CASE NO.

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 qieezhwpks_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 ¹:

- 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

¹ Exhibits 1 and 2

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

- 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 ².

 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.³

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.⁴ 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 ⁵. They generated approximately \$70 billion in revenue in 2019. They are a dangerous monopoly. They are being investigated by Congress, the Federal Trade

² Exhibits 3 and 4

³ Video demonstrating the issues can be seen at htt_____ ps://veamcast.com/facebookcomplaint

 $^{^{\}rm 4}$ Exhibits 1 and 2

⁵ https://www.statista.com/statistics/264810/numbe

alleging anti-competitive action was filed which describes Facebook's rise and the actions it took to achieve such a high market share. (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"6. 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

⁶ https://www.omidyar.com/wp-content/uploads/2020/06/Roadmap-for-an-Antitrust-Case-AgainstFacebook.pdf

the competition and then when the efforts threatened their market share, the defendants would systematically shut them down.

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

1.10

Appendix

All threads were saved and published to veamcast.com

[1]

Correspondence with Facebook Support concerning 'Content Blocked' message july 22 - july 31 2019 saved oct 27 2019 by the time we began saving records, Facebook had been blocking us since 2018



Content blocked

Created by Joe Dean — July 20 at 9:53 PM

Whenever anything from Veamcast is posted, the message "We can't review this website because the content doesn't meet our Community Standards. If you think this is a mistake, please let us know.". I have clicked LET ME KNOW and asked why many many times and nobody answers. Please help me resolve this!

Related Apps:

• veamcast (112332832127588)



Hello, Thank you for contacting Facebook Direct Support. we have checked you submission history and we saw that some of our agent are able to see the website and some get the page with Community Violation, we are checking this issue internally to see if its not from our side. Thank you have a nice day, Sebastian Verde | Facebook Direct Support

July 22 at 4:21 AM · Status changed to Under Investigation · Edited



Facebook User

July 24 at 4:42 AM · Status changed to Closed · Edited



Ioe Dean · Creator

It is still blocked!

July 24 at 9:21 AM \cdot Status changed to Reopened \cdot Edited



Ioe Dean · Creator

I have been trying to get this fixed for a long time now... I can't get my app approved... I spent alot of time writing my app... I have been given no reason why I am violating community standards. You can just ban a website with no explanation and no recourse?

July 25 at 4:46 PM



Ioe Dean · Creator

July 26 at 12:33 PM



Ioe Dean · Creator

This is really crazy... you just shut my website off with no explanation and nobody is answering any of my MANY requests for why.... How is this legal?

July 26 at 12:38 PM



Ioe Dean · Creator

Still no response.... Why is my site banned?

July 27 at 12:39 PM



Ioe Dean · Creator

HOW CAN I GET THIS ADDRESSED?????

July 27 at 10:22 PM



 $Brock \, Lee \cdot \, \cdot \, {\sf Facebook} \, {\sf Team}$

Hello Joe, Thank you for contacting Facebook Direct Support. Because your site violates our community standards, I have transferred you to a different department that can help you with this issue, sorry for the inconvenience. Thank you have a nice day, Brock Lee | Facebook Direct Support

July 30 at 12:19 PM \cdot Status changed to Need More Info \cdot Edited



 $Connie \ H. \cdot \cdot {\sf Facebook} \ {\sf Team}$

Hi Joe, The urls from veamcast has been blocked by Facebook as it was deemed to be in violation of one or more of our Community Standards. In order to appeal this restriction you should click the "appeal" button in the error message you might receive. Thanks Connie July 30 at 3:26 PM · Status changed to Closed · Edited



 $\underline{Ioe \ Dean} \cdot \text{Creator}$

Please tell me who the other department is and how to reach them. I've reported this many many times and I'm getting nobody who can tell me why I"m blocked. July 31 at 8:00 PM · Status changed to Reopened · Edited



 $Connie \ H. \cdot \cdot \text{Facebook Team}$

Hi Joe, Your link has been blocked by Facebook as it was deemed to be in violation of one or more of our Community Standards. In order to appeal this restriction you should click the "Let us know" or "Appeal" in the error message like the attached screenshot. That will guide you to the correct department who can help you on this. Thanks Connie







$Connie \ H. \cdot \cdot {\sf Facebook} \ {\sf Team}$

July 31 at 9:32 PM · Status changed to Closed · Edited



Connie H. · · Facebook Team

Hi Joe, Thank you for your patience. I have checked the URL <u>https://veamcast.com/</u> again, and there should be no restriction on the url anymore. Thanks, Connie

August 1 at 12:17 AM

This question has been closed for more than 30 days and can no longer be reopened. Please submit a new question if you require further assistance.

