OSU Band Investigation Unearths Surprise Trustee Collusion in Patent Theft

Outraged Buckeye Nation provides new evidence that reveals collusion among certain OSU Trustees to cheat the Ohio State grad who invented social networking

(Aug. 19, 2014)― Buckeye Nation is outraged by the firing of beloved OSU Marching Band Director, Jon Waters. Despite the public outcry against the decision, Ohio State Trustees president, Jeffrey Wadsworth “[stands firmly](http://thelantern.com/2014/08/ohio-state-board-of-trustees-refuses-to-discuss-jonathan-waters-case-at-meeting/)” behind the decision.

Whistleblowers have come forward with important new revelations about this misconduct.

Is the attack on Director Jon Waters and the famed OSU Marching Band a Title IX diversion gone wrong? Some insiders suggest that the trustees *sacrificed* Waters to *divert* attention from Athletic Director Gene Smith’s botched Title IX investigation of the OSU Cheerleaders.

**Diversion from Gene Smith’s botched Title IX investigations?**

Recently, according to Ohio State’s [*The Lantern*](http://thelantern.com/2014/07/former-ohio-state-title-ix-coordinator-my-leaving-had-nothing-to-do-with-the-band-situation/), the Title IX coordinator in the Gene Smith investigation, Andrea Goldblum, left her position shortly after Smith fired the coaches, including Coach Lenee Buchman.

In addition, according to [WBNS-10TV](http://www.10tv.com/content/stories/2014/07/25/columbus-ohio-alleged-victim-of-osu-marching-band-assault-speaks-out.html), Waters reported the incident that triggered the band investigation to Athletic Director Gene Smith, from whom he then took instruction on how to respond. The response was to remove both students from the band. The woman who complained felt that excluding her from band events unfairly punished her as the victim, so she filed a Title IX complaint. Waters then followed the recommendation of the Title IX coordinator and reinstated her.

Bottom line, Jon Waters says he reported the incident to the Athletic Department and they decided together. Gene Smith says he didn’t. One of them is lying.

It should also be pointed out that this band incident *did not involve the OSU Marching Band*, but rather an athletic band that plays for basketball games. Most reports have missed this.

It also appears that Drake & Co. played upon the historical jealousy of the OSU School of Music over the Marching Band’s popularity in order to get the cooperation of the provost, Joseph E. Steinmetz, and the music school directors, Richard L. Blatti and Russel C. Mikkelson.

Waters and the OSU Marching Band recently generated $30 million for the music school from the Apple iPad commercial. Those funds were probably a source of jealousy and economic power. Schools of Music everywhere are perennially cash-strapped. Waters was a highly productive innovator who was also showing them up in this departmental music rivalry.

**What if OSU mega-donor Leslie Wexner had asked for his Victoria’s Secret models dot the “i” at midnight ramp?**

Attorney Abigail Wexner was appointed as OSU Trustee just 11 days before the Waters firing, along with former Battelle executive Alex R. Fisher.

Ironically, the Waters Report made salacious reference to some OSU band women purchasing underwear from Victoria’s Secret. Numerous OSU buildings are named after Wexner for his donations of Victoria’s Secret profits to OSU. By contrast, the Victoria’s Secret statements contributed to a body of now refuted innuendo in the Water Report that motivated his firing.

Presumably, had Leslie or Abigail Wexner arranged for Victoria’s Secret models to grab sousaphones and dot the “I” during midnight ramp, the university would have publicized the event and negotiated royalties. The double standard is unmistakable.

