

/// Donna Kline Now!

By Donna Kline — www.DLKindustries.com



/// Donna Kline is a reporter for *Pittsburgh Business Report* and a former reporter for *Bloomberg* New York.

**LEADER V.
FACEBOOK PRESS
BACKGROUND**

{ 2012 09 17 }

/// 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 emerging*

BY DONNA KLINE | Updated Oct. 12, 2012 | [PITTSBURGH BUSINESS REPORT \(PBR\)](#)

Reader

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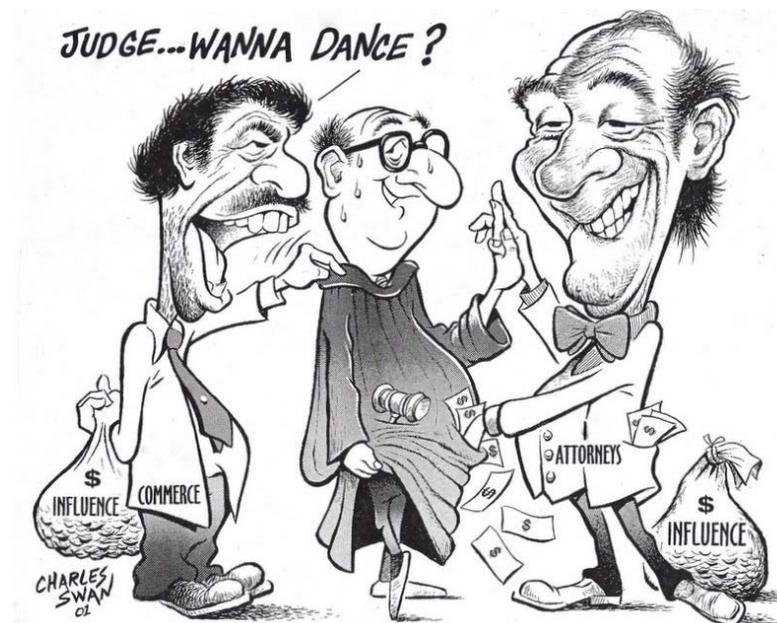


Fig. 1—A Bench-Bar “Duty-Free” Zone at the Federal Circuit. With the [Federal Circuit Bar Association](#) weighing in to put a blanket over the judicial conflicts of interest in *Leader v. Facebook*, even more attention must now be paid to the pro-Facebook bias. Facebook’s attorney [Thomas Hungar of Gibson Dunn LLP](#) has been courted for many years by the court, Facebook attorneys [Gibson Dunn LLP](#) and [Fenwick & West LLP](#) (Facebook’s IPO attorney—the firm that blessed the insider stock sell off, and Leader’s former counsel) are members of the Federal Circuit Bar Association’s Bench-Bar “[Leaders Circle](#)” (ironic name), [Orrick Herrington LLP](#) has been Facebook counsel for years, and [Microsoft](#) which owns 10% of Facebook and sits on the Bar Association’s board of directors, pocketed over \$250 million in the Facebook IPO. The firm [Weil Gotshal LLP](#) hired by the Bar to write the Dr. A request was one of Microsoft’s attorneys along with Thomas Hungar in *Microsoft v. i4i*. The Bar calls these relationships “innocent.” You decide.



Please donate to the cause! This blog has become a grassroots effort. My *Leader v. Facebook* patent infringement interview ([click here](#)) has mushroomed into a major investigation. Will you donate to the cause? Your donations will enable me to sustain this important news effort. Thank you! MEEP MEEP — Donna

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Muckety-esque Relationship Map Leader Technologies v. Facebook Undisclosed Conflicts of Interest

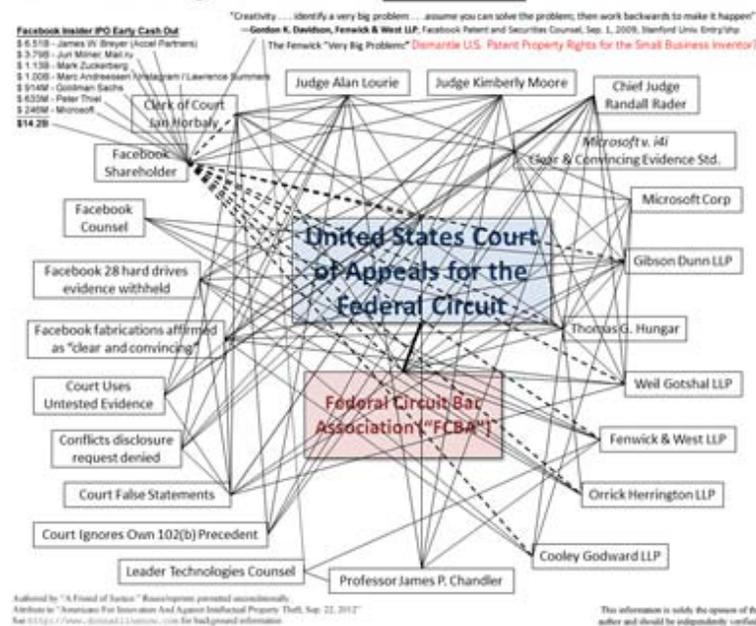


Fig. 2 [Updated \(Sep. 22, 2012\)](#)—*Leader v. Facebook* Conflicts of Interest Relationship Map. Source: *Americans For Innovation And Against Intellectual Property Theft*, Sep. 22, 2012. [CLICK IMAGE TO ENLARGE.](#)

[New \(Sep. 22, 2012\)](#): Facebook’s Patent and Securities Counsel [Gordon K. Davidson](#), Managing Partner, [Fenwick & West LLP](#), described his definition of “creativity” on Sep. 1, 2009 at the [Stanford Entrepreneurship Corner](#): “Identify a very big problem . . . assume you can solve the problem, then work backwards to make it happen.” Keep in mind, Davidson is the lawyer who “checked off” as [CNBC’s Jim Cramer](#) said on the Facebook insiders cashing in over \$13B of their shares on Day 3 of the IPO. Did Davidson back himself and his Microsoft, Facebook, Goldman, Accel Partners, Pay Pal, Harvard, Russian and Federal Circuit buddies off an ethical cliff? (Oh, did I forget to mention that Davidson was Leader Technologies’ legal counsel in 2001-2003 pre-Zuck/Breyer/AccelPartners/Thiel/Hoffman/Andreessen/Milner/Summers/Sandberg and had copies of Leader’s source code?)

Are we witnessing the [Facebook](#) cabal’s “creative” attempt to dismantle the U.S. patent system for the individual inventor by stacking the deck for deep-pocketed infringers? [Microsoft](#) attempted to get the Supreme Court to lower the “clear and convincing evidence” requirement to a “preponderance of evidence” in order to prove that they were not intellectual property thieves in [Microsoft v. i4i](#). They lost. Is *Leader v. Facebook* the cabal’s second bite at the apple? Is the [Federal Circuit](#) playing along after the [Supreme Court](#) was uncooperative? (After all, [Microsoft](#) brought out their big gun in [Thomas G.](#)

/// The Leader v.
Facebook Judicial
Scandal Widens
/// Cover-up In
Process at the Federal
Circuit?
/// Federal Circuit
Violates Leader
Technologies'
Constitutional Rights
/// Judicial
"Hyperactivity" at the
Federal Circuit
/// Hijinks At The
High Court
/// Industry Leader
Blasts Facebook's
Predatory Conduct
/// Facebook
counterfeit from
inception?
/// Leader filed
petition for rehearing
today
/// The Facebook
Debate – More
Undisclosed Insider
Secrets

(I-have-never-lost) [Hungar](#).) In *Leader v. Facebook* the [Federal Circuit](#) affirmed a "clear and convincing evidence" decision with NO EVIDENCE and with none other than [Thomas G. Hungar](#) making another appearance for [Facebook](#) this time (Hmmmmm); the [Federal Circuit](#) even choosing to totally *ignore* their own *well-tested precedents* and cook up new, untested evidence to fit their theory in the "secrecy of judges' chambers," as Dr. A points out (More Hmmmmm).

[More News \(Sep. 22, 2012\)](#): Federal Circuit Clerk of Court [Jan Horbaly](#) is an "Ex Officio" Officer of the Federal Circuit Bar Association's Journal. Since the Bar has filed the request to absolve the Court from all misconduct, propriety demands that Mr. Horbaly and the Bar disclose their conflicts of interest in bringing this Request forward. In addition, the editorial committee includes faculty from George Washington University Law School where Leader Technologies' former director [Professor James P. Chandler](#) is an emeritus professor of intellectual property law where [Chief Judge Randall Rader](#) studied under Professor Chandler. Given the conduct of this court in this case, it would appear that the Court is at philosophical odds with Professor Chandler about protecting the property rights of the American small inventor. When was Mr. Horbaly planning on fessing up; along with the judges? NEVER? See Federal Circuit Bar Journal, Vol. 19, No. 4. [The Federal Circuit Bar Association](#), p. 2. Accessed Sep. 22, 2012 ("clarifies and extends the law to meet evolving needs"). Does "evolving needs" now mean ignore well-tested precedent?

RELATED PREVIOUS POSTS

- [Federal Circuit Violates Leader Technologies' Constitutional Rights](#)
- [Judicial "Hyperactivity" at the Federal Circuit](#)
- [Hijinks At The High Court](#)

Contributions: Reader comments are exposing a web of international and post-Soviet ties to this cover-up; casting an even longer shadow over the Federal Circuit's refusal to follow the law in *Leader v. Facebook*.

/// Facebook IPO – Is the bubble over before it started?

/// Federal Circuit violates most basic

tenets of GROUP

ONE vs. HALLMARK

CARDS re. validity of

“on sale bar” evidence

/// Congratulations,

Facebook. See you at the Supreme Court?

/// Are Facebook

insiders mocking the

Business Judgment

Rule?

/// James W. Breyer’s

tangled web of insider

trading – AKA –

“You’ve been Breyer-ed”

/// Wal-Mart – Zynga

– Facebook: Oh, the

webs we weave

/// Facebook forces

reexam order of

Leader’s patent

Investigation Result: *Leader v. Facebook* is an **OUTLIER decision. Of the 29 on-sale bar decisions investigated over the last decade, *Leader v. Facebook* is the *only* decision that *ignored* long-standing U.S. Supreme Court precedent.**

New (Oct. 10, 2012): A reader shared his investigation with me yesterday that reinforces the evidence of misconduct at the Federal Circuit. This report studied 29 Federal Circuit decisions over the last ten years involving the "on-sale bar" law. In 28 of the 29 cases the Federal Circuit tested the evidence against the precedent-setting U.S. Supreme Court decision [Pfaff v. Wells Elecs., Inc.](#) This case required a two-part test. Since then, other cases have added even more clarity to the test, notably cases like [Group One, Ltd. v. Hallmark Cards, Inc.](#) *Group One* said the test for assessing "on-sale bar" should look to the Uniform Commercial Code to determine whether an alleged offer "rises to the level of a commercial offer for sale."

Remarkably, neither district court Judge Leonard P. Stark, nor the Federal Circuit Judges Alan D. Lourie, Kimberly A. Moore or Evan J. Wallach required Facebook’s evidence to be tested against *Pfaff*. They did prefunctorily mention *Pfaff* in the opinion, but then *ignored Pfaff’s* tests. Instead, the Court simply lied by saying that *Leader* had admitted they tried to sell it too early. *Leader* said the exact opposite. Repeatedly. [Click here to read some of that testimony just posted in Comment 82.](#) [Click here to jump to the OUTLIER study in Comments 76.](#)

(Oct. 5, 2012) Update: My investigation into the conduct of the Federal Circuit court now includes The Federal Circuit Bar Association. On Sep. 11, 2012 the Bar Association filed a dubious request to have the court’s denial of Dr. Arunachalam’s Amicus Brief motion made precedential (allow judges to use the denial as justification for conflicts in other cases)([click here to see this request and Dr. A’ response in Fig. 3](#)). Besides Clerk of Court Jan Horbaly’s cozy relationship with Facebook’s and Microsoft’s appellate attorney Thomas G. Hungar and his firm Gibson Dunn LLP, Messrs. Horbaly and Hungar also appear to be closely associated with Facebook’s securities and patent attorney Fenwick & West LLP. Fenwick is also a member of The Bar Association’s “[Leaders Circle](#)” where Jan Horbaly is an Ex Officio member. Fenwick & West’s fingerprints are all over the *Leader v. Facebook* case.

Fenwick was *Leader Technologies’* corporate counsel in 2001-2003 with access to all of *Leader’s* innovations. In 2007 Fenwick began filing patents for Facebook (more than 700 now according to the S-1). *Leader Technologies* tells me that Fenwick never sought a “[conflicts waiver](#)” before choosing to represent Facebook; a waiver that is required by the Rules of Professional Conduct, not to mention common decency. (See my past posts about Fenwick [here](#) and [here](#).) Fenwick is also Facebook’s securities counsel who gave the legal opinions that triggered the \$16+ billion insider-trading sell-off that insensed [CNBC’s Jim Cramer](#).

In 2006, Fenwick was attorney for venture capitalist Hummer Winblad Venture Partners in the Napster copyright infringement case. According to court records, Fenwick oversaw the destruction of evidence by their client who “has wrongfully destroyed evidence” and whose “abject failure to preserve an entire source of relevant evidence is sanctionable conduct.” Fenwick’s attorney

through USPTO

Director's office in

wake of Instagram

controversy

/// Instagram-scam?

/// Facebook's

Orwellian (black-is-

white) definition of

"clear and convincing"

evidence

/// Facebook

countersues Yahoo

with bogus patents?

Confirms reckless

mindset.

/// Facebook "Liked"

Leader's source code ...

before it didn't

/// Proof Fenwick &

West LLP did not

disclose Leader as prior

art to Facebook

/// MF Global + JP

Morgan + Goldman

Sachs + Harvard Grads

+ Politics = A big mess

/// What Facebook,

Accel Partners,

"djohnson@fenwick.com" received a memo instructing Hummer Winblad employees to *destroy* evidence, which they did after they were obligated not to. Fenwick was contacted for comment, but did not return the call. In the Napster case, Hummer Winblad was sanctioned. It is unknown if Fenwick was sanctioned or disciplined. The evidence of unethical attorney conduct continues to pile up on the doorstep of the Federal Circuit and their cronies. See [In re Napster, Inc. Copyright Litigation](#), 462 F. Supp. 2d 1060 (N.D.Cal. 2006).

im·par·tial·i·ty – not biased : treating all equally

cro·ny·ism – partiality to long-standing friends regardless of their qualifications

(Oct. 2, 2012 Update): The Briefing for Representative Jim Jordan (House Judiciary Committee) titled "Federal courts are coddling a proven infringer" has been embedded below as Fig. 4. [Click here to jump there.](#)

(Sep. 28, 2012 Update): A House Judiciary Committee briefing on *Leader v. Facebook* was received a few hours ago. It is [Comment 44](#), but here is a direct link to this briefing which is now posted at [Americans for Innovation](#). Enjoy and have a good weekend everyone! —Donna P.S. [Here's a PDF version](#) that has just been posted.

(Sep. 29, 2012 Update): A reader has now posted a version of this *Leader v. Facebook Congressional Briefing* which you can "cut and paste" and send to your Senators and Congressperson (see Congressional Contact Lists below and in the Comments). [Here is an editable Google Docs version](#). To jump directly to the OPERATION SPOTLIGHT contact lists below, [click here](#).

ORIGINAL POST (Sep. 17, 2012)—Dr. Lakshmi Arunachalam, patent holder and former Director of Network Architecture for Sun Microsystems ("Dr. A"), today filed her response ([available here](#), and below) to a [Federal Circuit Bar Association](#) motion filed on July 11, 2012. The Bar's request is contained at the end of Dr. A's response. The Bar asks the Federal Circuit to convert their denial of Dr. A's "friend of the court" brief in *Leader v. Facebook* from "nonprecedential" to "precedential." In English this means the Bar is asking the Federal Circuit to agree with *itself* that its extracurricular "bench-bar" activity with Facebook attorneys and Microsoft as a major Facebook stockholder is not a conflict of interest. In everyday language, it's a conversation with yourself where you agree with yourself that you haven't done anything wrong. The big difference here is that this self-agreement could become new law.

Goldman Sachs and Fenwick & West don't want us "muppets" to know

/// Make up your mind, Fenwick & West LLP

/// Muppet Mania

/// Haughtiness in the face of "literal infringement"

/// Facebook *ordered* pharma users to allow comments, yet will not return phone calls now

/// First thoughts after leaving courthouse

March 5, 2012

/// Judges Selected

/// San Francisco CBS-TV KPIX Coverage

/// NBC-TV4

(Columbus) Interview with Leader founder Michael McKibben

/// How Facebook tricked the jury –
YouTube

Maybe even more strange is the fact that the Clerk of Court Jan Horbaly has *refused* to docket Dr. A's brief so that the public can read it. Dr. A calls the conduct dictatorial—not in keeping with the democratic principle of due process and the right to confront one's accuser.

Dr. A gives incontrovertible evidence of substantial bar-bench collaboration between Facebook attorneys and members of the Federal Circuit. The Bar's request adds to the court's questionable activity since one of its board members is Microsoft Corporation who holds 10% of Facebook's stock and collected more than \$246 million from the Facebook IPO. In addition, Facebook's IPO attorney Fenwick & West LLP (and Leader's former attorney) along with Gibson Dunn LLP (Facebook's other attorney in *Leader v. Facebook*) currently sit on the Federal Circuit Bar Association's "leadership" council. Add to this list Facebook's long-time dirty-work attorney, Orrick Herrington LLP, in matters associated with ConnectU (the Winkelvosses) and Paul Ceglia. The Bar calls these relationships "innocent."

[In democratic processes, conflicts of interest require withdrawal \(unless you are in bed with Facebook's & Microsoft's counsel?\)](#)

Conflict of interest rules dictate that a person(s) with a stake in the outcome of a decision should *withdraw* from participating in that decision. Therefore, Dr. A asks members of the court to withdraw from this decision and first conduct a public hearing.

Dr. A's response is a stinging critique of the court's conduct, not only in this case, but in its procedures which she calls "capricious." She says the court's rules are "unnecessarily ambiguous" and says "the apparent strategy of their discombobulated organization is to interpret them in ways that reward friends and punish enemies." She says this is a big reason why "the average person on the street" has come to distrust the legal system so deeply. She also takes on the Clerk of Court's conduct by highlighting ambiguous rules about the Clerk's

/// New friends?

/// Did Someone Prod
the Media?

/// Facebook: The New
'Too Big To Fail?'

/// Big trouble ahead
for the Facebook IPO?

— PBR / YouTube

/// What happens on
March 5th, 2012?

/// More on FB's S-1
omissions & other
conflicts of interest

/// Big trouble ahead
for Facebook IPO?

Backgrounder

/// My take on the MF
Global debacle: It

could have been a
customer

/// Comments on EU
reform announced Oct
27, 2011

/// Post Crackdown
Update

/// Thoughts on rating
agency S&P

authority.

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'We're going to need a bigger rug or we're sunk.'

search ID: mmon565

Leader's 5th
and 14th
Amendment
Rights to Due
Process abused

Dr. A repeats several
themes from previous
motions, most
especially the judicial
secrecy that shrouded
this court's abuse of
Leader Technologies'
constitutional rights
of due process in
Leader v. Facebook

that Dr. A calls a "travesty of justice," the undisclosed holdings of Facebook stock by members of the Court (and now the Bar), and a list of 11 conflicts of interest that the court is attempting to "sweep under the carpet" by labeling them "innocent."

Judges wear robes for a reason—to remind them they are set apart

She takes to task the Bar's use of words like "cloistered," "hampered," "innocent," "insulate" and "isolation" to characterize what the Bar considers the "chilling effect" of Dr. A's accusations of impropriety. She scolded the Bar's attempt to trivialize an issue of utmost importance to the American public. She takes aim at the Fruedian use of the word "cloistered." She said "the stiff priestly garb on our judges is there for a reason—to remind them of their high calling and that they are set apart; their cloistering is vital to a fair, healthy democracy.

/// Japan's Debt
Rating Cut to AA-
/// The Truth Behind
Quantitative Easing?
Ask Japan.
/// Reaching target?
/// In the zone
/// Panem et Circenses
/// Wrap up to the
week
/// Stocks struggle as
Treasuries lead the way

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Otherwise, they become nothing but free market hucksters.”

“Integrity is a moral principle, not a precedential rule”

In probably Dr. A’s most powerful statement, she states “Integrity is a moral principle, not a precedential rule.” While she did not disagree that bar-bench events can be beneficial, she said judges don’t need bar-bench events to socialize about their morals, and that while the profession likes to turn a blind eye, the person on the street knows that back room deals are struck at these events that thwart justice. She theorized that attorneys don’t need more “precedent” to “just do the right thing.” She says that creating a “duty-free” zone at bench-bar events (where attorneys can hob-nob with judges with abandon) is not the answer and will further harm public confidence.

Cover-up?

Dr. A concludes that the Bar’s request can only really serve two purposes: (1) to cover up the Federal Circuit’s conflicts of interest in *Leader v. Facebook*, and (2) to give blessing to future shenanigans at bench-bar events attended by members of the Federal Circuit.

There’s much more, but I trust I have whetted your appetite to read Dr. A’s response (below).

—*Donna Kline*

Dr. A’s Response to the Federal Circuit Bar on Judicial
Misconduct

[Response to Request of Federal Circuit Bar Association’s Request for Reissue Re. Leader v. Facebook, Case N...](#)



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Fig. 3 – Response to Request of Federal Circuit Bar Association’s Request for Reissue Of Order As Precedential Pursuant To Federal Circuit Rule 32.1(e) By Lakshmi Arunachalam, Ph.D., re. *Leader Tech v. Facebook*, Case No. 2011-1366 (Fed. Cir.) by Lakshmi Arunachalam, Ph.D., Sep. 17, 2012.

[Briefing for Representative Jim Jordan \(OH\), House Judiciary Committee, Sep. 28, 2012](#)



Facebook Judicial

Scandal Widens

Donna Kline on ///

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Fig. 4—Briefing for Representative Jim Jordan (OH), House Judiciary Committee, Sep. 28, 2012 re. *Leader v. Facebook* (titled: “Federal courts are coddling a proven infringer”).

P.S. OPERATION SPOTLIGHT UPDATE: We won! The U.S. Patent Office reaffirmed Leader’s U.S. Patent No. 7,139,761 reexamination for a second time following Facebook’s challenge. This is after the bizarre remand notice issued out of the office of Director David Kappos ([here’s my post on this](#)) generated a flood of OPERATION SPOTLIGHT letters, phone calls and emails to Senators and Congressmen, many of whom initiated inquiries. Apparently the activity was so great that the USPTO started sending back a “we’re working on it” form letter to the Senators and Congressmen. In the end the Examiner who had opposed another reexamination, and was given no instruction in the Director’s remand notice, simply closed the matter herself, without instructions. Keep in mind, there was no precedent for the Director’s remand notice to begin with. It came out-of-the-blue a month or so before the Facebook IPO. Another of the barrel full of “koiky-dinks” in this case.

OPERATION SPOTLIGHT continues.

OPERATION SPOTLIGHT – *Industry Expert Says American Property Rights Are Threatened*

READER

LOCATIONS:



OPINION

This is an opinion blog. Any information contained or linked herein should be independently verified and should be considered the sole opinion of the writer. Free Speech and Freedom of the Press are protected by the First Amendment of the U.S. Constitution and other local, state, national and international laws.

META



[Here is a new FAIR Media Contact List](#) for your OPERATION SPOTLIGHT activity (networks, cable television, national radio programs, national newspapers, magazines, news services and wires). It's a very good list.

