CASE NOTES

Prepared with the assistance of Hastings & Santa Clara Law Students – Draft 2.7

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Overview:

Main issue:

Defendants coordinated and paid for a series of attacks on the Plaintiffs. We do have possible litigation investors in the $2M range. We do have hundreds of thousands of documents. The attacks on us by Google, and the new evidence, is recent so the statute of limitations is still good. We have been working with federal law enforcement and FBI, GAO, U.S. Senate, etc have case file evidence to support this lawsuit. We are non political and have no political agenda.

3 Sentence Version:

Our venture firm, individuals and companies, that we are shareholders in, has had an ongoing feud with Google's owners about who invented what. The U.S. Government and media says we were first on all counts. Google used numerous anti-trust tactics to attack us and tactically interfere with billions of dollars of our income out of competitive acrimony and political hubris.

Case Points:

- Tens of billions of dollars of profits were acquired by Defendants while infringing Plaintiff technologies. Damages can be proven in the $1B+ range.
- Defendants maliciously harmed revenue stream of Plaintiffs in order to prevent or delay legal action by Plaintiffs in order to seek to expire statute of limitations.

- Defendants actions to harm Plaintiff are continuing as recently as yesterday. The statute of limitations has not expired.
- Plaintiff only recently discovered much of the incriminating evidence against Defendant information via law enforcement and federal investigators.
- Defendants' founders personally solicited and copied CEO business ventures and technologies and wanted to harm Plaintiffs' brand in order to mitigate discovery of that fact.
- Plaintiffs testified for federal law enforcement against Defendants and Defendants sought to engage in retribution for Plaintiffs' testimony. In previous related cases, Plaintiffs won historical national legal precedents and overcame multi-million dollar federal litigation counter-measures by Defendants' and their associates. Plaintiffs are the first known Americans to receive a federal court confirmation that they were victimized by *"a federal program infected with corruption and cronyism"*. Defendants were the ***"crony's"*** referred to by the U.S. Courts.
- Plaintiffs' technologies obsolete Defendants' technologies and Defendants sought to damage Plaintiff as witnesses and competitors.
- Defendants sabotaged Plaintiffs' government contracts and circumvented and acquired Plaintiffs' money through illicit actions. Defendants traded campaign financing, that was not properly reported, in exchange for insider contracts and stock valuation pumps.
- Defendants covertly work together and share common stock transactions, trusts, shell companies, campaign financing, contracts, and personal relationships.
- Defendants operate a cartel-like organization which fully meets RICO violation parameters.

Who could be a plaintiff in this case?:

Either an individual, individuals or a company; as advised by counsel.

What evidence do you have?:

Documents from federal investigations, journalists, private investigators, leaks, whistle-blowers, emails, letters, videos, eye-witness testimony, FOIA records, Congressional testimony, EU reports and expert testimony from over 45 possible compelling experts

Other case advantages:

Plaintiffs have an advance copy of Google's potential defense plan against this case. Plaintiffs have ongoing resources from law enforcement, investigators and journalists with deep factual

repositories. China & Russia are thought to have hacked Defendants, and have begun posting leaks which are helpful to this case. In this election year, more beneficial leaks are expected by the press. Global public trends are tracking negative on Google. Plaintiff won a federal court decision in a partially related case in which investigators found a “Cartel controlled by Google” to be the primary financier of the illicit activities. Recent news and government investigation reports prove that Google’s wild and bizarre actions actually took place, even though Google tries to play the charges off as “fantastical”, in circumventing due process and government ethics programs. News reports of Google investors and executives sex scandals and tax evasions prove bad character aspects of defendants.

Special considerations:

Google's attorney runs the patent office and may have already attempted to interfere with Plaintiffs patent filings, The Google-created ALICE and IPR disruptions put Plaintiffs existing patents at risk if any of their patent #’s are named. DO NOT NAME a specific patent number until Congress corrects the problems at the USPTO. One day after Plaintiff was told they were about to receive their most recent patent, which USPTO had determined over-rode Google and Facebook, the USPTO reversed their decision after interjection from Google’s USPTO-based staff.

Possible causes of action:

INTENTIONAL INTERFERENCE WITH CONTRACTUAL RELATIONS; INTENTIONAL INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE; CYBER-STALKING; FRAUD; INVASION OF PRIVACY; UNFAIR COMPETITION; THEFT OF INTELLECTUAL PROPERTY - JURY TRIAL DEMANDED

Possible defendants:

ALPHABET INC., a California Corporation, GOOGLE, INC, a California Corporation, YOUTUBE, INC., a California Corporation, and DOES 1 through 50, Inclusive

Possible damage awards:

- A percentage of YouTube as a company and/or a percentage of YouTube profits
- A mandated award of the $75M federal contract Google interdicted

- A percentage of the companies known as Google or Alphabet or a percentage of their revenue
- A percentage of all profits from Plaintiff technologies used by Defendants
- Damages awards (Hulk Hogan received a $145M award for the same type of attack by the same parties)
- Loss of income since the start of operations of Google
- Punitive damages
- Other damages
- Most third party analysts place award estimates, with ideal legal support for Plaintiff, in excess of $1B

Lawyer compensation options:

Options of:

- 100% contingency fee with 45% to law firm.

- Hybrid/contingency and straight per/hour rate at up to $1.5M budget but requires law firm to communicate with third party litigation investors to pitch case financing.

Plaintiff has court fees waived in previous case.

FACTS OF THE CASE:

Plaintiffs are in San Francisco, California.

Defendants are in Mountain View, California but have San Francisco offices.

The true names and capacities of the Defendants, DOES 1 through 50, inclusive, are presently unknown to the Plaintiffs at this time and the Plaintiffs sues those Defendants and each of them, by such fictitious names pursuant to the pertinent provisions of the California Code of Civil Procedure.

7. The Plaintiffs are informed and believe and, based on that information and belief, allege that some of the named Defendants herein and each of the parties designated as a "DOE" and every one of them, are legally responsible jointly and severally for the events and happenings referred to in the within Complaint for Intentional

Interference with Contractual Relations, Intentional Interference with Prospective Economic Advantage, Cyberstalking, Fraud, Invasion of Privacy, Unfair Competition and Theft of Intellectual Property.

8. The Plaintiffs are informed and believe, and based on that information and belief allege that at all times mentioned in the within Complaint, all Defendants were the agents, owners and employees of their co-Defendants and, in doing the things alleged in this Complaint, were acting within the course and scope of such agency and employment.

9. As to any corporate employer specifically named, or named as a "DOE" herein, the Plaintiffs are informed and believe and therefore allege that any act, conduct, course of conduct or omission, alleged herein to have been undertaken with sufficient, malice, fraud and oppression to justify an award of punitive damages, was, in fact, completed with the advance knowledge and conscious disregard, authorization, or ratification of and by an officer, director, or managing agent of such corporation.

HISTORY OVERVIEW

10. In or about May 3, 2005, the Plaintiffs received, in recognition by the Congress of the United States in its Iraq War Bill, a commendation and federal grant issued jointly by the Congress of the United States and the United States Department of Energy in the amount of $825,000.00 plus and including additional resources and access to federal resources, as and for the development of fuel cell and energy storage technology to be used in connection with the research and development of an electric car to be used by the Department of Defense and the American retail automotive market to create domestic jobs, enhance national security and provide a domestic energy solution derived entirely

from domestic fuel sources. Plaintiffs had been invited into the program by U.S. Senate and Agency officials with the request that Plaintiffs "help their country in a time of need..".

11. Beginning in or about July of 2006, the Plaintiffs were contacted by, various individuals representing venture capital officers and investors employed by, and/or with, the Defendants. These individuals were agents of the Defendant, Google's, "RechargeIT" Project and Google partner, Tesla Motors. They also represented the Kleiner Perkins Group,[1] McKinsey Consulting, Deloitte Consulting, Khosla Ventures, In-Q-Tel and associated parties funded by and reporting to the Defendants, Alphabet and Google, and included Karim Faris, a Google "partner."[2].

12. These investors feigned interest in emerging technology designed and developed by the Plaintiffs and requested further information from Plaintiffs. These investors informed the Plaintiffs that their interest was in purchasing the emerging technology from the Plaintiffs, investing in the venture, or structuring a form of joint venture with him.

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[1] Now under federal investigation, a subject of the 60 Minutes "Cleantech Crash" segment, the founding investor of Google, the other core recipient of the Steven Chu DOE cash and a party mentioned by name in the federal anti-corruption lawsuits; XP Vs. DOE, et al..

