

CASE NO. **8:20-cv-2667-T-36AEP**

PETITIONERS: VEAMCAST CORP , a Florida C corporation	IN THE UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA
DEFENDANTS: FACEBOOK INC , a Delaware corporation	TAMPA DIVISION

COMPLAINT OF ANTICOMPETITIVE BEHAVIOR BY A MONOPOLY

Since 2010, Veamcast Corp (a Florida C-Corp), has been developing apps and an API for a video/voice/photo publishing and sharing service. The Veamcast apps rely heavily on the use the Facebook Graph API. Veamcast allows its users to publish, share and communicate very much in the way the Facebook platform does with more of an emphasis on user created playlists. VEAM is an acronym for "Video Email and More". It would be accurate to say that Veamcast does nearly all of what Facebook does but in a very different way. On multiple occasions, Veamcast passed the Facebook App Review and was granted all the permissions necessary to implement its functionality. Facebook requested and was given detailed specifications and videos explaining how Veamcast planned to use their API. Facebook had employees download the Veamcast app to audit. Facebook employees setup at least three Veamcast users and logged on the Veamcast Windows app with the email addresses ruiwotjhhk_1540803256@tfbnw.net

(John H. Robert who logged on once on 9/25/2019),
jmozctateu_1555372771@tfbnw.net (James P. Hendrix who logged on multiple times between 9/25/2019 and 9/23/2020) and
qieezhwps_1541428725@tfbnw.net (John Crichton who logged on 8/23/2019) ¹. There was never any acknowledgement or communication from Facebook about these accounts however we were always granted the functionality we needed or appealed until we were.

Each of the following Facebook API functionalities were implemented within the Veamcast Windows App and all, at one time, worked but all were either deprecated, removed from the API or just stopped working in Veamcast due to ambiguous error messages ² for which Facebook refuses to explain or even acknowledge ³:

- Logon (still works but requires an extra step by the user not required by Facebook apps when they are already logged on, undermining the Veamcast seamless logon process).
- Send VEAMs (playlists/messages) to Facebook Friends (shut off for everybody now... when Veamcast first did it, our users could access their friend's email address and that capability was removed as was sending VEAMs via instant messaging. Veamcast resorted to posting on friend's wall but currently getting a user's friends via the API is no longer supported at all).
- Post VEAMs (playlists/messages) to Facebook Groups - (shut off for everybody in 2015).

¹ tfbnw.net is a domain registered by Facebook Inc. to audit apps

² Video demonstrating the issues can be seen at <https://veamcast.com/facebookcomplaint>

³ Exhibits 1 and 2

- Post VEAMs (playlists/messages) to Facebook Pages - (shut off for VEAMCAST APP with a 'Temporary error' message and a very suspicious support thread which was incorrectly marked as resolved and removed, a copy of which Veamcast had saved without which we could not prove deliberate intent ⁴.

- Post to the user's wall - (shut off for VEAMCAST APP with a 'Contains content other users have reported objectionable' message even if the content has just been recorded.⁵

In October 2019 or before, Facebook removed all posts that pointed to Veamcast content. Numerous support requests were made but Facebook refused to give any explanation.⁶ All the content that all Veamcast users had created was removed from the Facebook platform.

Facebook Inc is the largest social network in the world with an estimated 2.7 billion users as of Q2 2020. Combined with the other assets they've purchased (most notably Instagram and WhatsApp) they have an estimated 3.14 billion monthly users ⁷. They generated approximately \$70 billion in revenue in 2019. They are a dangerous monopoly. They are being investigated by Congress, the Federal Trade Commission and the Department of Justice. A class action suit alleging anti-competitive action was filed which describes Facebook's rise and the actions it took to achieve such a high market share.

⁴ Exhibits 3 and 4

⁵ Video demonstrating the issues can be seen at <https://veamcast.com/facebookcomplaint>

⁶ Exhibits 1 and 2

⁷ <https://www.statista.com/statistics/264810/number-of-monthly-active-facebook-users-worldwide/>

(Reveal Chat Holdco LLC et al v. Facebook, Inc., 3_20-cv-00363, No. 1 (N.D. Cal. Jan. 16, 2020). The Omidyar Network has released its findings in their "Roadmap for an Antitrust Case Against Facebook June 2020"⁸. In addition to a slew of other anti-competitive actions detailed, the defendants used their API as a lure to gain information about their competitors and then deprecated the functionality to prevent users from leaving the Facebook platform and to kill the competition. The Facebook website and apps originally were used for sharing content from all over the internet but as Facebook's dominance grew, they discouraged anything that would take users attention from their properties. Even YouTube videos now play within the Facebook app rather than taking the user to YouTube. Facebook monetizes all the traffic. This has far reaching consequences, not the least of which is that it kills monetization opportunities for local news and other democratic mainstays.

Facebook has brazenly grabbed dominance to a near total monopoly. They grabbed ownership of the social market space by scoffing at the Sherman and Clayton Acts. They took every action possible to thwart competitors. They used the Facebook Graph API to gain intelligence on the competition and then when the efforts threatened their market share, the defendants would systematically shut them down.

⁸ <https://www.omidyar.com/wp-content/uploads/2020/06/Roadmap-for-an-Antitrust-Case-Against-Facebook.pdf>

In a proximate result of the aforementioned, Veamcast Corp has suffered devastating loss, recrimination, injury, suffering and damages in the following ways:

Plaintiffs implemented functionality for their app and then defendants disabled that functionality piece by piece. In circumstances where the defendants couldn't shut down the functionality for all apps, they used the guise of fake error messages to disable and distract the Plaintiffs. This strategy was an effective way to prevent the Plaintiffs from getting traffic and building a user base. It wasted a great deal of their resources and development efforts. Plaintiffs were not only unable to gain users through the Facebook platform but the work and money they put into all the Facebook Graph API interfaces was lost. That time and effort could have been used to get users through other sources.

Any developer of an app platform seeking investment will be asked how many users they have. The Plaintiffs efforts to raise funds were wasted due to this. The deceptive behavior of the defendants added to the delay in the Plaintiff efforts. They didn't know what happening for a long time. They never removed these functions from the apps, thinking the issues would be fixed. Plaintiffs disbelieved until finally the behavior became so blatant as to be indubitable.

The distraction and fallout have been near fatal to the company. The potential opportunity cost is the total market value of Facebook Inc or more. This complaint only contains information we know to be true but the Plaintiffs believe there is more to this, that the behavior

goes back even further and that Facebook has policies and procedures in place to do this to any company that threatens them or disagrees with their agenda.

In an industry that prides itself on companies that grow out of garages, the defendant's duplicity and deceit doubtlessly took out countless fledgling tech companies in its quest for dominance. Nothing could be less American. It's nothing less than criminal.

Veamcast Corp seek punitive damages, compensatory damages according to proof, the cost of the lawsuit and whatever else the court sees just and fit to award.

The statements above and the addendums are true to the best of my knowledge.

PETITIONER SIGNATURE
JOSEPH DEAN, VEAMCAST FOUNDER AND CEO
5940 30th AVE S, UNIT 111, GULFPORT FL 33707
310-593-4485
FILING PRO SE - NOVEMBER 12, 2020

A handwritten signature in black ink, appearing to read 'Joe Dean', is written over the typed name and title.