

Silicon Valley Tech Oligarchs Steal Most Of Their Technology From Small Inventors

Thu, 28 Oct 2021 17:00:00, admin45789, [category: news, post_tag: silicon-valley-tech-oligarchs-steal-most-of-their-technology-from-small-inventors]

It wasn't a fluke that America led the world in innovation for 200 years. It began with the revolutionary concept of giving the common person ownership of what he or she invented and patented. The mission of US Inventor is to restore that right, which has been so significantly reduced from recent legislation and judicial actions.

What we've accomplished and will accomplish depends on the combined efforts of our members. Many individuals across America have helped in the mission of US Inventor. You don't have to be an inventor to be on our team, you just have to care about the future of America and the American Dream. One individual who needs to be recognized for his stellar efforts and commitment to our mission is Josh Malone. We wouldn't be where we are without him.

2020 in Review

The political focus on the virus and then the election definitely got in the way, but we still made progress. Here are a few accomplishments:

- We stopped the re-enactment of an expired patent invalidation program at the PTAB (Patent Trial and Appeal Board). There was a significant effort to get CBM (Covered Business Method) Review re-enacted by placing the text deep within the Appropriations Bill. We mounted an effort to head this off by having inventors nationwide inform their Senators and US Representatives. The CBM text did not make it into the final version of the bill.
- We held a nationwide election for an inventor to sit on the Patent Public Advisory Committee (PPAC), and then got him appointed for the position. Dan Brown, prolific inventor and professor at Northwestern University, will represent the interests of inventors and help our efforts.
- Our efforts to get the USPTO to apply the rulemaking process to the PTAB got things moving in that direction. Part of this was the filing of a lawsuit to enjoin the Patent Office from doing any PTAB trials until rulemaking was done. Whether or not the injunction will occur is in question, but the USPTO Director has put out a request for comments regarding the rules needed.
- We assisted in the filing of a number of Amicus Briefs, one of which sought to get the US Supreme Court to take up the Arthrex Case in 2021, which it has decided to do. This is the case where the Appeals Court ruled that all of the PTAB "judges" were appointed unconstitutionally but proposed an unconstitutional way for them to continue. So, they are still invalidating our patents. SCOTUS will now take a look and possibly do something that helps us.
- We've submitted several FOIA (Freedom of Information Act) Requests that have provided previously unknown information that has helped our efforts and will continue to do so.
- We started a live WebCast called In The Trenches With Inventors, The Battle To Save Patents. This WebCast is designed to generate interest in our fight by interviewing inventors who have had their patents attacked at the PTAB.
- We've kicked off a program to have inventors who have been harmed by our broken patent system interviewed by various media nationwide to make our issue broadly known.

2021 and Beyond

We've had the benefit of a USPTO Director who has had an interest in our issues. We certainly want Andrei Iancu to continue as Director, but we could face the appointment of a new Director that is close to Big Tech. Any reader new to our fight might be shocked to know that, prior to President Trump's appointment of Mr. Iancu, the USPTO Director was the former head of patent strategy for Google!

The US Supreme Court's Arthrex Case is coming this spring. The PTAB "judges" have been ruled as having been appointed unconstitutionally, so why are they still invalidating our patents? We need to really make our voices heard on this one, and we are considering how to do so. Your help will be needed.

A legitimate path to success in our fight is to make our issue known to the broad, voting public. The average person is usually shocked to find out that a patent can be so easily invalidated and the inventor left with nothing. We have embarked on a program of media interviews to make our issue known.

What You Can Do

You can help by communicating our message far and wide. If you haven't yet signed our Inventor Rights Resolution, please do so and get your associates to as well (go [here](#)).

When we have a particular effort where the voices of inventors are needed, like the effort to get the PTAB invalidation text out of the Appropriations Bill, be ready to help.

Support our effort by donating (we are a 501(c)(4) Non-Profit). Any amount is appreciated, but a \$100 donation gets you a special US Inventor Mug (go [here](#)).

Conclusion

As you ring in the New Year, realize that we are fighting full-time to restore your rights as inventors and that we are your voice in Washington DC. American innovation and the success of disruptive startups based on patents depends on the ability of any inventor to defend his or her patent rights,

Among your New Years Resolutions, consider resolving to be active in our efforts. With enough inventors and interested parties involved, we will win this battle. Thank you for your help.

Best,
Randy Landreneau, President
US Inventor, Inc.

Regarding the news headlines:

"The founders of Google, Facebook, Netflix, Sony Vue, and Youtube knew me and went to school with me. They, and their investors, asked to look at my technologies and companies which I had engineered, launched as businesses, patented and shown them under NDA years before they copied them and started their own versions of them. The emails, NDA's, patent office files, leaks and lawsuit records prove it. They "spied and lied". They chose to "cheat rather than compete". They aimed over 16 billion dollars of lobbyists at the United States Patent Office in order to blockade the rights of small inventors like me. They hired millions of dollars of Fusion GPS-type media attackers to run hit-jobs on me, and other entrepreneurs, because they could not face the truth in a fair fight."