[2] Per Google's description of Him: "Karim brings more than a decade of entrepreneurial and investment experience to their role. He joined Google s corporate development and politics team in 2008, the group responsible for the company s investments and acquisitions, and joined Google Ventures in 2010. Prior to Google, Karim was a venture capitalist at Atlas Venture, where he worked on over a dozen investments in Internet infrastructure, digital media, and consumer services. Previously, he was Director of New Ventures at Level 3 Communications, responsible for evaluating new business opportunities and has led product development for the company s voice services. Earlier in his career, Karim held various product and marketing roles at Intel, initially on the i486, and later as product manager for the Pentium Processor. He started his career at Siemens as a software engineer working on the first vehicle navigation system for BMW. Karim holds an MBA from the Harvard Business School, an MS in Electrical Engineering from the University of Michigan, and a BS in Computer"

13 This was not the truth.

14. The truth was that the Plaintiffs were contacted in efforts on behalf of the Defendants, so as to harvest confidential data and gather business intelligence and trade secrets for the purpose of copying the intellectual property and ideas of the Plaintiffs and interdicting Plaintiffs efforts, which Defendants found to be competitive, in a superior manner, to Defendants business. The Defendants agents and investors were simply on fishing expeditions while operating under the guise of proffered investment potential when, indeed, the Defendants had a covert plan to *“Cheat rather than compete”*. Historical facts and public testimony have proven that Defendants had poor skills at innovation and invention and that Defendants regularly chose to steal technologies, from multiple parties, on an ongoing basis, rather than invent their own technologies. A simple search, by any one, on the other top non-Google search engines for the phrase: *“Google steals ideas”* brings up a remarkable set of documentation of an ongoing pattern of theft by Defendants. Plaintiffs have cooperated with federal investigators and journalists who are also investigating Defendants and who have legally shared some of the research, contained herein, with Plaintiffs.

15. In or about August 21 of 2009, just as the Plaintiffs were informed they were about to be awarded federal funding in amount over $50 million, the Plaintiff's fuel cell and electric vehicle project was suddenly defunded and the same funds re-allocated to the Defendants, and to their various related entities, shell companies and projects.

16. In or about August of 2009, just as the Plaintiffs was informed they were about to be awarded over $60 million federal funding for their energy storage technology, this project was similarly defunded and the same funds re-allocated to the Defendants, and to their various related entities, shell companies and projects.

17. These funds, were ear-marked to be used by Defendants in a scheme designed for mining and exploiting non-domestic energy resources, (which eventually created a threat to U.S. domestic security by destabilizing other nations) via investment bank stock market mining commodities manipulations Defendants had arranged with their investment bankers, including Goldman Sachs. Until 2016, Plaintiffs were not aware that Defendants had placed their friends, employees and business associates in charge of the public agencies responsible for distributing these taxpayer funds. Indeed, the facts on public record and in breaking investigations and investigative journalism reports now prove that Defendants bought public policy influence with cash and internet services, much of that influence buying now found to have not been legally reported. The Defendants had their agents in California State and U.S. Federal offices distribute those funds to themselves while cutting out and sabotaging most all competing applicants. The Defendants, own a managing interest and control the source of these foreign mining resources and the supply chain for them.[3] [4]

18. In or about September 20, 2009, the Plaintiffs, were contacted by the Government Accountability Office of the United States with a request that they participate in an investigation being conducted by that entity into the business practices of the

[3] This control has been established by the Defendants, Google and Alphabet, through a series of series of sophisticated and complex relationships with electric vehicle companies including VVC, Tesla Motors, Driverless Car Project and other of the Plaintiffs's competitors as well as the numerous main-stream investigative journalism articles attached as Exhibits which provide proof that Defendants paid public officials billions of dollars of unreported cash and search services in exchange for market monopolies which harmed Plaintiff, among others.

[4] These are two of the numerous interceptions of public funding by the Defendants, Google and Alphabet, of funds originally allocated to the Plaintiffs. As with the other interceptions, the Plaintiffs subsequently suffered media and revenue attacks authored by and originating with the Defendants, Google and Alphabet, Inc. in a manner intended to ensure that the Plaintiffs enjoyed no public or governmental sympathy or remaining alternative for relief.

Defendants, and their associates, pursuant to anti-trust allegations and allegations of corruption.

19. In or about January 15, 2010, the Plaintiffs, did, in fact, provide live testimony to, and receive information from, the Government Accountability Office of the United States, the Department of Justice, Robert Gibbs (who immediately thereafter quit his job at The White House) and their staff at the White House Press Office, the Washington Post White House Correspondent and other investigators.[5]

20.. The testimony provided by the Plaintiffs, was, in fact, truthful and did, in fact, tend to support the veracity of the anti-trust allegations under investigation by the Government Accountability Office and other federal and EU agencies.[6]

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[5] The Plaintiffs has also provided multiple written and verbal reports to the FBI, via Mr. James Comey and his staff at the Washington office, and Mr. David Johnson of the San Francisco office. The FBI investigation of the related matters is described as "on-going."

[6] The Defendants, Google and Alphabet, are charged with engaging in corruption of the Advanced Technology Vehicles Manufacturing Loan ("ATVM") and Section 1703 Loan Guarantee ("LG") programs. In litigation: XP Vehicles, Inc. v. U.S. Dep't of Energy, Case. No. 13-cv-00037, The Court has directed "a good faith and unbiased reconsideration of" its contemplated renewed funding applications. However, the Plaintiffs, COMPANY B, and most other applicants believe — and have filed a well-pleaded verified complaint — that their previous applications were subjected to a biased, politically tainted, and otherwise unfair and corrupt review compromised by Defendants. Renewal without proper oversight could be a fruitless exercise and could prejudice the Plaintiffs, COMPANY B's, legal rights. Applicants have now sought concrete assurances that the applications will be reviewed fairly without the corrupting influence of the Defendants, Google and Alphabet. Specifically, the applicants request the following: that any agency produce the administrative record in order to ensure transparency. The Plaintiffs, COMPANY B, and others have noted that the fees associated with LG and ATVM program applications are excessive and burdensome. See, e.g., Am. Ver. Compl. ¶ 75; GAO, 2014 Annual Report: Additional Opportunities to Reduce Fragmentation, Overlap, and Duplication and Achieve Other Financial Benefits, GAO-14-343SP (April 2014), page 7 (stating that "most applicants and manufacturers we had spoken to indicated that the costs of participating outweigh the benefits to their companies ....."); GAO, Department of Energy: New Loan Guarantee Program Should Complete Activities Necessary for Effective and Accountable Program Management, GAO-08-750 (July 2008) (reporting that the high

21. In or about June, 2010 and January, 2015 the Defendants, Alphabet and Google, exchanged funds with tabloid publications. As a result, those tabloid publications coincidentally published the only two articles and the only custom animated attack film including false, defamatory, misleading and manufactured information

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application fees "may lead to biases in the projects that receive guarantees"). Nonetheless, DOE has actually raised at least one LG program application fee to $50,000 and this is assumed, by some, on orders from Defendants to discriminate against applicants who are not part of the Silicon Valley business Cartel controlled by Defendants. See DOE, Title XVII Application Process, http://energy.gov/node/988041/Fees (last visiting Feb. 25, 2016). In the Plaintiffs, COMPANY B's, first application, the U.S. Government waived the application fee as to the Plaintiffs, COMPANY B and other applicants. Am. Ver. Compl. ¶ 76. A precedent has been set and the U.S. Government should continue to honor its waiver of the Plaintiffs, COMPANY B's, application fees in the renewed application and that the Department will consider COMPANY B's ATVM renewed application as having satisfied "eligibility screening." 10 C.F.R. § 611.103(a). The Plaintiffs, COMPANY B, alleges that the reviewers and decision-makers on the Plaintiffs, COMPANY B's, original applications were tainted by political bias and controlled by the Defendants, Alphabet and Google. Am. Ver. Compl. ¶ 115-118. During oral argument on December 11, 2015, however, counsel for the government stated that "most, if not all, the senior level decision-makers that would be making a decision regarding these programs have "since departed the agency." Transcript of Oral Argument, December 11, 2015, page 32. The Plaintiffs, COMPANY B, has asked for the U.S. Government to identify (1) all of the decision-makers, "senior level" and otherwise, who will be involved in making any decisions regarding the Plaintiffs, COMPANY B's, applications along with their position at the agency and the date they began working at the agency and identify which, if any, were in the same position upon the Plaintiffs, COMPANY B's, first review, and (2) all firms, advisors, and individuals, if any, the agency has hired, or intend to hire, that will perform any review or analysis of the Plaintiffs, COMPANY B's, applications. The Plaintiffs has demanded that the relationship of each of those persons, to the Defendants, Alphabet and Google, be identified. The U.S. Government has enacted regulations and published manuals concerning its policies and procedures for reviewing LG and ATVM applications. See, e.g., 10 CFR Part 609; 10 CFR Part 611; DOE, Guidance For Applicants To The Advanced Technology Vehicles Manufacturing Loan Program (publically available at:

belittling the Plaintiffs, attacking them and discrediting their reputation as an inventor, project developer and project director.[7]

22. In or about January 20, 2011, the Plaintiffs, contacted Defendants, with written requests that it delete the false, defamatory, misleading and manufactured information belittling the Plaintiffs, attacking them and discrediting their reputation as an inventor, project developer and project director from its search engine servers.