**Actors in this OSU scandal**

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| --- | --- | --- | --- | --- |
|  | Michael V. Drake, new President of The Ohio State University creates scandal during his first month in office. This does not bode well for his judgment and leadership. | Woodrow A. Myers | **Jeffrey Wadsworth, OSU Trustee President; CEO, Battelle Memorial Institute** |  |
| **Gene Smith** | **Michael V. Drake** | **Woodrow A. Myers** | **Jeffrey Wadsworth** | **James P. Chandler** |
| OSU Athletic Director; in the midst of a Title IX investigation involving the OSU cheerleaders | OSU President; Stanford Black Alumni award winner | CMO, Wellpoint, Inc.; former CCO, Anthem Blue Cross Blue Shield; Stanford Black Alumni award winner | OSU Trustee President; CEO, Battelle Memorial Institute; Dep. Dir. Sci. & Tech., Lawrence Livermore National Laboratory (LLNL);  client of McBee Strategic LLC, Facebook’s Cooley Godward LLP partner | National Intellectual Property Law Institute, Pres.; Leader Technologies’ former attorney; author of Trade Secrets Act and EEA; adviser to White House, Congress, DoE, NSA, CIA, FBI, Justice Dept.; industry; adviser to OSU’s Maurice Clarett; the former Harvard Law professor |
| http://blogs.knoxnews.com/knx/munger/fischer.jpg |  |  |  | http://crc.ohio.gov/portals/0/Photos/Barreras%20pic.jpg |
| **Alex R. Fischer** | **Chris Glaros** | **Algernon L. Marbley** | **Eric H. Holder** | **Lori Barreras Fischer** |
| OSU Trustee; former Sr. VP, Battelle; former Chairman, Omniviz | Author of Waters Report; Chief Counsel, Children’s Defense Fund; former law clerk to Marbley and Holder | OSU Trustee; mentor to Glaros and Barreras | U.S. Attorney General; mentor to Glaros; long-time collaborator to Chandler; failed to discipline judges in *Leader v. Facebook* who all held stock in Facebook during the proceedings; Harvard Law grad | Commissioner, Ohio Civil Rights Commission; sworn in by Marbley; married to OSU Trustee Fischer; former VP of HR for Wadsworth at Battelle; former OSU Asst. VP of HR |
| http://nebula.wsimg.com/3ff5ac1342eeb937e09d56c6a0ae802f?AccessKeyId=FFEC6264D0149024E27A&disposition=0&alloworigin=1 | http://diverseeducation.com/wp-content/uploads/2014/07/072814_Betty_Montgomery.jpg | http://1.bp.blogspot.com/-Rsv2P4AGE1g/U-unGJeGfyI/AAAAAAAACZ0/MS5Xv4dyG9E/s1600/Steinmetz_Joseph-web_OBS_300px.jpg |  |  |
| **David Vaughn** | **Betty Montgomery** | **Joseph A. Steinmetz** |  |  |
| Drake probe; Criminal Attorney; former Asst. U.S. Attorney under Eric Holder; UC, Stanford and Harvard grad | Drake probe; former Ohio Attorney General; recipient of Myers/Wellpoint, Inc. political donations | OSU Provost; MOOC cheerleader; OSU School of Music boss; Jon Waters’ boss |  |  |

**The mistreatment of Jon Waters shined a light on the corrupt agenda of some OSU Trustees: All roads wind back to Jeffrey Wadsworth and Battelle Memorial Institute**

[See the previous post](http://americans4innovation.blogspot.com/2014/08/ohio-states-michael-v-drake-mired-in.html) for more information on Wadsworth’s lobbyist, McBee Strategic. At least 12 of McBee Strategic’s clients of have contracts with Ohio State.

We reached out to a number of sources, including Leader Technologies in Columbus, Ohio, for background on Leader’s past relationships to Battelle and Lawrence Livermore National Laboratory (LLNL). We received a *treasure trove* of evidence tying **Jeffrey Wadsworth**, and his former VP, **Alex R. Fischer**, to the misappropriation of Leader’s invention for social networking.

Ironically, Leader’s Chairman and Founder, Michael McKibben, was a four year member and squad leader of OSU’s TBDBITL (“The Best Damn Band in the Land”). McKibben knows Jon Waters and said Waters is one of the University’s most credible ambassadors. He pointed to Waters’ work with the Ohio School for the Blind as an example. Waters prepared them for the first-ever appearance of a blind marching band in the Tournament of Roses Parade on Jan. 1, 2010. McKibben said, “An incompetent, uncaring person doesn’t do that. Jon Waters is a person that the Ohio State administration should be heralding and affirming, not firing.”