[Here's the previously compiled OPERATION SPOTLIGHT CONTACT LIST.](#)

[Here's one sample OPERATION SPOTLIGHT Letter.](#)

See a [NEW OPERATION SPOTLIGHT LETTER](#) being proposed to be sent to President Obama, Mitt Romney, Ohio Senate candidates in Leader Technologies' district, and key media regarding *Leader v. Facebook* and American property rights.

Here is Dr. Arunachalam's motion sent today via U.S. Express Mail. You can track the delivery yourself (EI 081 023 653 US) online at [USPS Track & Confirm](#).

[Here is Dr. A's Motion For Reconsideration](#) that was just denied on July 24, 2012 . . . in record time. Who can believe the judges are even reading these motions? It would appear that Clerk of Court Jan Horbaly rules the roost.

Federal Circuit Advisory Council: <http://www.ca9.uscourts.gov/the-court/advisory-council.html>

NEW, Sep. 29, 2012. A Congressional Briefing Document for Senators and Congresspersons has just been prepared for [Ohio Representative Jim Jordan](#) (R) Ohio 3rd District, Member of the House Judiciary Committee. Click here to read that briefing. [Click here to download a generic version](#) of that briefing for you to make your own and send to your Senators and Congressperson.

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Here is an updated [House Committee on Small Business Contact List](#)
(where some web forms are updated and regular email addresses also included.
In some cases, staffer emails are made available.

Here's a verified [Senate Committee on the Judiciary Contact List](#).

Here's a verified [House Committee on the Judiciary Contact List](#).

Here's a list of [American Bar Association Points of Contact](#).

Here's a list of [U.S. Chamber of Commerce Points of Contact](#).

Official addresses and phone numbers for Members of the U.S. Congress

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Posted by [Donna Kline](#) on Monday, September 17, 2012, at 5:00 pm.

Filed under [Investigation](#).

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{ 119 }

Comments

1. "old"Tex | September 17, 2012 at 5:59 pm |

[Permalink](#)



It never fails to amuse me how “cover ups” become so
much more criminal than the crimes that the offenders

are hiding.....an example being Martha Stewart. This case was originally filed in civil court and was mangled by the legal system in numerous ways....Despite the setback , Leader never gave up because they knew the truth .Now the focus has shifted to perhaps the criminal courts ,as well. If JohnC and the smerfs at Facebook think that this is going away, think again. It will be better to be a whistle blower than be someone`s new cell buddy. The great poker player from Texas ,Doyle Brunson, once said.”at every table there is one big fool. Look around, if you can`t spot him, then it`s you.” Someone can save their own bacon by not being that fool.

(opinion)

2. bg761 | September 17, 2012 at 6:13 pm |



[Permalink](#)

After reading the motion filed by Terence P. Stewart and Edward R. Raines it looks like they are doing an end run around Canon 2 and Canon 4 of the [CODE OF CONDUCT FOR UNITED STATES JUDGES](#)

One example in Canon 2A, “A judge must expect to be the subject of constant public scrutiny and accept freely and willingly restrictions that might be viewed as burdensome by the ordinary citizen. Because it is not practicable to list all prohibited acts, the prohibition is necessarily cast in general terms that extend to conduct by judges that is harmful although not specifically mentioned in the Code. Actual improprieties under this standard include violations of law, court rules, or other specific provisions of this Code.”

The reasons these Canons were written were to try and provide judges with higher standards by which they can practice to be examples to the communities. Now that the Federal Circuit Bar is trying to lower the standards, it will open the flood gates for the good old boy network. Decisions will be based upon, who you know, instead of well-established law. Lawyers will get preferential treatment because they are friendly with a judge.

As a citizen, I am outraged by this blatant attempt to dumb down the rules pertaining to judges!

By the way go to the Federal Circuit Bar Association website, not only do you see that Microsoft has an association with the bar but so do several other Facebook law firms. Anyone seeing a connection here? 🤔

(opinion)

3. [chicago](#) | September 17, 2012 at 8:10 pm |



[Permalink](#)

It's really a shame that everything is in facecrook's favor, Leader can't get anything admitted or docketed let everyone seems to jump for facecrook, with no questions asked. It's a sad day in America when the justice system just lets them get away with it and not to stand up to them and do what is truly right, and to remove themselves for conflicts of interest. There is no justice for the little guy or the guy with shallow pockets. Facecrook it will all catch up at some point, you can run but you cannot hide.

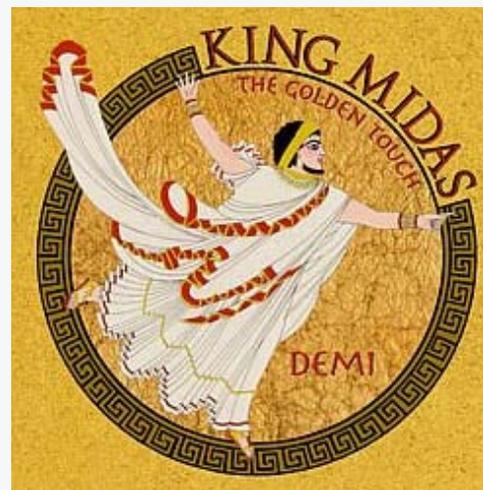
(opinion)

4. Hungar Strike | September 19, 2012 at 8:25 am | [Permalink](#)



I woke up with this mess rolling in my head. In my industry, we must comply with the [The Foreign Corrupt Practices Act of 1977](#), as amended, 15 U.S.C. §§ 78dd-1, et seq. (“FCPA”).

We are required by the FCPA to track the performance of our sales force for signs of bribery, kickbacks, extortion, influence peddling, etc. Our system triggers an alert whenever we see a sales person



dramatically outperforming his or her peers. Our system would have RED FLAGGED Facebook’s Attorney Thomas G. Hungar, Gibson Dunn LLP, for investigation years ago. I have looked back at his appellate record over almost 20 years and I cannot find a single case that Thomas Hungar has argued in the Federal Circuit or US Supreme Court that he has lost!!! I reviewed 13 Supreme Court and found 4 Federal Circuit arguments. He was on the winning side of ALL of them. That is either pure genius, or the deck is stacked.

When the close ratio of one of my salespeople (sales actually booked compared to prospects in the pipeline) starts to go through the roof, we have our private investigators start looking for evidence of “sudden

unexplained wealth and influence.” It is often discovered offshore, or in dramatic changes in lifestyle, parties attended, changes in the circumstances of relatives and friends, new opportunities, side businesses, etc. That’s why I never bought Zuckerberg’s story of perpetual funding for a minute. No 19-year old kid can raise those kinds of monies from venture capitalists in an uninterrupted flow unless he has agreed to do their dirty-work.

I listened to the hearing in *Leader v. Facebook* and heard [Mr. Hungar stumbling and fumbling](#) his way through his presentation, yet Facebook won anyway. I don’t buy the Midas Touch explanation. Something very unAmerican is going on in the appellate world in Washington D.C.

P.S. I also discovered that Thomas Hungar formerly worked for the hatchet firm of Orrick Herrington LLP years ago. Orrick is another Facebook attorney and member of the Federal Circuit Bar Association’s [“Leaders Circle.”](#) That cartoon in this post appears to have been an actual artist’s rendering of Microsoft and Thomas Hungar shaking down Federal Circuit Judges Lourie, Moore and Wallach in *Leader v. Facebook*. Are we putting too much faith in the U.S. Supreme Court to do the right thing with Hungar wheeling and dealing for Facebook? This whole mess is one of the most appalling stories of corruption in the modern era. Facebook not only “pre-conditioned” the markets, they also “pre-conditioned” the courts. Let’s not be fooled “pre-conditioned” is a sanitized way to say CORRUPTION.

I have officially joined the “Hungar Strike.”

(opinion)

5. lisa | September 19, 2012 at 9:29 am | [Permalink](#) 
- [Facebook's \\$6.2 Billion-IPO-cash-out director James W. Breyer](#) is also on the board of Walmart that was just indicted in the Mexican bribery scandal. Obviously he has no problem with Thomas G. Hungar's and Gibson Dunn LLP's extracurricular activities, why do you Hungar Strike? You are just a pure sap. You try to play the rules. Hahahaha. Sounds like the US Supreme Court is just as smitten by Thomas Hungar as the Federal Circuit. 😊
- (opinion)

6. Conflicts Checker | September 19, 2012 at 11:30 am | [Permalink](#) 
- Dear Hungar Strike,
- You are almost right. I asked a paralegal to do a quick search for me and make this table. Hungar is 19 and 1 in the cases below. He argued for Microsoft in the i4i case and lost his “clear and convincing evidence” argument. Ironically, that is the same law that Leader relied upon (and the Federal Circuit
- 

Thomas G. Hungar, Gibson Dunn LLP, Facebook's Appellate Attorney in *Leader v. Facebook* and elite member of

totally ignored). Also curious is the fact that Weil Gotshal LLP was on the Microsoft case with Hungar, Weil Gotshal is another member of the Federal Circuit Bar

the Federal Circuit Bar Association's "Leaders Circle" that includes four and a half Facebook law firms (Fenwick, Cooley, Orrick, Gibson, Weil Gotshal) plus Microsoft, a 10% holder of Facebook stock and Board Member of the Bar—all "innocent" according to the Bar. Judges Lourie and Moore also hold significant amounts of Facebook stock that were not disclosed in *Leader v. Facebook*.

Association's "Leaders Circle," and Weil Gotshal was hired by the Federal Circuit Bar to write the request to have Dr. A's denial made precedential. This is a very cozy nest these people are living in. Too cozy NOT to be considered conflicts of interest to the "average person on the street." Amazingly, Hungar argued *Liteky* (standards re. judicial disqualification) and knows better. Proves to me that he is an attorney that goes to the highest bidder. The facts being dredged up here are utterly embarrassing and shameful.

This situation happens all too often. The person who becomes a legal expert in a field also learns how to game the system for his personal benefit. This is why the Rules of Professional Conduct specifically tell attorneys not to exploit the weaknesses of the judicial system. It appears that Facebook's attorneys are breaking every ethical rule in the book because they know these judges will not hold them accountable (because they have dirt on them???). If that is true, then the average American citizen is going to have to. It's nut-cutting time. More than a few of these bastards need to be neutered.

Thomas G. Hungar, Gibson Dunn LLP, Appellate Scorecard	<i>Petitioner</i>	<i>Respondent</i>
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	<i>Corrections requested</i>		
1	California Federal Bank v. US, 395 F. 3d 1263 – Court of Appeals, Federal Circuit 2005	Won	
2	Amber Resources Co. v. US, 538 F. 3d 1358 – Court of Appeals, Federal Circuit 2008		Won
3	LEADER TECHNOLOGIES, INC. v. Facebook, Inc., 678 F. 3d 1300 – Court of Appeals, Federal Circuit 2012		Won/Bought
4	AMBER RESOURCES COMPANY v. NYCAL OFFSHORE DEVELOPMENT CORPORATION, Court of Appeals, Federal Circuit 2008		Won
5	KSR Intern. Co. v. Teleflex Inc., 127 S. Ct. 1727 – Supreme Court 2007	Won	
6	US v. Atlantic Research Corp., 127 S. Ct. 2331 – Supreme Court 2007	Won	
7	Liteky v. United States, 510 US 540 – Supreme Court 1994		Won
8	Stoneridge Inv. Partners v. Scientific-Atl., 128 S. Ct. 761 – Supreme Court 2008		Won
9	Voinovich v. Quilter, 507 US 146 – Supreme Court 1993		Won
10	Murphy v. United Parcel Service, Inc., 527 US 516 – Supreme Court 1999		Won
11	Environmental Defense v. Duke Energy Corporation, 127 S. Ct. 1423 – Supreme Court 2007	Won	
12	Bush v. Gore, 531 US 98 – Supreme Court 2000	Won	
13	Janus Capital Group v. First Derivative Traders, 131 S. Ct. 2296 – Supreme Court 2011	Won	

14	Bush v. Palm Beach County Canvassing Bd., 531 US 70 – Supreme Court 2000	Won	
15	Chamber of Commerce of US v. Brown, 128 S. Ct. 2408 – Supreme Court 2008		
16	US v. Clintwood Elkhorn Mining Co., 128 S. Ct. 1511 – Supreme Court 2008	Won	
17	Hinck v. US, 127 S. Ct. 2011 – Supreme Court 2007		Won
18	Izumi Seimitsu Kogyo Kabushiki Kaisha v. US Philips Corp., 510 US 27 – Supreme Court 1993		Won
19	Microsoft Corp. v. i4i Ltd. Partnership, 131 S. Ct. 2238 – Supreme Court 2011 [*]	Lost	
20	Smith v. United States, 508 US 223 – Supreme Court 1993		Won
21	Quanta Computer, Inc. v. LG Electronics, Inc., 128 S. Ct. 2109 – Supreme Court 2008	Won	
	Won/Bought	19	
	Lost	1	

[*] Note: Mr. Hungar’s only loss was the recent *Microsoft v. i4i* case where the "clear and convincing evidence" standard was upheld. Tellingly, Thomas G. Hungar and his firm Gibson Dunn LLP represented Microsoft, along with Weil Gotshal LLP, whom the Federal Circuit Bar Association hired to file the Request regarding Dr. Arunchalam’s Order. Mr. Hungar even argued a judicial misconduct case in *Liteky v. United States*.

Microsoft, Gibson Dunn LLP and Weil Gotshal are all members of the “[Leaders Circle](#)” at the Federal Circuit Bar Association.

(opinion)

7. law blogger | September 19, 2012 at 12:44 pm



| [Permalink](#)

The way this all reads to me is that not even the Supreme Court was willing to abandon the “clear and convincing evidence standard” in MICROSOFT V. I4I like Hungar and Microsoft and Weil Gotchal and the Federal Circuit Bar Association (and the Federal Circuit???) were angling for. Perhaps this shows that the Supreme Court has some backbone at least.

The way these incestuous relationships are shaping up, it appears that the Facebook-Microsoft-Federal Circuit Bar Association-WeilGotchalLLP-OrrickLLP-GibsonLLP-FenwickLLP-CooleyLLP “kill-patents-cabal” was trying to lower the “clear and convincing standard” as their primary legal strategy for KILLING ALL PATENTS. When they lost in the Microsoft case, they bought off the Federal Circuit in Leader v. Facebook as their back-up plan. The jig is up boys.

(opinion)

8. v p hopkins | September 19, 2012 at 1:38 pm |



[Permalink](#)

Are we dealing with a black snake a cobra a water moxican or a yellow bellied one??

Our United States Government Supreme Court maybe should be renamed . After all we are Americans and

should be dealing on the correct side of the laws. You know what God thinks of a liar. In case you don't look it up for yourself so that you will remember.

(opinion)

9. Edward | September 19, 2012 at 2:35 pm |



[Permalink](#)

To my way of thinking, this has the obvious appearance of a "judicial Ponzi Scheme". Accept a favor from one, and repay it to another with two.

Every culture has a method for keeping track of provided favors in hopes of receiving a greater favor in return.

Were we naive to think the American judiciary was any different?

Marker anyone?

(opinion)

10. Linda C | September 20, 2012 at 10:34 am |



[Permalink](#)

Well, well, the conflict of interest knot just keeps getting tighter. Thomas G. Hungar of Gibson Dunn LLP and Edward R. Reines of Weil, Gotshal LLP (Reines filed the FCBA request in this case) were hired by the Federal Circuit Bar Association on Aug. 10, 2010 (just two months before Leader filed its patent infringement lawsuit against Facebook) to DEFEND Chief Judge Randall R. Rader against an accusation of bias in [Ass'n for Molecular Pathology v. US Patent and Trademark Office, 653 F. 3d 1329 \(Fed. Cir. 2011\)](#).

Here's their filing "[Submission of Amicus Curiae Federal Circuit Bar . . . Re. Chief Judge Randall R. Rader.](#)

This "old boy's" club at the Federal Circuit is so tight they're probably Super Glued together. The more we read, the more it becomes apparent that judicial and attorney discipline in Washington D.C. is out-of-control. Where are the Judiciary Committees??? Why aren't they investigating this incestuousness??? Is it because they're mostly attorneys too? Is anyone watching out after our interests? What do we pay them for?

(opinion)

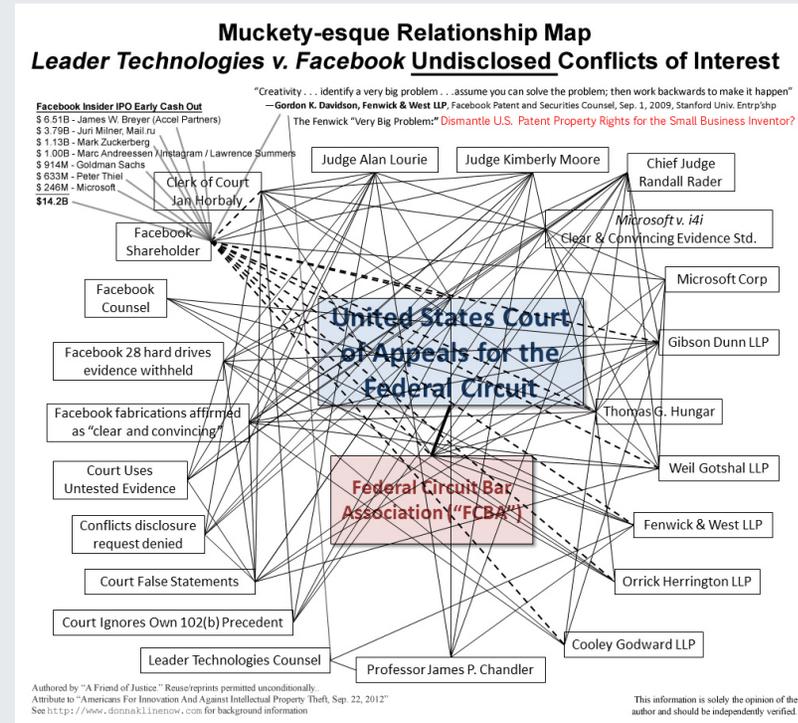
11. lisa | September 20, 2012 at 11:32 am |



[Permalink](#)

Donna, I just emailed you a graphic. Will you post it at the end of my comment? Thanks much. You are a real trooper. — My graphic artist took the most germane public facts and produced a Muckety-like "Leader v. Facebook Conflicts of Interest Relationship Map." This was after I kept complaining that my head was hurting in reading about all these complicated inter-twined relationships among the players in the Facebook-Microsoft cabal. Here's what he came up with this morning. The dotted lines are undisclosed holdings of the law firms in Facebook (they only have to disclose investments greater than 10% in the Certificate of Interest). This map reminds me of the Muckety Maps that Donna posted earlier surrounding all the Insider Trading among the Facebook executives like Jim Breyer, Accel Partners, Sheryl Sandberg, Peter Thiel, Marc

Andreessen, Reid Hoffman, Juri Milner etc. "In confusion there is profit" (and it prevents authorities from catching you in your sins?) [DLK: See "James W. Breyer's tangled web of insider trading – AKA – 'You've been Breyer-ed,'" [Donna Kline Now!](#) Apr. 27, 2012.]



(opinion)

12. I'M NOT BLIND | September 21, 2012 at 2:12 am | [Permalink](#)



FACEBOOK is a Ponzi Scheme. Leader v. Facebook is a ground-breaking case in which the U.S. should require release a the 28 Zuckerberg computer hard disks that were sealed from view in the ConnectU Winklevoss case.

The U.S. Feds were ordered in New Zealand to release Email evidence in the Kim Dotcom case.

<http://www.boston.com/news/world/asia/2012/09/19/kim-dotcom-court-appeals-evidence-ruling/dj2TtwkEYq8W8VfDaL9ntL/story.html>

Citation: “Kim Dotcom in court as US appeals evidence ruling.” *Boston.com*, Sep. 19, 2012 <

<http://www.boston.com/news/world/asia/2012/09/19/kim-dotcom-court-appeals-evidence-ruling/dj2TtwkEYq8W8VfDaL9ntL/story.html>>.

[\(opinion\)](#)

13. [I'M NOT BLIND | September 21, 2012 at 2:48 am | Permalink](#)



“More Of Mark Zuckerberg’s IMs Leaked By Former Harvard Classmate”

Huffington Post, Sept. 20, 2012

NEW IMs LEAKED:

http://www.huffingtonpost.com/2012/09/20/mark-zuckerberg-ims-leaked_n_1900293.html

Priceless quote if one had doubts about what Zuckerberg thinks about intellectual property. Also isn't it priceless the way Zuck has filed some 700 patents himself (using Fenwick & West LLP) and bought 700 junk IBM patents. What are these bad boys up to? It's some diversionary game to trash the US patent system no doubt.

zberg02: “and its the job of the rest of the people to accuse us of taking their ideas haha while we just continually kick ass”

This appears to be the philosophy and strategy of the rogue law firms representing Facebook. If it is, they

should be disbarred. This would be an admission that they are running a criminal enterprise under the guise of a law firm.

Citation: Britney Fitzgerald. "More of Mark Zuckerberg's IMs Leaked By Former Harvard Classmate." *The Huffington Post*, Sep. 20, 2012. Accessed Sep. 21, 2012 <http://www.huffingtonpost.com/2012/09/20/mark-zuckerberg-ims-leaked_n_1900293.html>.

(opinion)

14. [Marie Gio | September 21, 2012 at 9:22 am | Permalink](#)



The Federal Circuit should be sued for their fraud in this case IMHO. Class action suit? We cannot let our courts get away with such lawlessness.

(opinion)

15. [Bill Cranbrook | September 21, 2012 at 3:29 pm | Permalink](#)



If this is accurate, this is proof of Zuckerberg perjury in ConnectU testimony:

zberg02: but it's not like i took the idea from you

ThinkComp: sure, i understand

Who did he take it from then? ... and Greenspan knows it too. I see that Greenspan was deposed by Leader Technologies. This is explosive new evidence that presumably Leader was not able to explore (since Zuck

and his attorneys CONCEALED his 28 computer hard drives when asked by Leader's attorneys hahahahaha). This validates David London's affidavit doesn't it? Somebody help me here please, am I recalling correctly?

I have read his ConnectU testimony. There he claims to have come up with the whole idea by himself in January 2004. Whoops. This evidence proves he PERJURED himself. Let me find that deposition. Donna will you link it here? Thanks: [DKL, here you go:

<http://www.scribd.com/doc/61612724/Mark-Zuckerberg-Deposition-Apr-25-2006-ConnectU-LLC-v-Zuckerberg-et-al-1-04-cv-11923-DPW-D-Mass-2004#page=3>].

Citation: Britney Fitzgerald. "More of Mark Zuckerberg's IMs Leaked By Former Harvard Classmate." The Huffington Post, Sep. 20, 2012. Accessed Sep. 21, 2012 <http://www.huffingtonpost.com/2012/09/20/mark-zuckerberg-ims-leaked_n_1900293.html>.

(opinion)

16. [LET'S GET LUCKY | September 21, 2012 at 5:20 pm | Permalink](#)



The UC Board of Regents and a University of California patent licensee have filed a lawsuit against Facebook, Disney and Wal-Mart claiming patent infringement.

Mark Zuckerberg did download source code from UC. It was one page and two lines long. I have seen shoe laces longer than this. UC won't get paid this bahahahaha. Keep wearing those hi-heeled shoes UC. One day you might get lucky. LOLLOL

(opinion)

17. LET'S GET LUCKY | September 21, 2012 at 5:35 pm | [Permalink](#)



To Bill Cranbrook from David London:

David London (me) went to Aaron Greenspan who was running houseSYSTEM at Harvard and asked him (under an email non-disclosure agreement) to run Facebook on his site (after I realized Zuckerberg was intent on ripping me off earlier in 2003), which he agreed to do. Aaron Greenspan used these facts to extort money out of Facebook and Zuckerberg. I had sent Greenspan all the emails about Zuckerberg's theft, but instead of admit that and expose Zuckerberg, Greenspan lined his pockets instead. Harvard should be renamed Extortion U.