Support Details
Delete
Question Type: Platform Policy
Status: Closed
Business ID: 366662137236140
Business: <u>Veamcast</u>
Attachments
<u>1.png</u>
Subscribers (1)
Add
Joe Dean
<u>Facebook Developers Privacy Terms Cookies Help Report a Problem</u>
Facebook © 2019
English (US)

[2]

Correspondence with Facebook Support concerning the App Review sept 19 - oct 20 2019 saved oct 27 2019 we were told to re-review at that time... we had been approved and had been functioning years prior

Due to high submission volumes, response time to your request may be delayed. We are actively working to resolve your request and appreciate your patience.



Direct Support

App Review

Created by Joe Dean — September 19 at 12:10 PM

I keep submitting my app for review and it's not getting approved. Can you tell me if you've installed the app and logged on because in my data, I see no evidence that it's been done.

Related Apps:

• veamcast (112332832127588)



Rudy Sparreboom · · · Facebook Team

Hello Joe, Thank you for contacting Facebook Direct Support. We apologize for any misinterpretation. Please kindly resubmit your application at your own convenience and contact us here again. Best regards, Rudy Sparreboom | Facebook Direct Support

September 19 at 9:47 PM · Status changed to Need More Info · Edited



Facebook User

September 21 at 10:41 PM · Status changed to Closed · Edited



 $\underline{\text{loe Dean}} \cdot \text{Creator}$

I resubmitted... Please let me know what I can do to get this approved. Thanks

September 22 at 2:23 PM · Status changed to Reopened · Edited



$Prerna\ Prerna \cdot \cdot \text{Facebook}\ \text{Team}$

Hello Joe, Thank you for writing back. I apologize for the delay in the response. We do understand that it can be frustrating if things are not going well with your app submission. We do understand that you have re-submitted your application for the user permissions. At the moment, it is still pending review from our review team. Should you require further assistance, do feel free to contact us. Best regards, Prerna | Facebook Direct Support

September 22 at 11:41 PM \cdot Status changed to Need More Info \cdot Edited



Facebook User

September 25 at 1:41 AM \cdot Status changed to Closed \cdot Edited



Ioe Dean · Creator

They approved the request but every time I post something to a facebook page it comes back with a message #368 saying that it was reported as abusive.... even though it was just created.

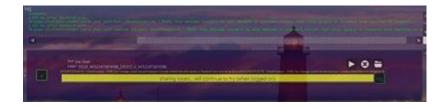
September 25 at 8:17 PM · Status changed to Reopened · Edited



Ioe Dean · Creator

This was content just created.

Facebook.jpg



September 25 at 8:20 PM



Ioe Dean · Creator

Everything that was created using Veamcast on your entire platform has been deleted with no notice!!!!!

September 25 at 8:47 PM



$Jack Anderson \cdot \cdot {\tt Facebook} \, {\tt Team}$

Hello Joe, Thank you for writing back. We do understand that it can be frustrating if things are not going well with your app submission. Please be kindly informed that we have escalated your case to the responsible team. As soon as we receive a resolution we will contact you back. Best regards, Jack Anderson | Facebook Direct Support

September 30 at 9:50 AM · Status changed to Under Investigation · Edited



 $\textbf{Jack Anderson} \cdot \cdot \textbf{Facebook Team}$

Hello Joe Dean, Thank you for contacting Facebook Direct Support. After reviewing your question, I've noticed that your question pertains to debugging tooling issues. You may find more information regarding the Sharing Debugger tool at <u>https://developers.facebook.com/tools/debug</u> to help to further troubleshoot your issue. Best regards, Jack Anderson | Facebook Direct Support

October 1 at 8:39 AM \cdot Status changed to Need More Info \cdot Edited



Ioe Dean · Creator

They do not respond

October 1 at 9:28 AM · Status changed to Reopened · Edited



 $Marcus\,Tan\cdot\,\cdot\,\text{Facebook}\,\text{Team}$

Hello Joe, Thank you for contacting Facebook Direct Support. Your application has been successfully approved and is ready to go. This support channel is for questions about App Review for Facebook Login. Since it looks like you don't have any other questions related to App Review, I'm going to close this ticket. If you have questions regarding the Community Standards error message you have been receiving, you might want to visit the Developer Community Forum:

https://developers.facebook.com/community Thank you for your understanding. Cheers, Marcus Tan | Facebook Direct Support

October 4 at 1:32 AM \cdot Status changed to Closed \cdot Edited



Ioe Dean · Creator

THEY DO NOT RESPOND!