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http://www.energy.gov/sites/prod/files/2015/02/f19/ATVM_Guidance_for_Applicants_11.4.14.pdf). However, the agency failed to follow those processes, and allowed corruption by the Defendants to taint the programs in reviewing applications. See, e.g., Am. Ver. Compl. ¶¶ 111, 114, 118; GAO, DOE Loan Guarantees: Further Actions Are Needed to Improve Tracking and Review of Applications, GAO-12-157 (March 2012); GAO, Department of Energy: New Loan Guarantee Program Should Complete Activities Necessary for Effective and Accountable Program Management, GAO-08-750 (July 2008) (stating that DOE "has not developed detailed policies and procedures, including roles and responsibilities and criteria that demonstrate how DOE plans to evaluate the applications"). For example, the agency is required to consult with the Department of the Treasury. See, e.g., 2 U.S.C. § 16512(a) ("the Secretary shall make guarantees under this or any other Act for projects on such terms and conditions as the Secretary determines, after consultation with the Secretary of the Treasury, only in accordance with this section"); see also DOE Final Rule, 10 C.F.R. § 609.7 (requiring consultation with Treasury). The agency, however, has in many instances consulted with Treasury after making its decision. GAO, DOE Loan Guarantees: Further Actions Are Needed to Improve Tracking and Review of Applications, GAO-12-157 (March 2012), page 23 Table 5 (reporting that this step was sometimes skipped). In fact, these steps were skipped as to those who received loans in order to benefit Defendants and harm Plaintiffs in the initial application (cite). Comments by the agency's counsel at this Court's hearing add to the Plaintiffs, COMPANY B's, concerns that the agency disregards its own procedural rules in order to benefit the Defendants, Alphabet and Google, and to harm the Plaintiffs for anti-trust, monopolistic and vindictive efforts by the Defendants, Alphabet and Google. See Transcript of Oral Argument, December 11, 2015, page 25 ("I'm not sure if there isn't an ordinary process. ... [M]y understanding is that there isn't a step one, you know, a set-down procedure that must be followed."). The Plaintiffs, COMPANY B, has demanded that the U.S. Government clarify what procedures, review steps, and criteria the agency intends to follow in reviewing the Plainitff, COMPANY B's, renewed applications that will assure the Plaintiffs that no further corruption will taint the process. LG and ATVM program applications have been reviewed by individuals who lack

23. The Plaintiffs had numerous lawyers, specialists and others contacted Google requesting a cessation of Google's harassment and internet manipulation and removal of the rigged attack links and hidden internet codes within the links on Google's server architecture.

24. At all times pertinent, the Plaintiffs, including Google staff members, Matt Cutts, Forest Timothy Hayes, Google legal staff and others refused to assist

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sufficient engineering expertise to do so and are beholden to illegally skew decisions to the Defendants, Alphabet and Google. See, e.g., Am. Ver. Compl. ¶¶ 86 (ECF No. 26); and GAO, Advanced Technology Vehicle Loan Program Implementation In Under Way, but Enhanced Technical Oversight and Performance Measures Are Needed, GAO-11-145 (Feb. 2011). Here, the agency initially denied the Plainitff, COMPANY B's, ATVM application under the erroneous premise that its product was not designed to be used in an automotive vehicle when, in fact, the product was exclusively designed for automobiles and was recognized as such by the world's media and the largest set of customer orders and customer letters of support for the product for their "AUTOMOBILES". Am. Ver. Compl. Exs. 7 & 9. Plaintiffs's company, other state and federal regulatory agencies, the voting public, and news investigators have demanded that the DOE specify which of the individuals who will evaluate the Plaintiffs, COMPANY B's, applications are trained as engineers, the nature of their qualifications and their relationship to Defendants or any other competing entity. As of the date of this filing, thousands of news reports and televised news programs have accused Defendants of economic and corruption crimes relative to Government funding programs.

and commonly replied: *"...just sue us.."*, *"...get a subpoena..."*, etc., even though the Plaintiffs, and the Plaintiff's representatives, provided the Defendants with extensive volumes of third-party proof clearly demonstrating that not a single statement in the attack links promoted by google was accurate or even remotely true.

25. In, or about, February 20, 2011, YouTube, published a custom produced and targeted attack video that also included false, defamatory, misleading and manufactured information belittling the Plaintiffs, and discrediting their reputation as an inventor, project developer and project director. The video is believed to have been produced by Defendants as part of their anti-trust attack program against Plaintiffs.

26. In or about February 25, 2011 the Plaintiffs contacted the Defendants, YouTube and Google, with many written requests that they delete the false, defamatory, misleading and manufactured information belittling the Plaintiffs, attacking them and discrediting their reputation as an inventor, project developer and project director from its website. [*See*, Sample responses of the Defendants Google and YouTube, attached as Exhibits and incorporated herein by reference.]

27. All of the written demands of the Plaintiffs were to no avail and none of the Defendants, agreed to edit, delete, retract or modify any of the false, defamatory, misleading and manufactured information belittling the Plaintiffs, attacking

[7] Defendants is known to have provided tens of millions of dollars to this tabloid chain per Defendants financial staff, SEC filings and disclosures in other legal cases.

them and discrediting their reputation as an inventor, product developer and project director from their websites and digital internet and media platforms and architecture.

28. The Plaintiffs, whose multiple businesses ventures had already suffered significant damage as the result of the online attacks of the Defendants, contacted renowned experts, and especially Search Engine Optimization and forensic internet technology (IT) experts, to clear and clean the internet of the false, defamatory, misleading and manufactured information belittling the Plaintiffs, attacking them and discrediting their reputation as an inventor, product developer and project director from their websites.

39. None of the technology experts hired by the Plaintiffs, at substantial expense, were successful in their attempts to clear, manage or even modify the false, defamatory, misleading and manufactured information belittling the Plaintiffs, attacking him and discrediting their reputation as an inventor, product developer and project director which only Google, the controlling entity of the internet, refused to remove. In fact, those experts were able to even more deeply confirm, via technical forensic internet analysis and criminology technology examination techniques that Google was rigging internet search results for its own purposes and anti-trust goals.

30. All efforts, including efforts to suppress or de-rank the results of a name search for “Plaintiffs” failed, and even though tests on other brands and names, for other unrelated parties did achieve balance, the SEO and IT tests clearly proved that Google was consciously, manually, maliciously and intentionally rigging its search engine and adjacent results in order to “mood manipulate” an attack on Plaintiffs.

31. In fact, the experts and all of them, instead, informed the Plaintiffs, that, not only had Google locked the false, defamatory, misleading and manufactured information belittling the Plaintiffs, attacking them and discrediting their reputation as an inventor, project developer and project director into its search engine so that the information could never be cleared, managed or even modified, Google had assigned the

false, defamatory, misleading and manufactured information belittling the Plaintiffs, attacking them and discrediting their reputation as an inventor, project developer and project director "PR8" algorithmic internet search engine coding embedded in the internet information-set programmed into Google's internet architecture. [*See*, Information received from one of over 30 IT, forensic network investigators and forensic SEO test analysts, a true and correct copy of which is attached hereto in the Exhibits.] Plaintiffs even went to the effort of placing nearly a thousand forensic test servers around the globe in order to monitor and metricize the manipulations of search results of examples of the Plaintiffs name in comparison to the manipulations for PR hype for Defendants financial partners, for example: the occurrence of the phrase "Elon Musk", Defendants business partner and beneficiary, over a five year period. The EU, China, Russia, and numerous research groups (ie: http://www.politico.com/magazine/story/2015/08/how-google-could-rig-the-2016-election-121548 By Robert Epstein) have validated these forensic studies of Google's architect-ed character assassination and partner hype system .

32. The "PR8" codes are hidden codes within the Google software and internet architecture which profess to state that a link is a "fact" or is an authoritative factual document in Google's opinion. By placing "PR8" codes in the defamatory links that Google was manipulating about plaintiffs, Google was seeking to tell the world that the links pointed to "Facts" and not "Opinions". Google embedded many covert codes in their architecture which marketing the material in the attack links and video as "facts" according to Google.

33. The "PR8" codes are a set of codes assigned and programmed into the internet, by the Google to matters it designates as dependable and true, thereby attributing primary status as the most significant and important link to be viewed by online

researchers regarding the subject of their search.[8] Google was fully aware that all of the information in the attack articles against Plaintiffs was false, Google promoted these attacks as vindictive vendetta-like retribution against Plaintiffs.

34. At all times pertinent from January 1, 2006, to in or about November 20, 2015, Google maintained it had no subjective control or input into the rankings of links obtained by online researchers as the result of a search on its search engines and that its search engine algorithms and the functions of its media assets were entirely "arbitrary" according to the owners and founders of Google.

35. In or about April 15, 2015, The European Union Commission took direct aim at Google Inc., charging the Internet-search giant with skewing and rigging search engine results in order to damage those who competed with Google's business and ideological interests.

36. In those proceedings, although Google continued to maintain that it has no subjective control or input into the rankings of links obtained by online researchers as the result of a search on its search engines and that its staff had no ability to reset, target, mood manipulate, arrange adjacent text or links, up-rank, down-rank or otherwise engage in human input which would change algorithm, search results, perceptions or subliminal perspectives of consumers, voters, or any other class of users of the world wide web, also known as The Internet, the court, in accord with evidence submitted, determined that

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[8] Google has a variety of such hidden codes and has various internal names for such codes besides, and in addition to, "PR8". Google has been proven to use these fact vs. fiction rankings to affect elections, competitors rankings, ie: removing the company: NEXTAG from competing with Google on-line; or removing political candidates from superior internet exposure and it is believed by investigators and journalists, that Defendants are being protected from criminal prosecution by public officials who Defendants have compensated with un-reported campaign funding.

Google, does in fact have and does in fact exercise, subjective control over the results of information revealed by searches on its search engine.[9]

37. As a result of receiving this information, the Plaintiffs became convinced of the strength and veracity of their original opinion that the Defendants, had, in fact posted the false, defamatory, misleading and manufactured information belittling the Plaintiffs, attacking them and discrediting Plaintiffs reputation as inventor, project developer and project designer had been intentionally designed, published, orchestrated and posted by them in retaliation to the true testimony provided by the Plaintiffs, to the Government Office of Accountability of the United States in May of 2005, and to the Securities and Exchange Commission, The Federal Bureau of Investigation, The United States Senate Ethics Committee and other investigating parties, and had been disseminated maliciously and intentionally by them in an effort to do damage to their reputation and to their business prospects and to cause him severe and irremediable emotional distress.