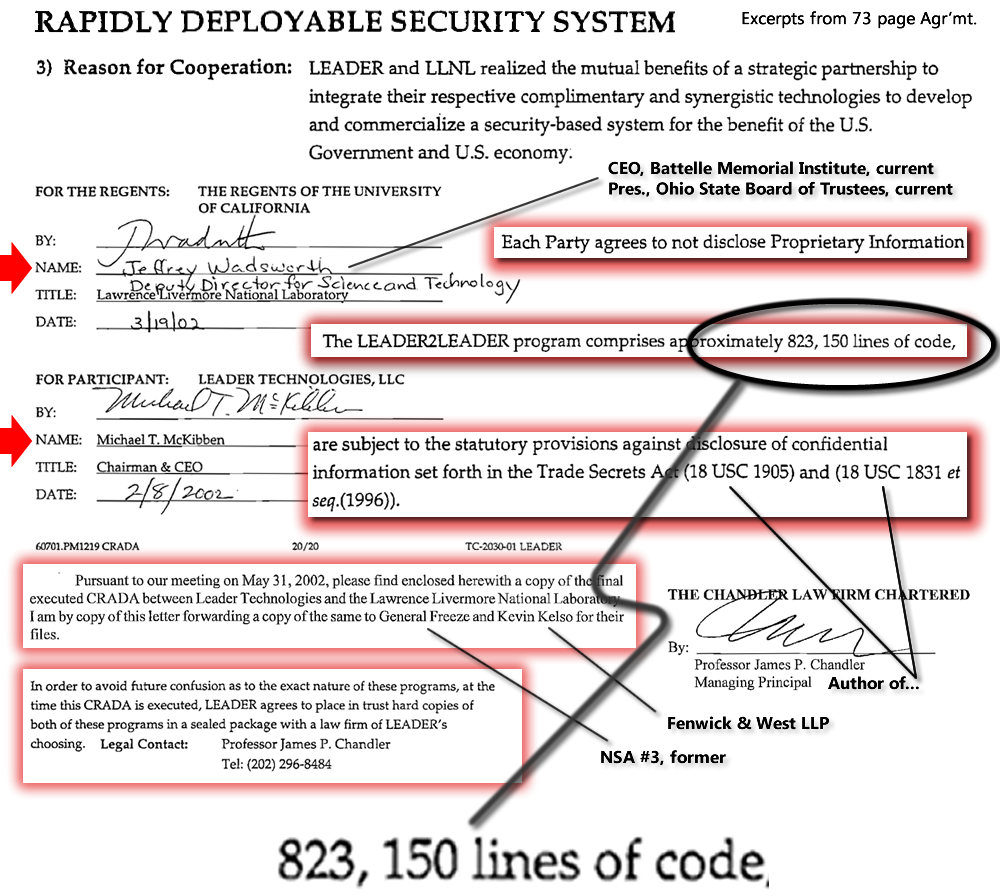
We’ll start with information that stunned even Leader (you’re welcome!), who had not previously made the association.

**In 2002, Wadsworth, Battelle and LLNL promised to protect Leader Technologies’ secrets, yet appear to have helped give it to Zuckerberg and IBM’s Eclipse Foundation / MOOC**

Three sets of Leader documents stood out:

1. a 2002 contract between Leader and LLNL, signed by Wadsworth himself. *See* Fig. N below.
2. a 2002 Leader-Battelle email string and business plan PowerPoint proposing Harvard University Initiative (18 months before Facebook started) and naming Fischer’s Battelle subsidiary, Omniviz; and
3. Thirty-seven (37) 2002 nondisclosure agreements signed by Battelle and LLNL personnel promising to protect Leader’s intellectual property from disclosure without Leader’s permission. *See* Battelle/LLNL nondisclosure agreement folder.

**LLNL-LEADER CRADA – [Jeffrey Wadsworth]**



**Full Circle – Back to OSU Provost Joseph E. Steinmetz**

Now we have come full circle, back to the data point that triggered this investigation:

OSU Provost Joseph E. Steinmetz’s May 2013 article for the Association for Psychological Science promoting MOOC (Massive Open Online Course) – a conception for worldwide global education networking promoted by IBM’s The Eclipse Foundation.

Steinmetz’s writings led us to an examination of MOOC vendors at Ohio State, including Oracle and Google. Those vendors led us to look into OSU Trustee Jeffrey Wadsworth’s lobbyist, McBee Strategic, and the 12 plum contracts by McBee clients at OSU. McBee’s alliance with Facebook’s Cooley Godward LLP on the failed energy stimulus raised the specter of likely OSU corruption even higher.

The uncanny connection among Wadsworth/Battelle, McKibben/Leader Technologies and the Battelle/LLNL misappropriation of McKibben’s invention into the hands of Zuckerberg, IBM, The Eclipse Foundation and MOOC just popped out!

***Oh! what a tangled web we weave when first we practice to deceive!***  (Sir Walter Scott)

**Alex R. Fischer, Lori Barrares, Battelle, Wadsworth, OSU and Fischer’s surprise resignation in 2009**

Two former Battelle officials figure prominently in the firing of Jon Waters, Alex R. Fischer and Lori Barrares (Fischer).

Governor John Kasich just appointed Alex R. Fischer as a trustee on Jul. 3, 2014, just 14 days before the Waters firing, along with Abigail Wexner.