October 4 at 4:13 PM · Status changed to Reopened · Edited



Ioe Dean · Creator

The error only happens in the app... It doesn't happen when I do it via the debugger. October

4 at 4:16 PM



$Chris \, Deniro \cdot \cdot {\sf Facebook} \, {\sf Team}$

Hello Joe, Thank you for contacting Facebook Direct support. While I am open to resolving your problem, your problem does not fall within our scope. This support channel is for questions about App Review If you have questions regarding the Community Standards error message you have been receiving, you might want to visit the Developer Community Forum:

<u>https://developers.facebook.com/community</u> I hope you find the answer you need . . Should you require any more assistance relating to your App review , feel free to contact us again. Kind regards, Chris Deniro I Facebook Direct Support

October 9 at 11:06 AM



 $\underline{\text{Ioe Dean}} \cdot \text{Creator}$

I can't believe this. All the work we put into this app and you're giving me this erronous error and NOBODY will respond to the issue... How can somebody be reporting content that has just been created and not published yet as abusive????? Who can I contact to fix this bug???? Nobody answers! October 9 at 1:25 PM



 $\underline{Ioe \ Dean} \cdot \ Creator$

We have users that spent a great deal of time publishing their channels and it was all deleted with no notice whatsoever and no explanation whatsoever... I need to hire a lawyer... this is anticompetitive October 9 at 1:34 PM



$\underline{Ioe \ Dean} \cdot \ Creator$

The link you sent has no method of appealing for me. The link at the bottom is for people who has lost access to the app. I haven't found any way to address this other than this forum here... It's within the realm of the app review since the message I get only happens in the app. It used to happen when things were just posted but that's resolved although somehow everything all my users posted is gone off Facebook. it's amazing they'll do that without explaining anything.

<u>Facebook.jpg</u>

October 10 at 7:25 PM · Status changed to Reopened · Edited



Ioe Dean · Creator

There were hundreds or thousands of posts that are all just gone. It's been tragic for my business October

10 at 7:26 PM



 $Chris \, Deniro \cdot \cdot {\sf Facebook} \, {\sf Team}$

Hello Joe, Thank you for contacting Facebook Direct support. While I am open to resolving your problem, your problem does not fall within our scope. This support channel is for questions about App Review If you have questions regarding the Community Standards error message you have been receiving, you might want to visit the Developer Community Forum:

https://developers.facebook.com/community As much as I want to help,There is nothing I can do about this as it does not fall under the purview of what we do through this channel. In terms of the content being reported sadly that is outside the scope of App Review. Since your content is being flagged I would suggest doing an appeal at this provided link:<u>https://developers.facebook.com/appeal</u>. They will look into why it is your application and content you are publishing is getting flagged automatically Kind regards, Chris Deniro I Facebook Direct Support

October 14 at 8:42 AM \cdot Status changed to Need More Info \cdot Edited



 $\underline{Ioe \, Dean} \cdot \, Creator$

Chris, the appeal link you're sending me does not give me a way to appeal this!

October 14 at 10:01 AM · Status changed to Reopened · Edited



Ioe Dean · Creator

Is there a phone number I can call? This is crazy!

October 14 at 10:01 AM



 $Chris\,Deniro\cdot\cdot {\sf Facebook}\,{\sf Team}$

Hello Joe

I have raised an internal task, We would update you as we get more information.

Kind regards,

Chris Deniro I Facebook Direct Support

October 15 at 6:58 AM \cdot Status changed to Under Investigation \cdot Edited



Ioe Dean · Creator Thank

you!

October 15 at 7:55 AM



Ioe Dean · Creator

Just tried again... I posted a picture of my daughter and I get that disgusting message that it's been reported as abusive... This has to stop!!! My users can not get these messages! It costs me money to tell them that Facebook will not do anything about this! It's been months and hundreds of messages to you guys.... There is no due process with you guys??? You just ban apps without any explanation? Is it because my app is deemed as competition and you guys just wipe out the competitors this way????

