

CASE NO. _____

PETITIONERS:

JOSEPH DEAN, a Tampa resident

IN THE UNITED STATES DISTRICT
COURT

MIDDLE
DISTRICT OF
FLORIDA

DEFENDANTS:

ROKU INC, a San Jose, California
corporation

TAMPA
DIVISION

COMPLAINT OF ANTICOMPETITIVE BEHAVIOR BY A MONOPOLY

Plaintiff, Joseph Dean, filing pro se, petitions the Court to provide permanent and equitable relief against defendant, Roku Inc. to permanently undo anti-competitive and monopolistic actions taken to prevent competition, most notably by changing their API to disallow third party apps from using functions of their API, including all the ones Joseph Dean used, but can no longer, when writing his Veamcast apps. I respectfully ask the Court to provide compensatory, and punitive damages and other remedies.

Jurisdiction and Venue

The primary jurisdictional basis for an antitrust claim in federal court would be:

a) Federal Question Jurisdiction (28 U.S.C. § 1331): The case arises under federal law, specifically the Sherman Antitrust Act (15 U.S.C. §§ 1-7) and/or the Clayton Act (15 U.S.C. §§ 12-27).

b) Specific Antitrust Jurisdiction (15 U.S.C. § 4): The Clayton Act provides that federal district courts have jurisdiction to "prevent and restrain violations" of antitrust laws.

c) FTC Act Section 5(a) (15 U.S.C. § 45(a)) prohibits "unfair methods of competition" and "unfair or deceptive acts or practices" in or affecting commerce. While the FTC retains its core enforcement authority under this provision, the FTC statutes should significantly influence the interpretation and enforcement of these antitrust laws by the courts.

Parties

Joseph Dean is a Tampa resident since 2018 and is filing on behalf of himself and only himself. He is the sole shareholder of Veamcast Corp, a company with no employees which will likely be defunct due to the anticompetitive actions of the Defendants. He is also the sole shareholder of Veamcast Corporation which has been inactive since 2013.

Roku Inc. is the leading American company in the smart TV market. It is estimated to have over 70 million active accounts. It was founded in 2002 by Anthony Wood, who remains the CEO. As of April of 2021, Wood had an approximate net worth of \$7.2 billion.

[https://en.wikipedia.org/wiki/Anthony_Wood_\(businessman\)](https://en.wikipedia.org/wiki/Anthony_Wood_(businessman))

As of April 8, 2024, Anthony Wood owns 1.5 million shares of Class A common stock and 17.1 million shares of Class B common stock. This gives him 57.4% of the company's total voting power.

In Q1 2024 Roku held nearly 50% of the TV unit market compared to #2 for Samsung, at 11%. This is up from 43% in 2023 which was more than triple the next three competitors.

Facts and Allegations

Since 2010, Joseph (Joe) Dean, a current Tampa resident, has been developing apps and an API for a video/voice/photo publishing and sharing service in an attempt to start and fund a business around a set of apps named Veamcast.

The Veamcast apps rely heavily on the use of the Roku APIs. Veamcast allows its users to publish, share and communicate very much in the way the Facebook and other social media platform do except with more of an emphasis on one-to-one communication, user created playlists and ad campaigns. Veamcast playlists can contain of any type of media, any URL, and deep links within Roku apps which could point to movies, TV shows, YouTube videos and any other Roku app that supported it.. Those deep links 3rd party app owners would of course appreciate this because traffic is currency. Veamcast playlists can then be played or linked to on all platforms that support the link. Our plans were to eventually allow users to purchase digital content and subscriptions for other users. Joe prioritized the Roku app. Joe also developed a Windows app, an Android app, a web viewer, several APIs and mailing systems. These apps are designed to cast the content to Roku devices so they can be viewed on the big screen. He was tremendously harmed, financially, emotionally and even physically by Roku discontinuing third party apps in such an obviously anti-competitive way to

achieve a monopoly. It was devastating. We allege Roku's actions are intended to prevent any third party from competing with their mobile app. These actions and others taken by Roku prevented Veamcast from becoming a company that could compete with Roku, Facebook and the other tech giants.

On August 23, 2024, Joe Dean posted this question as joedean62 to a thread he created on Roku's website (Exhibit A) referring to the quote below that he found on the Roku website (Exhibit B):

Mobile remote app viability

DOES THIS MEAN THAT ALL THE MOBILE REMOTE APPS ARE NOT GOING TO WORK ANYMORE? (last sentence)

"Support for sending ECP commands from within a Roku channel application has been discontinued. Channels may no longer include code in their channel application that is designed to issue any type of ECP command. [Static Analysis testing](#) has been updated to check channels for ECP commands. Channels that include ECP commands in their code will automatically be blocked from publishing to the Roku Channel Store. In addition, ECP commands may not be sent from 3rd-party platforms (for example, mobile applications)."