This is not a matter of crying over spilled milk. Those companies and their founders ran an organized crime operation tech Cartel. That assertion is proven in the books: "Brotopia" by Emily Chang; "Whistleblower" by Susan Fowler; "A Colossal Wreck" By Alexander Cockburn; "Emotional Intelligence" By Daniel Goleman; "Drain The Swamp" By Ken Buck; "How Political Corruption Actually Works" By The Wiki Law-Pedia Group; "Deleted" By Allum Bokhari; "The Creepy Line" By Matthew Taylor; "Chaos Monkeys" By Antonio Martinez; "Disrupted" By Dan Lyons; "Catch and Kill" By Ronan Farrow; "Permanent Record" By Edward Snowden; "Throw Them All Out" By Peter Schweizer; "The Circle" By David Eggers,

"World Without Mind" By Franklin Foer, "A Journey into the Savage Heart of Silicon Valley" By Corey Pein, and in hundreds of other books and thousands of reports from the FBI, DOJ, FEC, SEC, FTC, EU, Inspector General's and other government organizations globally. It is proven in the CBS news 60 Minutes episodes: "The Cleantech Crash", "Congress Trading On Insider Information", "The Lobbyists Playbook" and other segments. It is proven in the feature documentary films including: "Too Big To Fail", "Inside Job", and "Omerta - A Corruption Story". They are deeply connected to the likes of Harvey Weinstein, Jeffrey Epstein and other notorious folks. They buy elections with impunity.

It is proven in hundreds of lawsuits, including Silicon Valley divorce court filings for abuse, available at www.pacer.gov and it is now proven by the United States Government in the latest of a series of federal monopoly lawsuits. Per federal Case # 1:20-cv-03010 :

"Today, millions of Americans rely on the Internet and online platforms for their daily lives. Competition in this industry is vitally important, which is why the challenge against Google — the gatekeeper of the Internet — for violating antitrust laws is a monumental case both for the Department of Justice and for the American people," said Attorney General William Barr. "Since my confirmation, I have prioritized the Department's review of online market-leading platforms to ensure that our technology industries remain competitive. This lawsuit strikes at the heart of Google's grip over the internet for millions of American consumers, advertisers, small businesses and entrepreneurs beholden to an unlawful monopolist."

"As with its historic antitrust actions against AT&T in 1974 and Microsoft in 1998, the Department is again enforcing the Sherman Act to restore the role of competition and open the door to the next wave of innovation—this time in vital digital markets," said Deputy Attorney General Jeffrey A. Rosen.

As one of the wealthiest companies on the planet with a market value of \$1 trillion, Google is the monopoly gatekeeper to the internet for billions of users and countless advertisers worldwide. For years, Google has accounted for almost 90 percent of all search queries in the United States and has used anti-competitive tactics to maintain and extend its monopolies in search and search advertising. Stanford University trained these people to be the worst version of criminal frat boys the world could have imagined. Now America must make things right again.

As alleged in the Complaint, Google has entered into a series of exclusionary agreements that collectively lock up the primary avenues through which users access search engines, and thus the internet, by requiring that Google be set as the preset default general search engine on billions of mobile devices and computers worldwide and, in many cases, prohibiting preinstallation of a competitor. In particular, the Complaint alleges that Google has unlawfully maintained monopolies in search and search advertising by:

- Entering into exclusivity agreements that forbid preinstallation of any competing search service.
- Entering into tying and other arrangements that force preinstallation of its search applications in prime locations on mobile devices and make them undeletable, regardless of consumer preference.
- Entering into long-term agreements with Apple that require Google to be the default – and de facto exclusive – general search engine on Apple's popular Safari browser and other Apple search tools.
- Generally using monopoly profits to buy preferential treatment for its search engine on devices, web browsers, and other search access points, creating a continuous and self-reinforcing cycle of monopolization.

These and other anticompetitive practices harm competition and consumers, reducing the ability of innovative new companies to develop, compete, and discipline Google's behavior.

The antitrust laws protect our free market economy and forbid monopolists from engaging in anticompetitive practices. They also empower the Department of Justice to bring cases like this one to remedy violations and restore competition, as it has done for over a century in notable cases involving monopolists over other critical industries undergirding the American economy like Standard Oil and the AT&T telephone monopoly. Decades ago the Department's case against Microsoft recognized that the antitrust laws forbid anticompetitive agreements by high-technology monopolists to require preinstalled default status, to shut off distribution channels to rivals, and to make software undeletable. The Complaint alleges that Google is using similar agreements itself to maintain and extend its own dominance and to attack and destroy smaller companies and inventors.