Fischer’s new wife, Lori Barreres, is a former OSU vice president of human resources. Barreres was recently sworn in as an Ohio civil rights commissioner by another OSU trustee, district court judge Algernon L. Marbley. Marbley and Attorney General Eric H. Holder are mentors to Chris Glaros, the author of the fallacious Waters Report. [*See* NBC4i.com’s Aug. 20, 2014 fact checking](http://www.nbc4i.com/story/26320150/nbc4-fact-checks-osu-presidents-remarks-about-tbdbitl-report).

Fischer and Barreras both worked for Jeffrey Wadsworth at Battelle. Fischer resigned from Battelle in 2009. Fischer left Battelle then divorced months later, according to Franklin County Court records. Battelle documents further reveal that Fischer and Barreras knew each other before she started work for Wadsworth in 2005.

In a case of turnabout is fair play, these facts could be interpreted as indications of an inappropriate relationship, but then again, no one knows for sure until we have not heard from Fischer and Barreras themselves. However, if we use the Trustees’ treatment of Jon Waters as the model for conducting investigations, we would interpret them salaciously and fire both Fischer and Barreras.

Bottom line, drawing conclusions from incomplete facts is not fair play. Given that one of the OSU trustees is federal judge Algernon L. Marbley makes this Jon Waters affair all the more suspicious and unacceptable.

Fischer as Chairman of Battelle’s Omniviz figures prominently into the patent theft we cover below.

**More proofs of collusion:**

The OSU Trustees’ inter-relationships are convoluted, so stick with us.

**Chris Glaros** is the author of the Waters “sexualized culture” report. Glaros attended Columbia and Stanford. He clerked for then Assistant Attorney General **Eric H. Holder**, and for Judge **Algernon L. Marbley**, Southern District of Ohio (Columbus). At the time of his Holder clerkship, Professor **James P. Chandler** was working closely with Holder and the Justice Department on trade secrets and economic espionage. Chandler even cites Holder in a Mar. 28, 2001 trade secrets conference he sponsored.

**Algernon L. Marbley** is an OSU Trustee and Southern District Court judge in Columbus. He attended UNC and Northwestern and has taught at OSU and Harvard. He mentored Chris Glaros and swore in Lori Barreras Fischer as an Ohio Civil Rights Commissioner.

**Lori Barreras** (aka Lori Barreras Crouch) is married to **Alexander R. Fischer**, appointed OSU Trustee on Jul. 3, 2014, just 11 days before the Waters firing. She was appointed to the Ohio Civil Rights Commission on Oct. 31, 2013 where she was sworn in by **Algernon L. Marbley**. She most recently served as Asst. VP of Human Resources at OSU. Prior to that she was VP of HR at Battelle, employed by **Jeffrey Wadsworth**, CEO of Battelle. Barreras attended the Univ. of Arizona

**Alex R. Fischer** is an OSU Trustee, appointed just 11 days before the Waters firing on Jul. 24, 2014. Fischer was Sr. VP at Battelle, including chairman of a Battelle company, Omniviz. Fischer’s boss was Battelle CEO**, Jeffrey Wadsworth**. Fischer is married to **Lori Barreras** and served as VP or HR for Battelle under Wadsworth. Fischer attended the University of Tennessee.

**Gene Smith** is OSU Athletic Director whose Title IX scandal involving the OSU cheerleaders has dropped off the headlines in the wake of the evidently fabricated Jon Waters OSU Marching Band accusations. Smith attended Notre Dame.

**Jeffrey Wadsworth** is president of the OSU Trustees and CEO of Battelle Memorial Institute. Wadsworth attended Sheffield in the UK and worked for the University of California Trustees at Lawrence Livermore National Laboratory (LLNL).

**Michael V Drake** is president of Ohio State. He attended Stanford. His Stanford medical colleagueis **Woodrow A. Myers** whose company Wellpoint, Inc. has spread around political donations liberally in Ohio since 2006, including gifts to **Betty Montgomery**, whom Drake has appointed to the Waters commission. Drake has failed to disclose that his other choices for the Jon Waters probe, **Arent Fox LLP** and **David Vaughn**, are equally conflicted. *See* previous post.

**Conspiracy to exploit the social networking invention exposed**

On Mar. 19, 2002, **Jeffrey Wadsworth**, then Deputy Director at **Lawrence Livermore National Laboratory** (LLNL), signed a research and development agreement with **Michael McKibben**, founder of **Leader Technologies**.

Copied on that agreement were Leader’s patent attorney and director, Professor **James P. Chandler**; Major General **James E. Freeze** (U.S. Army ret.), former #3 at the **National Security Agency (NSA)**; and Leader’s corporate attorney, Kevin Kelso, **Fenwick & West LLP**.

