to restricted stock units . . .”).

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person would read this disclosure to include a \$3 billion dollar **Goldman Sachs** “special purpose vehicle” to make a private “pre-IPO supplement” market that locked out American investors. *See* Jan. 7, 2011.

The one-day turnaround of this **SEC exemption** is remarkable.

- 2008 Nov. 4 **Goldman Sachs, Morgan Stanley and State Street Corporation** received \$22 billion in bailout funds from U.S. taxpayers in the “First Tranche” of the **Emergency Economic Stabilization Act of 2008** (EESA).¹⁷ Former **FDIC Chief Sheila Bair** says it was not necessary. Could the agendas finally be revealed in this briefing?¹⁸
- 2008 Nov. 19 **Leader Technologies** sues Facebook for patent infringement captioned *Leader Technologies, Inc., v. Facebook, Inc.*, 08-cv-862-JJF-LPS (D.Del. 2008).¹⁹
- 2008 Nov. 23 **Larry Summers** nominated by **President Barack Obama** to head of the **National Economic Council** despite criticism that Summers played a role in the 2008 economic meltdown.²⁰

¹⁷ Goldman Sachs \$10 billion, and Morgan Stanley \$10 billion. Capital Purchase Program (TARP), Transaction Report, [U.S. Treasury](#), Oct. 29, 2008.

¹⁸ Sheila Bair. Sheila Bair and the bailout bank titans.” [Fortune](#), Sep. 20, 2012.

¹⁹ [Complaint](#). *Leader Technologies, Inc. v. Facebook, Inc.*, 08-cv-862-JJF-LPS (D.Del. 2008); *Leader Tech v. Facebook*, Case No. 2011-1366 (Fed. Cir.).

²⁰ Summers supported the Commodity Futures Modernization Act, “which allowed many derivatives – like the credit default swaps that have rocked markets this fall – to go unregulated.” *See* Jeanne Sahadi. “Obama picks Summers as top economic adviser.” [CNN Money](#), Nov. 23, 2008.

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	Lawrence Summers	Sheryl Sandberg	Juri Milner
2006	D.E. Shaw & Co., Managing Director		Digital Sky Technologies, Founder
2007	Hedge Fund		Partners with Goldman Sachs and Russian oligarch Alisher Usmanov; by 2009 70% of DST employees in London and Moscow are former Goldman Sachs employees; former Goldman Sachs executives Alexander Tamas; Vendi Israelian, John Lindsfors join DST
2008	U.S. National Economic Council, Director	Facebook, Chief Operating Officer	
2009	President Barack Obama; distributes TARP funds to Goldman Sachs, Morgan Stanley, J.P. Morgan Chase, State Street Corporation	Arranges first \$200M DST / Juri Milner investment (2009)	DST Global, CEO
2010			Invests \$1.5-3.0 billion (est.) in Facebook; calls the transactions a "Pre-IPO Supplement"; invests in Zynga and Groupon along with James W. Breyer, Accel Partners LLP; DST becomes 2 nd largest Facebook investor; DST's partner Goldman Sachs brokers pre-IPO pumping of Facebook value to \$100 billion and brokers Facebook IPO
2011	Andreessen-Horowitz, Special Adviser;		
2012	Harvard, Prof. of Economics; Square, Director \$1 billion Instagram buy; Facebook to Andreessen	Facebook, Director	

Figure 4: Summers and his protégés make their moves to consolidate their holdings in the Facebook “ecosystem” having (a) stolen the Facebook platform technology from Leader Technologies, (b) fleeced a \$3 billion private market of investors to *pump up* the pre-IPO valuation to \$100 billion, and (c) fleeced the public market again by raising over \$10 billion in cash at an inflated valuation while the insiders *cashd out* over \$13 billion of their shares on Day 3 of the IPO. Juri Milner alone sent about \$3.79 billion back to Moscow. Accel Partners LLP and James W. Breyer pocketed \$6.5 billion.

2009 May 26 **Mark Zuckerberg** announced a \$200 million investment from **DST Moscow** and **Juri Milner**, arranged by his new COO, **Sheryl Sandberg**. Zuckerberg said Facebook is relying on DST for its **Facebook Credits** strategy.²¹



Figure 5: Facebook Credits Word Mark - The new world currency?
USPTO, Ser. No. 77934145, Filed Feb. 11, 2010.