The Complaint alleges that Google's anticompetitive practices have had harmful effects on competition and consumers. Google has foreclosed any meaningful search competitor from gaining vital distribution and scale, eliminating competition for a majority of search queries in the United States. By restricting competition in search, Google's conduct has harmed consumers by reducing the quality of search (including on dimensions such as privacy, data protection, and use of consumer data), lessening choice in search, and impeding innovation. By suppressing competition in advertising, Google has the power to charge advertisers more than it could in a competitive market and to reduce the quality of the services it provides them. Through filing the lawsuit, the Department seeks to stop Google's anticompetitive conduct and restore competition for American consumers, advertisers, and all companies now reliant on the internet economy.

INVENTORS VS. THE SILICON VALLEY OLIGARCHS:

"We care about intellectual property rights and inventions because it affects BILLIONS of dollars of our income that bad guys copied and are now using in harmful ways, to the detriment of society..."

We have already faced some of the biggest players in the world in court and stopped them cold; so some of the tech cartel will do anything to keep from facing us in front of a jury because they know they did crimes to put our money in their pockets. **They chose to cheat rather than compete** and now they have to face the music. Billions of dollars of our money is at stake and we will not give up on inventor rights and anti-corruption reforms.

Why Does The [Silicon Valley Cartel](#) Have To Steal Their Technology Instead Of Making Their Own?

The United States Patent And Trademark Office, and multiple other state and federal agencies, have certified that Scott invented, designed, built and operated companies and products which GOOGLE, YOUTUBE, SONY and FACEBOOK copied years later after gathering illicit industrial intelligence on those companies and technologies via '*nefarious means*'. (ie- SEE THIS ARTICLE: [Inventors Who Changed the World and Got Screwed in Return.pdf](#)) Three of those competitors did not even exist when Scott's companies were ALREADY doing everything that Google, Youtube and Facebook based the launch of their companies on. Scott's investors have launched federal investigations on those competitors who chose to "*cheat rather than compete*"!

A. Scott created and produced the **FIRST** multi-million viewer live interactive urban electro-optical spectacular in 1977 with help from the City of San Francisco. **Who says so?** Proclamations from the Mayor, emails between him, his staff and they key parties, NDA's, contracts, press clippings, broadcast news videos, federal reports, Congressional reports and other indisputable evidence. The products, services and technology were offered on the market via operating companies and copied by competitors.

B. Scott created and produced **TECHMATE**. Years later Mark Zuckerberg and his investors came and took a look at it and copied it to create **FACEBOOK**. Facebook was an exact copy of Techmate. **Who says so?** The United States Patent Office, emails between him, his staff and they key parties, NDA's, contracts, press clippings, broadcast news videos, federal reports, Congressional reports and other indisputable evidence. The products, services and technology were offered on the market via operating companies and copied by competitors.

C. Scott created and produced **UNIFREE**. Years later Eric Schmidt, Larry Page, Sergy Brin and their investors came and took a look at it and copied it to create **GOOGLE**. Google was an exact copy of Unifree. **Who says so?** The United States Patent Office, emails between him, his staff and they key parties, NDA's, contracts, press clippings, broadcast news videos, federal reports, Congressional reports and other indisputable evidence. The products, services and technology were offered on the market via operating companies and copied by competitors.

D. Scott created and Produced **TSBN**. Years later Eric Schmidt, Larry Page, Sergey Brin and their investors came and took a look at it and copied it to create **YOUTUBE**. Youtube was an exact copy of TSBN. *Who says so?* The United States Patent Office, emails between him his staff and they key parties, NDA's, contracts, press clippings, broadcast news videos, federal reports, Congressional reports and other indisputable evidence. The products, services and technology were offered on the market via operating companies and copied by competitors. In **1998** Scott and his team had global web broadcasting up and running before **YouTube, Netflix Streaming, Hulu, Sony Vue, HBOMax, Amazon Video**, or any other one of them, even existed:

ALTERNATE LINK FOR THIS VIDEO:

<http://scottrdmond.us/public/videos/THE%20FIRST%20GLOBAL%20WEB%20TV%20COMPANY%20SCOTT%20DOUGLAS%20REDMOND.mp4>

E. Scott created and produced the first fully integrated virtual reality system. Years later Mark Zuckerberg copied it to create **OCULUS**. *Who says so?* The United States Patent Office, time-stamped mails between him, his staff and they key parties, NDA's, contracts, press clippings, broadcast news videos, feature news articles, federal reports, Oliver Stone's Wild Palm's crew, Congressional reports and other indisputable evidence. The products, services and technology were offered on the market via operating companies and copied by competitors.