Image 2.jpg



October 20 at 7:26 PM

Write a comment

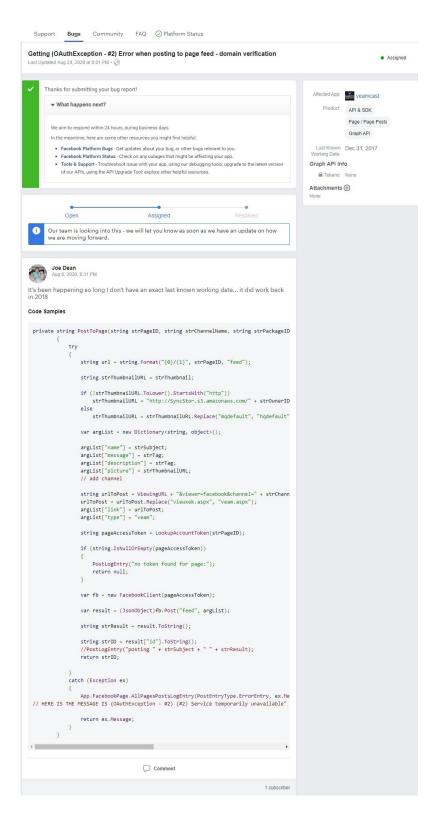
Status

Under Investigation (No Status Change)

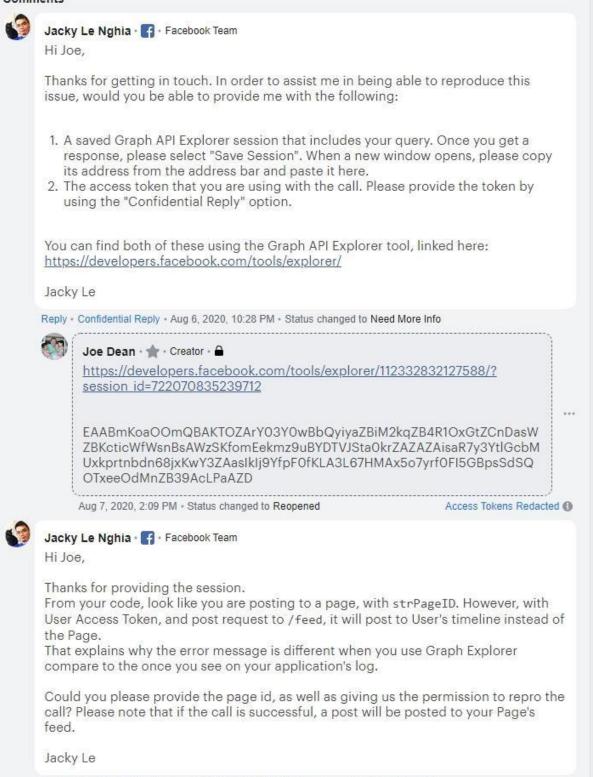
	<u>^</u>
4	▼ ►

Support Details
UnsubscribeDelete
Question Type: App Review
Status:
Under Investigation (No Status Change)
Business ID: 366662137236140
Business: <u>Veamcast</u>
Attachments
<u>Facebook.jpg</u>
Facebook.jpg
Image 2.jpg
Subscribers (2)
Add
Calvin Walker II
Joe Dean
<u>Facebook Developers Privacy Terms Cookies Help Report a Problem</u>
Facebook © 2019
English (US)
[3]