²¹ Facebook COO Sheryl Sandberg had known Juri Milner from 20-years ago having worked with him and Larry Summers at the World Bank on the failed Russian voucher system. *Fortune* states “Since Milner made his investment, his insights have had a significant influence on the company. Zuckerberg meets with Milner whenever he passes through town—once a month, on average—and he turned to the Russian for much of his thinking on Facebook’s newly launched Facebook Credits, a virtual currency system that could in time account for 20% to 30% of the company’s revenues.” See Jessi Hempel. "Facebook's friend in Russia." *Fortune*, Oct. 4, 2010.

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2009 Jul. 24 **Fenwick & West LLP** discloses **Leader Technologies'** patent as a prior art reference on **Marc Andreessen's** social networking patent applications, but subsequently fails to do so on all of Facebook 700+ patent applications. This **willful fraud**, called "inequitable conduct" in the patent world, if true, created a strong motive for Fenwick & West to undermine Leader Technologies, their former legal client in 2001-2003.²²

JAMES W. BREYER: HIS MONEY IS NOT ON THE UNITED STATES. (BREYER EXTRACTED \$6.5 BILLION ON DAY 3 OF THE IPO AT \$37.58 PER SHARE)

2010 Feb. 1 Facebook's Chairman and largest investor James W. Breyer, Managing Partner of **Accel Partners LLP** Palo Alto, CA said in Munich, Germany that the decline of venture investing in the U.S. is "probably a good thing" and says there is "enormous opportunity globally" and that new venture capitalists should be "on a plane to London, Bangalore and Beijing, and not necessarily Palo Alto, California;" apparently selling the U.S. short.²³

COLLUSION WITH FOREIGN POWERS IS DESTABILIZING U.S. FINANCIAL INTERESTS AND PROPERTY RIGHTS

2010 Jul. 24 **Goldman Sachs** disclosed that they sent \$4.3 billion of the taxpayer stimulus funds overseas.²⁴ Both **Goldman Sachs** and **Morgan Stanley** have also admitted using **TARP** funds to pay executive bonuses.²⁵ Given this questionable conduct in supporting concealed "ecosystems," did they also send money

²² Such misconduct could invalidate many if not all of Facebook's patent filings. Evidence of Fenwick's sensitivity to this issue can be seen at the U.S. Patent Office where their attorney on the Andreessen patents, Christopher P. King, later changed his name to "Christopher-Charles King" on Facebook disclosures—and *only* for Facebook. Reasonable speculation is that this helps avoid his name popping up in search results. *See* Donna Kline. "Proof Fenwick & West LLP did not disclose Leader as prior art to Facebook." [Donna Kline Now!](#) Mar. 29, 2012.

²³ "Spotlight DLD10 (Jim Breyer & Yuri Milner)." [DLD 2010 Munich, Germany](#), Feb. 1, 2010. *YouTube* @4m37s.

²⁴ This disclosure occurred only after the threat of a subpoena from Sen. Chuck Grassley and the Senate Finance Committee. *See* Karen Mracek and Thomas Beaumont, Des Moines Register. "Goldman reveals where bailout cash went." [USA Today](#), Jul. 26, 2010.

²⁵ ABC News' Survey of 16 TARP Banks. [ABC News](#), Dec. 17, 2008.

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to their **DST-Moscow** business partners? Were some of these funds used in Goldman's Jan. 2011 self-described multi-billion dollar "pre-IPO supplement" private market by DST-Moscow, **Juri Milner** and tight-with-the-Kremlin oligarch **Alisher Asmanov**²⁶ (who became the second largest **Facebook** stockholders behind **James W. Breyer** and **Accel Partners LLP**)?