F. Scott created, produced and built the **XP** car manufacturing company that was **TESLA**'s biggest competitor . The United States Government financed it, it won more patents and it beat the tech Cartel's Tesla on every metric. *Who says so?* The Dept of Energy Documents, Congress, The United States Patent Office, emails between him, his staff, famous politicians and they key parties, NDA's, contracts, press clippings, broadcast news videos, federal reports, Congressional reports, The Federal Lawsuits his associates filed and won and other indisputable evidence. The products, services and technology were offered on the market via operating companies and copied by competitors.

All of these oligarchs know each other; share lawyers, lobbyists, CPA's and politicians; run dirty tricks attacks on competitors and are now the subjects of federal investigations and lawsuits. They spend tens of millions of dollars per year attacking competitors and lobbying to manipulate the U.S. Patent Office. The single largest number of corporate political bribery investigations, corporate sex trafficking charges, corporate money-laundering charges, corporate tax evasion charges and related crimes, are focused on Silicon Valley corporations! These days; when they do bad things, they get reported to federal law enforcement and regulatory agencies and the government ends up suing them. See more about protecting domestic innovation at: <https://usinventor.org>

Please report your complaints about Tesla, Google, Match.com, OK Cupid, Netflix, Facebook, Kleiner Perkins, Sony Pictures, etc. (and the other tech cartel members) for the active investigations and federal lawsuits now in progress. By filing a complaint and telling your story, you can help investigators identify trends and patterns of questionable business practices that will contribute to law enforcement and consumer protection efforts. You can be certain that these particular cases will get driven hard and pushed before Congress. The more reports we can get filed on these bad guys, the bigger the cases we can get processed.

Our team is authorized and trained to author FBI criminal referrals, prepare arrest documents, produce back-ground dossiers and generate case data against attackers and felons that "cheat rather than compete". Our interdiction teams have a 100% success rate.

If you also had a run-in with the tech oligarchs, please file your complaints today at:

<http://www.ftc.gov/complaint>

<https://www.fbi.gov/contact-us/>

<https://www.sec.gov/tcr>

<https://osc.gov/pages/file-complaint.aspx>

<https://www.fec.gov/legal-resources/enforcement/complaints-process/>

https://oig.justice.gov/hotline/submit_complaint

<https://www.judicialwatch.org/documents/complaint/>

ACTIVE FEDERAL INVESTIGATIONS AND FTC FEDERAL LAWSUITS, ON BEHALF OF THE PUBLIC, ARE NOW UNDER-WAY!

Always file multiple copies of your complaints to a few different offices with one copy to major news outlets in order to prevent cover-ups.

For more about the ongoing anti-trust actions, Congressional investigations and policy watch-dog efforts we are pushing for, keep an eye on organizations we support such as usinventor.org.

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<https://youtu.be/zxo4eazJibo>

What You Can Do

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Among your New Years Resolutions, consider resolving to be active in our efforts. With enough inventors and interested parties involved, we will win this battle. Thank you for your help.

Best,
Randy Landreneau, President
US Inventor, Inc.

In the article:

[The Troll Narrative Infected the Supreme Court and Justice ...](#)

<https://www.ipwatchdog.com/2020/11/03/troll-narrative-infected-supreme-court-justice-kennedy-vector/id=127017/>

...one can see the promotion of the approach, wherein small inventors are criminalized and re-branded as "evil" that has been manifested, in large part, by a certain organization that is dedicated to trying to KILL THE UNITED STATES PATENT SYSTEM. They have a budget of over TWO BILLION DOLLARS, and growing, to do this. That may sound bad but, in fact, it is good news. They are in total violation of federal RICO and ANTI-TRUST laws. The DOJ and FTC must sue them and Class Actions by inventors must sue them.

If the White House and Congress do not stand up for the "American Dream" and human rights, then they need to be voted out of office.

Class Actions, RICO and ANTI-TRUST must be filed ASAP! The perpetrators must be named and publicly shamed. There is no time to wait! There can be no more pussy-footing around when the Big Tech Cartel has declared a literal war on innovation in America.

This news article underscores the issues of the anti-trust violations by the Silicon Valley tech bullies and reflects the need for the FTC, SEC, DOJ, OSC, FBI and Congress to intervene:

HOW THE SILICON VALLEY CARTEL USES MONOPOLISTIC COLLUSION TO DESTROY COMPETITORS

"The [Silicon Valley Cartel](#) took out any electric car competitor that competed with their boyfriend: Elon Musk. They killed any web video competitor to their boyfriends at Netflix. They destroyed any contact software that competed with their boyfriend: Reid Hoffman! Now, the FTC, SEC, FCC, Congress and DOJ have received complaints asking them to address the tech monopoly.