(opinion)

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18. Sandra Craine | September 21, 2012 at 5:38 pm | [Permalink](#)



OPERATION SPOTLIGHT weekend assignment.

Go to the Web Contact forms for each of the Senators and Congressmen and ask them to start an inquiry into the misconduct, collusion and abuse of constitutional rights being uncovered at the Federal Circuit. Send a link to Donna's blog:

<http://www.donnaklinenow.com>

<http://www.fbcoverup.com>

WRITE TO CONGRESS THIS WEEKEND! If not you, who. If not now, when?

- [SENATE Committee on the Judiciary](#)
- [SENATE Subcommittee on Privacy, Technology and the Law](#)
- [HOUSE Committee on the Judiciary](#)
- [HOUSE Subcommittee on the Constitution](#)
- [HOUSE Subcommittee on Intellectual Property, Competition, and the Internet](#)
- [HOUSE Committee on Small Business](#)
- [HOUSE Subcommittee on Economic Growth, Tax and Capital Access](#)

(opinion)

19. Winston Smith | September 21, 2012 at 8:15



pm | [Permalink](#)

Sandra, You had the same thought as me. Wanted to touch base... give a pep talk. This is far from over, and we have to keep together and keep going! Our voices will be heard if we are resolute... I will write to all the above. This injustice is about "Our America." This attitude... this devolution of American values that these scoundrels are trying to foist on us cannot be permitted to stand. Our children will be affected by this for good or ill. What is happening to our country? "Fight the good fight" is what my grandmother used to say... Don't ever give in to evil and you must fight for the core values of honesty, integrity and truth that you believe in. Be able to lay your head down knowing that you did something good for your fellow man each day. That is true peace. In the end, only doing good matters. Everything else is decay and darkness.

(opinion)

20. Steve Williams | September 22, 2012 at 1:20



pm | [Permalink](#)

Sandra,

I have posted a sample letter that I took from snippets of Donna's blogging and from comments (mixed in with my own two cents).

Everyone is welcome to use this as a template for their own correspondence.

Feel free to correct any areas that may be wrong or cloudy.

Happy emailing ...

CUT & PASTE SHORT FORM

Dear NAME,

Re: Federal Circuit Cover-up?

I would like to draw your attention to an egregious abuse of constitutional due process rights occurring at the hands of the Federal Circuit. An investigative reporter Donna Kline and inventor Dr. Lakshmi Arunachalam provide a good summary here:

<http://www.donnaklinenow.com>

I request that you conduct an investigation.

—Thank you, YOUR NAME

CUT & PASTE LONGER FORM

The Honorable NAME:

Re: Abuse of Due Process at the Federal Circuit

I respectfully request that you investigate a disturbing matter occurring at the Federal Circuit. This matter is being investigated by former *Bloomberg* investigative report Donna Kline at at <http://www.donnaklinenow.com>

I ask you to start begin an inquiry into the an abuse of constitutional due process rights, misconduct and likely collusion that is being uncovered at the Federal Circuit Court of Appeals. The U.S. Constitution protects citizens from abuse of power at the hands of those that we vest with that power for a season.

Unfortunately, certain justices and court officials appear to be “circling the wagons” to protect themselves and hide their conflicts of interest.

With all the recent hubbub over the Facebook's failed IPO (i.e., the stock price tanking to half its opening price, and the insiders and underwriters cashing out in the third day to the tune of over \$13 billions of dollars), far more sinister things seem to be going on in the halls of the Federal Circuit Court.

Here are some key points for consideration:

1. Leader Technologies has been denied justice in the *Leader Tech v. Facebook*, Case No. 2011-1366 (Fed. Cir.); the Federal Circuit is actively participating in the theft of small inventor patent property rights; Leader is headquartered in Columbus (Lewis Center), Ohio.
2. Judicial conflicts of interest in our democratic system require withdrawal (unless you are in bed with Facebook's and Microsoft's counsel?); (a) Conflict of interest rules dictate that a person with a stake in the outcome of a decision should withdraw from

participating in that decision;

(b) We ask members of our federal courts to *withdraw* from this decision and first conduct a public hearing.

3. Leader's 5th and 14th Amendment Rights to Due Process are being abused.

(a) Member of the Court (and the Bar) hold stock in Facebook and did not disclose this bias;

(b) No less that 11 judicial conflicts of interest have been identified which that the Court is attempting to "sweep under the carpet" by labeling them "innocent;" Dr. Lakshmi Arunachalam, patent holder and former Director of Network Architecture for Sun Microsystems identifies these conflicts in her September 17, 2012 response to the Federal Circuit Bar

—

<http://www.scribd.com/doc/106156081/Response->

[to-Request-of-Federal-Circuit-Bar-Association-s-Request-for-Reissue-Re-Leader-v-Facebook-Case-No-2011-1366-Fed-Cir-by-Lakshmi-Arunach](#)

4. The Federal Circuit Bar Association is attempting to excuse and hide judicial misconduct with general statements about Bench-Bar events
 - (a) "[Judicial] integrity is a moral principle, not a precedential rule"
 - (b) "Bench-Bar events can be beneficial, but judges don't need bench-bar events to socialize about their morals, and while the profession likes to turn a blind eye, the 'average person on the street' knows that back room deals are struck at these events that thwart justice."

5. Cover-up?
The Bar's request can only really serve two purposes:

(a) to cover up the
Federal Circuit's
conflicts of interest in
Leader v. Facebook,
and
(b) to give blessing to
future shenanigans at
bench-bar events
attended by members
of the Federal Circuit.

This has been going since November 2008 when Leader filed its patent infringement lawsuit against Facebook, *Leader Technologies Inc. v. Facebook Inc.*, 08-CV-862-JJF (D.Del. 2008). Facebook was found guilty on 11 of 11 counts of “literal patent infringement” of Leader’s U.S. Patent No. 7,139,761. Only an arcane “on sale bar” ruling prevented Leader from being declared the outright winner. Suspiciously, the district court blocked any testimony by Mark Zuckerberg—the self-confessed Hacker King. There was no evidence to justify on the on sale bar verdict. Instead, the lay jury was *tricked*. This was proved when the jury was polled post-trial and they told the judge and the attorney that they had no evidence, just a *feeling*. THE JUDGE IGNORED THIS JURY ADMISSION and made up new evidence to support the verdict for Facebook anyway.

The Federal Circuit denied Leader’s appeal, now they petition the Supreme Court for justice. Dr. Arunachalam’s response linked above and Donna Kline’s latest investigation post expose a collective attempt to cover-up misconduct and hide the truth from public scrutiny.

Makes no matter that the truth may be an embarrassment to the court or the U.S. government, Leader Technologies deserves to be treated democratically, and not like we are a dictatorship!!!! Judicial conflicts of interests, motions not being docketed by the Clerk of Court's office, and cozy relationships with one party (Facebook's attorneys in this case) don't make a fair and balanced justice system. The principles of democracy demand that this injustice be corrected and Leader's patent property rights recognized.

For the sake of our Republic, please look into this corruption with urgency.

Yours sincerely

Steven L. Williams
Marion, Ohio

(opinion)

21. know this greenspan | September 22, 2012
at 7:37 pm | [Permalink](#)



zberg02: but it's not like i took the idea from you

ThinkComp: sure, i understand [1]

Who did Mark Zuckerberg steal it from then? Let's start with Aaron Greenspan.

Aaron Greenspan said: I don't know if [Zuckerberg] copied things intentionally or it's just the most amazing coincidence of all time, but I know he's dishonest."

**Aaron Greenspan asks "So, who is telling the truth?"
Was it Cameron or Tyler Winklevoss, and Divya, or the**

guy with 'I'm CEO...bitch' on his business card
[Zuckerberg]?

The truth is, Aaron Greenspan, is that you know full well that you stole the facebook idea from me (David London)[2] and first called it "Facenet" to disguise your theft. You also have all the evidence to prove that Zuckerberg stole the idea from me as well. Are you holding that evidence back as blackmail. I hope you are not sleeping well these days because your secret is being outted. You know full well that I came to you and offered (under nondisclosure) to let you use the facebook idea on your houseSYSTEM.

DON'T SAY THAT THE IDEA WAS YOURS
GREENSPAN WHEN IT WAS NOT, nor was it Zuck's or
the Winklevoss's.

[1] Citation: Britney Fitzgerald. "More of Mark Zuckerberg's IMs Leaked By Former Harvard Classmate." *The Huffington Post*, Sep. 20, 2012. Accessed Sep. 21, 2012 <

http://www.huffingtonpost.com/2012/09/20/mark-zuckerberg-ims-leaked_n_1900293.html>.

[2] [See Affidavit of David London, Jun. 23, 2012, incl. results of polygraph test requested by Donna Kline using widely-respect expert Morris E. Ragus indicating "no deception" \(truthfulness\) <](#)

<http://donnaclinenow.com/investigation/facebook-counterfeit-from-inception>>.

[\(opinion\)](#)

22. [bg761 | September 22, 2012 at 8:57 pm |](#)
[Permalink](#)



So it seems to me that not only did the Circuit Court and the Federal Appeals Court violate Mike McKibben's civil rights but they are trying to establish an end run around Congress and the Supreme Court to lower the standards required to invalidate a patent. No wonder Microsoft has influenced the Bar to file a brief. If they protect the judges they will get a better treatment in future cases! Read the opinion the court gave in the [Microsoft v i4i](#) case and see for yourself the high standard of clear and convincing evidence required to prove a patent invalid!
(opinion)

23. [the iceberg? | September 23, 2012 at 6:25 am |](#)
[Permalink](#)



WHAT is the honor code at Harvard? Is the recent Harvard test cheating scandal just the tip of the iceberg?

zberg02: there are only like six people in the world who have decent ideas

ThinkComp: haha

zberg02: and it's the job of the rest of the people to accuse us of taking their ideas haha

zberg02: while we just continually kick ass

The *Harvard Crimson* wrote an article about the FBI investigation following a complaint they received about Mark Zuckerberg and Aaron Greenspan stealing the facebook idea.

zberg02: but it's not like i took the idea from you

ThinkComp: sure, i understand

RICHARD PÉREZ-PEÑA. “Harvard Students in Cheating Scandal Say Collaboration Was Accepted.” *The New York Times*, Aug. 31, 2012

<http://www.nytimes.com/2012/09/01/education/students-of-harvard-cheating-scandal-say-group-work-was-accepted.html>.

Britney Fitzgerald. “More of Mark Zuckerberg’s IMs Leaked By Former Harvard Classmate.” *The Huffington Post*, Sep. 20, 2012. Accessed Sep. 21, 2012

http://www.huffingtonpost.com/2012/09/20/mark-zuckerberg-ims-leaked_n_1900293.html.

(opinion)

24. Harvard dis-honor | September 23, 2012 at 3:25 pm | [Permalink](#)



Like everything else in this scandal, Harvard University “honor” appears to be the opposite in real life . . . it’s **dis-honor** that is for sale to the highest bidder; morality, ethics and honor be damned. Look at their former president **Lawrence Summers**. He and Harvard alum **James W. Breyer** have suckled Zuckerberg since he was a 19-year old sophomore. Yep, those former PayPal boys wanted Leader’s technology so badly that they were willing to sell their souls directly to the devil himself to achieve their plan. In the IPO Summers and his bud **Marc Andreessen** yanked out a cool **\$1B** out of the IPO (yes, **Instagram** got their money). \$1B was Harvard-Summers’ price to play the dis-honor game.

Facebook's Instagram bid gets go-ahead from the FTC."

BBC, Aug. 22, 2012

<http://www.bbc.co.uk/news/business-19351969>

"Instagram-scam." *Donna Kline Now!* Apr. 14, 2012

<http://donnaclinenow.com/investigation/instagram-scam>

"Are Facebook insiders mocking the Business Judgment Rule? Who really controls Facebook? Shhhh." *Donna Kline Now!* May 3, 2012

<http://donnaclinenow.com/investigation/are-facebook-insiders-mocking-the-business-judgment-rule>

Commenter-julie. "FACEBOOK INSIDER TRADING: May 22, 2012 (Tues. 3rd day)." *Donna Kline Now!* May 31, 2012 <http://donnaclinenow.com/investigation/the-facebook-debacle-more-undisclosed-insider-secrets#comment-1822>

(opinion)

25. Bought? | September 23, 2012 at 3:51 pm |



[Permalink](#)

Is everyone in our legal system bought off or neutered? Where's the outrage from those that we PAY to protect us? The silence is deafening.

(opinion)

26. Hope | September 23, 2012 at 4:01 pm |



[Permalink](#)

Hey Bought. I feel your frustration. I know a very honest federal judge in an unnamed Southwestern state that he/she is disgusted by the dishonesty being uncovered, but that he/she must work through channels. Dealing with misconduct must happen in certain ways. He/she told me to sit tight and assure others that people are speaking up and taking notice. He/she encouraged us to keep pounding away at the issues. He/she said our activity is helping to “prime the pump.” He/she pointed out that the people involved have spent a decade getting where they are, so we must be patient in unraveling this mess and bringing the guilty to justice.

(opinion)

27. gary | September 23, 2012 at 4:47 pm |



[Permalink](#)

Yeh, whatever. Spoken like a true bureaucrat....”we’re working on it.” Quit sitting on your hands a do something for God sakes... otherwise, we’re going to start taking those precious pensions away for fraud and negligence. If you know someone is crooked.... you have a duty to speak up.... and not quietly!!!

(opinion)

28. bg761 | September 23, 2012 at 4:50 pm |



[Permalink](#)

In a brief synopsis....

Judge Stark violated Leader’s rights, and mislead the jury, when he did not address the standards that are

required to prove on sale bar and public use as pointed out by 35 USC 102(b)—on sale bar. He also contradicted his own court order to Leader on how to answer the Interrogatory #9 in the present tense. Then, the Federal Circuit Court violated Mr. McKibben’s rights when they misrepresented his deposition testimony. They also violated his rights by going back into the evidence and using arguments that were not presented to the jury to try and justify their stance. Apparently they must have thought that Judge Stark’s opinion was weak and figured they would act as a trial court and try and support a bad ruling; because neither court used the “clear and convincing standard.”

The absence of any writings for or against the verdict from Judge Kimberly A. Moore, now is made clear by the pressure that is being applied to try and absolve these judges from their massive conflicts of interest. When looking at the Federal Circuit Bar Assoc. request just filed by Mr. Terence P. Stewart, he conveniently left off the following preamble that has been included in previous amicus briefs filed by him for the Bar.

“The Federal Circuit Bar Association (“FCBA”) is a national organization for the bar of the United States Court of Appeals for the Federal Circuit.¹ The FCBA was organized to unite the different groups who practice within the legal community of the Federal Circuit. The FCBA offers a forum for common concerns and dialogue between bar and court, government counsel and private practitioner, litigator, and corporate counsel. The members come from all areas of practice and represent all types of litigants, large and small, corporate and private.”

Could it be he is trying to mislead the public into thinking that the Facebook connection with the Federal Circuit and its Bar Assoc. does not exist and that there is also a conflict of interest he is trying to hide?

(opinion)

29. Winston Smith | September 23, 2012 at 5:05 pm | [Permalink](#)



Hey all!

I spent some time emailing our Congress from Donna's Operation Spotlight blog (previous lists and the new elite people added to the list). This lawlessness is not what our founding fathers had in mind. Those before us worked hard to give us what we have; we now have to do our part to keep up that good fight.

(opinion)

30. Marie Gio | September 24, 2012 at 5:26 pm | [Permalink](#)



I prepared this updated contact list for the House Committee on Small Business. Some of the web forms at the official House site blocked messages from non-constituents. However, that seemed a little draconian since these committee members represent the interests of all citizens, in the end. Therefore, I dug further and found other Webmail and Email addresses for the Congressmen and Congresswomen.

[DLK: Here is a separate page for this [House Small](#)

Business Committee Contact List to make cutting and pasting easier.]

House Committee on Small Business
Membership, Sep. 25, 20112

Majority Members (Republicans)

Member Name	DC Phone	DC FAX	Email	Webmail
<u>Sam Graves (R-MO)</u> [Chairman]	202-225-7041	202-225-8221		Sam Graves – Webmail
<u>Roscoe G. Bartlett (R-MD)</u>	202-225-2721	202-225-2193		Roscoe Bartlett – Webmail
<u>Steve Chabot (R-OH)</u>	202-225-2216	202-225-3012		Steve Chabot – Webmail
<u>Steve King (R-IA)</u>	202-225-4426	202-225-3193	steve@steveking.com	Steve King – Webmail
<u>Mike Coffman (R-CO)</u>	202-225-7882	202-226-4623		Mike Coffman – Webmail
<u>Mick Mulvaney (R-SC)</u>	202-225-5501	202-225-0464	Mick@MulvaneyforCongress.com Stephanie@MulvaneyforCongress.com Eric@MulvaneyforCongress.com	Mick Mulvaney = Webmail

<u>Scott R. Tipton (R-CO)</u>	202-225-4761	202-226-9669	info@votetipton.com	
<u>Jeff Landry (R-LA)</u>	202-225-4031	202-226-3944		Jeff Landry – Webmail
<u>Richard L. Hanna (R-NY)</u>	202-225-3665	202-225-1891		Richard Hanna – Webmail
<u>Jaime Herrera Beutler (R-WA)</u>	202-225-3536	202-225-3478	info@jaimeherrera.com	Jaime Herrera Beutler – Webmail
<u>Allen West (R-FL)</u>	202-225-3026	202-225-8398		Allen West – Webmail
<u>Renee L. Ellmers (R-NC)</u>	202-225-4531	202-225-5662		Renee Ellmers – Webmail
<u>Joe Walsh (R-IL)</u>	202-225-3711	202-225-7830		Joe Walsh – Webmail
<u>Louis J. (Lou) Barletta (R-PA)</u>	202-225-6511	202-226-6250		Louis Barletta – Webmail
<u>Bobby</u>	202-	202-		Bobby

<u>Schilling</u>	225-	225-		<u>Schilling</u>
<u>(R-IL)</u>	5905	5396		=
				<u>Webmail</u>

Minority Members (Democrats)

Member Name	DC Phone	DC FAX	Email	Webmail
<u>Nydia M. Velazquez</u> <u>(D-NY)</u> [Ranking Member]	202- 225- 2361	202- 226- 0327		<u>Nydia Velazquez</u> = <u>Webmail</u>
<u>Kurt Schrader</u> <u>(D-OR)</u>	202- 225- 5711	202- 225- 5699		<u>Kurt Schrader</u> = <u>Webmail</u>
<u>Mark S. Critz</u> <u>(D-PA)</u>	202- 225- 2065	202- 225- 5709	<u>info@critzforcongress.com</u>	<u>Mark Critz</u> – <u>Webmail</u>
<u>Yvette D. Clarke</u> <u>(D-NY)</u>	202- 225- 6231	202- 226- 0112	<u>clarkeforcongress@gmail.com</u>	<u>Yvette Clarke</u> – <u>Webmail</u>
<u>Judy Chu</u> <u>(D-CA)</u>	202- 225- 5464	202- 225- 5467		<u>Judy Chu</u> = <u>Webmail</u>
<u>David Cicilline</u> <u>(D-RI)</u>	202- 225- 4911	202- 225- 3290		<u>David Cicilline</u> – <u>Webmail</u>
<u>Cedric</u>	202-	202-		<u>Cedric</u>

<u>Richmond (D-LA)</u>	225-6636	225-1988	info@cedricrichmond.com	Richmond = Webmail
<u>Janice Hahn (D-CA)</u>	202-225-8220	202-226-7290	anna@JaniceHahn.com	
<u>Gary Peters (D-MI)</u>	202-225-5802	202-226-2356		Gary Peters = Webmail
<u>Bill Owens (D-NY)</u>	202-225-4611	202-226-0621	info@billowensforcongress.com	
<u>William Keating (D-MA)</u>	202-225-3111	202-225-5658	info@billkeating.org	William Keating = Webmail

31. Marie Gio | September 24, 2012 at 5:46 pm | [Permalink](#)



Here's my cut and paste email. Feel free to alter and make your own. I used several different subjects depending upon the Congressperson.

Dear Congress(wo)man NAME,

Re: Civil rights violations; abuse of due process rights of an Ohio small business –

<http://www.donnaklinenow.com>

I respectfully request your urgent attention to a matter of critical importance to American small business and innovation. Facebook has been judged to be “literally infringing” U.S. Patent No.

7,139,761. This patent is owned by a Columbus, Ohio-based company named Leader Technologies. However, the Federal Circuit Court of Appeals has refused to follow its own precedent in upholding Leader's patent property rights; even extending their conduct to an abuse of Leader's 5th and 14th Amendment rights to due process.

In short, the engine driving Facebook is intellectual property stolen from an Ohio-based software developer, Leader Technologies, yet the Federal Circuit is choosing to protect the guilty party instead.

As an Ohio small business, Leader worked diligently over many years to fund and protect their software innovations. They even engaged law Professor James P. Chandler, the author of the Federal Trade Secrets Act, as a director and intellectual property adviser. Despite this, the forces behind Facebook have pursued a course of conduct outside the courtroom that should alarm every American.

Former Bloomberg TV reporter Donna Kline has been conducting an investigation which can be read at <http://www.donnaklinenow.com>

Thank you for your consideration. Please feel free to contact me for more information. I will assist your investigation in any way I can.

Yours sincerely,

NAME

(opinion)



[Permalink](#)

This list was prepared using the <http://www.contactingthecongress.org/> as a base. Some of the webmail forms in that list do not send emails from citizens outside that Congressperson's state. Since the work of this committee affects all citizens, it is certainly appropriate for those Congresspersons to learn the view of all citizens. Therefore, a reader and contributor to this blog did some more digging and found email addresses and webmail forms that do not block the transmission based on Zip code.