- 2010 Jul. 27 The *Leader v. Facebook* patent infringement trial results in a split verdict. **Facebook** was found guilty of infringement on all 11 of 11 counts. **Leader Technologies** lost on a dubious "on-sale bar" claim.²⁷ Overturn of the jury seemed likely given the jury's admission to the judge that they had no evidence and the "clear and convincing" burden of proof is a "heavy burden."
- 2010 Aug. 5 **Judge Leonard P. Stark's** appointment by President Barack Obama was confirmed by the U.S. Senate, just nine days after the *Leader v. Facebook* split verdict.
- 2011 Jan. 3 **Goldman Sachs** uses the **SEC** exemption obtained by **Fenwick & West LLP** on Oct. 14, 2008, which was created as a "special purpose vehicle" to pool thousands of investors, but count them as one investor, and make a private market in Facebook insider stock.²⁸ Goldman Sachs then infused \$500 million into **Facebook**; \$50 million from Goldman itself, and

²⁶ *Forbes* says Alisher Asmanov "is tight with the Kremlin" and "is an oligarch straight out of central casting." Parmy Olson. "The Billionaire Who Friended the Web." *Forbes*, Mar. 28, 2011.

²⁷ The jury admitted to the judge and attorneys after the trial on Jul. 27, 2010 that they had *no evidence* of on-sale bar and instead based their decision on speculation. (Speculation is not evidence.) Attendees at this polling of the jury report that Juror #6 was noticeably vociferous in his anti-inventor statements. This man is a Delaware prison guard who had pressed himself forward to become foreman. This same man is believed to have been sued for child support and had his prison paycheck garnished several years earlier. After the *Leader v. Facebook* trial his Facebook page boasted a red sports kit car; *now removed from public view*. **The Leader v. Facebook trial appears to have turned on the integrity of Juror #6.** Judge Leonard P. Stark appears to have relied on Juror #6's unsupported vociferousness. Indeed, Judge Stark's opinion bent over backwards by citing an obscure 1800's criminal case—never before used in a patent case—to support Juror #6's opinion. Was this simply the mistake of a novice federal judge? If so, why didn't the Federal Circuit panel correct this mistake as is their solemn duty?

²⁸ Susanne Craig and Andrew Ross Sorkin. "Goldman Offering Clients a Chance to Invest in Facebook." *The New York Times*, Jan. 2, 2011.

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\$450 million from **DST Moscow**. This investment pumped Facebook's valuation to \$50 billion. *Fortune* magazine described the source of **Alisher Asmanov**'s funds as "not clear."²⁹ Tellingly, Fenwick does not disclose such a "special purpose vehicle" intent to the SEC. *See* Oct. 13-14 2008.

2011 Jan. 18 **Goldman Sachs** "slammed the door on U.S. clients" (*The Wall Street Journal*) from participating in the private offering of **Facebook** stock after receiving inquiries from the brokerage community about the 500 shareholder rule.³⁰

Longstanding SEC rules required **Goldman Sachs** to have counted each of these pooled investors separately. Otherwise, brokerage houses could create private markets for any client by first buying the client's stock, subdividing the stock themselves, then make their own private, unregulated stock exchange—which is exactly what Goldman did. Consequently, by the rules other companies must follow, **Facebook** became a *de facto*, noncompliant public company in January of 2011. Nonetheless, the 2008 SEC exemption request by **Fenwick & West LLP** appears to have been the ruse that Goldman Sachs would use as its ostensible authority to pursue this private market; effectively taking Facebook over the 500 shareholder rule five-fold (this number had never been disclosed; including not in the S-1).

Facebook used \$1 billion of this unregulated pre-IPO money to make the dubious purchase of **Instagram** in which **Larry Summers** popped up suddenly as a **Marc Andreessen** "special adviser."

²⁹ *See* Jessi Hempel. "Facebook's friend in Russia." *Fortune*, Oct. 4, 2010; *See* also Barbara Ortutay. (Jan. 03, 2011). Goldman Invests In Facebook At \$50 Billion Valuation. [The San Diego Union-Tribune](#); Steven M. Davidoff. "Facebook and the 500-Person Threshold." [The New York Times](#), Jan. 3, 2011.

³⁰ Liz Rapaport, Aaron Lucchetti and Geoffrey A. Fowler. "Goldman Limits Facebook Offering." [The Wall Street Journal](#), Jan. 18, 2011; *See* also Laurie Segall, "Sorry, Americans: Goldman kicks U.S. clients out of Facebook deal." [CNN Money](#), Jan. 17, 2011.