(<https://pando.com/2014/01/23/the-techopus-how-silicon-valleys-most-celebrated-ceos-conspired-to-drive-down-100000-tech-engineers-wages/>)

Politicians talk a big game about coming down on the Silicon Valley Cartel but they never really seem to move on their threats or declarations because they are receiving bribes FROM

the Silicon Valley Cartel. It has been proven that Google does indeed pick and choose what search results come up at the top of every search in order to help Google's friends and harm Google's enemies. Google, Facebook, Netflix and Tesla covertly spend billions of dollars influencing Congress.

[The monopoly of the Silicon Valley](#) Cartel is distinct and different from somebody like the New York Times, for example, or any major media platform that does not have legal immunity because they are publishers. All other publishers do pick and choose what news stories they publish, what letters to the editor's are printed, what kind of op-eds are put on their platform, and they make those decisions knowing they are legally liable. Google bribed the 230 law into existence as an exclusive law just for Google to get away with exclusionary market crimes.

[Via agreements to collude](#), the Silicon Valley Cartel platforms are acting as publishers as they are making editorial decisions while maintaining a legal immunity under section 230 which allows them to attack others without consequences. Google has parties and members of congress will go and pick up their checks. Facebook will have a big reception and Congress members go and say "hey, where's my check?". That is outright bribery!

Tulsi Gabbard, Elizabeth Warren and hundreds of community action groups say that the reason no one is acting on big tech is that the companies are inviting our elected members of congress into their very deep pockets. This is a [massive abuse of power](#) on several levels and if our elected officials can't resist the temptation of extra money in their pockets, then they need to be removed by recall elections, lawsuits and doxing.

Famous journalist Glenn Greenwald has documented the fact that in recent months, tech giants have censored political speech and journalism to manipulate U.S. politics. [The Silicon Valley Cartel has attacked smaller Bay Area start-ups](#), threatened the lives and income of every competitor and prances around with impunity, publicly stating that they believe that; "The FTC is their bitch...!"

Mark Zuckerberg, Eric Schmidt, Elon Musk, Larry Page, Vinod Khosla, Steve Westly, Steve Spinner, John Doerr and the other Silicon Valley Cartel bosses hand down orders to their family office staff, who, in turn, hand down orders to their lobbyists, CPA's tech law firms, Goldman Sachs and dirty tricks operatives. It is ludicrous for the FTC, the FBI, or any agency, to ignore the chain of command insider structure that kill the competing companies that a 'Larry Page' wants killed. An Elon Musk-paid lawyer at Wilson Sonsini has a thousand times more resources to kill a competitor than Elon Musk, personally has, but that lawyer has millions of dollars and specific orders, that he would not otherwise have, if Musk had not given the kill order. These oligarchs have services that they hire to have the executives at their competitors character assassinated, defamed and attacked.

It is widely documented in the news that two top Perkins Coie lawyers were retained to hire Fusion GPS and organize the Steele Dossier attack on a famous politician. Multiply this by 10,000 lawyers, at famous law firms, and you will see that there is a tsunami of thousands of lawyers producing thousands of character assassination programs on behalf of crazy billionaires and power mad politicians. There are no laws to stop them and the violence of the counter-attacks, by citizens, who have no protection from these attacks, increases annually. Without laws to stop 'commercialized defamation' this will spiral into something very, very bad.

The [ANGELGATE SCANDAL](#), The [NO POACHING LAWSUIT](#) and hundreds of [other cases](#) on [www.pacer.gov](#) prove that Silicon Valley collusion and mobsterism is out-of-control!

Critics of Silicon Valley censorship for years heard the same BS refrain: "... tech platforms like Facebook, Google and Twitter are private corporations and can host or ban whoever they want. If you don't like what they are doing, the solution is not to complain or to regulate them. Instead, go create your own social media platform that operates the way you think it should..."

The founders of Palm, Blockbuster, Altavista, Path, Alta Motors, Webvan, Jawbone, MySpace, etc., heard that suggestion and tried. Over 100 companies have created social media platforms similar to Twitter but which promised far greater privacy protections, including a refusal to aggregate user data in order to monetize them to advertisers or algorithmically evaluate their interests in order to promote content or products to them. They also promised far greater free speech rights, rejecting the increasingly repressive content policing of Silicon Valley giants. They discovered, though, that YOU CANNOT BUILD A COMPANY IN SILICON VALLEY IF IT COMPETES WITH THE SILICON VALLEY CARTEL! YOU WILL NOT BE ALLOWED TO DO IT!

(NOTE: We built an electric car company, an internet video broadcasting company, a social media network and suffered THE SAME EXACT ATTACKS as thousands of others who "dared" to compete with the Silicon Valley Cartel. This is not about politics it is about organized crime! In fact Google/YouTube spent over thirty million dollars (exposed in their banking records) attacking Scott and blockading him from suing them in court because they feared his competing technologies. In a similar case, in a special federal hearing, the United States Patent Office ruled that Scott had first invented the architecture that Facebook is based on but Facebook's executive's sit on the U.S. Patent Office administration board and ordered Scott's social media patent blocked from issuance. Google's patent lawyer was the previous head of the U.S. Patent Office and re-staged the Patent Office as a protection racket to help Google and Facebook steal IP without paying for it.)