[DLK: Here is this [House Committee on the Judiciary Contact List.](#)]

House Committee on the Judiciary, Sep. 25, 2012

Majority Members (Republicans)

<i>Member Name</i>	<i>DC Phone</i>	<i>DC FAX</i>	<i>Email</i>	<i>Webmail</i>
Lamar Smith (R-TX) [Chairman]	202-225-4236	202-225-8628		Lamar Smith (R) – Webmail
F. James (Jim) Sensenbrenner, Jr. (R-WI)	202-225-5101	202-225-3190		James Sensenbrenner (R) – Webmail
Howard Coble	202-225-	202-225-	coble_campaign@msn.com	

<u>(R-NC)</u>	3065	8611		
<u>Elton Gallegly</u> <u>(R-CA)</u>	202- 225- 5811	202- 225- 1100	elton@gallegly.com	
<u>Bob Goodlatte</u> <u>(R-VA)</u>	202- 225- 5431	202- 225- 9681		Bob Goodlatte (R) – Webmail
<u>Dan Lungren</u> <u>(R-CA)</u>	202- 225- 5716	202- 226- 1298		Dan Lungren (R) – Webmail
<u>Steve Chabot</u> <u>(R-OH)</u>	202- 225- 2216	202- 225- 3012		Steve Chabot (R) – Webmail
<u>Darrell Issa (R-CA)</u>	202- 225- 3906	202- 225- 3303		Darrell Issa (R) – Webmail
<u>Mike Pence (R-IN)</u>	202- 225- 3021	202- 225- 3382		Mike Pence (R) – Webmail
<u>J. Randy Forbes (R-VA)</u>	202- 225- 6365	202- 226- 1170	randy@randyforbes.com dean.petrone@randyforbes.com sergio.gor@randyforbes.com angie@randyforbes.com amanda.chase@randyforbes.com courtney@randyforbes.com sarah.miller@randyforbes.com	

<u>Steve King (R-IA)</u>	202-225-4426	202-225-3193		<u>Steve King (R) – Webmail</u>
<u>Trent Franks (R-AZ)</u>	202-225-4576	202-225-6328	<u>info@trentfranks.com</u>	
<u>Louie Gohmert (R-TX)</u>	202-225-3035	202-226-1230	<u>info@gohmert.com</u>	<u>Louie Gohmert (R) – Webmail</u>
<u>Jim Jordan (R-OH)</u>	202-225-2676	202-226-0577	<u>jared.dilley@mail.house.gov</u>	
<u>Ted Poe (R-TX)</u>	202-225-6565	202-225-5547		<u>Ted Poe (R) – Webmail</u>
<u>Jason Chaffetz (R-UT)</u>	202-225-7751	202-225-5629	<u>info@JasonforCongress.com</u>	
<u>Tim Griffin (R-AR)</u>	202-225-2506	202-225-5903		<u>Tim Griffin (R) – Webmail</u>
<u>Tom Marino (R-PA)</u>	202-225-3731	202-225-9594	<u>bill.tighe@mail.house.gov</u> <u>sarah.wolf@mail.house.gov</u>	
<u>Trey Gowdy (R-SC)</u>	202-225-6030	202-226-1177		<u>Trey Gowdy (R) – Webmail</u>

<u>Dennis Ross (R-FL)</u>	202- 225- 1252	202- 226- 0585		<u>Dennis Ross (R) – Webmail</u>
<u>Sandy Adams (R-FL)</u>	202- 225- 2706	202- 226- 6299		<u>Sandy Adams (R) – Webmail</u>
<u>Ben Quayle (R- AZ)</u>	202- 225- 3361	202- 225- 3462		<u>Ben Quayle (R) – Webmail</u>
<u>Mark Amodei (R-NV)</u>	202- 225- 6155	202- 225- 5679		<u>Mark Amodei (R) – Webmail</u>

Minority Members (Democrats)

Member Name	DC Phone	DC FAX	Email	Webmail
<u>John Conyers, Jr. (D-MI)</u> [Ranking Member]	202- 225- 5126	202- 225- 0072		<u>John Conyers (D) – Webmail</u>
<u>Howard L. Berman (D-CA)</u>	202- 225- 4695	202- 225- 3196		<u>Howard Berman (D) – Webmail</u>
<u>Jerrold Nadler (D-NY)</u>	202- 225- 5635	202- 225- 6923		<u>Jerrold Nadler (D) – Webmail</u>
<u>Bobby Scott (D-</u>	202- 225-	202- 225-		<u>Bobby Scott</u>

<u>VA)</u>	8351	8354		<u>(D) – Webmail</u>
<u>Mel Watt (D-NC)</u>	202-225-1510	202-225-1512		<u>Mel Watt (D) – Webmail</u>
<u>Zoe Lofgren (D-CA)</u>	202-225-3072	202-225-3336	zoe@lofgren.house.gov	
<u>Sheila Jackson Lee (D-TX)</u>	202-225-3816	202-225-3317	info@sheilajacksonlee18.com	
<u>Maxine Waters (D-CA)</u>	202-225-2201	202-225-7854	info@maxinewaters.org	
<u>Steve Cohen (D-TN)</u>	202-225-3265	202-225-5663		<u>Steve Cohen (D) – Webmail</u>
<u>Hank Johnson (D-GA)</u>	202-225-1605	202-226-0691	info@hankforcongress.com	
<u>Pedro Pierluisi (D-PR)</u>	202-225-2615	202-225-2154		<u>Pedro Pierluisi (D) – Webmail</u>
<u>Mike Quigley (D-IL)</u>	202-225-4061	202-225-5603		<u>Mike Quigley (D) – Webmail</u>
<u>Judy Chu (D-</u>	202-	202-		<u>Judy Chu (D)</u>

<u>CA)</u>	225- 5464	225- 5467		<u>- Webmail</u>
<u>Ted Deutch (D- FL)</u>	202- 225- 3001	202- 225- 5974		<u>Ted Deutch (D) – Webmail</u>
<u>Linda Sanchez (D-CA)</u>	202- 225- 6676	202- 226- 1012		<u>Linda Sanchez (D) – Webmail</u>
<u>Jared Polis (D- CO)</u>	202- 225- 2161	202- 226- 7840		<u>Jared Polis (D) – Webmail</u>

33. joan | September 25, 2012 at 10:12 am |



[Permalink](#)

I am getting inquiries from a number of staff members for more information!!! 😊 I have never done this sort of national political action before. I am asking them to start an inquiry into the Federal Circuit and the Leader v. Facebook scandal. I told them Dr. A's and Leader's filings tell the whole story and don't need me to add to it. These staffers are awfully young and energetic, but inexperienced in the ways of corruption. I emphasized to them how critical this matter is to U.S. property and constitutional rights.

(opinion)

34. Marie Gio | September 25, 2012 at 10:44 am |



[Permalink](#)

OK, here is the Senate Judiciary Committee Contact List I used.

[DLK: Here's a separate page for the [Senate Judiciary Committee Contact List](#) to make your cutting and pasting easier.]

Senate Committee on the Judiciary, Sep. 25, 2012

Majority Members (Democrats)

Member Name	DC Phone	DC FAX	Webmail
<u>Patrick Leahy (D-VT)</u> [Chairman]	202-224-4242	202-224-3479	https://www.leahy.senate.gov/contact
<u>Herb Kohl (D-WI)</u>	202-224-5653	202-224-9787	http://www.kohl.senate.gov/contact.cfm
<u>Dianne Feinstein (D-CA)</u>	202-224-3841	202-228-3954	http://feinstein.senate.gov/public/index.cfm/e-mail-me
<u>Charles E. (Chuck) Schumer (D-NY)</u>	202-224-6542	202-228-3027	http://www.schumer.senate.gov/Contact/contact_chuck.cfm
<u>Dick Durbin (D-IL)</u>	202-224-2152	202-228-0400	http://durbin.senate.gov/public/index.cfm/contact
<u>Sheldon Whitehouse</u>	202-224-	202-228-	http://www.whitehouse.senate.gov/contact/

<u>(D-RI)</u>	2921	6362	
<u>Amy Klobuchar (D-MN)</u>	202-224-3244	202-228-2186	http://klobuchar.senate.gov/emailamy.cfm
<u>Al Franken (D-MN)</u>	202-224-5641	202-224-0044	http://www.franken.senate.gov/?p=email_al
<u>Christopher Coons (D-DE)</u>	202-224-5042	202-228-3075	http://www.coons.senate.gov/contact/
<u>Richard Blumenthal (D-CT)</u>	202-224-2823	202-224-9673	https://www.blumenthal.senate.gov/contact/

Minority Members (Republicans)

Member Name	DC Phone	DC FAX	Webmail
<u>Chuck Grassley (R-IA)</u> [Ranking Member]	202-224-3744	202-224-6020	http://www.grassley.senate.gov/contact.cfm
<u>Orrin G. Hatch (R-UT)</u>	202-224-5251	202-224-6331	http://hatch.senate.gov/public/index.cfm/email-orrin
<u>Jon Kyl (R-AZ)</u>	202-224-4521	202-224-2207	http://kyl.senate.gov/contact.cfm
<u>Jeff</u>	202-	202-	

<u>Sessions (R-AL)</u>	224-4124	224-3149	http://www.sessions.senate.gov/public/index.cfm?FuseA ...
<u>Lindsey Graham (R-SC)</u>	202-224-5972	202-224-3808	http://lgraham.senate.gov/public/index.cfm?FuseAction ...
<u>John Cornyn (R-TX)</u>	202-224-2934	202-228-2856	http://www.cornyn.senate.gov/public/index.cfm?p=Conta ...
<u>Mike Lee (R-UT)</u>	202-224-5444	202-228-1168	http://www.lee.senate.gov/public/index.cfm/contact-se ...
<u>Tom Coburn (R-OK)</u>	202-224-5754	202-224-6008	http://www.coburn.senate.gov/public/index.cfm/?p=Cont ...

35. make noise | September 25, 2012 at 11:01 am | [Permalink](#)



Hi All. I suggest we start making noise with the American Bar Association. Vera Natalia appears to be the main contact person for attorney and judicial ethics matters.

Vera Natalia
American Bar Association Commission
on Ethics 20/20
Center for Professional Responsibility
15th Floor
321 N. Clark Street
Chicago, IL 60654
312/988-5328

natalia.vera@americanbar.org

Ellyn Rosen, Senior Lead Counsel

ellyn.rosen@americanbar.org

Marcia Kladder Director, Policy and Special Projects

marcia.kladder@americanbar.org

Kimley Grant, Regulation Paralegal

kimley.grant@americanbar.org

[ABA Webmail Form \(Click here\)](#)

36. more noise | September 25, 2012 at 11:23 am | 

[Permalink](#)

Here are some U.S. Chamber of Commerce Points of Contact. Suggest everyone send links to this blog with requests for these individuals to forward the information to the Chamber's political activists %\$%\$@%\$%\$5!!!!<<< (((MAKE SOME NOISE)))) !!!!!!!!!!!!!!!!

[DLK: Here's a separate page for the [U.S. Chamber of Commerce Points of Contact](#) to make it easier for you to cut and paste.]

Institute for Organization Management

U.S. Chamber of Commerce

1615 H Street, NW

Washington, DC 20062

202-463-5570

iom@uschamber.com

America's Small Business Summit

U.S. Chamber of Commerce

1615 H Street, NW

Washington, DC 20062

Phone: 202-778-2429

Fax: 202-463-5707

E-mail: summit@uschamber.com

Association Committee of 100

U.S. Chamber of Commerce

Raymond P. Towle, IOM, CAE

202-463-5853

Email rtowle@uschamber.com

Small Business Nation

U.S. Chamber of Commerce

Webmail:

<http://www.uschambersmallbusinessnation.com/about-us/contact-us>

Global Intellectual Property Center

U.S. Chamber of Commerce

1615 H Street, NW

Washington, DC 20062-2000

Main: (202) 463-5601

Fax: (202) 463-3114

gipc@uschamber.com

37. Kathy C | September 25, 2012 at 12:37 pm |

[Permalink](#)



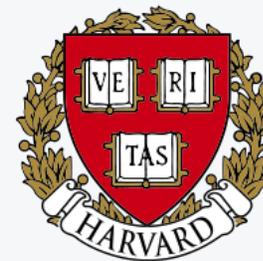
I just confirmed from staffers working for my Congressperson that information about the Leader v. Facebook Federal Circuit scandal is circulating in the House Judiciary Committee. /// I'll keep pounding, hope others are too!!!! Each of our elected representatives need to hear from us and be briefed. That way, when they conduct the hearing, they'll be informed and ready.

(opinion)

38. The "Truth" Irony | September 25, 2012 at 2:04 pm | [Permalink](#)



It just struck me that Harvard and the old Soviet Union



have something in common

besides Larry Summers imposing his brand of morals on both. Harvard's motto is "Veritas" which is Latin for "Truth." Similarly, the media mouthpiece for the Soviet Communist Party was "Pravda" which is the Russian word for "Truth."

Have the liars and cheaters of Harvard now picked up where the Soviets left off? Yury Milner's and Digital Sky's meager \$3 billion "Pre-IPO Supplement" investment in Facebook from dubious sources inside Russia, supported by the U.S. Federal Circuit's blessing, would say yes.

Are you blokes in the U.S. really that daft?

(opinion)

39. [HoIn8or](#) | September 25, 2012 at 6:23 pm | [Permalink](#)



I have been talking to Lawyers about Leader and this scandal with Facebook and the consensus is that the standards at the Judicial level have been lacking since 2008. One thing is for sure, nothing will be done before

the election in November. Thank goodness we do not have much longer to wait. The""Rats"" will be looking for a new ship and the weak links will start squealing. So lets stay the course and soon it will be a new game. "Play Ball"

(opinion)

40. Liars and Cheats | September 26, 2012 at 9:56 am | [Permalink](#)



Hey Holn8or. While I share your positive outlook, I do not share your faith in the post-election conduct of these attorneys and judges. They appear to be cheating us on both sides of the isle. The public now needs to out these bad boys and girls whatever their political affiliation. Two of the three judges in Leader v. Facebook (Moore and Lourie) are Bush2 Republican appointees and Wallach was appointed by Obama, so looks like incompetence and corruption are not respecters of party.

(opinion)

41. What side? | September 26, 2012 at 5:14 pm | [Permalink](#)



Hey Holn8or

What side is my bread buttered on? Well, both sides of course! The FBI seems little better. I'm voting for Kim Dotcom!

(opinion)

42. ConflictsChecker | September 27, 2012 at 8:43 am | [Permalink](#)



I have been reviewing all the various things Mr. Zuckerberg testifies to under oath. His story has fallen apart for me. People sometimes misspeak without the conflicting testimony being intentionally false statements. However, this *ConnectU* testimony smells of deception. Any network administrator will tell you how central the domain name information is to the proper configuration of a web site. In other words, every hosting site has a unique domain number associated with a domain name. It's like a street address on the internet. For example, ibm.com's DNS (domain name service) number is 192.42.38.1 and the White's House's whitehouse.gov is 23.61.12.110. If the programmer doesn't get it right, every time, people cannot come to your site. Therefore, once you get assigned a DNS name/number, its what people MUST use to come to your internet site. It's gold. No one else on the planet has that number. Its uniquely yours. It is not something you would forget, especially your first site, and especially within 24 months of launching Facebook. thefacebook.com and would be pointing to it.

So, the question for Mr. Zuckerberg in the testimony highlighted below is: Which was his truthful testimony and which was the lie? Did he host at "managed.com" or "servicemanage.com" ... or neither? Who checked in the *ConnectU* case? Oh, wait a minute, they settled with the Winklevoss Twins after that. LOL.

Could it be that the protection racket surrounding Zuckerberg (Summers, Breyer, Thiel, Hoffman, Accel

Partners, the Federal Circuit, Microsoft, Goldman Sachs, Morgan Stanley, etc.) don't want people to know where Zuckerberg first hosted the Leader Technologies source code? ROTFL. [Donna, I just emailed you the graphic; will you post with my comment? Thanks.]

Mark Zuckerberg Testified Falsely About Original Hosting Site

On Apr. 25, 2006: Tr. 84:21-25, Zuckerberg Deposition, Apr. 25, 2006, *ConnectU LLC v. Zuckerberg et al*, 1:04-cv-11923-DPW (D.Mass. 2004)

21 Q. And that's – you had to rent the servers
22 in order to launch the web site; is that right?
23 A. Yes.
24 Q. From whom were you renting the servers?
25 A. Managed.com

On Apr. 26, 2006: Tr. 146:11-14, Zuckerberg Deposition, Apr. 26, 2006, *ConnectU LLC v. Zuckerberg et al*, 1:04-cv-11923-DPW (D.Mass. 2004)

11 A Originally, we just went with the servicemanager.com
12 because they let us rent servers on a month-to-month basis.
13 The original price was \$85 a month and we only needed one. So
14 it was relatively cheap to run the service, and they'd do what

Sources: Original, <http://www.02138mag.com/magazine/article/1764.html>;
See also <http://allthingsd.com/20071201/a-well-deserved-court-loss-for-facebook/>
<http://www.scribd.com/doc/61612724/Mark-Zuckerberg-Deposition-Apr-25-2006-ConnectU-LLC-v-Zuckerberg-et-al-1-04-cv-11923-DPW-D-Mass-2004>;
<http://www.scribd.com/doc/106720136/Mark-Zuckerberg-Deposition-Apr-26-2006-ConnectU-LLC-v-Zuckerberg-et-al-1-04-cv-11923-DPW-D-Mass-2004>.

Just in case those unfamiliar with depositions might think this was an innocent court recorder's typographical error, you should know two things: (a) professional recorders double-check such things right away to prevent such errors, and (b) deposition transcripts are checked thoroughly for typos by the person deposed as well as his high-paid lawyers. Any high-paid lawyer who would've let such a typo get by, did so on purpose. Depositions have an "errata" process whereby anyone deposed gets a number of weeks to check the transcript and submit "Errata" corrections before the deposition is

admitted into the official court record. Did Zuckerberg perjure himself? Whoops.

Here are the complete citation links:

Sources:

02138mag. Harvard alumni magazine. ca. Dec. 1, 2007
<http://www.02138mag.com/magazine/article/1764.html>
cited in Kira Swisher. "A Well-Deserved Court Loss for Facebook." *The Wall Street Journal, All Things Digital*, Dec. 1, 2007. Accessed Sep. 27, 2012
<http://allthingsd.com/20071201/a-well-deserved-court-loss-for-facebook/>. (Note to Reader: the 02138 Harvard Alumni Magazine ceased operations on Oct. 24, 2008, one month before the *Leader v. Facebook* patent infringement lawsuit began. See <http://en.wikipedia.org/wiki/02138>.)

Tr. 84:21-25, Mark Zuckerberg Deposition, Apr. 25, 2006, *ConnectU LLC v. Zuckerberg et al*, 1:04-cv-11923-DPW (D.Mass. 2004).

Tr. 146:11-14, Mark Zuckerberg Deposition, Apr. 26, 2006, *ConnectU LLC v. Zuckerberg et al*, 1:04-cv-11923-DPW (D.Mass. 2004).

Mark Zuckerberg. "Let the Hacking Begin" Online Diary, Oct. 28, 2003. *02138mag*, ca. Dec. 1, 2007 as cited in Kira Swisher. "A Well-Deserved Court Loss for Facebook." *The Wall Street Journal, All Things Digital*, Dec. 1, 2007. Accessed Sep. 27, 2012; also available at Scribd.com.

(opinion)

43. techwinnie | September 27, 2012 at 9:45 am |



[Permalink](#)

“servicemanage.com” zuckerberg’s first-maybe hosting site was registered for the first time only this year on “Creation Date: 7/17/2012” according to whois http://who.godaddy.com/whois.aspx?domain=servicemanage.com&prog_id=GoDaddy I guess the great zuck must’ve forgot. he had a lot of lies going then. its hard to keep them ALL straight now folks. c’mon give him a break.

(opinion)

44. Donna Kline | September 28, 2012 at 4:41 pm |



[Permalink](#)

I have just received notice of this House Judiciary Committee briefing on *Leader v. Facebook*. Enjoy!

[Briefing for Representative Jim Jordan \(OH\), House Judiciary Committee, Sep. 28, 2012](#)

Scanned. Download Share <> of 13

Leader v. Facebook Briefing for Representative Jim Jordan (OH), House Judiciary Committee, Sep. 28, 2012.

[DLK: [Click here to download a PDF of this brief.](#)]

45. still more coziness | September 30, 2012 at 8:59 pm | [Permalink](#)



Donna, I made an html table and pasted it here. I also emailed it to you in case it doesn't display properly. Thanks. –more coziness

If you had any doubts that this Federal Circuit is an

incestuous clutch of “old boys” doing each other’s dirty business with virtually no outside accountability, check this out.

The two Federal Circuit Bar Association attorneys who filed to have the judges absolved of conflicts of interests in *Leader v. Facebook* are:

Edward R. Reines, Chair (Weil Gotshal & Manges) and **Terrence P. Stewart** (Stewart and Stewart). [See Dr. A’s powerful Response.](#)

Reines is Chairman of the [Federal Circuit “Advisory Council”](#) and **Stewart** is an “Ex Officio” Member along with none other than Clerk of Court **Jan Horbaly** . . . one of the court officers *needing* the absolution along with the judges.

The definition of collusion?

These attorneys **simultaneously** (1) *advise* the Federal Circuit on its business and operations, including policy and procedure, (2) *represented* Microsoft to lower the "clear and convincing" standard in *Microsoft v. i4i*, (3) *represent* Facebook’s efforts to obliterate the "clear and convincing" standard in *Leader v. Facebook*, and (4) *represent* the Federal Circuit in matters opposing an *amicus curiae* favorable to Leader Technologies, who is representing the interests of all small inventors and seeking to have the courts UPHOLD the "clear and convincing" evidence standard. Can any inventor trust their prized intellectual property to this crowd? Are they attempting to end patenting as we know it?



**Edward R.
Reines**
Weil Gotchal
LLP



**Terrance P.
Stewart**
Stewart &
Stewart



Jan Horbaly
Clerk of Court
Federal Circuit



**Thomas G.
Hungar**
Gibson Dunn
LLP

(opinion)

46. BAD BUSINESS | October 1, 2012 at 12:40 am | [Permalink](#)



BUSINESS INSIDER

Nicholas Carlson and Henry Bloggett received all the emails on how Zuckerberg stole Facebook because David London had contacted Them. Bloggett contacted David Kirkpatrick who also received the same set of emails, three times from David London.

Bloggett is a former equity research analyst who is banned from the securities industry for lying in his stock analyses.

Bloggett just wrote this in his BUSINESS INSIDER:

“Sorry, But People Who Lost Money On Facebook Stock Have Only Themselves And Their Advisors To Blame.”

<http://www.businessinsider.com/facebook-stock-letter->

shareholders which is something like the 100th article BI has written about Facebook

WHAT A SUCK UP. Bloggett is like bad bent penny.

Bloggett, Carlson and Kirkpatrick are all naked opportunists for whom journalism is their playground to manipulate, just like Bloggett did with the stock market.

(opinion)

47. "old"Tex | October 1, 2012 at 8:52 am |



[Permalink](#)

As I read the posts of the very busy and productive contributors to this blog. I just can't get past a very simple question.....why in the world did Zuckerberg fail to settle with Mike McKibben early on when a couple hundred million could have ended this bizarre story....First of all, Zuckerberg had a clear history of unethical and illegal behavior while "designing" Facebook and its predecessor ideas .He consistently neutralized his bad behavior through negotiated settlements. His history of lying and cheating, then buying his way out, is well documented. Go all the way back to the Winkelvoss twins and go forward. Settlement, settlement, settlement. Secondly, the facts were so clear that he violated Leaders intellectual property , he lost on 11 of 11 counts , yet still no attempt at settlement. A quirky and unprecedented ruling averted a huge disaster for the Facebook gang just days in front of the now infamous IPO. This was so different from his previous patterns, that it causes me to think that he knew the outcome of all future court proceedings before

they were even heard. In the scope of a \$40 billion value of the Facebook IPO, a hundred million or so is very insignificant. Why would they take that risk ? When a man changes predictable and verifiable behavior, it raises big red flags. Could the insulated Federal Circuit be involved ? Maybe there was no risk. It`s just too suspicious for me. Without question, it deserves a review from our Congressional oversight folks. I am very proud of the detective work you bloggers have taken on and probable malfeasance that you bloggers have uncovered. This is why America is great. If all of these facts are just “co-inky dinks”, then this would set record levels of violating the “probability” laws of reasonableness. No doubt, this will end in justice for the wronged and will create problems for the culpable violators. I`m sure that all involved on both sides read this blog.....those that know the truth should decide what road to take before it`s too late. Can you not see that the future of Intellectual Property protection is on the line ? This now goes beyond a settlement payment to Leader. These folks will stay after you until you are exposed. The weave that was spun by you Zucksters is being unraveled one string at a time.

(opinion)

48. more coziness | October 1, 2012 at 9:28 am |

[Permalink](#)



OK folks. That was over an hour of my life that I will never get back... listening to lawyers pontificate at the Federal Circuit “judicial conference” on May 19, 2006. Makes me want to scream and stick pins in my arm for

relief. Sure enough Clerk of Court Jan Horbaly hosted the conference, and his panel included none other than Thomas G. Hungar, then Deputy Solicitor General, now Facebook's counsel at Gibson Dunn LLP.