The next day (Saturday August 24), another user named renojim, a Community Streaming Expert, who has a tagline "I am not a Roku employee" replied:

Re: Mobile remote app viability

Sending ECP commands from within a Roku app running on a Roku device is not the same as sending an ECP command from an external non-Roku device. It's not a new limitation.

Where did you find any statement about ECP not being allowed from 3rd party platforms? That doesn't make any sense. If not from 3rd party platforms, then what good would ECP be?

Later that day another user named AVSGunnar, who has a tagline "Just another Roku user...I am not a Roku employee" replied:

Re: Mobile remote app viability

[@renojim](#)

I believe it was from here. <https://developer.roku.com/docs/developer-program/dev-tools/external-control-api.md>

There is a line that states "In addition, ECP commands may not be sent from 3rd-party platforms (for example, mobile applications)."

There was also a couple of older questions in the Developer forum that didn't really seem to make it any clearer. (at least to me).

Later that day renojim replied:

Re: Mobile remote app viability

Ah, I do vaguely remember that. I didn't understand it then and I don't understand it now. I only use a few ECP commands, but they're still working for me. I guess it's the "3rd-party platforms" part I don't get. I use cURL and maybe it's different somehow? They may be trying to kill off the numerous paid Roku remote apps that sometimes upset people that think Roku is charging for them (and are totally unnecessary if you ask me given Roku has an official app that's free).

Later that day, Joe Dean posted as joedean62:

Re: Mobile remote app viability

That's a good way to get ****bleep**** apps. One vendor blocks out all others. Should Roku be the only one we can discover content from?

The bleeped word was 'crappy' and it was done automatically with no prompt. It's interesting to note later in the thread how the word 'lawyer' could not be posted at all... not even bleeped. An error message would appear. (Exhibit L1). A screenshot of that error message was taken and an attempt to upload resulted in a 'flood' error (Exhibit L2). It's an obvious and blatant attempt to prevent legal action from being discussed on their forum.

Later that day, renojim posted:

Re: Mobile remote app viability

[@joedean62](#), I don't follow you; I feel like I must be missing something. How does not allowing ECP from 3rd-party platforms affect discovering content? I can understand people with Roku remote apps that were making money off of people that didn't know there was a free Roku app being upset, but that's about it.

The following day, (Monday August 26), Joe Dean as joedean62 replied:

Re: Mobile remote app viability

This video demos an app I am working on. I can see Roku's position that any app on your network having control of your TV could be problematic,

but they should offer a program for developers that implements security.

They should embrace this. There is huge revenue potential.

A link to a Veamcast video was attached which is now posted on YouTube at the following link:

Veamcast Roku demo for Roku Forum (video 4:28)

Video here: <https://youtu.be/q6vg5-Gzoaw>

The video demonstrates the Veamcast platform integration of the Roku API and some of the functions that were still working. The message posted about External Control Protocol (ECP) commands meant those commands would no longer work, they were being shut off by Roku. All the supporting features of the Veamcast app would need to be removed. There are many menus within Veamcast and many have a CAST button within. These would all be rendered useless. The app was a tremendous amount of time and effort and clearly does unique things the Roku apps currently do not do. Not only did we lose the time and work in implementing them, now we will lose the time and work in removing them and in filing this suit. Veamcast apps had significant functionality loss, rendering key features inoperable.

Later that day, another user named michalama, the only one who did **not** have a tagline denying to be a Roku employee and who is labeled a 'newbie' posted:

Re: Mobile remote app viability

It looks like support for ECP commands from within a Roku channel applications and other platforms, including mobile remote apps, has been discontinued. To adapt, you might want to explore alternative methods for controlling Roku devices, such as using the Roku mobile app's built-in features or updating your channel to comply with the new guidelines.

The Roku employee's suggestion to 'explore alternative methods' comes to a very quick end. I will definitely not get the functionality I implemented and even if I could, it would clearly be foolish for anybody to work with people who have such callous disregard for the developers that helped bring them the success they now exploit.

Without evidence, I suggest the posters who claim to not work for Roku are most likely working for consulting companies that contract to Roku or Roku partners (i.e. Cognizant, Accenture, Infosys, IBM, Wipro, Deloitte) or are actual Roku employees and are just lying about it. I don't discount the possibility that one of

these users is Anthony Wood, Roku's founder and CEO, himself or other senior staff members at Roku.

Later that day, renojim posted:

Re: Mobile remote app viability

[@joedean62](#), thanks for sharing. Looks interesting, but it seems that anytime Roku opens up their devices to external apps they get burned by some douche bag that takes over a Roku device with some kind of scheme to show ads or otherwise make the douche bag money. I'm sure it's easier for them to just ban such uses than to implement some kind of security. A better place for this discussion is probably the developer section where I see you've also posted.

It's interesting to note that while 'lawyer' was forbidden and 'crappy' was bleeped, 'douche bag' seemed to make the cut and 'douche bag money' seems to refer to money made by apps other than Roku.