The competitors to Twitter, Google, Facebook and Netflix (who all collude together) encountered initial success. Millions of people who objected to increasing repression of speech on the largest platforms or who had themselves been banned signed up for these new social media companies.

As Silicon Valley censorship radically escalated over the past several months — [banning pre-election reporting](#) by The New York Post, denouncing and deleting multiple posts from the public and then terminating their access altogether, mass-removal of accounts — many people migrated to other options.

For each one, it looked as if they had proven critics of Silicon Valley monopolistic power wrong. The early success showed that it was possible after all to create new social media platforms to compete with Facebook, Instagram and Twitter. These others did so by doing exactly what Silicon Valley defenders long insisted should be done: if you don't like the rules imposed by tech giants, go create your own platform with different rules.

BUT...each one of them were erased from the internet by Apple, Google, Twitter, Facebook and Netflix!

If one were looking for evidence to demonstrate that these tech behemoths are, in fact, monopolies that engage in anti-competitive behavior in violation of antitrust laws, and will obliterate any attempt to compete with them in the marketplace, it would be difficult to imagine anything more compelling than how they use their unconstrained power to utterly destroy ANY rising competitor. Absolute proof of their corrupt manipulations of the internet, the stock markets, and funding have now been hand-delivered to the FTC, the SEC and Congress!

In the case of Apple's anti-trust violating attacks, it is hard to overstate the harm to a platform from being removed from the App Store. Users of iPhones are barred from downloading apps onto their devices from the internet. If an app is not on the App Store, it cannot be used on the iPhone. Even iPhone users who have already downloaded the App will lose the ability to receive updates, which will shortly render the platform both unmanageable and unsafe.

In October, the House Judiciary Subcommittee on Antitrust, Commercial, and Administrative Law issued a 425-page [report](#) concluding that Amazon, Apple, Facebook and Google all possess monopoly power and are using that power anti-competitively. For Apple, they emphasized the company's control over iPhones through its control of access to the App Store. As Ars Technica [put it](#) when highlighting the report's key findings:

Apple controls about 45 percent of the US smartphone market and 20 percent of the global smartphone market, the committee found, and is projected to sell its 2 billionth iPhone in 2021. It is correct that, in the smartphone handset market, Apple is not a monopoly. Instead, iOS and Android hold an effective duopoly in mobile operating systems.

However, the report concludes, Apple does have a monopolistic hold over what you can do with an iPhone. You can only put apps on your phone through the Apple App Store, and Apple has total gatekeeper control over that App Store—that's what [Epic is suing the company over](#). . . .

The committee found internal documents showing that company leadership, including former CEO Steve Jobs, "acknowledged that IAP requirement would stifle competition and limit the apps available to Apple's customers." The report concludes that Apple has also unfairly used its control over APIs, search rankings, and default apps to limit competitors' access to iPhone users.

[It was precisely Google's abuse](#) of its power to control its app device that was [at issue](#) when the European Commission deemed Google LLC as the dominant undertaking in the app stores for the Android mobile operating system (i.e. Google Play Store) and hit the online search and advertisement giant with €4.34 billion for its anti-competitive practices to strengthen its position in various of other markets through its dominance in the app store market."

[There are an endless number of hypocrisies](#) with Silicon Valley giants feigning opposition to violent rhetoric or political extremism. Amazon, for instance, is one of the [CIA's most profitable partners](#), with a \$600 million contract to provide services to the agency, and it is constantly bidding for more. On Facebook and Twitter, one finds [official accounts](#) from the [most repressive and violent regimes](#) on earth, including Saudi Arabia, and [pages devoted to propaganda](#) on behalf of the Egyptian regime. Does anyone think these tech giants have a genuine concern about violence and extremism?

The nature of monopolistic power is that anti-competitive entities engage in anti-trust illegalities to destroy rising competitors. Any small and new enough platform in tech is such that it can be made an example of. Its head can be placed on a pike to make clear that no attempt to compete with existing Silicon Valley monopolies is possible. The destruction of any new tech start-up preserves the unchallengeable power of a tiny handful of tech oligarchs over the political discourse not just of the United States but democracies worldwide (which is why Germany, France and Mexico are raising their voices in protest).

[No authoritarians believe they are authoritarians](#). No matter how repressive are the measures they support — censorship, monopoly power, no-fly lists for American citizens without due process — they tell themselves that those they are silencing and attacking are so evil, are terrorists, that anything done against them is noble and benevolent, not despotic and repressive..."