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- 2011 Mar. 14 Judge **Leonard P. Stark** refused to set aside the on-sale bar verdict in *Leader v. Facebook*; forces **Leader Technologies** to appeal.
- 2011 Mar. 31 **DST's Juri Milner** of Moscow, Russia, purchased a 25,000 square foot, 11 acre Silicon Valley mansion for \$100 million; called "one of the most expensive homes in the U.S."³¹ More use of TARP funds?
- 2011 Jun. 28 **Goldman Sachs** announced it would outsource 1,000 American jobs to **Singapore**.³²

FENWICK & WEST LLP—MATERIAL SECURITIES NONDISCLOSURE

- 2012 Feb. 1 **Facebook, Goldman Sachs, Morgan Stanley and Fenwick & West LLP** issue the first of many iterations of the Facebook S-1 registration and *systematically* failed to disclose the risks to investors associated with the verdict of "literal infringement" on 11 of 11 counts of patent infringement³³ of **Leader Technologies'** U.S. Patent No. 7, 139,761.³⁴

FENWICK & WEST LLP—MATERIAL BREACHES OF ATTORNEY-CLIENT PRIVILEGE

- 2012 Apr. 16 **Fenwick & West LLP's** attorney **Tyler A. Baker**, speaking for Managing Partner **Gordon K. Davidson** (the lead Facebook IPO attorney; *See* Facebook S-1 tombstone),³⁵ *denied* any conflict of interests as **Leader Technologies'** corporate counsel and close collaborator with Leader's patent attorney **Professor James P. Chandler** during the 2001-2003 when Leader's patents were being prepared. Leader Technologies said that

³¹ See Juliet Chung and S. Mitra Kalita. "Home Brings \$100 Million." [The Wall Street Journal](#), Mar. 31, 2012; See also Clare O'Connor. "Inside Yuri Milner's \$100 Million Silicon Valley Mansion." [Forbes](#), Mar. 31, 2011; Michael Wolf. "How Russian Tycoon Yuri Milner Bought His Way Into Silicon Valley." [Wired](#), Oct. 21, 2011.

³² Scott Keyes. "After Taking A \$10 Billion Bailout, Goldman Sachs Announces It Will Outsource 1,000 Jobs To Singapore." [Think Progress](#), Jun. 28, 2011.

³³ Complaint. *Leader Technologies, Inc. v. Facebook, Inc.*.

³⁴ Facebook, Inc. Form S-1 Registration Statement. [SEC Edgar](#), Feb. 1, 2012.

³⁵ *Id.*

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Fenwick did not seek a *conflicts waiver* before agreeing to represent Facebook. Leader had given Fenwick & West LLP copies of Leader's invention source code for their client files to which multiple Fenwick personnel had access.

- 2012 May 8 On the same day that **Facebook** began its **IPO Road Show** in New York City, the **Federal Circuit Court** affirmed Facebook guilty of "literal infringement" on 11 of 11 counts, but refused to overturn the jury's dubious "on-sale bar" ruling in *Leader v. Facebook*. Leader petitioned for rehearing citing the numerous mistakes of law. *See* Jul. 27, 2010.
- 2012 May 22 Day 3 of the IPO: **Facebook** insiders cashed in \$13.26 billion of their shares in a *coordinated sell-off* at \$37.58 per share. Facebook Director **James W. Breyer** and his company **Accel Partners LLP** cashed in \$6.5 billion of their Facebook stock. The sell-off also included **Microsoft** (\$246 million), **Peter Thiel** (\$633 million), **Mark Zuckerberg** (\$1.13 billion), **Goldman Sachs** (\$914 million), **Meritech Management** (\$263 million) and **Juri Milner / DST / Digital Sky Technologies / Mail.ru** (\$3.79 billion).³⁶

MATERIAL UNDISCLOSED JUDICIAL CONFLICTS OF INTEREST

- 2012 May-Jun. Judicial financial disclosure filings revealed that at least two of the three *Leader v. Facebook* judges, namely **Presiding Judge Alan D. Lourie**³⁷ and **Judge Kimberly A. Moore**,³⁸ have substantial *undisclosed investments in Facebook*.³⁹

³⁶ Facebook Insider Trading, May 22, 2012, IPO Day 3. [SEC Edgar](#), May 22, 2012.

³⁷ Judge Alan D. Lourie's holdings in T.Rowe Price which has 158 funds invested in Facebook and owned 5.2% of Facebook at the time of the IPO. Donna Kline. "Hijinks at the High Court." [Donna Kline Now!](#) Jul. 27, 2012.