Later that day, Joe Dean as joedean62 posted:

Re: Mobile remote app viability

The L word is not allowed on this forum.

The post included a link to a recorded video demonstrating the error messages I encountered with the word 'lawyer' (Exhibit L1 and L2).

Can't Post the Word Lawyer on Roku Forums (video 1:52)

It can be viewed here: <https://youtu.be/aeluHdchFsE>

This should deeply offend the Court. It is very unusual and concerning. Roku is clearly trying to avoid discussions of their crimes on their platform.

It's also interesting to compare the comments from renojim and michalama in how they use language like "it seems" and "it looks like" to infer a kind of distance between themselves and the company. The user 'renojim' seems to have intimate knowledge about how Roku users are upset with 3rd party apps and about how any time Roku open up their API, 'douche bags' take over to make the 'douche bag' money.

We'll be filing a motion for discovery of who these users actually are and why a new user ('newbie') was created by the Roku company to spill the news that these functions would no longer work. While the discovery processes may provide additional insights, the existing evidence of the company's actions

present a compelling case. The above thread isn't necessary to prove our complaint. It is proven by the Roku company's actions by changing their API and the other ones we mention below for which the company cannot dispute. The defendant has demonstrated a pattern of conduct so egregious and transparently anticompetitive as to suggest a reckless disregard for both established antitrust law and the principles of fair competition. Their actions appear to be not merely aggressive business tactics, but rather a calculated and brazen attempt to exploit their market dominance, showing little concern for the potential legal and regulatory consequences.

In a VIDEO INTERVIEW WITH ROKU'S ANTHONY WOOD on USA TODAY, he can be seen saying:

“Another thing we think will change things dramatically is an App Store for TV. So just like the iPhone has an App Store, we want later this year to launch an App Store for Roku for our box to let third parties, published content and applications that consumers can access directly from their TV.”

It can be viewed here:

ROKU CEO Anthony Woods' Plan for 3rd Parties (video 1:44)

<https://youtu.be/Wu4N2HsYmMQ>

Anthony's statement was a clear indication that the Roku company stated in the past that it was going to embrace third party apps in its platform. But now, Roku is clearly taking action to prevent other parties from accessing their platform in any way that will not benefit Roku and are taking definitive action to promote their own channel over all others.

First, Roku disabled ECP (External Control Protocol) in Roku channels which disables the ability to deep link into other apps or channels. This killed all discovery and curation apps. Then Roku killed the ECP protocol in all mobile apps except theirs, killing all competition for remote control and linking into channels from other devices. This killed a vast array of innovative software, including that of the Plaintiff.

These actions will build a moat around Roku's flawed methodology of building a thick OS into a TV rather than having the TV be a peripheral; a simpler, cheaper device, part of a home network, that accepts casting requests and gets its content

from anywhere. This scenario would be vastly better for consumers but Roku's monopolistic behavior forbids it from taking root. Their goal is to dominate user engagement, getting more user eyes on content that makes them money at the expense of their users, app developers, content creators, content distributors and most certainly their competitors.

On top of all that, Roku's evolution has seen numerous other changes to its operating system and user interface that unfairly advantage its own content and advertising services to the detriment of competitors and consumers:

- a. Roku has repurposed its "Live TV" function, originally designed for cable and over-the-air broadcast listings, to prominently feature and promote "The Roku Channel". The Roku Channel would be more aptly named "The Roku Channel Collection" because it includes hundreds of channels. Incidentally, The Roku channel which launched in 2017 is pretty much a knock off of Pluto TV which launched in 2014, the same year Roku TV did. It is actually a collection of channels that operates very much in the way traditional cable boxes did with a directory of channels and a mechanism for scrolling through them and switching between them. Anthony Woods refers to them as "fast channels". The vast difference between this model and the cable box model is that on the Roku channel, all the ads are

controlled by Roku. In the cable box model, the content providers- controlled ads or had a payment gate or paywall. The Roku Channel model also differs vastly from the original Roku model of the TV OS being a collection of apps with an open API with which each app could monetize.

- b. This change gives the Roku Channel a significant advantage over other streaming channels, content providers and app developers on the Roku platform.
- c. Roku has modified its software to automatically load the Roku Channel upon device startup, often bypassing the menu that displays other applications and streaming services. This greatly reduces the visibility of the competition.
- d. The majority of advertisements displayed within the Live TV function are for Roku's own services or channels within the Roku Channel, further cementing its advantage. The Roku Channel can contain fast channels for which the owner also has its own Roku app. (i.e. many news and weather outlets have both Roku apps and a fast channel on the Roku Channel). If the content is watched on the Roku Channel, Roku controls the revenue

from the ads or uses the ad space to promote the Roku Channel and the channels within. Clearly Roku is trying to expand its reach into advertising to the detriment of the content providers and are using unfair advantage to do it.