38. In fact, the Plaintiffs, has suffered significant and irremediable damage to their reputation and to their financial and business interests. As a natural result of this damage, as intended by the Defendants, Gawker, Google and Youtube, the Plaintiffs has also suffered severe and irremediable emotional distress.

[10] 39. To this day, despite the age of the false, defamatory, misleading and manufactured information belittling the Plaintiffs, attacking him and discrediting their

[9] The EU case, and subsequent other cases, have demonstrated that Google sells such manipulations to large clients in order to target their enemies or competitors or raise those clients subliminal public impressions against competitors or competing political candidates. In fact, scientific study has shown that although Google claims to "update its search engine results and rankings, sometimes many times a day", the attack links and codes against Plaintiffs have not moved from the top lines of the front page of Google for over FIVE YEARS. If Google were telling the truth, the links would have, at least, moved around a bit or disappeared entirely since hundreds of positive news about Plaintiffs was on every other search engine EXCEPT Google. Many other lawsuits have now shown that Google locks attacks against its enemies and competitors in devastating locations on the Internet. The entire nations of China, Russia, Spain and many more, along with the European Union have confirmed the existence and operation of Google's "attack machine".

reputation as an inventor, project developer and project director, in the event any online researcher searches for information regarding the Plaintiffs, the same information appears at the top of any list of resulting links.

40. In addition, due to their control of all major internet database interfaces, Defendants have helped to load negative information about Plaintiffs on every major HR and employment database that Plaintiffs might be searched on, thus denying Plaintiffs all reasonable rights to income around the globe by linking every internal job, hiring, recruiter, employment, consulting, contracting or other revenue engagement opportunity for Plaintiffs back to false "red flag" or negative false background data which is designed to prevent Plaintiffs from future income in retribution for Plaintiffs assistance to federal investigators.[11]

41. It should be noted here that, in 2016, one of the companies Plaintiffs was associated with, in cooperation with federal investigations, won a federal anti-corruption lawsuit against the U.S. Department of Energy in which a number of major public officials were forced to resign under corruption charges, federal laws and new legal

[10] As a party, attacked in a similar "hit job" media attack describes it: *"Gawker sets up the ball and Google kicks it down the field….over and over, until the end of time"*. The recent Hulk Hogan, and other lawsuits, against Gawker Media has clearly demonstrated that Google and Gawker run "hit jobs" against adversaries of themselves and their clients.

[11] Major public figures and organizations, including the entire European Union, have also accused Defendants of similar internet manipulation by Defendants. The attacks, by Defendants, continue to this day. In 2016, the renowned Netflix series: "House of Cards" opened its sixth season with a carefully held script-surprise researched by the script factuality investigators for the production company of "House of Cards." The surprise featured Google, fictionally named "PollyHop," and described, in detail, each of the tactics that Google uses to attack individuals that Google's owners have competitive issues with. The Plaintiffs maintains that each and every tactic included in the televised example were tactics actually used to attack the Plaintiffs, his intellectual properties, his peers and his associates as threatening competitors.

precedents benefiting the public were created, and Google and its associates and related entities found culpable of corruption.

INTENTIONAL INTERFERENCE WITH CONTRACTUAL RELATIONS CAUSE OF ACTION NOTES

42. The Plaintiffs hereby incorporate by reference the allegations set forth in paragraphs 1 through 42 inclusive as though fully set forth herein.

43. On or about May 3, 2005, the Plaintiffs, received, in recognition by the United States Congress in the Iraq War Bill, a Congressional commendation and grant issued by the United States Congress and the United States Department of Energy in the amount of $825,000.00, plus additional access to resources as, and for, the development of a domestic energy fuel cell and energy storage technology to be used in connection with the research and development of an electric car to be used by the Department of Defense and the American retail automotive market in order to create domestic jobs, enhance national security and provide a domestic energy solution derived from entirely domestic fuel sources.

44. Defendants knew of the above described contractual relationship existing between the Plaintiffs and COMPANY B and the United States Department of Energy, in that the grant was made public record and, at the request of representatives of the Venture Capital group of the Defendants, the Plaintiffs believing that the request for information was as to providing additional funding for the project, did, in fact, submit

complete information regarding the subject of the grant to Google agents upon their request.

45. Defendants, who had, and have, personal, stock-ownership, revolving-door career and business relationships with executive decision-makers at the United States Department of Energy and other Federal and State officials, lobbied and service-compensated those executive decision-makers to cancel, interfere and otherwise disrupt the grant in favor of the Plaintiffs, with the intention of terminating the funding in favor of the Plaintiffs and COMPANY B and applying the information they pirated from the Plaintiffs, for their own benefit as well as terminating the Plaintiff's competing efforts, which third party industry analysts felt could obsolete Defendants products via superior technology.

46. Individuals approached Plaintiffs offering to “help” the Plaintiffs get their ventures funded or managed. Those individuals were later found to have been working for Kleiner Perkin's, the founding investor and current share-holder of Google. The Plaintiffs discovered that those “helpful” individuals were helping to sabotage development efforts and pass intelligence to Google for its own use and applications.

47. Accordingly, Google was successful in its efforts and, in or about August of 2009, the grant and other funding programs in favor of the Plaintiffs, was summarily canceled and re-directed to Defendants and their holdings.

48. Commencing in or about 2008, Google commenced to take credit for advancement in its own energy storage and internet media technology, as based on the information it had pirated from the Plaintiffs.

49. The interference of Google, with the relationship of the Plaintiffs, was intentional, continues to today, and constitutes an unfair business practice in violation of Business and Professions code section 17200.

50. As a proximate result of the conduct of the Defendants, GOOGLE and severance and termination of the grant to the Plaintiffs, the Plaintiffs have suffered damages including financial damage, damage to their reputation and loss of critical intellectual property.

51. The aforementioned acts of the Defendants, were willful, fraudulent, oppressive and malicious. The Plaintiffs is therefore entitled to punitive damages.

INTENTIONAL INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE CAUSE OF ACTION NOTES

52. The Plaintiffs hereby incorporate by reference the allegations set forth in paragraphs 1 through this paragraph inclusive as though fully set forth herein.

53. In or about the fall of 2009, when the Plaintiffs discovered that their fundings from the United States Department of Energy had been terminated, de-funded and re-routed to Defendants, by Defendants. The Plaintiffs informed other members of the energy and automotive technology industry and the U.S. Congress of the facts of GOOGLE's behavior and specifically the behavior that gave rise to termination of the grant.

54. Google became aware that the Plaintiffs were intent on telling the truth about these facts, about true ownership of the intellectual property relied on by

Google in its own vehicle, energy and internet media technology and about Google's theft of this property.

55. In order to put a stop to the Plaintiffs and in an effort to discredit Plaintiffs, divest Plaintiffs of contacts in the industry and also of financial backing, Google enlisted the services of the Defendants, YouTube and Gawker and also Google's own wide array of media and branding manipulation tools which are service offerings of Google.

56. In 2011, Gawker published a contrived "hatchet job" article describing the Plaintiffs as a scam artist and a scammers.

57. In 2011, Defendants YouTube posted a video which depicted the Plaintiffs as a cartoon character who attempts to engage in unethical behavior. The video employs Plaintiff's personal name and personal information.

58. Google has paid tens of millions of dollars to Gawker Media and has a business and political relationship with Gawker Media according to financial filings, other lawsuit evidence, federal investigators and ex-employees.

59. Also as intended by Google, this damage, especially because the false representations become immediately apparent to anyone conducting an internet search for the "Plaintiffs," have caused investors to shy away from the Plaintiffs, causing the Plaintiffs further difficulty in obtaining funding from in, or about, 2011 to the present time.

60. Google has also placed on human resources and and job hiring databases negative and damaging red flags about the Plaintiffs, relative to the Gawker and Google attacks. These postings were intended by Google to prevent the Plaintiffs, not only from working for himself, but also from working for other, noteworthy individuals of good repute.

61. Additionally, Google representatives sent a copy of the Gawker attack article to an employer of the Plaintiffs via their human resources office and asked this employer, "You don't want him working for you with this kind of article out there, do

you?" This resulted in the Plaintiff's immediate termination because of that article. Plaintiff has recovered documents between Defendants showing the preplanned and premeditated deployment of this attack. As documented in one of the Hulk Hogan cases against Defendants associates: *"As evidence, the lawsuit points to a Gawker article by its founder, Nick Denton, that predicted Mr. Bollea's "real secret" would be revealed — it was posted soon before The Enquirer report — and a 14-minute gap between the publication of the article and a Gawker editor, Albert J. Daulerio, tweeting about it. "Based upon the timing and content of Daulerio's tweet, Daulerio was aware, in advance, of The Enquirer's plans to publish the court-protected confidential transcript," the lawsuit argues..."* Plaintiffs in this case also have the same form of evidence from the same parties.

62. As a proximate result of the conduct of the Defendants, the Plaintiffs and COMPANY B have suffered severe financial damage and, accordingly, loss of their good will and reputation.