³⁸ [Judge Kimberly A. Moore's holdings in Fidelity Contrafund](#) which has highly-publicized holdings in Facebook. Renewed Motion for Leave to file Brief of *Amicus Curiae* Lakshmi Arunachalam, Ph.D. in support of Leader Technologies, Jul. 10, 2012. *Leader Tech v. Facebook*, Case No. 2011-1366 (Fed. Cir.), Jul. 27, 2012.

³⁹ These same judges, both patent attorneys, failed to follow the law on testing evidence of on-sale bar—some of which they helped write, e.g., *Group One v. Hallmark Cards*, etc. This law soundly debunks Facebook's attorney-fabricated evidence and affirms Leader Technologies' outright victory. *See* [Brief Of Amicus Curiae Lakshmi Arunachalam, Ph.D.](#) In Support Of

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- 2012 Jun. 29 **Lawrence Summers** appears, unexpectedly according to the financial press, as “special adviser” to **Marc Andreessen** at **Andreessen-Horowitz** just in time to cash in on the dubious \$1 billion **Instagram** purchase by **Facebook**.⁴⁰
- 2012 Jul. 10 Internet pioneer, inventor and former Sun Microsystems Director of Network Architecture, **Dr. Lakshmi Arunachalam** files an *amicus curiae* (friend of the court) brief on behalf of the public, pointing out the egregious mistakes of law in *Leader v. Facebook*.⁴¹ Her motion was *never docketed* by the **Clerk of Court Jan Horbaly**, but was nonetheless denied by the Court.

MATERIAL EVIDENCE WITHHELD BY MARK ZUCKERBERG; FEDERAL COURTS ARE CODDLING FACEBOOK⁴²

- 2012 Jul. 19 **Facebook** experts reveal in the *Paul Ceglia v. Mark Zuckerberg* litigation that **Mark Zuckerberg concealed 28 computer hard drives and Harvard email archives in *Leader v. Facebook***. The **Federal Circuit Court** ignored this explosive new evidence.⁴³

Leader Technologies' Petition For Rehearing And Rehearing En Banc, Filed Jul. 10, 2012, *Leader Tech v. Facebook*, Case No. 2011-1366 (Fed. Cir.).

⁴⁰ Andreessen dealt on both sides of the Instagram purchase. He is a director in both Instagram (sell-side) and Facebook (buy-side). After this transaction, Summers faded back to Boston and teaching at Harvard.⁴⁰ His receipts from the Instagram deal are unknown. His support of Andreessen's conflicts of interest is remarkable given the amount of work and writing on this subject at the Harvard Business and Law Schools. See “Larry Summers Joins Andreessen Horowitz as Adviser.” [Bloomberg TV](#), Jun. 30, 2012 (*Note as of 10/23/2017, this video has been removed by Bloomberg*); See also Edward F. Green. “Say-on-Pay and the Business Judgment Rule.” [The Harvard Law School Forum on Corporate Governance and Financial Regulation](#), Nov. 26, 2011.

⁴¹ *Id.*

⁴² See “Federal courts are coddling a proven infringer.” Briefing for Representative Jim Jordon, Critical Constitutional Matters for the House Judiciary Committee.” House Judiciary Committee, Sep. 28, 2012. Available at [Americans For Innovation and Against Intellectual Property Theft](#).

⁴³ [Deposition of Michael F McGowan](#), Facebook forensic expert witness, *Paul D. Ceglia v. Mark Elliot Zuckerberg*, 1:10-cv-00569-RJA (W.D.N.Y. 2010), July 18, 2012; See also Donna Kline. “Federal Circuit Violates Leader Technologies’ Constitutional Rights.” [Donna Kline Now!](#) Sep. 1, 2012.