I had to document this statement by **Thomas G. Hungar** in this **video segment** which is teed up in this link at 1 hr, 25m, 17s.

<http://youtu.be/pxBNrOxnZu4?t=1h25m17s>



“If an examiner issues a patent, by statute, that patent is presumed valid and the Federal Circuit has held that “clear and convincing” evidence is required to overcome that presumption of validity, so, the, the decision of a particular examiner by statute receives a form of deference, at least on factual matters. So certainly an argument could be made that it would be appropriate to defer to Patent Office interpretations of substantive law assuming one could ascertain the correct expression to which deference might be due, which is a little complicated in the Patent Office area there are both guidelines that the Office issues and there are also decisions of the administrative tribunal, The Board of Patent Appeals, ah, so that may be one of the issues that may be coming up at some point, ah, in the future in the Federal Circuit [camera panned to USPTO Gen. Counsel John Whealan... drumming his fingers, "Tom" and "John" clearly have more than a casual, "innocent" relationship].”

Let's see, after this Hungar matriculated to Gibson Dunn

LLP where he represented Microsoft in their attempt to lower the “clear and convincing” burden of proof to a “preponderance of evidence” in the *Microsoft v. i4i* Supreme Court case. Then, when he lost that battle, he matriculated to Facebook where “Tom” attempts to gut the “clear and convincing” evidence standard in the *Leader v. Facebook* case. Simultaneously he gets his buddy John Whealan to issue a remand of Leader’s patent for a THIRD reexamination citing this “administrative tribunal” issue mentioned above. Notice ah, er, “John’s” body language when the camera panned to him. Did we not just witness the USPTO’s counsel (Whealan with Director Kappos) pull an “administrative remand” stunt in this case just prior to Facebook’s IPO—ordering Leader’s patent into a 3rd reexamination without any instructions at all give to the Examiner? (Which Leader has now won! The USPTO punted after they got so much flack from Congressional Inquiries.)

<http://donnaklinenow.com/investigation/facebook-forces-reexam-order-of-leaders-patent-through-uspto-directors-office-in-wake-of-instagram-controversy>

Hmmmmmm.

(opinion)

49. lisa | October 1, 2012 at 2:41 pm | [Permalink](#)



I started sending this email and webmail message out today to my many lists. Hope it helps. Feel free to cut and paste as you desire.

Dear NAME,

Re: Congressional Briefing re. *Leader v. Facebook* Battle for American Innovation

I wrote you last week regarding the abuse of constitutional rights involving the patent infringement case *Leader v. Facebook*. This Congressional Briefing for the House Judiciary Committee was just published this weekend. As you will read, this case could “destroy patents as we know them.”

- <http://www.scribd.com/doc/107866373/Briefing-for-Representative-Jim-Jordan-OH-House-Judiciary-Committee-Sep-28-2012>
- <http://donnaclinenow.com/investigation/cover-up-in-process-at-the-federal-circuit>

Will your Committee/Organization kindly devote resources to fighting for Leader Technologies and the rights of the small business innovator? If we allow predators to steal patents only to see the federal courts “coddle” them instead of stand up for justice, then the American innovation engine will surely stop working. Will you join our fight?

Please feel free to contact me for additional information.

Yours sincerely,

YOUR NAME

(opinion)

50. Crenshaw2 | October 1, 2012 at 3:11 pm |



[Permalink](#)

Tex, I have wondered the same thing about settlement myself. Heck, they practically settled with the part-time help to keep their dirty little secrets. Why not Leader?

My guess is that Leader represents a threat to their very existence, so in their corrupt logic they had to KILL Leader's patent if they could, not just settle with it. It starts with Fenwick & West and trickles down to Breyer and Accel on down. Without Leader's software engine, these boys are all SOL. Leader's patent destroys Fenwick & West's 700 Facebook lies, sorry patent applications (remember Christopher P. King a.k.a. Christopher-Charles King?). Leader destroys their IPO lies, sorry S-1 risk disclosures. A viable Leader represents a threat to the former Pay Pal boys who stole part of it to start Linked In, another part for Instagram, and who knows who else? This nest of thieves could not bring themselves to settle with the only legitimate player in this scandal. They all knew the Zuck stole Leader's code... hence they all received a handsome bribe, sorry "settlement."

(opinion)

51. "old"Tex | October 1, 2012 at 3:38 pm |



[Permalink](#)

Crenshaw, I agree with your statements except that the Zucksters could have negotiated a settlement that included Leaders patents and literally owned their own pathway. Their behavior is so different than their

previous behavior in similar situations that it tells me that they felt “no risk ” in losing a court battle, knowing that the FINAL stop would always be the Federal Circuit. If they won, and Leader appealed.....no problem. If they lost, and they appealed, no problem. Why else would they take that risk just in front of a \$40 billion valued IPO ? NO RISK , that`s why. They apparently knew that the timing of the Courts response would be also be timely.....and it was. The risk of not settling was too great for me to think that it wasn`t “pre-wired”.....

(opinion)

52. ConflictsChecker | October 1, 2012 at 5:03 pm | [Permalink](#)



I prepared this days ago but got sidetracked studying that very helpful Congressional Briefing. Many don’t realize what a bombshell Aaron Greenspan’s new “lost” IMs are. In them Zuckerberg talks like the thief he is IMHO. Check this out:

On Jun. 2, 2004, Mark Zuckerberg inasmuch admits taking ideas from others, and forcing them to come after him while he “kicks ass” with the stolen property. Jun. 2, 2004

zberg02: there are only like six people in the world who have decent ideas

ThinkComp: haha

zberg02: and it’s the job of the rest of the people to accuse us of taking their ideas haha

zberg02: while we just continually kick ass

ThinkComp: :-)

Aaron Greenspan. “Chapter 30: The Other Folder.” *Authoritas*. 2012: Think Press, Palo Alto, CA. Accessed Oct. 1, 2012
<<http://www.thinkpress.com/authoritas/housesystem/20040602.zuckerberg.html>>.

Source: Aaron Greenspan. “Chapter 30: The Other Folder.” *Authoritas*. 2012: Think Press, Palo Alto, CA.

Accessed Oct. 1, 2012

<http://www.thinkpress.com/authoritas/housesystem/20040602.zuckerberg.html>

Now we can correlate this almost-confession to his obfuscating testimony in 2006 in the Winklevii ConnectU case. There he equivocates, saying no, then yes when asked if he used “other” ideas (LEADER’S) to start Facebook.

Mark Zuckerberg admits to “other things” as his sources, contrary to his later claim to be the “only” source.

On Apr. 25, 2006: Tr. 84:21-25, Zuckerberg Deposition, Apr. 25, 2006, *ConnectU LLC v. Zuckerberg et al*, 1:04-cv-11923-DPW (D.Mass. 2004)

17 Q. Anything else that you believe you pulled
18 from in order to come up with Facebook?
19 MR. GUY: Objection, vague and ambiguous.
20 Answer if you can.
21 THE WITNESS: I don't think so but I'm sure
22 there are other things.

Sources: Original, <http://www.02138mag.com/magazine/article/1764.html>;
See also <http://allthingsd.com/20071201/a-well-deserved-court-loss-for-facebook/>
<http://www.scribd.com/doc/61612724/Mark-Zuckerberg-Deposition-Apr-25-2006-ConnectU-LLC-v-Zuckerberg-et-al-1-04-cv-11923-DPW-D-Mass-2004>.

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

<http://www.scribd.com/doc/61612724/Mark-Zuckerberg-Deposition-Apr-25-2006-ConnectU-LLC-v-Zuckerberg-et-al-1-04-cv-11923-DPW-D-Mass-2004>.

(opinion)



Can't argue with your logic, old Tex. The "pre-wiring" is very apparent now. As you say, they KNEW they were going to "win" at the Federal Circuit no matter how badly they performed (and they performed horribly, no Horbaly... sorry, couldn't resist). They had the Federal Circuit in their pockets. Look at the list of Federal Circuit "advisors." They practically staff the place. They couldn't win straight up, so they chose the tired, worn-out, good-for-a-while path of corruption.

(opinion)

54. PappaDog | October 1, 2012 at 5:37 pm | [Permalink](#)



I have followed this blog for a long time and decided to take the plunge and post something. Did you notice that Zuck is over in Russia... checking out his escape digs where he's going to move to avoid the coming heat? LOL.

<http://drudgegae.iavian.net/r?hop=http%3A%2F%2Fwww.france24.com%2Fen%2F20121001-zuckerberg-moscow-boost-facebooks-presence-0>

(opinion)

55. bg761 | October 1, 2012 at 8:16 pm | [Permalink](#)



In this January 03, 2012, Rules of Construction. For Congress They say, "words used in the present tense include the future as well as the present"

<http://uscode.house.gov/download/pls/01C1.txt>

Therefore the courts not only violated Mr. McKibben's civil rights but they are going against congress with their interpretation of Interrogatory No. 9 and their BLATANT disregard to the Court Order! If Leader had ignored the court order from Judge Stark then he would have held them in contempt. The Supreme court was very specific in the Microsoft v i4i case also about the meaning and use of words. Now the District court and the Federal Appeals Court are going against Congress! If they, the courts are not stopped then they will give new meaning to "present tense". Here is but one of many excerpts in the *Microsoft v i4i* case.

"Our statutory inquiry, however, cannot simply end there. We begin, of course, with "the assumption that the ordinary meaning of the language" chosen by Congress "accurately expresses the legislative purpose." *Engine Mfrs. Assn. v. South Coast Air Quality Management Dist.*, 541 U. S. 246, 252 (2004) (internal quotation marks omitted). But where Congress uses a common-law term in a statute, we assume the "term ... comes with a common law meaning, absent anything pointing another way." *Safeco Ins. Co. of America v. Burr*, 551 U.S. 47, 58 (2007) (citing *Beck v. Prupis*, 529 U. S. 494, 500–501 (2000)). Here, by stating that a patent is "presumed valid," §282, Congress used a term with a settled meaning in the common law."



(opinion)



| [Permalink](#)

Well, well comrades, ... About this trip to Russia. The Zuck was in Moscow to stimulate Russia; like they don't already have all our American dollars from the IPO to "stimulate things"..what a great example of corruption of another American market. So, we are moving Silicon Valley from Palo Alto to Medvedev-Putin-ville (how quaint and convenient)! This was, again, probably the grand scheme all along. After all, when Zuck took the first of Yury Milner's Digital Sky "pre-IPO supplement" investments he said then that he was looking to the Russians to help him develop Facebook Credits. The media just reprint whatever tripe these liars feed them. They really are "Pavlov's dogs?" This whole idea being put out there that Russia doesn't trust Zuck!...They love him! Birds of a feather flock together? How can they not with all the funds he has brought their way? They probably have ALREADY organized their own underground social networking system and have it working full steam (it's just not been made "public" yet). I'm sure the rest of the money that will keep trickling in from the stolen IPO funds will keep it up and running for years to come or maybe not..Good Lord willing.

(opinion)

57. Kathy C | October 2, 2012 at 12:41 pm |



[Permalink](#)

I just sent the following email to each of the people identified as contributors on the Supreme Court Blog

SCOTUS ([here's the email list](#))

Here's what I wrote:

Dear Person's Name:

*Re: Federal Circuit abuses constitutional rights;
refuses to admit conflicts*

The attached House Judiciary Committee Briefing asks "Could the appearance of impropriety be any more palpable?"

Is the legal community going to wake up before its "self-policing" responsibility is taken away?

See attached, also:

<http://www.scribd.com/doc/107866373/Briefing-for-Representative-Jim-Jordan-OH-House-Judiciary-Committee-Sep-28-2012>

<http://donnaclinenow.com/investigation/cover-up-in-process-at-the-federal-circuit>

Thank you for your attention to these important issues affecting all patent holders. The negative "domino effect" of this abhorrent treatment of bona fide American innovators must not be allowed to go unchecked. The Supreme Court's affirmation of the "clear and convincing" evidence standard in *Microsoft v. i4i* is about to be undone by a Federal Circuit that appears to have lost its way.

(opinion)

58. crabby | October 2, 2012 at 3:53 pm | [Permalink](#)



Hey "Old" Tex. God love you, you are a genius. The more we pick at this corruption scab the bigger it becomes. Here are more Koinky-Dinks. Both of

Facebook's expert witnesses are now MICROSOFT consultants. Dr. Saul Greenberg + Dr. Michael Kearns. All you need to do to prove this is search their names at Microsoft Research: <http://research.microsoft.com/en-us/> Was that their reward for participating in THE BIG LEADER V. FACEBOOK LIE?



MICROSOFT-Greenberg was the “expert” who lied about Leader’s source code in the provisional patent (he couldn’t understand before he could understand) <http://facebook-technology-origins.blogspot.com/2011/08/lesson-in-expert-witness-dark-arts.html> (and the judge didn’t throw his ambiguous testimony). MICROSOFT-Kearns’ testimony was all sealed since he testified about Facebook’s source code. But, the word is he was smoked by Leader’s expert Dr. Giovanni Vigna. MICROSOFT has been behind the scenes on this big lie the whole time? They couldn’t kill the “clear and convincing” evidence standard in *Microsoft v. i4i* so they are swinging back around to try again, this time having bought off the Federal Circuit? (opinion)



To quote Cajun Chef Justin Wilson, “I guarantee” that the Zuck is in Moscow conniving with his secret programmer buds who Yury Milner has teamed him with at Moscow State University who are secretly coding “Facebook Credits” for him. All this anti-Russia news is just so many lies to fool the muppets. Remember, Lawrence Summers, James W. Breyer, Accel Partners, Peter Thiel, Reid Hoffman (former PayPal boys) are all about getting a piece of all global monetary transactions free of US banking regulations. They don’t care about US investors. Never did. Heck, just look where Accel Partners and Breyer are parking all their new-found IPO loot: Beijing, Bangalore and London.

[Donna, I pulled together these links for my post, will you add them please?]

Don’t believe me? Here are some links:

Zuckerberg: “[Russian social networks] monetize in very effective ways.”

Michael Arrington. “Exclusive Video: Mark Zuckerberg And Yuri Milner Talk About Facebook’s New Investment.” *TechCrunch*, May 27, 2009

<http://www.youtube.com/watch?v=UmixiQtMxfc> and <http://techcrunch.com/2009/05/26/mark-zuckerberg-and-yuri-milner-talk-about-facebooks-new-investment-video/> (includes transcript).

“The emerging online giants.” *The Economist*, Jul. 8, 2010. Accessed Jun. 3, 2011

<http://www.economist.com/node/16539424> (This Economist article does not disclose Goldman Sachs’ huge stake in Milner’s Digital Sky aka DST, nor does it

disclose Facebook COO Sheryl Sandberg's 20-year association with Jury Milner from World Bank days with Summers, nor does it discuss the Accel Partners' / James W. Breyer's move to London, Bangalore and Beijing (as he begins to trash American venture capital opportunities, like the 2010 DLD conference in Germany, caught on video here being interviewed by his journalist-homie David Kirkpatrick

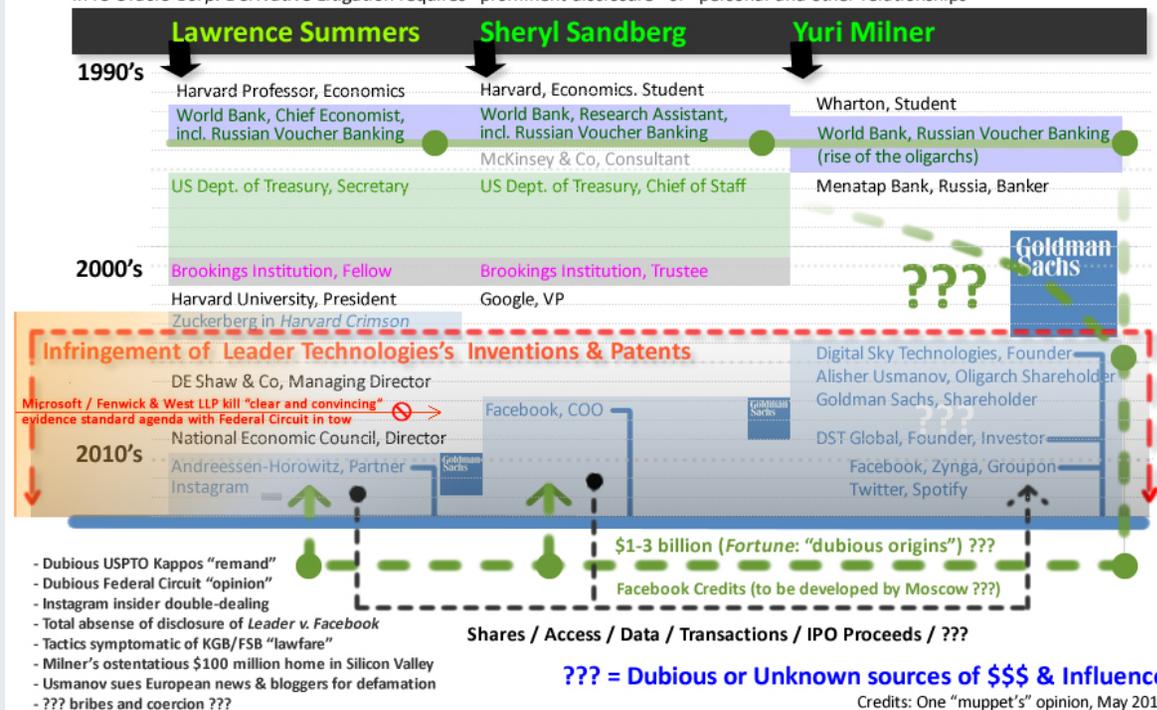
<http://www.youtube.com/watch?v=Jq8t2O5MONI> and

also accessible at

<http://donnaclinenow.com/investigation/what-facebook-accel-partners-goldman-sachs-and-fenwick-west-dont-want-us-muppets-to-know#james-w-breyer>)).

Where are these Conflicts of Interest disclosed in the Facebook S-1?

In re Oracle Corp. Derivative Litigation requires "prominent disclosure" of "personal and other relationships"



Actually, Donna does one of the best jobs I have seen in pulling together the pieces of this agenda at Donna Kline.

“What Facebook, Accel Partners, Goldman Sachs and Fenwick & West don’t want us “muppets” to know.”

Donna Kline Now! Mar. 20, 2012

[http://donnaklinenow.com/investigation/what-facebook-accel-partners-goldman-sachs-and-fenwick-west-dont-want-us-muppets-to-know.](http://donnaklinenow.com/investigation/what-facebook-accel-partners-goldman-sachs-and-fenwick-west-dont-want-us-muppets-to-know)

(opinion)

60. Microsoft | October 2, 2012 at 10:10 pm |



[Permalink](#)

Hey Crabby

Did you know Microsoft’s Bill Gates knew that the idea for Facebook came from David London after David contacted him and they discussed David’s facebook idea at length? After his inside look at what Facebook was going to be, he invested in a facebook that he knew was stolen technology. That doesn’t seem to matter to a certain breed of tech people. It is amazing that after they make their money with stolen property, the suddenly get talked into getting religion from law firms like Fenwick & West and start filing patents like crazy.

(opinion)

61. lisa | October 3, 2012 at 9:33 am | [Permalink](#)



Do we need to descend on Washington D.C. with pitch forks and shovels? God what a mess. Seems that fixing the *Leader v. Facebook* scandal will smoke out all sorts of needed reforms in law, banking, finance and academia. These jokers need to be tossed out and

replaced by people with moral backbones before it is too late. These zebras will not change their stripes.

(opinion)

62. hypocritical judges | October 4, 2012 at 8:58 pm | [Permalink](#)



Here is proof positive that the Federal Circuit writes good law... if you have deep pockets, and ignores it if you don't.

Chief Judge Randall R. Rader wrote this on March 7, 2012, just two days after the *Leader v. Facebook* hearing:

“Pursuant to § 455(c), a judge should inform himself about his personal and fiduciary financial interests, and make a reasonable effort to inform himself about the personal financial interests of his spouse and minor children residing in his household. 28 U.S.C. § 455(c).”

[Shell Oil Co. v. US](#), 672 F. 3d 1283 (Federal Circuit 2012) at 1289.

Rader dismissed the district court judge in this Shell case because the judge's wife had some Shell stock. By contrast, two of his three judges in *Leader v. Facebook* themselves (Judge Alan D. Lourie and Judge Kimberly A. Moore) held well-publicized Facebook stock, and evidently ignored the above-quoted Rader “reasonable effort.” So much for blind justice and fair treatment before the law at the Federal Circuit.

(opinion)

63. Linda K | October 4, 2012 at 9:38 pm |



[Permalink](#)

The Leader v. Facebook opinion must be vacated. It is not credible judicial work. We pay for competency and must demand it. (opinion)

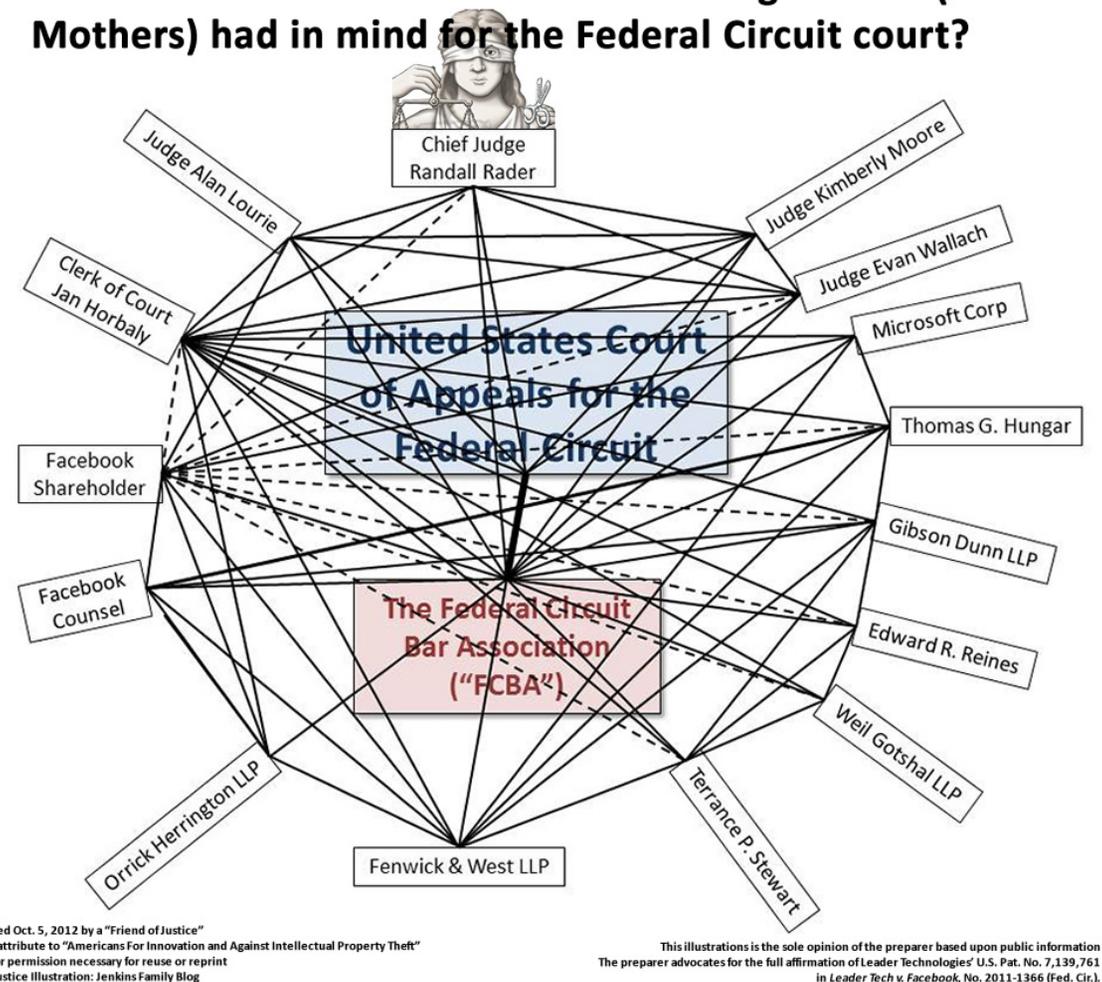
64. friend of justice | October 5, 2012 at 12:56 pm



| [Permalink](#)

**After studying The Federal Circuit Bar Association website <http://www.fedcirbar.org> I need to go take a shower. No wonder Washington D.C. is broken. This is just the conflicts of interest in *Leader v. Facebook* !!!
[Donna, I am emailing you my graphic. Will you post it with this? Thank you.]**

Is this CRONYISM what America's Founding Fathers (and Mothers) had in mind for the Federal Circuit court?