- e. Roku is getting into original content, creating mocking content like *Weird: The Al Yankovic Story* and *Die Hart (Die Harter 2)* competing with all other content creators and providers, using its unfair advertising reach to unfair advantage in the content creation and promotion space.
- f. The ads in the Roku Screensaver and Roku Home Page all blatantly favor the Roku Channel over all others.

Video here:

Roku TV Gives THE ROKU CHANNEL Unfair Advantage (video 2:40)

<https://youtu.be/tClqMuYVIoI>

These actions collectively serve to:

- a. Unfairly promote Roku's own content and services over those of all other competitors.

- b. Reduce visibility and accessibility of competing products and services.

- c. Leverage Roku's dominant market position to increase its advertising revenue, user engagement and brand visibility.

- d. Cause great harm to consumer choice and the competitive landscape of the broad television market on many levels.

The Plaintiff argues that these actions constitute an abuse of Roku's market power and an attempt to unlawfully maintain and extend its monopoly in the streaming device and smart TV operating system market.

The following video shows Anthony Woods, Roku founder and CEO admitting he was surprised by the trend toward fast channels, which is very similar to what Veamcast is developing. He says that everyone is launching fast channels. He admits he doesn't understand why people watch them, which along with his expressed surprise, could be interpreted as a very clear indication that he didn't innovate them. Despite this initial lack of understanding and innovation, Mr. Woods stated that Roku now holds a dominant position in the fast channel market. He says it's "the biggest driver of growth and that we're the biggest fast

channel distributor.” This implies he uses the data he gets from his OS to follow trends and uses that information to an unfair advantage. Then he dominates them using what he admits is the easiest way to get engagement, an ad on the Roku Home Screen, which he completely controls and where he clearly has unfair advantage.

Anthony Wood Admits He Didn't Invent or Predict Fast Channels But Now Dominates Them (video 1:15)

https://youtu.be/I6hY_QC0zMQ

As a result of these anticompetitive practices, competitors have suffered damages, and consumers have experienced reduced choice, poorer quality software and potential increases in advertising exposure.

This is very similar to the tactics taken by Microsoft Corporation in the personal computer operating system market (United States v. Microsoft Corporation (1998-2001)) and by Facebook with their APIs (FTC v Facebook, 2024 1:20-cv-03590, Joseph Dean v Meta Platforms 2024 8:24cv02242 and other references from Legal Basis and Relevant Case Law section of this complaint).

Microsoft leveraged its dominant position in the PC operating system market to gain advantage in the burgeoning web browser market.

Facebook would offer functionality to third party apps which would provide them with users and ideas. Once the company achieved dominance, those functions were removed leaving Facebook with the users, the concepts of what worked and what didn't, and a defensible monopoly with ineffectual competition.

Plaintiff began work on the Veamcast Roku App in December of 2019 (Exhibit E). When a 3rd party Roku app is tested, it is certainly possible for Roku to monitor what it's doing. It's the purpose of [Static Analysis testing](#). Plaintiff's Windows and Android apps were also available for download in beta form. Plaintiff's app was registered in Roku's public channels (Exhibit G). Anybody could see what the Plaintiff was doing, watching it step by step.

Roku launched Photo Streams (Exhibit R) on June 15, 2022. This feature allows Roku users to cast photos from their smartphones to their Roku devices. It's a subset of what Veamcast does and I'm pretty sure it'll evolve into exactly what Veamcast does. Whether Roku stole the idea is likely and strengthens this case but it is not key to this complaint. The Veamcast app cannot compete due to the

new restrictions put on the Roku API. Roku has also changed the rules so that theirs is the only mobile app that can communicate with their devices now. It clearly blocks all others, existing, in progress and all future innovation. There can be no doubt it is a tactic to obtain a monopoly and block competitors. This will harm consumers and all others involved to the benefit of Roku, regardless of how the Defendant characterizes it.

Originally, what Roku was selling to consumers was a television that was extensible, that could be discovered and controlled by other non-Roku devices on the network. With the changes they've made, what Roku devices have morphed into is a device where Roku controls everything you can watch and how you watch it. Any other functionality has been demoted or disabled. It could be construed as fraud, especially if you were investing in those TVs with that extensibility in mind (i.e. a church or theatre might have a mobile app casting to a Roku screen) or writing software for it as the Plaintiff spent so many years doing.

The Plaintiff respectfully brings the following facts, statements and allegations to the Court to explain the broader context of the Plaintiff's situation and explain why he is filing pro se. While recognizing that this Court's primary role is to adjudicate the specific civil claims presented, the Plaintiff believes the evidence

uncovered in this case may be indicative of wider-ranging issues that could be of interest to regulatory and law enforcement agencies. The Plaintiff intends to pursue all appropriate legal channels to address these concerns, including reporting relevant information to proper authorities. However, for the purposes of this civil action, the Plaintiff will focus on demonstrating how the Defendants' actions have directly caused harm to the Plaintiff, as outlined in the above claims.