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- 2012 Jul. 27 **Dr. Arunachalam** files a renewed motion pointing out the egregious and undisclosed conflicts of interest inside the Court.⁴⁴ This motion was *never docketed* by the **Clerk of Court Jan Horbaly**.
- 2012 Aug. 10 **Federal Circuit Court** issued a surprising four-page Order denying Dr. Arunachalam's July 27, 2012 renewed motion (even though the Clerk of Court had never docketed it). The Order containing numerous false and misleading statements evidently designed to cover-up judicial misconduct.
- 2012 Aug. 21 Facebook director **Peter Thiel** dumped another \$400 million of his **Facebook** shares on top of the \$633 million he dumped on Day 3 of the IPO prompting **CNBC's Jim Cramer** to ask live on camera "where's the outrage?"⁴⁵

BANANA REPUBLIC CRONYISM AT THE FEDERAL CIRCUIT

- 2012 Sep. 11 **The Federal Circuit Bar Association** filed a Request to have the Aug. 10, 2012 Order be made precedential. This move would essentially *absolve* the judges of their wrongdoing in this case.⁴⁶ Four of Facebook's attorneys and Microsoft, one of Facebook's largest shareholders, populate the "Leaders Circle" at this bar association. *See* below.
- 2012 Sep. 18 *Amicus Curiae* **Dr. Arunachalam** responded with a stinging critique of **The Federal Circuit Bar Association's** attempt to cover-up the judicial misconduct and failure to disclose conflicts of interest. This motion was also *never docketed* by **Clerk of Court Jan Horbaly**. The Bar Association also failed

⁴⁴ [Renewed Motion for Leave To File Amicus Curiae Lakshmi Arunachalam, Ph.D. Brief](#), Jul. 27, 2010 - *Leader v. Facebook*, Case No. 2011-1366 (Fed. Cir.).

⁴⁵ Jim Cramer. "You Need to See Thiel BUY Here." [CNBC Video](#), Aug. 21, 2012 ("There isn't anything about Facebook is done in the right fashion . . . where are the brokers coming out and saying this isn't right?"); *See* also Roland Jones. "Facebook insider sells a majority of his shares in the company." [NBC News](#), Aug. 21, 2012.

⁴⁶ [The Federal Circuit Bar Association's Request For Reissue of Order as Precedential](#) Pursuant to Federal Circuit Rule 32.1(e), *Leader Tech v. Facebook*, Case No. 2011-1366 (Fed. Cir.), Sep. 11, 2012.

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to disclose its own conflicts of interest in that four different Facebook law firms, namely **Fenwick & West LLP, Gibson Dunn LLP, Orrick Herrington LLP, Weil Gotchal LLP**, participate in the Bar Association's "Leaders Circle" and one of **Facebook's** largest shareholders, **Microsoft**, is a director of the Bar Association.⁴⁷ Such nondisclosure renders the Bar Association's Request dubious at best.

NAKED CORRUPTION AT THE U.S. PATENT & TRADEMARK OFFICE; INEQUITABLE CONDUCT

2012 Oct. 17 **The U.S. Patent Office Patent Trial and Appeal Boards** has just *overruled* its *two* Examiners' *two* reexamination rulings affirming Leader patent claims over the prior art in **U.S. Patent No. 7,139,761**. They are attempting to have an Examiner invalidate ALL of Leader's 35 claims in an administrative decision (only 11 claims were asserted at trial). Such action by the Patent Office exhibits unconscionable favoritism and evident collusion. The action is a naked attempt to protect **Fenwick & West LLP** and **Facebook** from having their 700+ patent filings invalidated for "inequitable conduct" (fraud).⁴⁸ *See* Jul. 24, 2009.

⁴⁷ Donna Kline. "Cover-up in Process at the Federal Circuit? Internet pioneer says the judges and clerk failed their ethical duties in *Leader v. Facebook*; Four Facebook law firms plus Microsoft are "leaders" in the Federal Circuit Bar Association who filed a request that would absolve the judges of conflicts; international and post-Soviet ties." [Donna Kline Now!](#) Sep. 17, 2012.

⁴⁸ Patentees must disclose to the patent Examiner any prior art reference that the Examiner should consider as possible prior art. Not knowing about an item of prior art is permissible. Knowing about a piece of prior art and not telling the Examiner is fraud, or "inequitable conduct" in patent-speak. The US Patent Office record shows *unequivocally* that Fenwick & West LLP *knew* about the Leader patent because they disclosed it in earlier prior art for two Marc Andreessen patents. In addition, Fenwick was Leader's attorney in 2001-2003 and clearly knew about Leader's claims. *See* Donna Kline. "Proof Fenwick & West LLP did not disclose Leader as prior art to Facebook." [Donna Kline Now!](#) Mar. 29, 2003.