(opinion)

65. bg761 | October 6, 2012 at 9:29 pm | [Permalink](#) 
- An article from 2005 about Electronic Data Discovery (EDD) (<http://www.tabpi.org/2006/ss20.pdf>) just goes to point out more shenanigans these Facebook law firms are pulling. In Donna's post on Oct. 5, 2012 she points out that Fenwick and West were overseeing the destruction of electronic evidence for their

clients. Yet in 2005 Fenwick and West were boasting on how they were able to catalog, save and process “millions” of documents, not only for their clients but also process the opposing side’s info!

Other law firms cited for their expertise in Electronic Data Discovery, (EDD), King & Spalding (Leader’s attorney), and now note the following, Gibson, Dunn & Crutcher, Weil, Gotshal & Manges—Facebook attorneys!

Remember this article is from 2005, 3 years before Leader filed their infringement lawsuit against Facebook! I guess in three years technology went backwards for the Facebook law firms because Facebook said that no hard drives existed in the Leader discovery, yet they exist today? What are the Facebook law firms’ expertise? Could it be cover-ups and corruption? Did Fenwick and West use Leader’s info they gathered in 2001-2003 and in 2006 for Facebook?

So one question stands out then, where was all the EDD evidence in the *Leader v. Facebook* case that was nonexistent at that time? I believe that is a relevant question for Congressional Committees! 🤪
(opinion)

66. #@\$#%^\$ | October 7, 2012 at 8:59 am |



[Permalink](#)

What do you call attorneys who take a public oath to tell the truth, then lie like sailors?

What do you call a district court judge who gives jury instructions, then pretends he never did?

What do you call appellate judges who hold stock in a litigant, conceal it, then rule for their stock company without legal justification?

Facebook homies.

URBAN DICTIONARY: “Homies” — Crowd of friends from the street, ghetto, hood, club, block, or other. “Other” = The Federal Circuit Bar Association.

(opinion)

67. ConflictsChecker | October 7, 2012 at 9:52 am | [Permalink](#)



Here’s another question: “What do you call a bar association that is dedicated solely to the operations of a single court whose Clerk is a super-member? ”

A political action committee.

Since when did we permit these federal judges to organize a PAC?

(opinion)

68. Holn8or | October 8, 2012 at 8:27 am | [Permalink](#)



Hey Liars and Cheaters I’m not saying that bad things didnt happen in the past I’m just saying that with the election in Nov. nothing will be done until that is over. Hopefully we will have new people to contact who might want to see justice done. I’m confident that Mr. McKibben will finally be heard. (opinion)

69. Judicial Corruption | October 8, 2012 at 10:31 am | [Permalink](#)



Three out of four Americans believe judges are biased toward big business. While this study focuses on state supreme courts, the subject matter certainly has its corollaries at the federal level (pet projects, judicial agenda, philosophy, rewarding friends, side-deals, political payback, off-shore interests?)—as we see in *Leader v. Facebook*.

<http://www.americanprogress.org/wp-content/uploads/issues/2012/08/pdf/statecourts.pdf>
(opinion)

70. bg761 | October 8, 2012 at 12:00 pm | [Permalink](#)



Came across this on the Cooley Godward LLP site (Facebook's *Leader v. Facebook* attorney).

“U.S. Circuit Judge Alan D. Lourie, who penned the opinion for the unanimous appeals panel, struck down Leader’s argument that Facebook had not shown that a version of the software sold before Dec. 10, 2002 — a year before Leader’s application was approved by USPTO — relied on the technology later protected by the ’761 patent. “We recognize that, as a general matter, a computer scientist can easily modify and change software code and that two versions of the same software product may function differently,” the judge said. “But, in this case, Leader fails to point to any contemporaneous evidence in the record that indicates that the [Leader2Leader software] that existed prior to the

critical date was substantively different from the postcritical-date software.””

If you keep repeating a lie I guess it becomes truth? Why did Leader have to prove their software was different? At no time does the burden shift to the Defendant, (the patent holder Leader). The Supreme court has upheld that the clear and convincing standard does not change from the accuser!

Didn't Facebook need to prove it was the same, but they proved it was different!!!!!!!!!! 🤪

[DLK:

Pfizer, Inc. v. Apotex, Inc., 480 F. 3d 1348 (Fed. Cir. 2007) at 1359 ("Since we must presume a patent valid, the patent challenger bears the burden of proving the factual elements of invalidity by clear and convincing evidence. That **burden of proof never shifts to the patentee to prove validity.**")

In bg761's quote of Judge Lourie, the judge appears to be mis-citing the Federal Circuit's own *Pfizer* precedent.

Judge Moore wrote this just a few months before the *Leader v. Facebook* trial:

i4i Ltd. Partnership v. Microsoft Corp., 598 F. 3d 831 (Fed. Cir. 2010) at 846, 848 ("To prove invalidity by the on-sale bar, a **challenger must show by clear and convincing evidence** that the claimed invention was "on sale in this country, more than one year prior to the date of the application for patent in the United States . . . this court's precedent, which **requires the challenger to prove invalidity by clear and**

convincing evidence").

Bottom line, Judge Moore required one thing in this case, and exactly the opposite in *Leader v. Facebook*.

In short, in *Leader v. Facebook* Judges Alan D. Lourie and Kimberly A. Moore contradicted their earlier opinions regarding the burden of proof of the challenger (Facebook) for on-sale bar in a glaring manner.

Chief Judge Rader wrote this in 2004, and therefore contradicted this opinion in *Leader v. Facebook*.

SmithKline Beecham Corp. v. Apotex Corp., 365 F. 3d 1306 (Fed. Cir. 2004) at 1317 ("The ultimate burden, however, remains on the challenger to prove by clear and convincing evidence that the non-experimental use was public under § 102(b) [on sale bar]").

In *Leader v. Facebook* presiding Judge Alan D. Lourie failed to use the legal advice for on sale bar he gave in *Dana Corp*:

Dana Corp. v. American Axle & Manufacturing, Inc., 279 F. 3d 1372 (Fed. Cir. 2002) at 1377 ("we call the district court's attention to the on-sale bar test set forth in *Pfaff v. Wells Elec., Inc.*, 525 U.S. 55, 67, 119 S.Ct. 304, 142 L.Ed.2d 261, 48 USPQ2d 1641, 1647 (1998)").

See also ***BERNHARDT, LLC v. Collezione Europa USA, Inc.***, 386 F. 3d 1371 (Fed. Cir. 2004)("To properly make this comparison [on sale bar], the court must first construe the claim limitations at issue. '[A] court may not invalidate the claims of a patent without construing the

disputed limitations of the claims and applying them to the allegedly invalidating acts.”)

Judges Randal R. Rader, Alan D. Lourie and Kimberly A. Moore appear to have very short memories. In 2010 ***IN RE CHARLES CECCARELLI*** (Fed. Cir. 2010) (“Because the sale was for **experimental use**, the product sold is not prior art”) they tested the evidence against their experimental use exemption to on-sale bar. However, in *Leader v. Facebook* they totally ignored this test, even though there was substantial testimony about experimental use.

Here’s the rub: The Federal Circuit did not apply even a *single* one of its tests to the supposedly “substantial” Facebook evidence.

Can anyone say “coddled?”]

(opinion)

71. bg761 | October 8, 2012 at 12:40 pm | [Permalink](#)



Another interesting item I came across, and believe me, it doesn’t take much time to find this stuff!

In an Amicus by the Federal Circuit Bar Association filed on August 3, 2010

<http://www.patentlyo.com/recusal.fcba.pdf> Judge

Randall R. Rader was accused of not recusing himself.

The Bar states, “One of the FCBA’s purposes is to render assistance to the Court in appropriate instances by submitting its views on legal issues faced by the court. (1) Such submissions further the core mission of the FCBA, which includes a responsibility to help promote the

health of the legal system for the public interest.”

In footnote 1 they state “1 After reasonable investigation, FCBA believes that (a) no member of its Board or amicus Committee who voted whether to prepare this submission, or any attorney in the law firm or corporation of such a member, represents a party to this litigation, (b) no representative of any party to this litigation participated in the authorship of this submission, and (c) no one other than FCBA, or its members who authored this submission and their law firms or employers, made a monetary contribution to the preparation or filing of this submission. FCBA members who are government attorneys played no role in the decision to file this submission or in developing the content of this submission.”

The lawyers writing this Amicus were none other than:

WEIL, GOTSHAL & MANGES LLP

Edward R. Reines

Amber H. Rovner

GIBSON, DUNN & CRUTCHER LLP

Thomas G. Hungar

Reeve T. Bull

FEDERAL CIRCUIT BAR ASSOCIATION

Terence P. Stewart, Vice President

They were careful to say in the 2010 brief that none of them had a connection to the lawsuit they were writing about. However, in the request they filed against Dr. A's amicus brief, they don't put in ANY of their qualifying “we have no connection to this case” language.

Hmmmmmm.

In the 2010 brief they showed concern to “promote the health of the legal system for the public interest.” But, where was that concern in their opposition to Dr. A’s accusations of conflicts of interest? Non-existent. Anyone else smell cover-up? 🤔

(opinion)

72. Tex | October 8, 2012 at 4:10 pm | [Permalink](#)



Sadly, this is becoming ridiculous. I don’t have enough time left in my life, but if I did, I would make a checklist of the various ways a civil court and the respective appellate courts could violate a US citizens rights to a fair hearing in our Patent Law court system. Other than allowing Zuckerberg to be the presiding judge, I can’t think of one thing these boys missed. You gotta admit, they were seriously efficient in eliminating every possibility of a fair and honest evaluation of the Leader/Facebook conflict. Perhaps the new whistleblower laws will provide an incentive for one of the onlookers to this legal fiasco to contact.....WhistleBlowers Laws @ (202) 386-9500. There are many identity protections for the honest informers and very substantial cash rewards. To know the truth and not speak up is a felony. I still believe America will reform and conform back to days of fairness and honesty. Time will tell.

(opinion)

73. ConflictsChecker | October 9, 2012 at 1:27 pm | [Permalink](#)



Hey Folks,

If there is any doubt that these judges are “confused” about the on-sale bar law, read this opinion by Judge Kimberly A. Moore, a former patent law professor:

“The issue presented in this case is whether the invention must be ready for patenting at the time the alleged offer is made. We conclude that it does not.” [August Technology Corp. v. Camtek, Ltd.](#), 655 F. 3d 1278 (Fed. Cir. 2011) at 1288-1289.

This makes absolutely no sense. If an invention is not ready for patenting, it does not exist. “Ready for patenting” is the dividing line between something that isn’t a patentable invention and something that is! Judge Moore is further confusing the on-sale bar subject by now saying you don’t even need to have an invention to be guilty of on-sale bar. That makes every person on the planet guilty of on-sale bar. 🤪 ROTFL (rolling on the floor laughing).

With this *August* opinion, you need **no invention**. With *Leader v. Facebook*, you need **no evidence**. Priceless.
(opinion)

74. ConflictsChecker | October 9, 2012 at 2:04 pm | [Permalink](#)



Former law professor Judge Kimberly A. Moore just could not seem to get things right in *Leader v. Facebook*. In this 2007 Microsoft opinion she spent a lot of time reviewing the nondisclosure agreements (NDAs) of the inventor. However, in *Leader v. Facebook* Judge

Moore IGNORED Leader Technologies' NDAs.

“While the potential investors signed NDAs, some of the NDAs expired in 1989—again prior to the critical dates for each patent. Thus, this court must examine, in the context of the district court’s summary judgment ruling of invalidity, whether these disclosures and demonstrations were public uses within the meaning of the statutory bar.” *Motionless Keyboard Co. v. Microsoft Corp.*, 486 F. 3d 1376 (Fed. Cir. 2007).

Judge Moore did not examine a single Leader NDA! Microsoft (a Federal Circuit Bar Association Board Member) d-o-e-s get their attention, don't they? Do you think she did not want to know that Leader's NDAs had a clause negating all offers for sale???

By the way, Judge Moore revealed her unfamiliarity with trade secrets law. Trade secrets don't expire even when NDAs do.

(opinion)

75. ConflictsChecker | October 9, 2012 at 3:28 pm | [Permalink](#)



This appears to be bash former law patent law professor and Federal Circuit Judge Kimberly A. Moore day, but the record does not lie. Here she along with Judges Bryson and Schall in 2011 citeg the very case and test for clear and “convincing evidence” that Judge Moore TOTALLY IGNORED in *Leader v. Facebook*:

[TianRui Group Co. v. International Trade Com'n,](#)

661 F. 3d 1322 (Fed. Cir. 2011) at 1327 (“*Grp. One, Ltd. v. Hallmark Cards, Inc.*, 254 F.3d 1041, 1047-48 (Fed.Cir.2001) (strong interest in uniform rule regarding on-sale bar in patent cases justifies reliance on federal common law generally informed by the Uniform Commercial Code and the Restatement of Contracts).”).

The [Restatement \(2nd\) Contracts \(1981\) §21](#) (Agreement not to be legally bound) PROVES that Leader’s nondisclosure agreement negated any and all alleged offers for sale. Full stop.

How can one former law professor get it so wrong on May 8, 2012 in the *Leader v. Facebook* Opinion, so right a year earlier in 2011 in *TianRuie Group Co.*; having gotten it so right in the March 5, 2012 *Leader v. Facebook* hearing? Why the see-saw judge? Anyone else catching a whiff of anything foul?

(opinion)

76. ChrisR | October 9, 2012 at 6:09 pm | [Permalink](#)



Dear Donna,

You and your readers have alerted our company to the threat to our patent portfolio posed by *Leader v. Facebook*. We just completed a study of the Federal Circuit’s on-sale bar rulings over the last 10 years and discovered that the *Leader v. Facebook* opinion is a total outlier. In our minds this lends even more credibility to the suspicions of foul play. Statistically speaking, a single data point outlier like this is either a mistake or caused by “unique” or contrived circumstances.

[Here's a spreadsheet of the cases](#) referenced. Note that *Leader v. Facebook* is the ONLY case of the 29 Federal Circuit cases involving on-sale bar between 2001 and 2011 where the Pfaff test was referenced but then NOT used to evaluate the sufficiency of the evidence. Instead, the Federal Circuit tested NONE of the Facebook evidence for legal relevancy and just blessed it as “substantial.” If this case is permitted to become law, it will drag the “clear and convincing” standard for on sale bar into a dramatic confusion. No inventor will know what is required to do business while protecting secrets.

Federal Circuit Cases re. On-Sale Bar (2001-2011)

28 courts relied on Pfaff

2/7/2001	Monon Corporation v. STOUGHTON TR.
3/7/2001	Crystal Semiconductor v. Tritech Microelectronics
10/9/2001	BRASSELER, USA I, LP v. Stryker Sales Corp.
2/12/2002	Dana Corp. v. American Axle & Manufacturing, Inc.
2/15/2002	EZ Dock v. Schafer Systems, Inc.
4/11/2002	In re Kollar
6/7/2002	Juicy Whip, Inc. v. Orange Bang, Inc.
8/1/2002	Allen Engineering Corp. v. Bartell Industries
8/30/2002	Minnesota Min. & Mfg. Co. v. Chemque, Inc.
10/22/2002	Schumer v. Laboratory Computer Systems, Inc.
3/13/2003	Lacks Industries v. McKechnie Vehicle
7/29/2003	Minton v. NATIONAL ASS'N. OF SECURITIES DEALERS
4/23/2004	SmithKline Beecham Corp. v. Apotex Corp.
6/2/2004	Honeywell Intern. Inc. v. Hamilton Sundstrand
7/12/2004	Unitherm Food Systems, Inc. v. SWIFT-ECKRICH, INC.
9/14/2004	Poly-America, LP v. GSE Lining Technology, Inc.
10/20/2004	BERNHARDT, LLC v. Collezione Europa USA, Inc.
5/16/2005	Group One, Ltd. v. Hallmark Cards, Inc.
7/28/2005	ELECTROMOTIVE DIV. GEN. MOTORS v. TRANSP. SYSTEMS
8/2/2005	NTP, Inc. v. Research in Motion, Ltd.
9/30/2005	ENZO BIOCHEM, INC. v. GEN-PROBE INCORPORATED
6/22/2006	Gemmy Industries Corp. v. Chrisha Creations Ltd.
2/14/2007	Cargill, Inc. v. Canbra Foods, Ltd.
4/16/2008	Zenith Electronics v. PDI Communication Systems
3/25/2009	Clock Spring, LP v. Wrapmaster, Inc.
2/25/2010	TRADING TECHNOLOGIES INTERNATIONAL, INC. v. ESPEED, INC.
3/10/2010	i4i Ltd. Partnership v. Microsoft Corp.
8/22/2011	AUGUST TECHNOLOGY CORPORATION v. CAMTEK, LTD.

“The Supreme Court in *Pfaff v. Wells*, swept away this court’s ‘totality of the circumstances’ analysis of the on-sale bar and replaced it with a two-part test”
Group One, Ltd. v. Hallmark Cards, Inc.
(Fed. Cir. 2001)

1 court ignored Pfaff

5/8/2012 Leader Tech v. Facebook

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This illustration is the sole opinion of a “Friend of
Justice” and should be independently verified.

(opinion)

77. Jonathan | October 9, 2012 at 6:28 pm |

[Permalink](#)



Had my graphics person develop an illustration. It is self-explanatory (just emailed it. please post). Thanks.
Donna, I added to the graphic, please post this new

version. The more I investigate this mess, the more fingers point to the ultimate aim of the shell game: FACEBOOK CREDITS. Both Zuckerberg and James W. Breyer have talked about it, but it didn't sink in till last night. That's one of their end games. Control of consumer retail transactions globally? The Zuck even said in one interview four or five years ago that he was "looking to" Juri Milner's crew in Moscow (Digital Sky Technologies aka DST) to build Facebook Credits (said they were more talented than American programmers with such programming). Milner studied in the math and physics departments at Moscow State University. The Zuck was just over there. Is the Federal Circuit cooperating with this agenda? Hmmm.



(opinion)

78. BG1212 | October 10, 2012 at 2:25 pm |



[Permalink](#)

What about this video about Facebook? Seems that Donna was prophetic.

<http://www.bloomberg.com/video/facebook-kept-mobile-risks-hidden-before-ipo-xEIhA40aTkmIdX911PUkXA.html?cmpid=msnmoney>

79. GeoffM33 | October 10, 2012 at 5:05 pm |



[Permalink](#)

Jonathan, there's a very simple reason why the court didn't analyze Pfaff here. It's because Leader didn't argue that point on appeal. See page 11 of the opinion:

“In this case, Leader does not contest that aLeader2Leader® product was offered for sale and publicly used prior to December 10, 2002, the critical date. Nor, for the purposes of the on-sale bar, does Leader contest that the invention was “ready for patenting” prior to the critical date. See Pfaff v. Wells Elecs., Inc., 525 U.S. 55, 67–68 (1998). Instead, Leader argues that Facebook failed to offer clear and convincing evidence that the version of Leader2Leader® offered for sale or used prior to December 10, 2002 fell within the scope of the asserted claims.

(opinion)

80. Steve Williams | October 10, 2012 at 7:14 pm |



[Permalink](#)

Very well laid out post, Jonathan. We all need to keep moving forward. Good work to everyone on this blog sight!. DON'T SLOW..

81. Jonathan | October 10, 2012 at 7:30 pm |



[Permalink](#)

GoefM33, Interesting you cite that part of the opinion. If

you read Leader's rehearing petition you will see that they said this statement from the court is false. I read the transcript of the trial as well. Nowhere, not once, does Leader ever say they offered the invention for sale before the priority date. In fact, they stated repeatedly that they could not have because it did not exist. The court (probably the drafter Facebook) is playing with words. (If you keep repeating the lie maybe people will start believing it.) Leader2Leader was a brand name and Leader said that the brand DID NOT and could not have contained the invention prior to the priority date precisely because it was not ready for patenting per Pfaff. The court made false statements and the record proves it. They are hoping nobody checks. I did. The court lied.

Leader's briefs repeatedly cited *Helifix Ltd. v. Blok-Lok Ltd.*, 208 F. 3d 1339 (Fed. Cir. 2000) at 1350 (on sale invalidation was overturned because a mere mention of the DryFix brand name in a trade show brochure and other letters failed to show a tool that met all the limitations; "DryFix tools" brand was used on many tools"). The court failed to test the evidence against *Pfaff, Group One, Linear*, etc. Truth is they didn't want to know the truth. FYI. Chief Judge Rader decided *Helifix* and knows better.

This showed me this allegedly "esteemed" court is willing to lie to press its "coddling" agenda. They attempted with those lies to dispense with their duty to have actually tested Facebook's evidence. This is frightening haughtiness.

Thanks Steve. Agreed. Press On (our country's respect for personal property is on the line).

(opinion)

82. Kathy C | October 10, 2012 at 9:57 pm |



[Permalink](#)

GeoffM33's comment strikes to the heart of the Facebook shell game. The court's opinion simply repeats Facebook's untested lie. Facebook did not produce any real evidence of on-sale bar. Instead of expert testimony, engineering testimony, drawings, schematics, charts, customer testimony, source code, etc. (read: normal evidence), Facebook chose to put Michael McKibben on the stand and then worked for a half-a-day to discredit him—playing games with a heavily-altered Interrogatory No. 9, getting the judge's cooperation, during Michael McKibben's testimony, to remove 2-inches of "mistakenly included" pages from the jury binder (to make it look like Leader asked them to removed it), and splicing together two snippets of video taken out of context.

[DLK: [Here's my post on this that includes a short video "How Facebook tricked the jury."](#) Also, follow the "Table of Posts" at the blog "[Origins of Facebook's Technology](#)" for a more complete analysis of these attorney-fabricated tactics.]

As you'll see below, McKibben said over and over that the invention didn't exist prior to Dec. 11, 2002. That's ALL the testimony on the subject. Facebook did not put up ANY other evidence to refute this testimony. The jury was instructed to discard his testimony if they did not

believe him [DLK: [Click here to read this Jury Instruction 1.7](#) ("discard" in second paragraph)]; they were then told to look for other evidence. But wait, there wasn't any other evidence! So, there are only two choices, either (1) believe McKibben, in which case on sale bar is killed, or (2) disbelieve McKibben, discard his testimony, and thus kill on-sale bar because there is no other evidence. But sadly, there is a third choice: (3) ignore the law and violate Leader's constitutional rights and do whatever the hell you want to do to help your homies. With the district court judge's cooperation, Facebook succeeded in getting the idea of disbelieved testimony as evidence of an opposite past Judge Stark, but even the Federal Circuit judges would not go there. And without that, there is no evidence to support the on-sale bar accusation. Also remember, the jury TOLD Judge Stark they made the on-sale bar decision on speculation, not evidence; yet Judge Stark supported the lie anyway.