This is the third filing of a COMPLAINT OF ANTICOMPETITIVE BEHAVIOR BY A MONOPOLY concerning Veamcast. Veamcast was also the brunt of blatant anti-competitive behavior from Facebook. Veamcast filed in this court on November 12, 2020 (Appendix F) and it was dismissed without prejudice for procedural reasons, most notably it was filed pro se. It was filed again as Joseph Dean v Meta Platforms Inc on September 22, 2024. Attempts to obtain counsel went in vain. These attempts included an Open Letter to the Department of Justices of both the U.S. and the Philippines. This was emailed and postal mailed to all members of the Senate Judiciary Subcommittee on Competitive Policy, Antitrust and Consumer Rights and numerous other politicians. I reached out to countless law firms asking for counsel. No law firms were keen on suing Facebook. Maybe my emails hit the junk mail folder. There was a firm that

contacted me on LinkedIn and seemed to be interested but then ghosted me after we sent them our suit.

Senator Amy Klobuchar was on the list of people the letter was sent to as she is a trailblazer as the Chairwomen of the Senate Judiciary Subcommittee on Competitive Policy, Antitrust and Consumer Rights. I sent it to all members. I got crickets back. I was not surprised to see Ms. Klobuchar is dedicated to defending one rich monopolistic company against other another. Appendix K is a press release of her defending Roku against Google. She and all committee members should be investigated to see their lobbyist ties. It's a bipartisan effort to carve up that lobby pie as the tech oligarchs struggle for control of our media and communications. The government should investigate their investments deeply and not forget their family members.

These are not isolated incidents. They are common. Joe Dean's other startup, Electronic Sports, had its concept blatantly stolen by Nintendo.

In 2005, Joe Dean began a startup named Electronic Sports. We were funded by Bigfoot. Its premiere product named Dogfight was an exercise bike interfaced with a flight simulator. Users would pedal, the prop would spin and players could shoot down balloons for points or compete in aerial combat while getting

exercise. One player is blue and the other red. You can see Electronic Sports Dogfight here:

Electronic Sports' Dogfight - Active Flight Simulator (video 3:13)

<https://youtu.be/vL3MQNAjmW4>

In 2009, Nintendo created a game called Wi Sports Airplane Dogfight as part of their Wii Sports Resort Game Collection in which players passively sit at a game console and shoot down balloons for points or compete in aerial combat. One player is blue and the other reddish. Apparently, it's popular among American Presidents. You can see Nintendo's version of Dogfight here. Note: this video was not created by me or anyone I know. I venture to guess the President's voices are not genuine:

US Presidents Play Wii Sports Airplane Dogfight (video 10:08)

<https://youtu.be/LmGvnyYidQY>

This is very relevant. If this type of thing happens to one person three times by three companies in three different ways, how prevalent must it be? Is there no enforcement of these laws enabling companies to be emboldened enough to do this?

Anticompetitive behavior has far reaching consequences. Consumers will clearly get substandard products like Roku, Facebook and Nintendo. It also kills off monetization opportunities for local news and other democratic mainstays. The worst part is the politicians being so obtuse to it, yet campaigning on it. They collude with the tech oligarchs to censor their crimes. They conduct circus hearings but do nothing.

With these oligarchs in charge, we will be presented with content aligned with their ideals. Here is a video of Anthony Wood explaining his philanthropy. He explains that “you can’t help people, they have to help themselves”. Then he infers that the government gives money to cancer research so he only gives a little. Then he speaks with pride about his donations to the cause of ‘curing his jet lag’ because he hates that. It ruins his vacation. He’s funding two labs to cure it; one is working on gene replacement therapy for it. He qualifies for reductions on his taxes for this. This video is also relevant as it shows a reckless disregard on behalf of Anthony Woods for what he says in public and strengthens our allegation that he openly admits breaking the law in the same interview. We assert that sometimes when people openly admit things, people hesitate to think what they are doing is wrong because if it was, they wouldn’t speak so freely about it. In this video the clarity of his attitude works against that. Anthony

wants what is good for Anthony, even when asked what he's doing to give back to the community.

Link can be viewed here:

Anthony Wood On Giving Back (video 2:41)

<https://youtu.be/mN98761g1ck>

Tech oligarchs control our communication completely. Email has nearly replaced the Post Office for official business which until fairly recently had a near monopoly on delivery of the mail, a responsibility dating back to the Articles of Confederation (1777). Having Microsoft (Outlook and LinkedIn), Google (Gmail), AOL/Yahoo and a handful of others controlling our communications, filtering what should reach our inboxes, running all our mail through their learning engines and deciding what is delivered is a total recipe for disaster.