WRITE MULTIPLE LETTERS TO CONGRESS AND THE NEWS MEDIA DEMANDING AN END TO THE SILICON VALLEY CARTEL! ...IF YOU ARE REALLY PASSIONATE ABOUT ENDING OLIGARCH CONTROL OF TECH THEN GET A COPY OF THE "CORRUPTION DISRUPTION" BOOK!

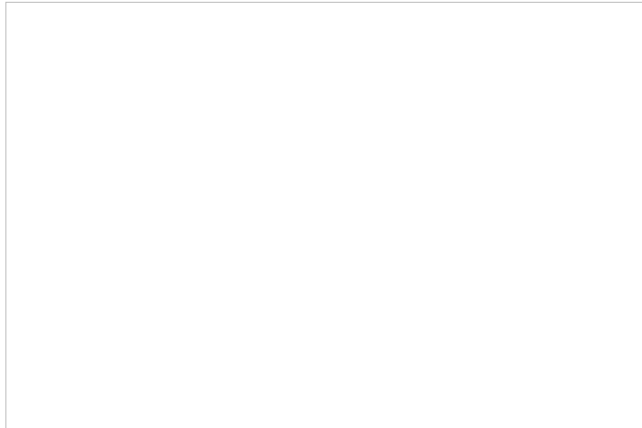
Tangible IP Filed The Following Report On The Patent World

Last weekend, I watched "[The Billion Dollar Code](#)," a 4-episode fictionalized series based on a true story. The series recounted the [lawsuit](#) brought forth by a small German startup (Art+Com) in 2014 against Google for infringing their patent. This patent was the foundation of their Terravision software and, a decade later, Google's ubiquitous Google Earth. I won't spoil the story by revealing how it ends, but suffice to say, it's worth watching. At some point, I couldn't help but cringe when the actor portraying the Google German attorney meets with the two young cofounders and tells them flatly: "*It is not because the USPTO granted you a patent that it makes it valid.*" Sometimes, fiction is really in lock step with reality...

Which brings us to OUR new reality; we are now starting to see more clearly the imprint that the - not so - new Biden administration is leaving on the intellectual property world and, if you are a patent owner, it is far from encouraging. Indeed, there have been a series of legislative moves reminiscent of the environment that prevailed under the Obama administration, which culminated yesterday with the announcement that a Silicon Valley veteran patent litigator, whose past clients apparently include Apple and Microsoft among others, has been nominated to be the next USPTO director. More analysis on these recent events below.

As usual, as I focus on the macro picture in this newsletter, I want to remind everyone that we track everything that is going on in this world and for those who need their regular dose of news, once again you can follow me on either [LinkedIn](#) or [Twitter](#) where I post almost daily about some of the most newsworthy events.

Is this Obama 2.0?



As our readers know, I regularly return to the following 5 distinct criteria that have been fairly reliable predictors over the years of the market health and direction. Those are:

- Noticeable changes in the supply & demand;
- New case law that may have long-lasting impacts;
- Changes in the regulatory environment;
- Recent large damage awards against infringers;
- Broad availability of funding to support assertion activities.

Today, I will focus on the regulatory, or legislative front, and while there were some recent cases from the Appeals Court that addressed important matters that could have been game changers (like the inherent bias of the PTAB), their decisions essentially maintained the status quo.

Remember the *America Invents Act* (aka AIA)? That law, voted in by President Obama on September 16, 2012, has been responsible for global heartburn ever since. Many of us have long forgotten that the real name of the law was actually the "*Leahy-Smith America Invents Act*," for its two main co-sponsors Senators, Patrick Leahy (D) and Lamar Smith (R) who, at that time, were respectively the Chairman and the ranking member of the powerful US Senate Judiciary Committee that oversees IP related matters (there were seven other co-sponsors to be accurate).

Under the Trump administration between 2016 and 2020, the roles were reversed, and Senator Thom Tillis (R) became the Committee Chairman, while his democratic colleague Senator Chris Coons became the ranking member. During their tenure, we saw several draft bills (none of which ever passed given the highly partisan nature of Congress), that were largely favorable to patentees' rights and offered an array of proposed changes in an attempt to rebalance the current system, ranging from small tweaks to fundamental repositioning. The point is, they all trended in the same direction and offered a shield against further disequilibrium in the patent system that most observers agree tends to overwhelmingly favor those challenging patent rights to the detriment of those who hold such rights. Senators Coons and Tillis were refreshingly aligned and nonpartisan in taking a similar public stance on numerous occasions in favor of inventors' rights.

Furthermore, a changing of the guard at the USPTO directorship in 2017 - as usually takes place with any new administration - brought a new sheriff to town, Director Andrei Iancu, who imposed a definite pro patentee twist to his administration, especially at the PTAB level (although many still claim the changes were more cosmetic than substantive overall).