63. Plaintiffs are informed by investigators and Defendants' own former staff that Google planned an effort to "take him down" in retribution for effectively competing with Google and for co-operating with law enforcement and regulatory investigations of Defendants.

64. The aforementioned acts of the Defendants were willful, fraudulent, oppressive and malicious. The Plaintiffs is therefore entitled to punitive damages.

CYBERSTALKING CAUSE OF ACTION NOTES

65. The Plaintiffs hereby incorporate by reference the allegations set forth in paragraphs 1 through this paragraph inclusive as though fully set forth herein.

66. By hiring and/or making an arrangement with associated tabloids to publish an article replete with false and misleading statements disparaging the Plaintiffs, in the guise of publishing opinion, the Defendants Google intended to harass the Plaintiffs and did in fact harass the Plaintiffs.

67. By refusing to remove the offending publication and, in fact, assigning it a value associated with “truth”, “factuality” and a position in its web browser that came up and still comes up the first and most prominent link pursuant to any search for the Plaintiffs and maintaining this link for the past 5 years as globally marketed, public, published, permanent, un-editable and unmovable, Google intended, and continues to intend to harass the Plaintiffs.

68. By doing the things described in paragraphs 67 and 68 above, Google, did and does continue to intend to cause the Plaintiffs substantial emotional distress.

69. The Plaintiffs, commencing in or about their discovery of the post and the link, has experienced and continues to experience substantial emotional distress.

70. Google engaged in the pattern of conduct described above with the intent to place the Plaintiffs in reasonable fear for their safety or in reckless disregard for the safety of the Plaintiffs.

71. The Plaintiffs admit here that Plaintiffs knew of a number of Bay Area technologists including Gary D. Conley, Rajeev Motwani who also had strange run-ins with Defendants and who subsequently suffered strange terminations per investigators and media who continue, at the request of the families and friends of those individuals, and others, to examine those cases. This has caused concern and stress for Plaintiffs. While Defendants did not necessarily have the intent to do physical harm to the Plaintiffs, by

arranging for publication of the subject article, ensuring the subject article could not be moved or altered and would be certain to appear first and permanently as the result of any search for the Plaintiffs, intended to do significant damage to Plaintiff's financial interests in retaliation for their testimony at the proceedings described above and also intended to ensure the Plaintiffs would have no future as a competitor in the industry of technology populated by the Plaintiffs and by the Defendants.

72. Defendants chose to cheat rather than compete and decided, as a whole to plan, operate and deploy “hit jobs”, defamation attacks, media hatchet jobs, character assassinations, venture capitol black-lists, technology hiring no-poaching blacklists, public officials influence buying and other illicit tactics against Plaintiffs, public officials, journalists, ex-employees, political candidates and others, as retribution, vengeance and vendetta tactics.

73. The results of any search for the Plaintiffs on Google’s search engine are attached hereto in the Exhibits and incorporated herein by reference. These same results have remained consistently in place and unmovable and un-editable since April 3, 2011.

74. In 2011, and through 2015, the Plaintiffs did contact Google with written requests to remove the offending content. [*See*, Correspondence, a true and correct copy of which is attached hereto as Exhibits and incorporated herein by reference.] In response, Google consistently stated it has no control over the results of any search on its search engine or the operation of its technology or its algorithm and, accordingly, refused to remove the results or cease the harassment.

75. Google continues to refuse to allow any member of the public to search for the Plaintiffs, without locating results that falsely identify the Plaintiffs in a

negative and damaging narrative contrived for the sole intended purpose of Plaintiff's financial and social destruction.

76. As so aptly stated by Hulk Hogan’s lawyers in their own suit against associates of the Defendants: The Defendants *“chose to play God.”*

FRAUD CAUSE OF ACTION NOTES

77. The Plaintiffs hereby incorporate by reference the allegations set forth in paragraphs 1 through this paragraph inclusive as though fully set forth herein.

78. As above, in response to the request of the Plaintiffs regarding removal of the Gawker article of early 2011, the Defendant GOOGLE stated that has no control over the results of any search on its search engine and no control over the results of its algorithms, refused to and continues to refuse to allow any member of the public to search for the Plaintiffs, without publishing results that falsely identify the Plaintiffs as a scam artist.

79. The Defendant made this statement with the intent to induce the Plaintiffs Company A to rely on it.

80. The Plaintiffs continued to rely on the statement and to believe that the Defendant GOOGLE has not power or authority to manipulate the results of searches conducted on its search engine until in or about mid 2015 when it became clear as the result of the litigation commenced in Europe by The European Commission, that GOOGLE does in fact have such ability and does, in fact, exercise this ability regularly to manipulate and manage any of the results of any search on its engine.

81. On or about early 2011, defendants made the following representation(s) to the Plaintiffs: They stated that Google had no control over the public experience of its products, page ranking and link presentation and that all results were arbitrary and a matter of luck.

82. The representations made by the defendant were in fact false. The true facts are that Google owners and executives can freely, consciously and manually rig, manipulate, modify, mood emphasize, re-rank, hide, adjust psychological adjacency perceptions of above-and-below text, delete or otherwise affect the local, regional, national and global perceptions of the public overall, or any market segment, or demographic, at will, in precise, controlled and monitored manipulations and that Google has even sold these manipulations-as-a-service to private clients.

83. When the defendant made these representations, he/she/it knew them to be false and made these representations with the intention to deceive and defraud the Plaintiffs and to induce the Plaintiffs to act in reliance on these representations in the manner hereafter alleged, or with the expectation that the Plaintiffs would so act.

84. The Plaintiffs, at the time these representations were made by the defendant and at the time the Plaintiffs took the actions herein alleged, was ignorant of the falsity of the defendant’s representations and believed them to be true. In reliance on these representations, the Plaintiffs was induced to and did delay their attempts to have Google cease their abuse of Plaintiffs by technical means. Had the Plaintiffs known the actual facts, he/she would not have taken such action. The Plaintiff's reliance on the defendant’s representations was justified because Defendants stated that they represented government

interests and because FTC and SEC investigation manipulations, by Defendants, had not yet been fully exposed in the news media.

85. As a proximate result of the fraudulent conduct of the defendant(s) as herein alleged, the Plaintiffs was induced to expend hundreds of hours of their/her time and energy in an attempt to derive a profit from their ventures which were covertly under attack by defendant(s) but has received no profit or other compensation for their/her time and energy], by reason of which the Plaintiffs has been damaged in the sum of at least two billion dollars based on the minimum reported amounts by which Defendants profited at Plaintiffs expense and the paths of direction which Plaintiffs were steered to by Defendants fraudulent misrepresentations.

86. The aforementioned conduct of the defendant(s) was an intentional misrepresentation, deceit, or concealment of a material fact known to the defendant(s) with the intention on the part of the defendant(s) of thereby depriving the Plaintiffs of property or legal rights or otherwise causing injury, and was despicable conduct that subjected the Plaintiffs to a cruel and unjust hardship in conscious disregard of the Plaintiff's rights, so as to justify an award of exemplary and punitive damages.

INVASION OF PRIVACY CAUSE OF ACTION NOTES

87. The Plaintiffs hereby incorporate by reference the allegations set forth in paragraphs 1 through this paragraph inclusive as though fully set forth herein.

88. The Defendant, GOOGLE, first by arranging for and allowing/posting the gawker article, then by coding a link to the article that permanently placed the article at the top of any search results for the Plaintiffs, Company A, has invaded the inalienable privacy rights of the Plaintiffs, Company A as protected by Article I section 1 of the Constitution of the State of California and violated the human right known as “the right to be forgotten”, now overtly supported in other nations.

89. The intrusion commenced in or about April of 2011 and continues to this day, is significant and remains unjustified by any legitimate countervailing interest of the Defendant, GOOGLE.

90. For five years, when any member of the public searches on the Defendant GOOGLE’s search engine, for the Plaintiffs, Company A, the first link to pop up refers to the Plaintiffs, Company A as a scam artist.

91. The pervasiveness and longevity of this link plus its placement at the very top of any search result has resulted in a significant, albeit intentional interference with the right of the Plaintiffs Company A to engage in and conduct personal and business activities, to enjoy and defend life and liberty, acquiring possessing and protecting property and pursuing and obtaining safety, happiness and privacy.

92. The facts disclosed about Plaintiffs were and remain false. Even in the event the Gawker article might have at one time garnered protection by the First Amendment as opinion regarding a public controversy and about a semi-public figure, no further controversy exists or even could.

93. Five years have passed and, despite the lack of current content of controversy, the Plaintiffs, Company A remains saddled with a personal, permanent and

immovable reference on the internet that characterizes him as scam artist in the world of internet technology.

94. The Plaintiffs Company A has done the best he could in these years to move on with new projects and new investors. He has made every effort to start anew and has been precluded from doing so by the gawker article.

95. Maintenance of the original posting of April 2011 for five years is offensive and objectionable to the Plaintiffs Company A and certainly would be to a reasonable person of ordinary sensibilities in that the original posting is false and defamatory and was intentionally arranged for by GOOGLE so as to do significant damage to the personal and professional reputation of the Plaintiffs, Company A, because it has accomplished this damage, because there is no manner other than at the Defendant GOOGLE's hand by which the link can be altered or removed or the search results edited or limited and because there exists no reason that the Plaintiffs Company A should not be allowed to enjoy a right to move on with is life independent of a label that had no basis in truth and reality in the first place.