We believe this is relevant because our messages attempting to get counsel most likely were labeled as spam and delivered to the junk mail folders of the people we send them to.

While Veamcast cannot determine exactly what is happening, the evidence we get from sending email campaigns definitely tells us our links get manipulated and we get a lot of traffic with the data mangled.

We also get thousands of hits from companies hacking our URLs and we don't see any economic benefit to hacking us as we're under development. So, it begs explanation.

Hackers (video 2:33)

Video here: <https://youtu.be/xgWHvKhPuZc>

Plaintiff alleges that Roku is part of a cartel of tech companies who collude and carve out niches for each other. The Senate Judiciary Subcommittee on Competitive Policy, Antitrust and Consumer Rights act as referees. In our current lawsuit against Facebook, we are requesting the Court to compel them to release any data related to Veamcast or the Plaintiff in the system named CENTRE which U.S. Senator Josh Hawley reported to be a system used between tech companies to coordinate efforts between them on a variety of topics, including suppressing and undermining competition. As evidence I submit a snippet from a Senate hearing that took place with Mark Zuckerberg where Senator Josh Hawley submits evidence of this. He talks of systems (TASKS AND

CENTRE which Zuckerberg denies knowledge of). Meta uses these to collude with other tech companies. Plaintiff will request the Court compel the Defendants to share all information they have collected about the Plaintiff and his platform:

CNET Highlights Republican Senator GRILLS Zuckerberg on Facebook, Google, and Twitter collaboration (video 11:04)

<https://youtu.be/XboPeeDEcpM>

This is relevant because we allege Plaintiff's correspondence gets downgraded but also because we suspect the Defendants might be getting and sharing intelligence with other companies concerning Plaintiff and his platform. We will be filing motions to the Court to compel the Defendants to disclose all communication and data records they have concerning the Plaintiff and his platform from any and all sources.

Claims for Relief

Roku has brazenly grabbed dominance in the TV streaming and smart TV market and are now blocking competitors using blatantly anti-competitive tactics. Their actions are clearly prohibited by the Sherman and Clayton Acts as

well as FTC statutes. They took every action possible to thwart competitors. They used the Roku API to gain intelligence on the competition and then when the efforts threatened their market share, the defendants would systematically shut them down and steal the concepts. They are using their platform as the TV operating system to prop up their digital assets, especially "The Roku Channel". They seek to dominate at the expense of all others. The evidence presented here is clear. They use unfair advantage at every opportunity.

Based on the facts, the following claims could be asserted:

- a) **Violation of Sherman Act Section 2 (15 U.S.C. § 2):** Monopolization or attempt to monopolize the market.

- b) **Violation of Clayton Act Section 3 (15 U.S.C. § 14):** Exclusive dealing arrangements that substantially lessen competition.

- c) **Violation of FTC Act Section 5(a) (15 U.S.C. § 45(a)):** prohibits "unfair or deceptive acts or practices in or affecting commerce.

In a proximate result of the aforementioned, Joseph Dean has suffered devastating loss of opportunity, severe financial injury, emotional and physical suffering and damages in the following ways:

Plaintiff implemented better functionality and then defendants disabled that functionality piece by piece. This strategy was an effective way to prevent the Plaintiff from launching, getting traffic and building a user base. It wasted a great deal of their resources and development efforts, not only in building it but now in the task of removing it. Plaintiff was not only unable to gain users through the Roku platform but the work and money they put into all the Roku 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 Plaintiff's efforts to raise funds were clearly thwarted due to the time wasted with this. The deceptive behavior of the defendants in both the Facebook and the Roku suits added to the delay in the Plaintiff efforts. The distraction and fallout have been near fatal to the company and absolutely devastating to the morale and health of the Plaintiff. The opportunity cost exceeds the total market value of Roku Inc or possibly even Facebook's. This complaint only contains information we know to be true but the Plaintiff believes

there is more to this, that the behavior goes back even further and that both Roku and Facebook have 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 defendants and their cohort's duplicity and deceit doubtlessly took out countless fledgling tech companies in their quest for dominance. Nothing could be less American. It's nothing less than criminal.

Legal Basis and Relevant Case Law

- Sherman Act Section 2 (monopolization)
 - United States v. Microsoft Corp., 253 F.3d 34 (D.C. Cir. 2001)
 - **Relevance:** This landmark case dealt with monopolization and attempted monopolization in the operating system market.
 - **Key point:** The court found that Microsoft had monopoly power in the PC operating system market and had taken actions to maintain this monopoly, violating Section 2 of the Sherman Act.