Facebook's story is pure fiction. These trial transcript citations show that McKibben said consistently that the invention did not exist prior to Dec. 11, 2002, and therefore could not have been offered for sale! Something you do not yet have cannot be ready for patenting under the Supreme Court's *Pfaff* test.

Friday, July 23, 2010 *Leader v. Facebook* TRIAL TRANSCRIPT (links are teed up to the actual page)

[Tr. 10838:17-22](#): "MR. RHODES: Now, I'm asking you: Were there — was there ever an iteration of the Leader2Leader platform that did not embody the '761 patent? A. Any time before

December 11, 2002, it couldn't have because, it didn't exist."

[Tr. 10755:15-17](#): "Well, those were prospective discussions, and we couldn't have sold Leader2Leader [prior to Dec. 1, 2002] because it wasn't ready yet."

[Tr. 10760:1-5](#): "Q. So there was real product and a real customer and a real sale; right? A. Well, it wasn't a sale because we didn't have the product finished yet as Steve is defining there [Oct. 10, 2002]."

[Tr. 10770:13-17](#): "Q. So before December 8th [2002], you had made an offer to sell Leader2Leader to The Limited. A. That would have been impossible. We didn't have it done yet."

[Tr. 10791:2-7](#): "Q. Okay. So prior to December 11, 3 2002, was there any technology in Leader2Leader that could permit someone to move from one work space to another work space? A. No, it wasn't done yet."

[Tr. 10791:22-10792:4](#): "A. Yeah, what happens after that [Dec. 11, 2002 – provisional patent filing date] is we had an experimental version then, so we started doing experimental testing first inside our company, and then as 2003 rolled around, we started talking to a few companies about participating in this experimental beta [testing] program to continue to refine the invention."

[Tr. 10801:9-15](#): "Q. And during any of the demonstrations that you did prior to December 11, 2002, did you ever show anyone what was under the hood, so to speak, of the 13 Leader2Leader technologies? A. Well, prior to

that time, it didn't exist. So I couldn't have shown it.”

[Tr. 10804:8-17](#): “Q. At any time, did you ever demonstrate the '761 technology that was plugged in to Leader2Leader? . . . THE WITNESS: Yes, we did. After December 11, 2002, that technology was working . . . the very first time we ever showed the actual working technology was in the advanced technology lab at The Limited to about 10 or 15 of their technologies researchers.”

While we're on the subject of The Limited, below is reference to testimony about the Leader NDAs that contain the “no-reliance clause” which *negates* offers for sale, including Facebook prized “sweetheart deal” email regarding company funding—a sophisticated communication between Michael McKibben and Len Schlesinger, CEO of The Limited, and the former Associate Dean of the Harvard Business School. It is apparent that Facebook counted on the blue collar lay jury not understanding the dialogue, or how forward-looking entrepreneurial funding-development arrangements are made between developers and corporations (in fact, a whistleblower has come forward who said Facebook *practiced* this deception before the trial):

[Tr. 10820:6-9](#): “MS. KOBIALKA: I'd like to mark these [The Limited] NDAs together to make it easier. They would be PTX 1175, PTX 1049, PTX 1173, PTX 1174, PTX 1172.”

Read for yourself. [Here's one of those The Limited NDAs signed by the CEO – Len](#)

[Schlesinger](#) (the “no-reliance” clause is Sec. 5; no “legal effect”). *Id.*; Doc. No. 627-20, ¶5.

I feel like sending a legal research bill to these compromised judges.

(opinion)

83. Kathy C | October 11, 2012 at 9:01 am |



[Permalink](#)

GeoffM33. If you are a Facebook attorney, at least you are a consistent liar. If you are another victim of Facebook’s perpetual lies, here’s the truth of Leader’s appeal argument. You cite page 11 of the opinion and contend that “Leader did not argue that point [*Pfaff*].” Well, that statement is easily proven false.

I will not go through each of Leader’s citations regarding [Pfaff v. Wells Elecs., Inc.](#), but here are two, one from [Leader’s Opening Brief, p. 18](#) and one from [Leader’s Reply Brief, p. 3](#):

[Scaltech Inc. v. Retec/Tetra, LLC](#), 178 F. 3d 1378 (Fed. Cir. 1999) at 1380, 1383 (“To clarify certain issues, and to take account of the intervening Supreme Court decision in [Pfaff v. Wells Electronics, Inc.](#), 525 U.S. 55, 119 S.Ct. 304, 142 L.Ed.2d 261 (1998) . . . A claimed invention is considered to be on sale within the meaning of § 102(b) if, more than one year before the filing date to which the claim is entitled (the critical date), two conditions are satisfied. First, the product must be the subject of a commercial offer for sale. See [Pfaff v. Wells Electronics, Inc.](#), 525 U.S. 55, ___, 119 S.Ct.

304, 311, 142 L.Ed.2d 261 (1998). Second, the invention must be ready for patenting. See *id.* at ___, 119 S.Ct. at 312. One way to satisfy the second condition is by proof of reduction to practice before the critical date. See *id.*“).

Notice to Facebook’s pack of lying attorneys: We’re coming after you from all angles now. Some of your own people may not be as loyal as you think. 🤪

(opinion)

84. Surfer Dude | October 11, 2012 at 9:56 am |



[Permalink](#)

Did anyone see the House Oversight Committee Hearings yesterday? Representatives Darryl Issa, Jim Jordan and others kicked some butt. I hope they take up this Leader v. Facebook scandal. I am going to write the Committee and suggest that. Issa is in my district. Not all of us in California have drunk this Facebook/James W. Breyer/Accel Partners Kool-aid. (opinion)

85. Fact Checker | October 11, 2012 at 1:44 pm |



[Permalink](#)

Dear Supersleuths,

(opinion)

I am investigating the web of interconnections among the companies listed below. They appear to be tied together globally using technology infrastructure from [DST Systems](#) and their partners. This technology now appears to be centered around "[DST Vision](#)" with

features uncannily similar to Leader Technologies' invention. DST's customers are banks, insurance and healthcare companies. DST Systems' partner [State Street Corporation just purchased Goldman Sachs' hedge fund management platform](#). State Street also has close relationships with [Microsoft, Harvard and MIT](#). Of course, it is well known that Goldman Sachs, JP Morgan and Fenwick & West LLP took Facebook public. It is also well known that Zynga and Groupon are tied at the hip to Facebook and Facebook's principles, especially DST Moscow and Juri Milner. Also public information are the investments of Federal Circuit Judges Kimberly A. Moore and Alan D. Lourie in Facebook, Groupon and Zynga, and who stood to benefit financially from a *Leader v. Facebook* decision favorable to Facebook. [JP Morgan](#) has been a DSTi client for more than a decade. I am researching the roll out strategy for "[Facebook Credits](#)," judicial misconduct, and the ties among these players to the [2008 Financial Crisis and Bail Out](#), [TARP](#), the [139 Executive Orders](#) issued by this administration, the botched Facebook IPO (perhaps it went exactly as planned), James W. Breyer's trashing of U.S. investment opportunities, Accel Partners' moves offshore, the \$1B Instagram deal involving Lawrence Summers [DLK: [See my post on Instagram](#)], the [Facebook insider's coordinated sell-off of \\$13+B on Day 3](#) of the IPO at \$37.58 per share (blessed by Fenwick & West LLP—a "Leaders Circle" member of The Federal Circuit Bar Association where Microsoft is a Director and large Facebook shareholder), the [National Economic Council](#), the Summers-Milner-Sandberg World Bank involvement in the failed Russian banking voucher system that

deteriorated into the current mob-like oligarchies (World Bank analyst: “[one of the most cockamamie social engineering schemes of the 20th century](#)”),[1] and the sources of the \$3 billion in Facebook “[pre-IPO supplement](#).” sale of insider stock by Goldman Sachs. Billions of Facebook’s from Milner’s “pre-IPO supplement” came from these post-Soviet oligarchs into Zuckerberg-Breyer-Summers-Sandberg-Federal-Circuit-Judge-et-al hands.

Note below that friends of Lawrence Summers’ in this Facebook “ecosystem”[4] received \$22 billion in U.S. taxpayer bailouts while he is working with Russian oligarchs to build Facebook Credits offshore. Senator Chuck Grassley’s Senate Banking Committee learned on Jul. 24, 2010 that at least \$4.3 billion of the Goldman Sachs funds went to undisclosed foreign banks. (opinion)

Facebook
Zynga
Groupon
DST (aka [Digital Sky Technologies](#))
@mail.ru
[Lawrence \(Larry\) Summers](#)
Accel Partners LLP
James W. Breyer
Microsoft
Goldman Sachs (rec’d \$10 billion TARP)[4]
J.P. Morgan Stanley Chase

[AWD Software](#)
[International Financial Data Services\(IFDS\)](#)
[State Street Corporation](#)
(rec’d \$2 billion TARP)[4]
Morgan Standley (rec’d \$10 billion TARP)[4]
Gibson Dunn LLP
Fenwick & West LLP
Cooley Godward LLP
Orrick Herrington LLP
Weil Gotshal LLP
Federal Circuit Court of Appeals
The Federal Circuit Bar

DST Systems

DST International (DSTi)

DST Global Solutions

Boston Financial Data
Services

Computershare

Euronet Worldwide

PayPal

Association

Federal Circuit Court of
Appeals

Harvard University

Moscow State University,

Physics & Math

MIT

Juri Milner

Alisher Asmanov

Sheryl Sandberg[2][3]

Footnotes:

[1] David Ellerman. "Lessons From East Europe's Voucher Privatization." World Bank, ca. 1999. Accessed Oct. 11, 2012 <http://cog.kent.edu/lib/Ellerman5.htm>.

[2] Parmy Olson. "Meet The Russians Who Hooked Up Facebook And Goldman Sachs." *Forbes*, Jan. 4, 2011. Accessed Oct. 11, 2012

<http://www.forbes.com/sites/parmyolson/2011/01/04/meet-the-russians-who-hooked-up-facebook-and-goldman-sachs/>.

[3] SallyZ. "Where are these conflicts of interest disclosed in the Facebook S-1?" *Donna Kline Now!* cmt. 51. Accessed Oct. 11, 2012

<http://donnaklinenow.com/investigation/cover-up-in-process-at-the-federal-circuit#comment-4583>.

[4] Goldman Sachs \$10 billion, Morgan Stanley \$10 billion, State Street Corporation \$2 billion. Capital Purchase Program (TARP), Transaction Report, Oct. 29, 2008. U.S. Treasury. Accessed Oct. 11, 2012.

FB “credits” systema = Moskva
ask Zuck



87. Sally P | October 11, 2012 at 5:56 pm |

[Permalink](#)

Oh what a tangled web we weave,
When first we practise to deceive!

*Sir Walter Scott, Marmion, Canto vi. Stanza 17.
Scottish author & novelist (1771 – 1832)*



88. mike kennedy | October 12, 2012 at 3:47 pm |

[Permalink](#)

RE:Vlad “Facebook Credits”= the new monetary system
of the world? HA HA, I think? Scary.



89. Cabalism | October 12, 2012 at 3:57 pm |

[Permalink](#)

Hey Mike: Yes, if these bad boys get their way. Check
this out. The U.S. Patent & Trademark Facebook Credits
filing:





<http://techcrunch.com/2010/03/24/trademark-facebook-credits-logo/>

A “virtual” currency founded upon fraud and property theft. Priceless.

Ironically, this was part of my Scripture reading today:

Matthew 7-18-20: “A good tree cannot bring forth evil fruit, neither can a corrupt tree bring forth good fruit. Every tree that bringeth not forth good fruit is hewn down, and cast into the fire. Wherefore by their fruits ye shall know them.”

90. Phil | October 12, 2012 at 7:28 pm | [Permalink](#)
Interesting, can you please call or email me asap?



91. Fact Checker | October 13, 2012 at 11:51 am |



[Permalink](#)

Even Tom Clancy can't make this up.

Isn't it ironic that Ohio holds the keys to both the presidential election and Facebook?

Former Treasury Secretary and Obama bailout chief Lawrence Summers and his collaborators appear to be exploiting the judicial, economic, political and social weaknesses of nations to construct a private global empire based upon controlling a large-scale internet platform and "virtual" currency through Facebook and Facebook Credits? To what extent was there a correlation between this agenda and the 2008 meltdown? Perhaps none, but the mind does wander given all these seemingly intertwined facts. A third-generation U.S. economist like Summers certainly would have knowledge of the weaknesses of governments, judicial systems and economies. Attorneys are cautioned in their rules of ethics not to use their knowledge of the weaknesses of the judicial system for personal gain. Do international economists make such a pledge?

The fly in Summers' ointment is a guilty verdict on 11 of 11 counts of "literal infringement" of U.S. Patent No. 7,139,761 owned by Leader Technologies of Columbus, Ohio. What have they done to address this verdict? License the invention? No, they have bought off American district court and Federal Circuit judges using coercion techniques learned from their Russian oligarch partners and the best attorney "dark arts" tricks that money can buy . . . and our judges did not have the courage to resist?

Summers popped up in Silicon Valley ([Bloomberg](#)) a

month before the Facebook IPO as the one and only “special adviser” to Facebook Board Member Marc Andreessen. Now he’s back at Harvard. Do you think that was because he wanted to get in on the fleecing of public funds, sorry, the Facebook IPO too? Is he working to scrub the Harvard archives of the evidence of Zuckerberg’s crimes ([Zuckerberg hides evidence](#)) before investigators can get to it? Remember, the 19-year old Zuckerberg had more coverage in *The Harvard Crimson* in six months than any world leader other than Clinton and Bush in late 2003 through the summer of 2004. Summers was the Harvard President then. Also know that Accel Partners’ James W. Breyer is an uber-active Harvard alum along with many of his partners like Jim Swartz and Ping Li, both big winners in the IPO. Does anyone think it is coincidental that Russian Juri Milner worked for Summers and then-aide Sheryl Sandberg at the World Bank in the early 1990’s, then Summers magically relies on this same Russian to funnel upwards of \$3 billion in Russian oligarch funds from “not clear” sources ([Fortune](#)) to fund Facebook’s pre-IPO transfer of stock to the Russians (payback for the “Harvard” Russian voucher disaster?)—transactions handled by the Russian’s partner Goldman Sachs, using a dubious SEC waiver of the 500 shareholder rule, preventing American investors from participating, and orchestrated by Fenwick & West LLP (Leader Technologies’ former corporate counsel; who had Leader’s source code in their files).

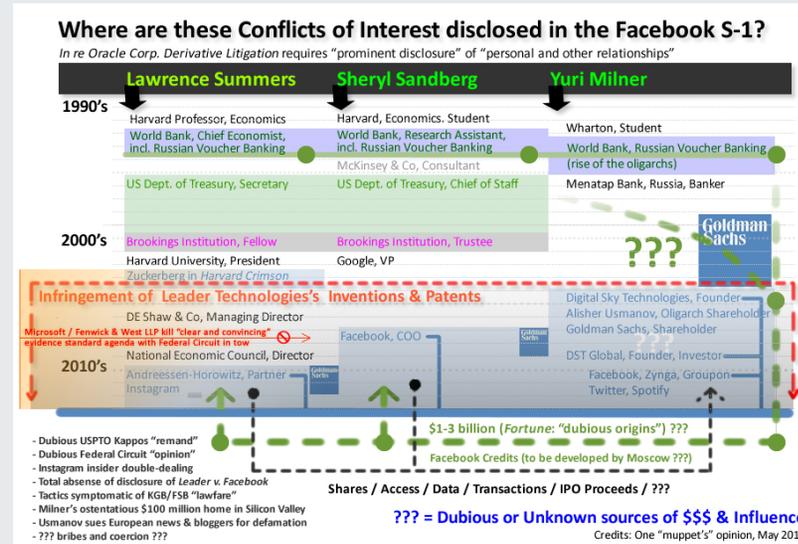
Follow the money.

In the meantime, we have a validly issued United States patent to place back in the hands of its rightful owners in

Columbus, Ohio. Go Ohio!!!

This is all my personal opinion and should be independently verified.

(Donna, will you link that Summers-Milner-Sandberg timeline here? Thanks! You are my hero.)



(opinion)

92. confirmed | October 13, 2012 at 3:05 pm |

[Permalink](#)



Fact Checker speaks truth. [Here's one summary \(footnote 7\)](#) of *The Harvard Crimson* articles. *The Crimson* prepared a summary in 2010 also ([click here](#)) but missed five. It makes perfect sense that the massive coverage of a 19-year-old Mark Zuckerberg was *orchestrated* by Larry Summers, **The Harvard President**, the *only* person on campus with enough influence to tack the editorial boat toward Zuckerberg that much, so quickly. He had at least 12 different

journalists write stories. What newspaper of any kind dedicates that much journalistic resource to any story, esp. since there were three other facebookes on campus at the same time (Winkelvoss, Greenspan, Harvard Admin)? How has everyone missed this?

“From Oct. 23, 2003 to Sep. 15, 2004 [*The Harvard Crimson*](#) carried 22 news articles about 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 facebookes at Harvard, namely the Winkelvoss Twins’ ConnectU and Aaron Greenspan’s houseSYSTEM, received 4 mentions each.”

(opinion)

93. Leader's property | October 13, 2012 at 8:53 pm | [Permalink](#)



Facebook is violating the Communications Act and Computer Fraud. So what is the value of privacy? Well it's priceless. Facebook is violating federal wiretap laws. If a crime in this case is established, Facebook could be ordered to shut down much like Megaupload was shutdown. But will it? The problem is not greed as much as a depravity of character. Summers and Sandberg helped organize the failed Russian voucher system at the World Bank. We don't want those Lada cars comrades. Now they're organizing a morally bankrupt international transaction system with their pet poodle Zuckerberg fronting for them. Priceless. Let's get it into the hands of the real, responsible inventors of this technology.

Why are the federal courts coddling Facebook? Do you want me to draw you a picture? They want a “duty-free” zone across from the White House. They want to run a court that is controlled by President Putin, corporate America and their lackey law firms, not the American people. “Judicial hyperactivity” is a cleansed way of saying “judicial lawlessness.” (opinion)

94. incestuosity | October 14, 2012 at 3:27 pm |



[Permalink](#)

The Facebook “ecosystem” seems to be trying to use the technology they stole from Leader Technologies to take their PayPal lessons-learned global. The interconnections are downright *incestuous*. The inbreeding should be (and probably is — conflicts of interest; [Business Judgment Rule](#)) downright illegal. Here are just three of the former PayPal executives:

Peter Thiel, Facebook investor & director; just [cashed out over \\$1 billion in Facebook stock](#) in the IPO; **PayPal** co-founder; Zuckerberg’s first official investor likely at the direction of **Larry Summers** and **James W. Breyer**.

Reid Hoffman, Facebook investor & director, just [cashed out some of his Facebook stock before the IPO](#) (at the \$100 billion valuation presumably; although he refuses specifics); Zuckerberg’s secret Harvard business coach, probably directed by **Larry Summers** and **James W. Breyer**; former **PayPal** Executive VP; Investor and director of **Zynga** whose largest investor is Russian **Juri Milner** and **DST** aka **Digital Sky**

Technologies; Founder of **LinkedIn** (likely using Leader's technology also).

Elon Musk, UPenn/Wharton grad with Russian **Juri Milner**, Facebook's second largest shareholder who extracted [\\$3.79 billion out of the Facebook IPO](#); founder of **PayPal**; [Received \\$465 million stimulus monies for Tesla Motors](#); pocketed \$16 million personally; Tesla jobs were outsourced to Finland; being allowed to restructure a month before the election; Melissa Francis. "Tesla Gets New Deal on \$465M Government Loan." [Fox Business MONEY](#), Oct. 12, 2012. Accessed Oct. 14, 2012; See also Matthew Mosk. "Car Company Gets U.S. Loan, Builds Cars In Finland." [ABC News](#), Oct. 20, 2011, Accessed Oct. 14, 2012.

(opinion)

95. Jane Sotheby | October 14, 2012 at 7:59 pm | [Permalink](#)



Sounds like the regulatory cat has been away for a decade or more . . . these mice have been playing.

96. cranstonB | October 14, 2012 at 9:35 pm | [Permalink](#)



Let's call it like it is. The Facebook crowd is nothing by a group of evil men and women who lust for power, money and control. B-o-r-i-n-g and B-o-r-i-s-h. They have slithered around like snakes in the grass to hoard their new-found wealth. They are like the foolish builder who built his house on shifting sand. Hopefully the

administration and Supreme Court will get some “brass” as Clinton said. (opinion)

97. JohnC | October 14, 2012 at 11:51 pm |



[Permalink](#)

Good god. Let's see what we have here. On one hand, a massive global conspiracy, stemming back 10 plus years, culminating in Zuckerberg receiving the controlling shares in this massive empire. Yes. That makes sense. dd on top of that the massive conspiracy of the White House, treasury department, Silicon Valley, all of russia, and the us treasury. And yet no one in the world picks up on this massive conspiracy to control the world.

Ever heard of Occam's razor? Mike McKibben lied on the stand. The jury disbelieved him. The court of appeals defers to the jury. That's it. We re done. Verdict upheld. The world is not ending because leader didn't do squat with its patent. Even assuming there was actual infringement, it was Facebook that actually did something with the technology. At the end of the day, we are ll better off as a result of Mark Zuckerbeg. (opinion)

98. lisa | October 15, 2012 at 8:53 am | [Permalink](#)



Well JohnC, wondered when you'd pop up. Your comments continue to ignore every fact disproving your premise; so I am going to stop correcting you since you clearly care nothing about the truth. The moral depravity you espouse starts with condoning property theft and spirals downward from there. Success at any moral cost is the gauge of winning and losing in your world. Let's

see, who else believed that? Hitler. Stalin. Pol Pot. Idi Amin. Bernie Madoff. Bernie Ebbers. You have a real rogue's gallery of bedfellows. What moral code in the history of mankind has ever supported your premise? And there you go again, keep repeating the lie that McKibben lied and hope you will fool the great unwashed. We see now how Facebook deceived the jury. We're not buying your attorney tricks. The record is clear. So you fooled a jury and the judges were either paid off, coerced or asleep. That only proves you know how to use the weaknesses of the jury system. OJ got off too. You bad guys are all alike: accuse your victims of what you are doing and make them chase shadows. Sorry big guy (or girl), not fooled. BTW, God is good. At least we agree on that. (opinion)

99. Chris | October 15, 2012 at 9:17 am | [Permalink](#)



JohnC is just throwing s__t at the wall hoping that some diversion sticks. The facts don't lie. Ask any international economist who knows about the Soviet glasnost / [perestroika](#) period (I have) and they confirm unequivocally that Lawrence Summers / Sheryl Sandberg and the "[Harvard pitchmen](#)" advocated for the "cockamamie" failed Soviet voucher system which Summers and the Facebook Mafia have figured out a way to benefit from through one of the oligarchs (Alisher Usmanov / Juri Milner / DST / Digital Sky Technologies) that his failed system created. The stone rolls downhill from there to James W. Breyer, Accel Partners, "[PayPal Mafia](#)," Facebook, the \$3 billion "pre-IPO supplement" ([Milner's phrase at the DLD 2010 conference in](#)

[Germany](#)) and the Facebook IPO where they all, *in unison*, cashed out over [\\$13 billion](#)... did I mention with the dutiful cooperation of the Federal Circuit court whose judges in the *Leader v. Facebook* case held stock in Facebook? All facts.

Taking bets that JohnC will ignore these hard facts and keep running through the streets calling THE FACTS conspiracy theories. "They called the truth a lie." LOL. (opinion)

100. Billy Bob | October 15, 2012 at 12:18 pm |



[Permalink](#)

So we are supposed to believe that all of these linkages among these Facebook bad boys and girls are purely coincidental? (opinion)

ROTFL.