96. The facts regarding the character of the Plaintiffs, Company A, included in the gawker article are certainly no longer of any legitimate public concern nor are they newsworthy nor are they tied to any current controversy or dialogue.

97. IN FACT, THE Plaintiffs, can truly no longer be considered a public figure or even a semi-public figure as the GAWKER article has fairly successfully put him out of business and kept him out of business for the past five or more years.

98. As a proximate result of the above disclosure, Plaintiffs lost investors, contracts, was scorned and abandoned by their/her friends and family, exposed to contempt and ridicule, and suffered loss of reputation and standing in the community, all

of which caused them/him/her humiliation, embarrassment, hurt feelings, mental anguish, and suffering], all to their/her general damage in an amount according to proof.

99. As a further proximate result of the above-mentioned disclosure, Plaintiffs suffered special damages to the brand, financing, reputation and market timeframe opportunities for their/her business, in that they lost funding, market share, federal contracts and other income, to their special damage in an amount according to proof.

100. In making the disclosure described above, defendant was guilty of oppression, fraud, or malice, in that defendant made the disclosure with (the intent to vex, injure, or annoy Plaintiffs *or* a willful and conscious disregard of Plaintiff's rights. Plaintiffs therefore also seeks an award of punitive damages.

101. Defendant has threatened to continue disclosing the above information. Unless and until enjoined and restrained by order of this court, defendant's continued publication will cause Plaintiffs great and irreparable injury in that Plaintiffs will suffer continued humiliation, embarrassment, hurt feelings, and mental anguish. Plaintiffs has no adequate remedy at law for the injuries being suffered in that a judgment for monetary damages will not end the invasion of Plaintiff's privacy.

UNFAIR COMPETITION CAUSE OF ACTION NOTES

102. The Plaintiffs hereby incorporate by reference the allegations set forth in paragraphs 1 through this paragraph inclusive as though fully set forth herein.

103. The Plaintiffs brings this action on their own behalf and on behalf of all persons similarly situated. The class that the Plaintiffs Company A represents is composed of all persons who, at any time since the date four years before the filing of this complaint, sought to have offensive, irrelevant and outdated material posted to the internet and available through a search on the Defendant, GOOGLE's search engine corrected, removed or re-ranked and have been informed by the Defendant, GOOGLE that the Defendant GOOGLE does not have the ability to do so and that Google falsely states this assertion in Google's published policy..

104. The persons in the class are so numerous, an estimated 39% of the population of the United States of America, that the joinder of all such persons is impracticable and that the disposition of their claims in a class action is a benefit to the parties and to the court.

105. There is a well-defined community of interest in the questions of law and fact involved affecting the parties to be represented in that each member of the class is or has been in the same factual circumstances, hereinafter alleged, as the Plaintiffs . Proof of a common or single state of facts will establish the right of each member of the class to recover. The claims of the Plaintiffs are typical of those of the class and the Plaintiffs will fairly and adequately represent the interests of the class.

106. There is no plain, speedy, or adequate remedy other than by maintenance of this class action because the Plaintiffs is informed and believes that each class member is entitled to restitution of a relatively small amount of money, amounting at most to $5,000.00 each, making it economically infeasible to pursue remedies other than a class action. Consequently, there would be a failure of justice but for the maintenance of the present class action.

107. The Defendant GOOGLE INC is a business incorporated in the State of California and at all times herein mentioned owned and operated a its search engine and its ancillary commercial enterprises from its headquarters in Mountain View California.

108. In early 2011, GAWKER, a well-known internet libel and slander processing tabloid published an article about the Plaintiffs. The article falsely, maliciously and without regard for the truth, labeled the Plaintiffs, a scam artist.

109. Any search on the Defendant, GOOGLE's search engine for "Company A" resulted and to this day still results in a display of the GAWKER article with the Plaintiffs described as a scammer in the first line of the GOOGLE link.

110. Publication of the article by GAWKER and the linking by GOOGLE caused the Plaintiffs immediate and irreparable harm to their reputation, to their business interests and to their personal life.

111. Some five years have passed and the Plaintiffs, Company A, continues to suffer damage to their reputation to their business interests and to their personal life as the result of the publication by GAWKER and GOOGLES link to it.

112. In or about early 2011, the Plaintiffs directed a written request to the Defendant GOOGLE Inc to unlink the GAWKER publication to any search for their name or to delete the offending article.

113. The Defendant, GOOGLE, responded by stating that it had no ability or legal obligation to do so as the request didn't fall within its own policies for removal.

114. The position of the Defendant, GOOGLE is illegal, false and unfair.

115. The position of the Defendant is illegal as it infringes on the rights of individuals as protected by the Constitution of the State of California which protects the rights and freedoms of individuals to: "All people are by

nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy." per the State Constitution.

116. The position of the Defendant is unfair as it deprives individuals of rights protected by the Constitution of the State of California which protects the rights and freedoms of individuals to: "All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy."

117. The position of the Defendant, GOOGLE, is false because, as a processor of personal information and a controller of that information, the Defendant, GOOGLE also possesses the technical, logistical and government official manipulation power and ability to delete, re-rank and mood manipulate any information obtained as the result of a search on its search engine.

118. As a direct, proximate, and foreseeable result of the Defendant's wrongful conduct, as alleged above, the Plaintiffs and millions of others other members of the Plaintiffs class, who are unknown to the Plaintiffs but can be identified through inspection of the Defendant's records reflecting requests for removal it has already received and by other means, have been subjected to unlawful and unwanted publication of in accurate, inadequate, irrelevant, false, excessive, malicious and defamatory internet postings about themselves and as a result of the Defendant, GOOGLE's present policies, have thereby been deprived of their right to privacy and the right to control information published about them as this control now apparently is vested in the Defendant GOOGLE, INC and not in and of themselves.

119. The Plaintiffs is entitled to relief, including full restitution for the unfair practices of the Defendant, GOOGLE as these have damaged their reputation and their business prospects and deletion or de-ranking of any article naming him a scam artist as inaccurate and currently irrelevant.

120. The Defendant, GOOGLE, has failed and refused to accede to the Plaintiffs's request for a removal of the offending article or for any de-ranking or separation of the article from a search for their name. The Plaintiffs is informed and believes and thereon alleges that the Defendant has likewise failed and refused, and in the future will fail and refuse, to accede to the requests of other individuals requests for removal, de-ranking or the separation of search results from a simple search for their name.

121. The Defendant's acts hereinabove alleged are acts of unfair competition within the meaning of Business and Professions Code Section 17203. The Plaintiffs is informed and believes that the Defendant will continue to do those acts unless the court orders the Defendant to cease and desist.

122.. The Plaintiffs has incurred and, during the pendency of this action, will incur expenses for attorney's fees and costs herein. Such attorney's fees and costs are necessary for the prosecution of this action and will result in a benefit to each of the members of the class. The sum of $500,000.00 is a reasonable amount for attorney's fees herein.

THEFT OF INTELLECTUAL PROPERTY CAUSE OF ACTION NOTES

123. The Plaintiffs hereby incorporate by reference the allegations set forth in paragraphs 1 through this paragraph inclusive as though fully set forth herein.

124. Plaintiffs venture fund has founded, funded and launched multiple business ventures based on novel new technology inventions. In the majority of the cases, Defendants engaged in industrial espionage of Plaintiff's new ventures, including using agents to solicit Plaintiff's for information under the guise of "possibly investing", and then copied and exploited those ventures for substantial profit while running attacks on Plaintiffs venture in order to blockade any attempt at competition. Defendants engaged in systematic venture capitol black-listing, funding cartels, the hiring of attack-media hatchet job bloggers, internet search rigging and numerous other dirty tricks campaigns in order to steal technology and business ideas. SEC, U.S. Senate Investigators, broadcast news journalists, other federal investigators and records from other lawsuits have provided testimony that Defendants have paid Gawker Media *"tens of millions of dollars"* for *"special services"*. Of millions of publications in the world, only Gawker Media engaged in the media attacks against Plaintiff and only the Defendants derived the core benefits of those attacks. A list of the Plaintiffs business ventures interdicted and copied by Defendants includes the following.