- Clayton Act Section 3: Makes it illegal to enter into tying arrangements, exclusive dealing contracts or requirements contracts if such arrangements or contracts tend to lessen competition
 - Jefferson Parish Hospital District No. 2 v. Hyde, 466 U.S. 2 (1984):
Set standards for analyzing tying arrangements under antitrust law
 - United States v. Dentsply Int'l, Inc., 399 F.3d 181 (3d Cir. 2005):
Addressed exclusive dealing arrangements and their potential to foreclose competition

- FTC Act Section 5(a) (unfair methods of competition)
 - FTC v. Sperry & Hutchinson Co., 405 U.S. 233 (1972): Established that the FTC has broad powers to determine unfair competitive practices beyond those forbidden by the Sherman Act or Clayton Act
 - FTC v. Indiana Federation of Dentists, 476 U.S. 447 (1986):
Demonstrated that concerted refusals to deal with third parties can violate antitrust laws
 - FTC v. Qualcomm Inc., 969 F.3d 974 (9th Cir. 2020) could be relevant for its discussion of duty to deal and refusal to license issues.

- Ohio v. American Express Co., 138 S. Ct. 2274 (2018)
 - **Relevance:** This case addressed two-sided markets, which could be relevant in analyzing Roku's role as a platform connecting consumers and content providers.
 - **Key point:** The Supreme Court ruled that both sides of a two-sided market must be considered when analyzing anti-competitive effects.

- United States v. Apple, Inc., 791 F.3d 290 (2d Cir. 2015)
 - **Relevance:** This case dealt with conspiracy and anti-competitive behavior in the e-books market.
 - **Key point:** The court upheld the finding that Apple had orchestrated a conspiracy among book publishers to raise e-book prices.

- United States v. Google LLC, No. 1:20-cv-03010 (D.D.C. filed Oct. 20, 2020)

- **Relevance:** While this case is ongoing, it deals with allegations of monopolistic practices by a major tech company in maintaining its dominance in search and search advertising.
- **Key point:** The DOJ alleges that Google has unlawfully maintained monopolies in search and search advertising through anticompetitive and exclusionary practices.

- FTC v. Facebook, Inc., No. 1:20-cv-03590 (D.D.C. filed Dec. 9, 2020)
 - **Relevance:** This ongoing case involves Meta (Facebook) and alleges monopolistic practices in personal social networking services.
 - **Key point:** The FTC alleges that Facebook has maintained its monopoly position by imposing restrictive policies that unjustly hinder actual or potential rivals.

- New York v. Facebook, Inc., No. 1:20-cv-03589 (D.D.C. filed Dec. 9, 2020)
 - **Relevance:** This case, filed by 48 state attorneys general, alleges that Facebook has and continues to illegally stifle competition to protect its monopoly power.

- **Key point:** The complaint focuses on Facebook's acquisitions of Instagram and WhatsApp, as well as its policies regarding third-party apps.
- FTC v. Surescripts, LLC, 424 F. Supp. 3d 92 (D.D.C. 2020)
 - **Relevance:** This case deals with allegations of maintaining monopoly power through exclusionary contracts, which could be relevant to Roku's dealings with app developers, streaming services and advertisers.
 - **Key point:** The court denied Surescripts' motion to dismiss, allowing the FTC's monopolization claims to proceed.
- Eastman Kodak Co. v. Image Technical Services, Inc. 504 U.S. 451 (1992)
 - This case addressed tying arrangements and the use of market power in one market to gain advantage in another, which could relate to Roku's alleged practices of favoring its own content and services.
- Aspen Skiing Co. v. Aspen Highlands Skiing Corp., 472 U.S. 585 (1985)

- This case dealt with a company's refusal to deal with competitors, which might be relevant to Roku's alleged changes to its API that prevent third-party apps from accessing certain functions.
- Berkey Photo, Inc. v. Eastman Kodak Co., 603 F.2d 263 (2d Cir. 1979)
 - This case addressed the use of monopoly power in one market to gain advantage in another, which could be relevant to Roku's alleged use of its dominant position in the streaming device market to advantage its content services.
- United States v. Dentsply Int'l, Inc., 399 F.3d 181 (3d Cir. 2005)
 - This case dealt with exclusive dealing arrangements and their potential to foreclose competition, which might relate to Roku's alleged practices of favoring its own content and services.
- LePage's Inc. v. 3M, 324 F.3d 141 (3d Cir. 2003)
 - This case addressed bundling practices by a dominant firm, which could be relevant to how Roku allegedly bundles its services and content with its devices.

- United States v. Grinnell Corp., 384 U.S. 563 (1966)
 - This case set out the basic elements of monopolization under Section 2 of the Sherman Act, which would likely be central to any monopolization claim against Roku.

- Broadcom Corp. v. Qualcomm Inc., 501 F.3d 297 (3d Cir. 2007)
 - This case dealt with alleged anticompetitive conduct in the context of standard-setting organizations, which might have some relevance to Roku's control over its platform's API.

- Joseph Dean v. Meta Platforms, Inc., No. 8:24cv02242 (Middle District Florida 2024)
 - While this case is ongoing, it deals with allegations of anticompetitive conduct by Meta against Joseph Dean, the same Plaintiff as in this complaint.