Under Director Iancu's tenure, the PTO modified its guidelines around the burden of proof in an Inter Partes Review (IPR) to achieve more consistency with the same test used in front of courts. They enacted new prosecution guidelines toward patentable subject matter (aka 101 or Alice) which clearly helped inventors navigate the Alice steeplechase course, that is, until the Federal Circuit decided to go in a completely different direction. And, last but not least, they took the position not to initiate IPR petitions when the same issue is already in front of a court of law that is likely to adjudicate before the PTAB itself can (aka the Fintiv rule). These combined actions made a lot of sense to whomever supports a balanced system and gave many patent owners back their perennial "day in court" as they are entitled under the US Constitution.

But, as the saying goes, elections have consequences. Senator Leahy now has his gavel back. He also apparently still listens to the same lobbyists that were mostly supportive of his signature law 10 years ago. As such, we recently saw not one, but two draft bills regarding patent rights that, despite their rather surgical scope and procedural nature, reflect the Biden Administration's slant on IP matters. Spoiler alert, it looks a lot like what we saw under President Obama.

The first bill that was introduced is called [Pride in Patent Ownership Act](#). Its main premise, which I am paraphrasing at best, is a little hard to believe. It goes like this: "If you obtain or acquire a patent, you should be proud of it, so proud that you want to tell the whole world; hence you should have no problems registering it. In the meantime, you should not be entitled to treble damages against an infringer."... I am not joking. The talking points advanced to support the Bill raise a few good arguments in favor of transparency since companies acquiring patents are infamous for dragging their feet in assignment recordation, which prevents the new owner from being identified in the PTO assignment database. Unfortunately, the bill is completely one sided; a much bigger problem these days often stems from the impossibility to uncover who is the "real party of interest" behind a validity challenge to a patent before the PTAB. You would think that these two issues could be addressed at the same time, as arguably two faces of the same coin. However, the exclusion of any transparency for the "party of interest" strongly suggests that whoever drafted the proposed bill here aligns with the same group currently benefiting from the lack of transparency at the PTAB level and are perhaps annoyed that others are taking advantage of a similar loophole elsewhere.

Personally, I've brokered the sale of enough patents (closing in on 5000 at last count) to know that even if you make recording compulsory within a timely manner for patents that change hands, which I am all for, a buyer needs only set up a new LLC in some exotic country and use that special purpose vehicle (SPV) to acquire and maintain title until it needs to do

something with the patents. Many are already doing just this. In the meantime, the proposed bill would simply add yet another hurdle and additional costs to small patent owners, many of whom will not know about this extra requirement and will then be deprived from all the tools available under the law to deter infringers from willfully practicing their patents. Please someone tell me how this makes the US patent system better or fairer.

The second proposed Bill is even less subtle, and you really have to be in the trenches of the patent system to grasp its potential impact. Introduced rather pompously as the [Restoring America Invents Act](#), it essentially aims at legislatively reversing the *Fintiv* rule referred to above. That rule gave patent owners a breather and limited the potential for inconsistent rulings on patent validity matters between the PTAB and the Courts. *À qui profite le crime?*, as we say in French. Well clearly here, those benefiting from this proposed reversal (which appears to fly in the face of the PTO rule-making authority) would be the same ones who were using the PTAB serially to kill issued patents before the jury could hear the same case, that was until Director Iancu changed the rule. In short, you can see the fingerprints of BigTech all over this bill... Ironically, the proposed bill leaves the next PTO director as the ultimate referee of whether an IPR petition should be instituted.

Which brings us to our last point; President Biden [announced](#) on Wednesday that he has nominated Mrs. Kathi Vidal as the next USPTO commissioner. Mrs. Vidal is a seasoned patent litigator practicing in Silicon Valley and is presently the managing partner of Winston & Strawn's Silicon Valley Office, where she has been since 2017. Prior to that, she served with Fish & Richardson for 20 years before that as Global Head of Litigation. She has represented both patent owners and defendants accused of infringement. The fact that she was once recommended as a potential candidate for the U.S. Court of Appeals for the Federal Circuit by Judge Paul Michel, a definite advocate of strong patent rights, is reassuring. Her technical credentials are also stellar, with degrees in mathematical physics, programming, and electrical engineering. She would be only the second woman in 200 years to lead the PTO, after Michelle Lee. So, on paper, she appears perfect for the job.

Nonetheless, industry pundits have reacted in different ways to her nomination. While many support her with no reservations, others are genuinely worried that she has represented many large technology companies for the last two decades, companies very active through their lobbyists at diluting patent rights. Assuming she is confirmed, only time will tell how this plays out. But what is clear is that as a result of a recent decision from the Supreme Court in [Arthrex](#) as well as under the proposed bills above, the next USPTO sheriff in town will carry a very big gun.