Just as Kleiner Perkins (Google's main investor; Suspected by federal investigators to have had a hand in the attacks on Plaintiffs) and Alphabet are venture projects, Plaintiffs develop their ventures under the Parent Venture Fund:

PARENT VENTURE FUND: CLEVER

...(www.cleverindustries.com) & (http://www.innovationportfolio.me) Parent Venture Fund- Formed 1976 – All inventions first developed under Clever Industries then rolled out as separate ventures to seek to sell their services or products. If blockaded by

competitors, they were then sold as a whole to seek to offset investors. The ventures, below, were incubated by Plaintiff via the Clever Industries venture group: Defendants are charged with copying and profiting off of Plaintiffs property as **Google Ventures, Google Ideas and Google X**

Clever has launched the following ventures which were infringed and/or attacked by defendants:

VENTURE: RPI ADVANCED TECHNOLOGY GROUP

...(https://scottalbum.wordpress.com/2015/05/20/vr/) Virtual Reality Spin Out- Formed 1990. Sold to European Investment Group. Defendants are charged with copying and profiting off of Plaintiffs property as **Google Glass, Google Cardboard and Google VR.** RPI Advanced Technology Group (RPI) developed, manufactured, and sold a variety of virtual reality devices including what at the time was the smallest wearable computer display, delivered as a pair of glasses, and the first 360 degree personal computer-based gyroscopic flight simulator. These devices were sold to Spectrum Holobyte, Battele, U.S. Navy, Edison Brothers, FOX Network, MCI, and other major entities, and are used globally in defense and entertainment applications. These devices were based on several of Plaintiff's US. Patents: (Method and apparatus for generating and processing absolute real time remote environments -Filed in 1995, Issued in 1998); (Method and apparatus for generating and processing absolute real time remote environments Filed in 1993, Issued in 1996); and (Method and apparatus for generating and processing absolute real time remote environments Filed in 1990, Issued in 1993). In 1996, Plaintiff sold RPI to a European investment company. Plaintiff has continued their work in VR (https://virtualrealitydesigns.wordpress.com) up to today as a consultant and product designer, and filed U.S. Patent App # confirmation 61269822063009 and 17119 USPTO 063009 *"Clip-on appliance suite for PDA or cellphone"* on the first use of a smart phone as a VR headset and marketed by America Invents. Plaintiff is featured on a special segment of E! Entertainment News Network, broadcast globally, describing their consulting work for Oliver Stone's virtual reality video feature film series: *"Wild Palms"*.

VENTURE: VIRTUAL REALITY DESIGNS - VRD

... (https://virtualrealitydesigns.wordpress.com) formed as proprietorship in 2006. Defendants are charged with copying and profiting off of Plaintiffs property as **Google Glass, Google Cardboard and Google VR**

VENTURE: PFS AEROSPACE

...(http://pfs-aerospace.weebly.com**)** Proprietorship. Defendants are charged with copying and profiting off of Plaintiffs property as **Google Loon and Google Satellite and Google's Space X.** PFS Aerospace (http://pfs-aerospace.weebly.com) is an Aerospace company. PFS received a U.S. Patentand file U.S. Patent applications, including No. 20040089763 on the technology known as the "microthruster" in it's small format design or "EM-Drive" in it's large-format design. This propulsion technology uses electronic ion-streams to push objects along their path of travel as a transportation propulsion engine. Microthrusters are now in use on multiple NASA, DoD and Telco spacecraft in outer space and on numerous devices on Earth. PFS overcame NASA patent prior art on the same technology when Plaintiff demonstrated for the U.S. Patent Office a steerable 4-foot diameter, entirely electronic, ion-propulsion craft flying, for U.S. Patent Office reviewers and validated in front of Intel's lead patent officers. Plaintiff's teams have launched their crafts to the edge of space and back. The technology allows something as simple as a weather balloon with a layered pop-proof polymer skin and internal filament tension cords, to go beyond the buoyancy point, where other balloons simply "stop or pop", and enter outer space to carry a micro satellite. PFS specialized in lighter-than-air launch vehicles, particularly for global communications enhancement.

VENTURE: PEEP WIRELESS TELEPHONY COMPANY

...was a Delaware corporation, the registration was cancelled and it was rolled back into a

proprietorship when the attacks by Defendants commenced. **Peep** was put on hold during the attack by Defendants which included the use of Defendants fronts known as In-Q-Tel, Jigsaw and New America Foundation and the insertion of Defendants into the “Arab Spring” controversy in order to potentially rig Lithium mining deals in the Middle East for Defendants electric car companies per the articles promoted by Defendants entitled: ***“Afghanistan is the Saudi Arabia of Lithium”***. Plaintiffs sued Defendants financial associate: a group known for dirty-tricks-for-hire services called: In-Q-Tel, and forced In-Q-Tel to stand before a federal judge in a San Francisco court roomand explain how their “501 C 3 Non-Profit Charity Status” coincided with the removal of five tons of Cocaine from their aircraft in a raid by DEA officials, why In-Q-Tel staff work for Google and Elon Musk and why Google’s Eric Schmidt and In-Q-Tel have exchanged so much in the way of financial upsides in efforts funded by U.S. taxpayers. This telephone-based application **(**http://tel-app.weebly.com**)(** http://democri-c.weebly.com **). Defendants are charged with copying and profiting off of Plaintiffs property as** peer-to-peer internet technology, **Serval, Commotion** and **Google Ideas.** Peep Wireless Telephony Company was a Delaware corporation. Peep was put on hold during the Google attack. This telephone-based application (http://tel-app.weebly.com) was initially personally funded by Plaintiff. It is an early stage company developing and delivering software that offers billions of dollars in savings by replacing the current system of server racks and cell towers employed by wireless network carriers. Peep's technology is based on the technology described in Plaintiff's application to the USPTO, for "Mesh Based Network Architecture". Earlier versions of the technology approach have been proven by multiple companies including the Swedish company TerraNet. According to a September 11, 2007, BBC News Report, in 2007 TerraNet launched demonstration projects in Tanzania and Ecuador and obtained 33 million in financing from the mobile phone manufacturer Ericsson to develop its wireless mesh technology. See (http:/Znews.bbc.co.uk/Z/hi/technology/6987784.stm) Nokia has reportedly since acquired TerraNet. A search of the term “wireless mesh” yields many hits including a Wikipedia page that includes references to US. Military use of the technology see (http://en.wikipedia.org/wiki/Wireless mesh network#cite note-4; see also http://wwwmeshdynamics.com/militag-mesh\u2014networkshtml). Peep solved the problems that have prevented other wireless mesh companies from achieving commercial success. Plaintiff released a set of the technology, with the help of Steve Jobs at Apple

before his death, as an emergency communications tool for the Japanese Tsunami. Apple distributed it on the Apple App and emailed the Plaintiff stating it was the fastest App-to-market cycle in Apple history at the time due to the **life-saving potential of the App.** Concurrent with the release of that App, the country of Tunisia was having a democracy uprising and began using the App for its critical-needs social effort. Egypt followed with the use of the App, and the App was renamed DEMOCRI-C (TM) and had become the first peer-to-peer mesh network emergency communicability App in the world. This P2P technology is now embedded in Qualcomm chips, carried in 80% of mobile devices, and per (http://p2p-internet.weebly.com) is the basis for the new global Internet. DEMOCRI-C had no "back-doors" built into it. It was provided free to groups associated with the International Red Cross, Amnesty, Human Rights Watch and United Nations related organizations. A later version is now in distribution on all three of the major App stores, globally.

VENTURE: LIMNIA

...a Delaware and California corporation that was incorporated in 2002 (http://www.limnia.com) Plaintiff converted it back to a California company from a Delaware jurisdiction and all California filings are paid up. Defendants are charged with interdicting and sabotaging Plaintiffs property of Limnia via **Google's Tesla, Ivanpah, VVC, and lithium mining holdings.** Limnia won key federal patents, Congressional commendation in the Iraq War Bill, a government grant and national acclaim. Google circumvented Limnia Government contracts and received billions of dollars of grants at Limnia's expense by illegally compensating elected, appointed and other public officials in exchange for taxpayer cash and government resources in order to acquire tens of millions of dollars of Plaintiff funds and billions of dollars of potential profits and re-route the funds and the profits to Defendants bank accounts. Subsequently, Defendants products have failed, been globally labeled as a life threatening hazard to public safety by the United Nations and the FAA and turned out to be a portion of a possible commodities scam currently under investigation by the SEC. 3. **Limnia, Inc.,** formerly named FuelSell Technologies, Inc., a Delaware corporation that was incorporated in 2002 (http://www.limnia.com). Limnia used venture capital funds, Plaintiff's personal funds, and

a US. Department of Energy grant (approx. $900,000) to develop a working version of a hydrogen fuel cassette storage and distribution system that can power every vehicle in America entirely from domestic resources. One venture capital investor made a substantial return on its investment when it cashed out in 2006. Limnia's hydrogen cassette prototype has been tested and verified by Sandia Labs and other partners, and has been delivered to the market globally, and has nearly a hundred emulators in the market. Sandia research documents industry metrics, billions of dollars of university research, operational units in the field, and, duplicated products validate Limnia's technologies. Third party reports demonstrate superior performance to traditional energy storage and retrieval devices. Sandia determined that a Limnia hydrogen fuel cartridge, the same size and weight of a Lithium ion battery, holds substantially more energy than the Li-ion battery, which Google investors control. Limnia's technology is based on Plaintiff's exceptional and extensive patent suite including, but not limited to: US. Patents: (Method and apparatus for a hydrogen fuel cassette distribution and recovery system)Filed in 2002, Issued in 2008); (Solid-state hydrogen storage systems; Filed in 2004, Issued in 2007); (Hydrogen storage, distribution, and recovery system\Filed in 2002, Issued in 2007); and (Methods for hydrogen storage using doped alanate compositions; Filed in 2003, Issued in 2006). As the Middle East has fallen to shreds for the West, a plight foreseen by Plaintiff per their Iraq War Bill award, offshore fuels have become a severe threat to domestic security. Lithium ion battery sources have been shown by federal reports and extensive media coverage to be self-explosive, toxic, cancer-causing, factory worker killing, liver-damaging, brain-damaging, lung-damaging, fire-causing, war-causing, plane-crashing chemical systems, which deteriorate over time. Plaintiff's, Toyota's, KIA's, Honda's, Hyundai's, True Zero's and other major brands’ approach is the right one for the nation, and for public safety. With Congressional commendations in national War bills, Federally mandated grants, and historical Federally confirmed U.S. patent issuances, this program made industry history.