101. tex | October 15, 2012 at 5:15 pm | [Permalink](#)



I collect really cool stuff likewell, contradictions of Progressive people that believe the "ends justify the means". For example, they say "Romney sent his money overseas so he hates America". Ok, maybe he did, but Obama owns stock in a Chinese company, Larry Summers has investments all over Russis, Zuckerberg has investments all over Russia, George Soros has his money all over the world, and Joe Biden is a buffoon (I just threw this in). Another, Obama brags about killing Bin Laden , an activist that wanted to destroy America and actually bombed the

Pentagon. Obama`s mentor and dear friend , Prof Bill Ayers, was an activist that wanted to destroy America and tried to bomb the Pentagon. I wonder what the difference was in those men`s intentions. And Biden is a buffoon. Obama wants to kill the oil companies because they pollute, yet, he brags about saving the auto industry....aren`t they the one`s that pollute ?Cars emit fumes, oil doesn`t. John C(above) is right up there with these other loons if he thinks the actions of the Zucksters are noble and worthy of praise. And, oh by the way, God deserves a capital “G”there ya go john. And Biden is still a buffoon. (opinion)

102. Billy Bob | October 16, 2012 at 8:38 am |



[Permalink](#)

Hey Tex, do ya think it is simply coincidence that three of Lawrence Summers` players in the Facebook “ecosystem” received \$22 billion in TARP stimulus funds (Goldman Sachs, Morgan Stanley and State Street Bank)? No wonder he put up his hand to manage the so-called “bail out” when President Obama came calling. Or was it the other way around? Was it a contrived crisis by his bank buddies to top up their coffers without having to steal it illegally? Legal theft. Wow, that`s a concept. Let`s see, Goldman and Morgan Stanley took Facebook public and State Street Bank is partners with DST Systems and Microsoft, one of Facebook`s largest investors. Note that State Street is under investigation in Boston right now for shipping a boat load of jobs overseas; so has Goldman. So I guess the Silicon Valley “get-over-it” vocabulary has redefined collusion as

“feathering one’s ecosystem.” How do you say big pile of poo in Texas? (opinion)

<http://www.wgbh.org/programs/Greater-Boston-11/episodes/July-19-2012State-Street-outsourcing-40276>

http://www.treasury.gov/initiatives/financial-stability/briefing-room/reports/tranche/DocumentsTranche/appendices-Tranche-Report_11-3.pdf

103. lisa | October 16, 2012 at 8:50 am | [Permalink](#)



Did you see Facebook Sheryl Sandberg’s comment yesterday on the failed Facebook IPO? She said in Silicon-Valley-think that is old news, she’s past it. Wow. I hear the Church Lady: “Isn’t that conveeeenient.” Find another planet for these people. (opinion)

104. lisa | October 18, 2012 at 4:22 pm | [Permalink](#)



Hi Donna,

Just checking in. I have been quiet this last week because I have been busy writing my elected officials and educating our media. This is a complex story, but people are starting to get it. The agenda is starting to dawn. This Larry Summers guy thinks he’s just a little bit smarter than the rest of us. Ask yourself, how did he skip along from the beginning of his career till now, always on top? Its time to teach him about humility and respect for his fellow man. Did you know that he trained DST’s Juri Milner? Milner’s his plant in Moscow. Has been since

the early 1990's. Whoops. Outted. (opinion)

105. Bill Cranbrook | October 18, 2012 at 5:25 pm |



[Permalink](#)

yeh, notice the way Milner is giving away big money prizes to his cronies in Moscow for innovation? trying to soothe his conscience? LOL. (opinion)

106. Donna Kline | October 19, 2012 at 10:46 pm |



[Permalink](#)

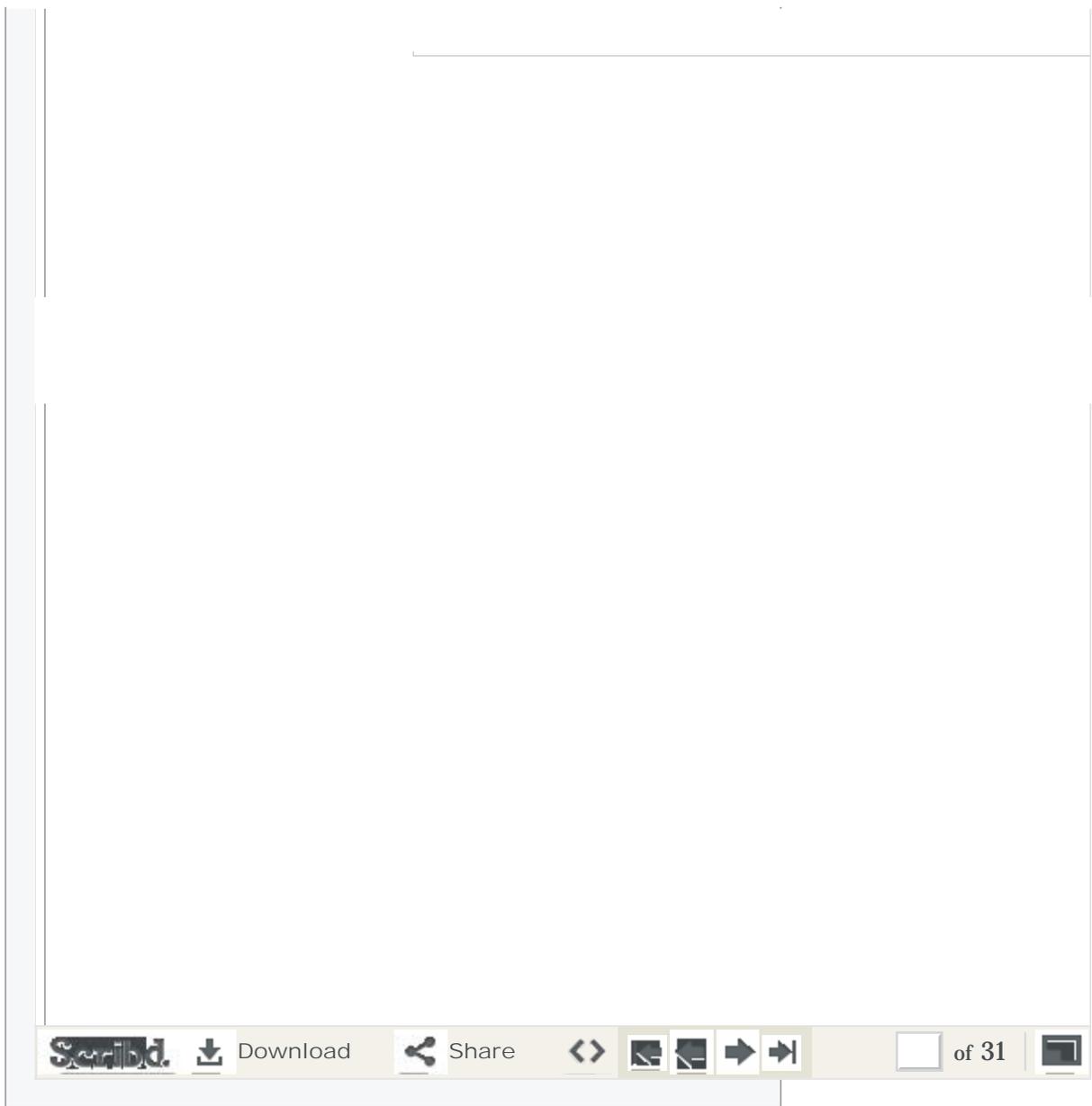
I'll be posting a review of this new briefing this weekend, but wanted to make sure you have it.

Oct. 19, 2012 – Briefing for Rep. Jim Jordan (OH), HOUSE OVERSIGHT COMMITTEE, “American and Russian Opportunities Undermining U.S. Sovereignty and Corrupting U.S. Financial and Judicial Systems,”

Oct. 19, 2012. Here's a GoogleDocs PDF version also:

<https://docs.google.com/open?id=0B2SfG2nEsMfqMVFIemhzd114bG8>

[Briefing for Representative Jim Jordan \(OH\) – HOUSE OVERSIGHT COMMITTEE – American and Russian Opportunists...](#)



107. the inside job | October 20, 2012 at 7:11 am |



[Permalink](#)

Yes Lisa, this is a complex story.

FACEBOOK –the inside job–a crime story like no other in history–can't wait to see the film version.

All the FB principles know that everything about FB is stolen.

Instagram's Matt Cohler knows that FB was stolen.

Groupon's people know too that FB was stolen. Here's a paragraph from [Wikipedia](#) about Groupon. Ahhhm. Digital Sky, Morgan Stanley, Goldman.

New Enterprise Associates, Eric Lefkofsky and Brad Keywell are investors in Groupon.[45] In April 2010, Groupon raised \$135 million from Digital Sky Technologies, a Russian investment firm.[46] On December 29, 2010, Groupon's executive board approved a change to Groupon's certificate of incorporation that would permit the company to raise \$950 million in venture capital funding, based on a valuation of \$6.4 billion.[47] On June 2, 2011, Groupon filed to go public under the ticker symbol GRPN. The IPO was handled by Morgan Stanley, Goldman Sachs Group, and Credit Suisse Group.

What a bunch of thieves. They all know that they are aiding and abetting stolen property. No wonder they are now bribing the patent offices to try and get Leader's patent invalidated completely. Let's see if they have bought off the U.S. Congress too.

(opinion)

108. JohnC | October 20, 2012 at 4:42 pm | [Permalink](#)



Every time I think the conspiracy theories can't get any more over the top, Mr. McKibben continues to amaze me. His most recent briefing to Rep. Jim Jordan goes beyond the plot of any Fringe episode (or X Files,

for you older readers).

As a preliminary matter, why is there no mention on this blog (or in the briefings) that the Federal Circuit—over a month ago—denied the motion by the Bar Association to make the amicus order precedential? Pretty remarkable that you all are ranting and raving here on the alleged bias of the Bar and the Federal Circuit, when the court already denied that motion.

Have you all sat down and thought about what is really going on here? Let's think about this rationally. You allegedly have a massive global conspiracy, the likes of which have never been seen on this planet. This isn't just a case where Mark Zuckerberg happened to write software that infringed on Leader's patent. Instead, this is all part of a calculated scheme—launched by the Russians some 20 years ago—with the end game of creating a global currency in order to undermine the U.S. government. And to do this, the Russians enlisted a sophomore at Harvard, and then put him in a position where he has a controlling voting share in the very shell company that they set up. Yes, that makes perfect sense. And in the meantime, the U.S. Treasury is involved, the Obama administration, the Harvard administration, Russian oligarchs, the entire Federal Circuit Court of Appeals, the Federal Circuit Bar association, the World Bank, a U.S. District Court, jurors who were bought off, the USPTO, Fenwick & West, Morgan Stanley, the entire Silicon Valley V.C. community, and Microsoft. And remarkably, every single person involved in this massive global conspiracy has somehow managed to stay quiet, and never once has any member of the mainstream

media even caught a whiff of this giant global calamity. Despite massive efforts from “Operation Spotlight.” And the end game of all of this is exactly what? Come on now.

Leader’s deadline to appeal this matter to the Supreme Court has already passed. If the Federal Circuit was truly so wrong and unjustified, why in the world would Leader not have appealed this to the Supreme Court? Simply inconceivable. It’s time to accept the harsh reality here, folks. This matter is done. It ran its course in the courts and it’s over. Congress can’t do squat at this point. That’s the whole point of a separate and independent judicial branch. Any remedy was with the Supreme Court, and that window is now closed. I’m sorry to be blunt, but it really is time for you to move on, shut down this blog, and try to find something actually productive to do with your time.

(opinion)

109. ZYNGA IS ON MEDS | October 20, 2012 at 6:46 pm | [Permalink](#)



On October 14, 2012 ZYNGA (another one of Russian Juri Milner’s investments alongside Facebook and Groupon) sued Alan Patmore, the original Zynga developer, to court. for leaving them and stealing documents and game ideas from them. ZYNGA is not suing Patmore’s new company, Kixeye, but rather Patmore personally. The [San Francisco Chronicle](#) wrote “Kixeye has nothing to do with the suit. Unfortunately, this appears to be **Zynga’s new employee retention**

strategy: Suing former employees to scare current employees into staying. They've clearly exhausted other options in their employee retention playbook." Here's [The Wall Street Journal](#) coverage on this new ZYNGA lawsuit.

This is what happens when you go to work for organized crime—they never want you to leave after being with them. Remember the BORG in Star Trek? "We will assimilate. Resistance is futile."

The only thing I can figure is that ZYNGA is mad because Patmore's actions are the only idea on the planet that ZYNGA hasn't already ripped off. Patmore bested them in their badness, LOL, and now they want the U.S. Court's to protect their badness. The way the U.S. Federal Circuit is conducting American jurisprudence these days, they'll probably win.

(opinion)

110. lisa | October 21, 2012 at 9:50 am | [Permalink](#)



JohnC (Clerk of Court Jan Horbaly?) is getting nervous folks. He continues to put out misinformation. Who else would know that the Federal Circuit turned down his, sorry, The Federal Circuit Bar Association's, request (if they did, this cannot be confirmed) since he has never docketed a single one of Dr. Arunachalam's motions upon which the request was based? Dr. A. did not write that Request, he/the-bad-boys did. That backfired, so now they're trying to brush it under the carpet.

He is also up on the Supreme Court's petition rules, it

seems. Who else knows those except a few appellate attorneys like him? He is definitely wrong on this according to my appellate coaches.

And of course, as usual, he waives off mountains of hard facts gleaned from a slew of reliable sources about Facebook's and Goldman Sachs' Russian oligarch partners. Hey, they are who they are, and the rules of the road are different there. But this is America where we have laws that should be followed. JohnC doesn't like that. LOL.He would love all of us to go away. Sorry bro, ain't happening. We are turning up the heat on you bad boys. We don't like your vision for our country.

Oh by the way Jan, the comment about separation of powers is priceless, and way off. The founders established the different branches to be [checks and balances](#) against the very sorts of corruption we are seeing in this case. You people are trying to rewrite history now. At least you are consistent in that tactic.

U.S. Government Checks and Balances: "To prevent one branch from becoming supreme, protect the "opulent minority" from the majority . . . Checks and balances allow for a system based regulation that allows one branch to limit another, such as the power of Congress to alter the composition and jurisdiction of the federal courts." Why not get rid of the corrupt individuals running the Federal Circuit for starters?

(opinion)

111. Bill Cranbrook | October 21, 2012 at 11:03 am
| [Permalink](#)



What part of conspiring with Russian oligarchs is unclear to you JohnC? Get your head out of your dark places. Read this *Fortune* article. (Donna, please post my screen capture after my next paragraph. Thank you.)

Just one bibliography reference out of the HOUSE OVERSIGHT COMMITTEE briefing proves that there is more than a Ludlum-conspiracy novel being written here. This is real-life collusion. The fact that Larry Summers had Milner working for him and Sandberg in the early 90's on Soviet banking "reform" that deteriorated into the Russian mob taking over all of the major Soviet industries, makes the picture crystal clear... unless (1) you are in denial, or (2) you're getting paid off. Ask any historian, the Soviets were masters at coercion... until they ran out of people to coerce and their system just collapsed because no one was working.

Facebook's friend in Russia

FORTUNE

By Jessi Hempel, writer October 4, 2010: 3:00 AM ET

comments

Recommend 299 Tweet 49 Share +1 2 Email Print

DST's Yuri Milner makes big bets on social media companies and brings new clout -- along with a mysterious oligarch backer -- to Silicon Valley.

Yuri Milner has 50 friends on Facebook. Mark Zuckerberg is one of them. They met a couple of years ago when Zuckerberg, the Facebook founder and CEO, was trying to learn more about a Russian social network that Milner partly owned. Then, in the spring of 2009, Zuckerberg sold Milner 2% of Facebook for \$200 million.

At the time, more than one Silicon Valley insider wrote the investment off as dumb money. Zuckerberg knew better. Milner and his partner, Gregory Finger, had built Digital Sky Technologies from a small Russian investment venture to a holding company that controlled the businesses behind 75% of the pages served on the Russian-speaking web. And because the online-advertising market is far less robust in Russia than in the U.S., DST's companies had already found ways to make



(opinion)

Jessi Hempel. 'Facebook's friend in Russia – DST's Yuri Milner makes big bets on social media companies and brings new clout – along with a mysterious oligarch backer – to Silicon Valley.' *Fortune*, Oct. 4, 2010, <http://tech.fortune.cnn.com/2010/10/04/facebooks-friend-in-russia/>.

112. FYI | October 21, 2012 at 11:08 am | [Permalink](#)



I participated in a seven-year blog that exposed massive corruption in a major U.S. institution. It went through the same patterns of attack I am seeing here from the bad-guys: arrogance, haughtiness, denial, personal attacks, misinformation, ignore all facts, change the subject (oh yes, change the subject) when the fire gets too hot... then when those didn't discourage the participants they turned to haughty calls for the site itself to be shut down as harmful. When that didn't work, they turned to bitter personal attacks on the facilitator (he's irresponsible, unfair, ignorant, old fashioned, unenlightened, out of touch, etc. etc. etc. yawn), more haughtiness and doubled-up misinformation. Finally the powers that be got the courage to act (in some cases, the bad-boys themselves were shamed into agreeing to the discipline), and all the FILTH came pouring out. The entire ball-of-hair came flying out and a massive conspiracy among the whole set of senior leadership in this institution was exposed; including proof of the cover-up. This would be funny if the stakes were not so high.

That blogger, vilified by the bad-boys, was/is now a hero for his unwavering courage.

(opinion)

113. Sally | October 21, 2012 at 11:39 am | [Permalink](#) 
- Well at least JohnC knows his TV. Fringe. X-Files. You gotta give him that. C'mon now folks. On the other hand, this is the level of introspection we're dealing with here: Sophomoric. Superficial.
- Are we to leave our children a morally bankrupt country? Are we going to put our future "social" and financial systems in the hands of such reprobates? Lets face it, in the short run TV titillation sells. That's what the masses want. Why else do you think they are focused on the mathematical odds: gaming (ZYNGA), coupons (GROUPON) and sophomoric kibitzing (FACEBOOK)? The masses can't get enough of it. It's like a drug. It is better than drugs because it isn't illegal (unless of course, you've stolen the technology to do it. Whoops.)!
- The lessons of history are clear. Societal collapse follows moral and ethical decline. One cannot build a sound society on moral rubble.

(opinion)

114. Epiphany! | October 21, 2012 at 12:05 pm | [Permalink](#) 
- Took the dog for a walk after reading the congressional briefing and the recent posts. It just hit my like a ton of bricks why this Leader v. Facebook case is important to all of us — PROPERTY RIGHTS.

If the Facebook criminals are successful at getting the federal courts to disrespect intellectual property, then they will be able to steal ANYONE'S property. Every futurist analysis you read says the "new frontier" is intellectual property, not physical property. If the Facebook criminals are successful at stealing Leader Technologies' property, then they will have proven that the U.S. courts will condone theft... and intellectual property theft will thus become legal. That means any idea that any of us ever have going forward will not be safe from these marauders. If they see something of yours, and want it, they will steal it, knowing the U.S. Courts will "coddle" them. Practically speaking, no inventor I know will bother sharing any new idea, as the current patent system encourages. No red-blooded American can stand for this scandalous shift in our legal system being perpetrated by the secret and sneaky acts of these corrupt law firms.

(opinion)

115. Epiphany! | October 21, 2012 at 4:23 pm |

[Permalink](#)



Taking bets the Facebook "internationalists" don't like this quote from a founding father and our second president: ***Liberty Letters, John Adams***

'The moment the idea is admitted into society that property is not as sacred as the laws of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence.

Suggest everyone read Adam's words contained in the Encyclopedia Britannica at

[http://www.britannica.com/presidents/article-9116850:](http://www.britannica.com/presidents/article-9116850)

"It is certain, in theory, that the only moral foundation of government is the consent of the people . . . power always follows property. This I believe to be as infallible a maxim in politics, as that action and reaction are equal is in mechanics."

I think John Adams is shouting to us right now. Will we heed his words, or unlearn the hard-fought lessons once learned and now forgotten? Will we permit the tyranny of the unelected, secretive, greedy, thieving, abusive, uncivil, deceptive power-mongers?

(opinion)

116. THE FBI | October 21, 2012 at 4:27 pm | [Permalink](#)



Hey Epiphany, did you know that Robert Mueller from the FBI knows about Zuckerberg's theft of property and has all of Zuckerberg's emails that prove he stole it?

(opinion)

117. FYI | October 21, 2012 at 5:19 pm | [Permalink](#)



If this observation is any consolation to the stalwarts on this website... it seemed the darkest before the dawn in our seven-year struggle to overcome the bad-guys who had seized power in our institution. The bad-boys could offer nothing but darkness, abusiveness,

negativity and haughtiness. The light of goodness finally shined through and they are all gone now; having been sent packing with their tails between their legs. Stay the course and have faith in God. He is more powerful than the dark one.

(opinion)

118. Our Children's Data | October 21, 2012 at 10:34 pm | [Permalink](#)



Our children's data is controlled by Russian oligarch Alisher Asmanov. According to *Fortune* magazine, the \$450 million funds he used to purchase Facebook stock has unknown origins. Mark Zuckerberg just visited him and his Digital Sky Technologies (DST Global) Juri Milner just weeks ago. Goldman Sachs, Morgan Stanley and Fenwick & West LLP failed to disclose this conflict of interest in the Facebook S-1; or disclose whether TARP funds were used in this purchase—funds Goldman Sachs sent overseas after receiving \$10 billion in taxpayer bailout. The SEC knew about this and failed to take any action to protect investors from this lack of disclosure. (Donna, would you insert the graphic I just sent you below this sentence? Very much appreciated.)

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

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Simon Goodley

The Guardian, Tuesday 4 January 2011 15:31 EST

Article history



Alisher Usmanov, the Uzbek oligarch, has an undisclosed stake in DST, the Russian firm behind Goldman Sachs' \$450m investment in Facebook. Photograph Ria Novosti/AP

Digital Sky Technologies, the Russian firm behind Goldman Sachs's \$450m (£290m) investment in Facebook, boasts an eye-catching set of relationships of its own – including close ties with the investment bank, billionaire Arsenal suitor Alisher Usmanov and the Kremlin.

Three well known Goldman bankers have joined DST over the past three years: Alexander Tamas in 2008; Verdi Israelian in 2009; and John Lindfors last June, while Goldman led November's \$5.7bn flotation of Russian internet business Mail.ru, which was spun out of DST last year.

DST was founded by Yuri Milner, pictured right, and Gregory Finger in 2005 and the company initially bought 2% of Facebook for £200m in 2009. That stake is now owned by Mail.ru but some estimates now put DST's stake at

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SEC may force Facebook flotation
Facebook might be forced by US regulators to take the social networking company public as new investors pile in.
By Jemima Kiss

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theguardian

Oh wait, JohnC says this is just all coincidence.
Bwahhhahahahaha.

(opinion)

Simon Goodley. "Facebook investor DST comes with ties to Alisher Usmanov and the Kremlin." *The Guardian*, Jan. 4, 2011.

[http://www.guardian.co.uk/technology/2011/jan/04/facebook-dst-goldman-sachs.](http://www.guardian.co.uk/technology/2011/jan/04/facebook-dst-goldman-sachs)

119. federal judges | October 22, 2012 at 8:11 am |



[Permalink](#)

All our federal judges had to do was the RIGHT THING. Apparently that is too much to people who love their power and position more than their solemn duty. I am for impeachment at this point. They don't seem capable of doing the RIGHT THING.

(opinion)

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