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JAMES W. BREYER'S SELF-FULFILLING PROPHECY

It also appears that the U.S. Federal Courts and U.S. Patent Office are equally supporting Breyer's prophecy. If inventors and private property are not protected, then American innovation is not worthy of investment.

Or, is all this just "innocent" and "coincidental?"⁴⁹

In closing are cautionary words from **Professor Hy Berman**, eminent American historian, and Professor Emeritus of History at The University of Minnesota, who served as a political adviser to former Vice President Hubert Humphrey and is a close friend of former Vice President Walter Mondale.

"As an American historian, I am particularly concerned by the implications of allowing powerful forces to violate intellectual property rights. Our economic and industrial development was made possible by inventors, innovators, scientist and engineers who developed the technology undergirding our national development. Through our patent and copyright protection system, these innovators were able to be rewarded for their efforts. If intellectual property theft by the powerful and well-connected is not stopped, future innovation is jeopardized."⁵⁰

ABUSE OF THE PUBLIC TRUST

Opportunism means consciously taking selfish advantage of circumstances with little regard for what the consequences are for others. The opportunism described herein uses the special knowledge vested in "Facebook ecosystem" cronies whereby the economists and lawyers involved use their knowledge of the weaknesses or our public institutions for their own selfish and illegal gain.

Will we permit such misconduct to continue, or will we act? Will we *act* to right the injustices perpetrated in this matter against both the American and Russian peoples. Will we *act* to stop this flagrant abuse of the public trust?

⁴⁹ The Federal Circuit Bar Association's Request cited case law implying that everything the judges did in *Leader v. Facebook* regarding appearances of impropriety was innocent.

⁵⁰ Michael McKibben and Alan Stern with Forward by Hy Berman. "In Bytes We Trust, Why Digital Security and Privacy Matter." [*Donna Kline Now!*](#) Aug. 7, 2012.

AMERICA IS THE LAND OF OPPORTUNITY, NOT OPPORTUNISM

THE FLEECING OF PROPRIETY

The evident agenda of the principal cronies in the Facebook “ecosystem” is to establish a means of international exchange via Facebook Credits that is free of U.S. legal and banking regulations. They appear willing to go to whatever lengths necessary, legal and illegal, to achieve this goal.

If the Facebook “ecosystem” is allowed to succeed, they will do so having fleeced the American public *three times*:

1. 2003-2004 theft of a validly issued U.S. Patent No. 7,139,761 invented by Leader Technologies, Inc., Columbus, Ohio;
2. 2008 fleece of the American public by the so-called “Economic stimulus” whereby Summers, Breyer, Milner and their cronies received American taxpayer dollars in a “legal” transfer of wealth to their cronies; and
3. 2012 fleece of the American public by the Facebook IPO whereby, once again, Summers, Breyer, Milner and their cronies took American investor monies in another “legal” transfer of wealth to their cronies?

The Facebook “ecosystem” has learned that in aggression there is profit. Has the American public had enough? Are we going to let these people succeed with their opportunism, their abuse of due process, their theft of property, their abuse of power?

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Finally, shall we let these unscrupulous people continue to press their agenda to establish a “virtual” world currency called Facebook Credits or similar systems emerging from “London, Bangalore and Beijing” using stolen technology and funds fleeced from the American public?⁵¹

If Congress fails to act, a financial “army” of more than **one billion** Facebook users (more than three times the U.S. population) who are poised to undermine our country. What damages will their external shock cause to our already weakly growing, battered economy?

Available from **Americans For Innovation and
Against Intellectual Property Theft**

<https://www.fbcoverup.com/docs/library/2012-10-19-Briefing-for-Representative-Jim-Jordan-OH-HOUSE-OVERSIGHT-COMMITTEE-American-and-Russian-Opportunists-Undermining-U-S-Sovereignty-and-Corruptin.pdf>

<http://americans4innovation.blogspot.com>

October 19, 2012

⁵¹ James W. Breyer, Managing Partner, Accel Partners LLP; Facebook Director; Wal-Mart Director; Former Chairman of the National Venture Capital Association; beneficiary of \$6.5 billion in public funds from the Facebook IPO at the beginning of Day 3 with the blessings of the SEC and Fenwick & West LLP. *See* Feb. 1, 2010.

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