VENTURE: XP VEHICLES

...was formed in 2002 (http://xpvehicles.wordpress.com). Defendants are charged with interdicting and sabotaging Plaintiffs property of XP with **Googles Tesla, Driverless Car**

and V V C ownerships. (http://earth2tech.com/2010/05/04/google-ventures-the-lesson-of-v-vehicle

Google Ventures and The Lesson of V-Vehicle) Google circumvented XP Government contracts and received billions of dollars of grants and profits at XP's expense by illegally compensating elected, appointed and other public officials in exchange for taxpayer cash and government resources in order to acquire tens of millions of dollars of Plaintiff funds and billions of dollars of potential profits and re-route the funds and the profits to Defendants bank accounts.

VENTURE: CLEVER HOMES LLC

...was an active California limited liability company (https://scottalbum.wordpress.com/2015/05/20/homes/) sold to an investment group. Defendants are charged with copying and profiting off of Plaintiffs property as **Google Smart Home, Internet of Things, Nest.** Clever Homes LLC was an active California limited liability company (https://scottalbum.wordpress.com/2015/05/20/homes/). Clever Homes is a designer and builder of environmentally responsible, energy efficient, prefabricated homes. Dwell Magazine co-sponsored the national launch of the company. Plaintiff founded the company, was the initial investor, and hired all other members of the company. The company website shows that more than 20 homes have been designed with the majority currently in residential use. Better Homes and Gardens featured Plaintiff in their Discovery Channel educational television series called: *"Building America's Home"*. In 2005 Plaintiff sold their interest in Clever Homes to the current owners. The designs and methods currently in use by Clever Homes are based on Plaintiff's inventions. Clever Homes at the San Francisco Giant’s SBC Park unveiled a well-known green demonstration home produced and created by Plaintiff, dubbed “The NowHouse” in October 2004. Plaintiff developed ways to use debris wood from the Japanese Tsunami recovery as shown on network television. The NowHouse was subsequently donated to the City and County of San Francisco and is currently in use as the Bay View Hunters Point Alice Griffith Community Center. FabModern was an on-line design portfolio of Plaintiff’s green home designs and personal building site. Plaintiff filed 3 patents for digitally networked “Smart Homes” and built the most visible “Smart Digital Home” in the world, at the tim**e.**

VENTURE: UNIFREE/TECHMATE

...(http://www.unifree.biz) was created by Plaintiff in San Francisco in 1990 as an integrated service of Plaintiffs TECHMATE social media network launched in 1985. It still exists as a sole proprietorship. Google, itself, is the competitor and is believed to have created the company: “Google” from copying Unifree. Defendants are charged with copying and profiting off of Plaintiffs property as **Google,Inc.** Google’s lawyer runs the U.S. Patent Office and is suspected of interfering with Plaintiff patent and trademark filings. Unifree was created by Plaintiff in San Francisco in 1990. Plaintiff received a White House letter from the Vice President for their work in this area. Work has continued and patents have continued to issue up to today. UNIFREE was launched on the web and operated as an on-line search engine. Previously filed patents and Federal records prove pre-existence of the technology, company, and website by Plaintiff prior to the existence of Google. As the name implies, it was a collection of UNIVERSALLY FREE on-line services such as mail, video, search, social networking, messaging, VOIP, etc., UNIVERSALLY available for the world population and integrated across a common front end. Unifree was a website which, exactly like the later “Google”, offered all of the free on-line services that Google offers today, with a particular emphasis on on-line media. The United States Patent Office Trademark filings and records describe the free online services center in a manner that many observers feel describes the LATER creation of Google. The State of California confirms that UNIFREE LLC existed with a California Entity Number as of 11/12/1997. The public interest ranking algorithm that Plaintiff created to automatically determine which links to services would be ranked above others on the home page, was called “mombot” (tm). It was a robotic formula that acted as the Internet mom for your web experiences, just as Google does today. Unifree was fully operational on the World Wide Web far longer than Google has existed. On February 4, 1998 Plaintiff executed a Non-Disclosure Business Partnership development agreement with Yahoo, Inc. for Unifree, and engaged in numerous time-stamped email communications with funding inquiries and fishing expedition inquiries from Google venture capital investors. Plaintiff was featured on a nationally broadcast hour-long TV program discussing the technology. The name Google was formally incorporated on September 4, 1998 at girlfriend Susan

Wojcicki's apartment in Menlo Park, California. The first patent filed under the name "Google Inc." . Unifree was orignally **Techmate** (http://techmatesocial.wordpress.com) which launched in 1985. The first known graphics-capable social network sold in the market. Defendants are charged with copying and profiting off of Plaintiffs property as **Google, Inc. Google, itself,** is a competitor. Techmate was the first to use Mitsubishi modem based picture phones, computers, faxes and both analog and digital communications lines. Techmate worked with Henry Dakin and the Washington Street Institute on human interaction projects and Russian/American relations improvement efforts. Techmate was featured in national display advertising and had a large subscriber base years before Google or Facebook even existed. For a number of years, the U.S. Patent Office has been reviewing a patent award submission by Plaintiff. In 2015 and 2016 the patent office ruled that the invention of social media networks was invented by either Plaintiff, Yahoo's engineering group or Mark Zuckerberg. After detailed review, the Patent Office ruled that the evidence proved that Plaintiff had produced social media networks years before Yahoo or Zuckerberg had even formed their companies. As Plaintiff patent was being approved, the Examiner suddenly contacted Plaintiffs patent attorney and stated that the approval of the patent had been reversed by the Senior Administration of the U.S. Patent Office. It was soon discovered that the Senior Administration of the U.S. Patent Office is Michelle Lee, Google's attorney and shareholder, and her associates, who were lobbied into appointment by Google. Google is the number on entity who would have been infringing this additional patent issuance. Congressional, legal and public interest inventor rights groups are now examining this incident. The social media aspect of Plaintiff's internet engine was deployed as the TECHMATE (tm) social network (http://techmatesocial.wordpress.com) long before the Google or Facebook founders had even met each other. Techmate was advertised in Bay Area newspaper display advertising and certified by the State of California in filed public records with the Secretary of State on March 1, 1987.

VENTURE: CLICKMOVIE

... and **TSBN** (http://clickmovie1.wordpress.com/) existed years before **YouTube.** It still

exists as a California corporation. Defendants are charged with copying and profiting off of Plaintiffs property as **YouTube. Google's YouTube** is a 100% copy of Plaintiff world-reknown Clickmovie.com. **CLICKMOVIE.COM** (http://clickmovie1.wordpress.com/) **ClickMovie.com** existed years before **YouTube Bittorrent, Napster, Hulu, Sony VUE, Vudu, or Netflix Streaming** was even formed or existed. Its patents pre-date the formation of YouTube by many years. A half hour broadcast television show on the TV series Silicon Valley Business Report and the vast number of articles, Consumer Electronic Show (CES) presentations and letters documents Clickmovie. It was the world's first public full-screen video store, online media channel and self-media distribution outlet. It is fair to say that Plaintiff's idea (http://networktechnologies.weebly.com) of delivering all media over the internet has been verified as a workable idea by every company that touches the internet including Akamai, Netflix, Bittorrent, Vudu, Hulu, and tens of thousands of others. As hundreds of documents prove, Sony Pictures engaged in extensive contracts, public announcements, meetings, deployments, letters, emails, airplane flights, board and corporate meetings with Plaintiff (even mentioning Plaintiff by name, as their source of inspiration, in Sony's Federal patent filings, which were sold to Dish Network by Sony) to have its first internet video-on-demand hardware and software developed by Plaintiff. "Clickmovie" and the movie trailer site "Trailer Park" and dozens of App's produced by Plaintiff were the first of their kind in the market.

This is not a complete list of the ventures developed by Clever but it is thought to be the most relevant list

136. Defandants did have their agents, investors, executives and staff contact Plaintiff under the guise of "considering an investment" in order to induce Plaintiff to disclose trade secrets under false promises of confidentiality

137. The New York Times newspaper and digital publications group published an investigative article entitled: ***"How Larry Page's Obsession Became Google's Business*** " on January 22, 2016 by CONOR DOUGHERTY. This article describes the manner in which Google founder, Larry Page, seeks to steal ideas, for Google, from young entrepreneurs and inventors, much as he appears to have

done to Plaintiff. The article discloses the covert manners in which Defendants harvest intellectual property without revealing their true identies or actual intentions.

138. Hundreds of reporters, clients and members of the public have commented that: "Google seems to copy everything you come up with" to Plaintiff. In one specfic instance, a television show entitled the Silicon Valley Business Report did a broadcast report demonstrating how Plaintiff company appeared to have been nearly 100% copied by Google'sYouTube. In another instance, the globaly broadcast TV Network E! Entertainment Network produced a network TV segment about Plaintiff creation: "Scott Glass" which was later copied by Google as: "Google Glass" with nearly verbatim features, appearance

What Does Plaintiff want?

1. For Google to cease all Internet rigging attacks and anti-trust actions against Plaintiffs

2. For Google to pay for the damages from their on-going attacks

3. For Google to pay for the loss of business caused by their actions including their circumvention of government and financing contracts

4. For Google to share revenue from profits from Plaintiff's technology

5. For Google to be admonished for manipulating government process

6. Creation of the European "Right to be Forgotten Law" in the United States