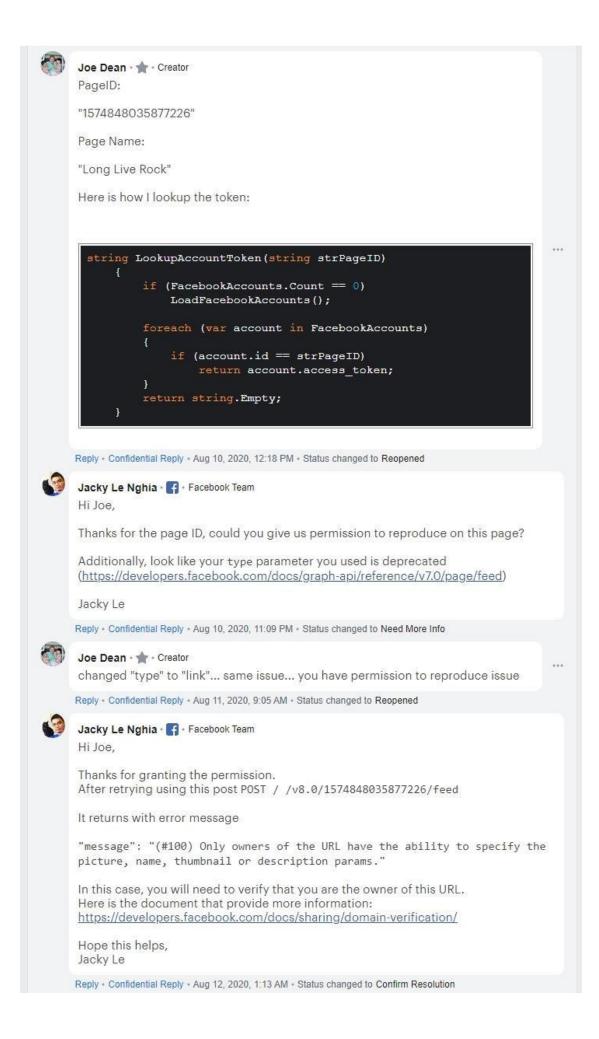
Correspondence with Facebook Support concerning the OAuth bug aug 6 - sept 4 2020 saved sept 4 2020 thread with Jacky Le Nghia where he acknowledges the issue and attempts to address it. There was one more entry we didn't catch where he told me again it was fixed, I sent him another test link showing it wasn't. It was removed before we could take another snapshot.

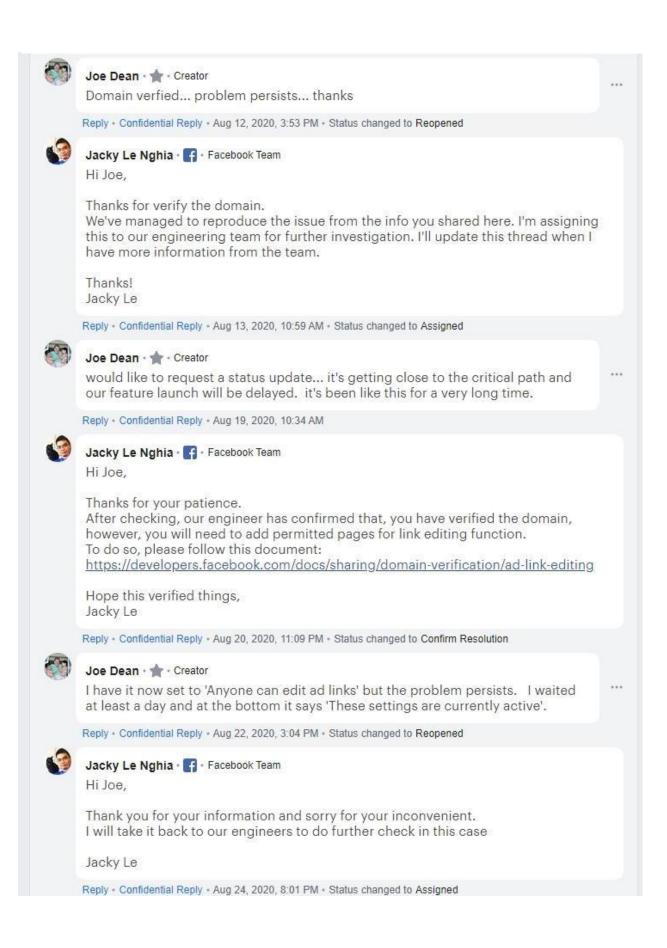


Comments



Reply + Confidential Reply + Aug 10, 2020, 9:07 AM + Status changed to Need More Info





Ö	Joe Dean • 👚 • Creator would like to request another status update	
	Reply + Confidential Reply + Sep 1, 2020, 7:18 PM	
8	Joe Dean • 🛧 • Creator would like to request another status update thanks	
	Reply - Confidential Reply - 1 min	
Add	a comment	
	a comment	
	a comment	
	a comment	

[4]

Bug Closed saved sept 30 2020 replaced previous thread with Jacky Le Nghia... The thread is no longer available to us on Facebook and if we didn't save a copy (Exhibit 3), we could not prove deliberate intent.