That agreement, written by Chandler, contained an Appendix C provision whereby Leader “place in trust” hard copies of this LEADER2LEADER invention comprised of “823,150 lines of code.” Programming code is the software version of a book manuscript. Each line is roughly equivalent to a sentence of writing. A good programmer can produce about 200-300 lines of code a day. So 823,150 lines of code represent about 15 person-years of work. Mark Zuckerberg claimed to have written equivalent code to start Facebook in “one to two weeks” at Harvard.

The purpose of the agreement was to prove-out McKibben’s (social networking) invention for use in U.S. government applications as a “Rapidly Deployable Security System.”

**Battelle elicited the contact with Columbus-based Leader Technologies**

On Feb. 21, 2002 Battelle proposed a meeting to explore a business alliance with Leader and a Battelle company named **Omniviz**. Three weeks later, on Mar. 29, 2002, Leader prepared a 50-page business plan. That plan included a proposed IBM and Harvard “University Initiative” with Battelle.

Three months earlier, on Nov. 29, 2001, **IBM** and **Chandler**, with the help of **Fenwick & West LLP**, had created **The Eclipse Foundation** with source code whose authorship they were “unable to determine” eighteen months later. That source code from Leader Technologies forms the foundation of the current global education initiative named **MOOC**. See previous post.

Ohio State’s Provost **Joseph E. Steinmetz** sang the praises of MOOC in an article for the Association for Psychological Sciences in May 2013 after which Ohio State embraced its MOOC vendors, including Google and Oracle.

Steinmetz is the boss of the OSU School of Music which was quick to swoop in to run the band following the Waters firing. The jealousy of the School of Music toward the popularity of the marching band is well-known and deep-seated. Steinmetz appears to have thrown the Music School leadership **Richard L. Blatti** and **Russel C. Mikkelson** a bone for not yet known favors.

MOOC evidently had its origins in the Mar. 29, 2002 Leader PowerPoint business plan created by Michael McKibben for Leader’s business opportunity discussions with Battelle.

**Facebook’s true origins**

This new evidence validates long-held suspicions of widespread collusion among participants in the “Facebook Cartel.” Battelle was long suspected of involvement, but proof was elusive, until the Jon Waters band scandal focused attention on the OSU Trustee President, **Jeffrey Wadsworth**.

Leader had the idea for a Harvard University Initiative involving IBM and Battelle ***two years before*** Facebook went live on Feb. 4, 2004—***while Zuckerberg was still in high school***.

**Alex R. Fischer and Omniviz**

On Jul. 3, 2014, Alex Fischer was appointed to the OSU Board of Trustees. His official biography says he was Chairman of **Omnviz**. However, on Feb. 21, 2002, Leader Technologies prepared a business plan with Battelle-Omniviz for their confidential business discussions.

In addition to the PowerPoint that specifically mentioned Omniviz, Leader also provided a copy of email correspondence showing that Omniviz participated in confidential business discussions with Leader on Feb. 25, 2002. ***Those Omniviz discussions were protected by the nondisclosure agreements. ANY unauthorized use of that information for the benefit of Battelle or Omniviz was prohibited***.

According to Leader, no one from Battelle or LLNL past or present has ever contacted Leader to license their intellectual property.

Fischer and Battelle went on the commercialize Omniviz and sold the company on Jan. 29, 2007.

AFI had previously received reports that Zuckerberg had a copy of a Leader PowerPoint, but this is our first view of the actual document. It is no wonder that the boy wonder could move so quickly, Leader had already produced “823,150 lines of code” and placed it “in trust” with Chandler, who proceeded to supply it to Jeffrey Wadsworth.

Facebook’s attorneys lied to the court in the *Leader v. Facebook* patent infringement case that started on Nov. 19, 2008. They told the court they lost ALL of Zuckerberg’s hard drives and Harvard emails from 2003-2004. Yet magically, just two days after the Federal Circuit supported a verdict for Facebook based on fabricated evidence never put before the jury, Facebook’s attorneys magically “found” 28 Zuckerberg hard drives and emails. Imagine that. They are clearly hiding these connections to IBM, Battelle, Chandler, Wadsworth, etc.

**Prediction – OSU Information Technology “Reorganization”**

If OSU allows President Michael V. Drake to remain in office after this Waters debacle, we predict that Drake will announce a reorganization of the OSU Information Technology Office. This will enable his MOOC friends to finish laying their digital pipelines at OSU without interference from “old fashioned” privacy- and security-minded technologists, which were likely blocking their agenda.