Criminal and Civil Penalties:

- Violation of Sherman Act Section 2 (15 U.S.C. § 2): Monopolization or attempt to monopolize the market
 - Criminal Penalties:

- Felony charges for individuals
 - Up to 10 years in prison for individuals
 - Fines up to \$1 million for individuals
 - Fines up to \$100 million for corporations, or twice the amount gained from the illegal acts or twice the money lost by the victims if either of those amounts is over \$100 million
- 2. Civil Penalties:
 - Injunctive relief (court orders to stop the illegal behavior)
 - Treble damages (three times the amount of actual damages) in private lawsuits
 - Structural remedies, which may include breaking up the company
- 3. Other Consequences:
 - Reputational damage
 - Potential debarment from government contracts
- b) Violation of Clayton Act Section 3 (15 U.S.C. § 14): Exclusive dealing arrangements that substantially lessen competition
 - Civil Penalties:
 - Injunctive relief to stop the anticompetitive practices

- Monetary penalties, which can be substantial
- Treble damages in private lawsuits
- Other Consequences:
 - Nullification of exclusive dealing contracts
 - Reputational damage
 - Potential oversight and reporting requirements

Prayer for Relief

Joseph Dean seeks punitive damages and treble compensatory damages up to the amount of \$10 billion, the approximate market value of the Roku company, the cost of the lawsuit and whatever else the court sees just and fit to award.

Roku's actions prevented Veamcast from entering the market and gaining traction which could eventually have led to a superior TV platform, one better integrated with communications and media outside the Roku ecosystem and one more aligned with the First Amendment. We also request the Court compel Roku to permanently undo the changes to the API and continue letting third party access to all the functionality available in the Roku APIs since its inception.

Wherefore, the Plaintiff respectfully requests that this Court:

- Find in favor of the Plaintiff on all counts alleged herein;
- Award treble damages to the Plaintiff in an amount to be determined by this Court, sufficient to compensate for the injuries and losses sustained;
- Issue an injunction requiring Roku to reverse its decision on discontinuing deep linking and third party ECP commands including third party mobile apps and third-party Roku channels or apps.
- Order Roku, through injunctive relief, to divest itself of The Roku Channel and cease providing it preferential treatment in terms of exposure and visibility within the Roku operating system;
- Grant such other and further relief as this Court deems just and proper.

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

A handwritten signature in black ink, appearing to read 'Joseph Dean', written in a cursive style.

PETITIONER SIGNATURE
JOSEPH DEAN
5131 MAYFAIR PARK COURT, TAMPA FL 33647
310-593-4485
FILING PRO SE

Last modification: October 7, 2024

Appendix

- **Exhibit A: Full thread on Roku website in PDF as it was at the time of the writing**
- **Exhibit B: Screenshot of Roku's External Protocol (ECP) page where the instruction on using it are shown. Recent changes are highlighted (by Roku)**
- **Exhibit L1: Screenshot of Roku's messaging refusing content that contains the word 'lawyer'**
- **Exhibit L2: Screenshot of Roku's messaging service refusing a screenshot of Roku's messaging refusing content that contains the word 'lawyer'**
- **Exhibit E: Repository Timestamp showing first date check-in**
- **Exhibit G: Roku website screenshot showing Veamcast account info**
- **Exhibit R: Roku Photo Streams Screenshot**
- **Exhibit K: News Release: Klobuchar Statement on Roku Concerns Regarding the Effect of Google's Self-Preferencing Business Practices**

Video Links Index

1. Veamcast Roku demo for Roku Forum (video 4:28)

<https://youtu.be/q6vg5-Gzoaw>

2. Can't Post the Word Lawyer on Roku Forums (video 1:52)

<https://youtu.be/aeluHdchFsE>

3. ROKU CEO Anthony Woods' Plan for 3rd Parties (video 1:44)

<https://youtu.be/Wu4N2HsYmMQ>

4. Roku TV Gives THE ROKU CHANNEL Unfair Advantage (video 2:40)

<https://youtu.be/tCIqMuYVioI>

5. Anthony Wood Admits He Didn't Invent or Predict Fast Channels But
Now Dominates Them (video 1:15)

https://youtu.be/I6hY_QC0zMQ

6. Electronic Sports' Dogfight - Active Flight Simulator (video 3:13)

<https://youtu.be/vL3MQNAjmW4>

7. US Presidents Play Wii Sports Airplane Dogfight (video 10:08)

<https://youtu.be/LmGvnyYidQY>

8. Anthony Wood On Giving Back (video 2:41)

<https://youtu.be/mN98761g1ck>

9. Hackers (video 2:33)

<https://youtu.be/xgWHvKhPuZc>

10. CNET Highlights Republican Senator GRILLS Zuckerberg on Facebook, Google, and Twitter collaboration (video 11:04)

<https://youtu.be/XboPeeDEcpM>

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