



Trey,

I appreciate the Office of Senator Mike Lee reaching out on Friday October 2, 2026, in regards to my anti-trust concerns with IBM and the National Institute of Standards and Technology.

Since February 20, 2025, I have been working hard to introduce Infoton into the market and consistently find myself blocked from entry. I have contacted both NIST and IBM tirelessly about various roadblocks preventing me from competing in the data architecture market. The first item I wish to deal with is NIST's behavior.

1. I was assigned the task of “bug bashing” NIST when I raised a cybersecurity issue to them impacting the ecosystem of Salt Lake City, Utah. Stunned I confirmed that they just told me I needed to “triage NIST” and the group on the line said “yes.” So, triage NIST I did and found systemic failures in each category. Once the triage was complete, NIST never called, emailed, or responded back—even on social media.
2. Within NIST there is no mention of information physics equations and various definitions are missing or have too many definitions providing evidence there is no widely accepted standard for a definition as simple as data, within the standards body. Instead, there are just numbers divisible by 8 with no explanation as to why 8 was selected—except the IBM byte. You will find that despite computers being fancy calculators that nowhere in NIST is there an actual mathematical information physics-based standard preventing accountability frameworks of the technology industry at large. I am requesting the following be adopted from the attached Information Physics Metrology Mapping presentation.
 - a. Bit (page 8)
 - b. Landauer (page 9)
 - c. Data (page 10)
 - d. Byte (page 11)
 - e. Mass-Energy-Information Equivalence (page 14)
 - f. Infoton (page 16)
 - g. Information Conversions (page 17)
 - h. Système International d'unités for IT (page 20)
 - i. Cybersecurity Tools (page 21)
 - i. Arrhenius Acceleration Factor
 - ii. Shannon Entropy
 - iii. Blackbody Constant
 - iv. Safety Margin
 - j. With some additional considerations of equations based in Landauer which I have not publicly released yet and have benchmarked against lab data.

The above definitions, specifically the definition of data being neutral and agnostic, allow for both the existence of IBM byte-based companies and those who wish to build upon Infoton technology to coexist and cooperate within the market.

Without neutral data definitions inside NIST I am completely locked out of being able to participate in commerce in my own country and will run completely out of resources to support myself after nearly a 600-day battle.

3. NIST claims to be a non-regulatory body and that their behaviors and decisions don't really mean anything, however non-regulatory is in name only because the federal government directs the NIST enabled IBM Byte data architecture monopoly across **9 distinct statutory vectors**. The regulatory capture appears near invisible, until a market entrant arrives.

- a. **FIPS 140-3**

44 U.S.C. 3554 → OMB A-130 → CMVP → ISO/IEC 19790 → **SP 800-131A** → 18 U.S.C. 1030 → 18 U.S.C. 1343

- b. **FISMA 44**

U.S.C. 3554(a)(1)(B) → 40 U.S.C. 11331 → OMB A-130 Appendix I → FIPS 200 Section 1 → SP 800-53 Rev 5 SC-13 → CMVP → **FIPS 140-3 → SP 800-131A** → 18 U.S.C. 1030 → 18 U.S.C. 1343

- c. **FedRAMP**

44 U.S.C. 3554 → 40 U.S.C. 11331 → FedRAMP Authorization Act (P.L. 117-263 Section 5921) → OMB Memorandum M-23-22 → SP 800-53 Rev 5 SC-13 → CMVP → **FIPS 140-3 → SP 800-131A** → 18 U.S.C. 1030 → 18 U.S.C. 1343

- d. **GLBA**

15 U.S.C. 6801 → 16 CFR Part 314 → 16 CFR §314.4 → SP 800-53 Rev 5 SC-13 → CMVP → **FIPS 140-3 → SP 800-131A** → 18 U.S.C. 1030 → 18 U.S.C. 1343

- e. **SOX**

15 U.S.C. 7241 → Section 404 → SEC Release 33-8238 → PCAOB AS2201 → COSO 2013 → COBIT → SP 800-53 Rev 5 SC-13 → CMVP → **FIPS 140-3 → SP 800-131A** → 18 U.S.C. 1030 → 18 U.S.C. 1343 → 18 U.S.C. 1350

- f. **HIPAA**

45 CFR Part 164 Subpart C → 45 CFR §164.312(a)(2)(iv) → 45 CFR §164.312(e)(2)(ii) → SP 800-66r2 → SP 800-53 Rev 5 SC-13 → CMVP → **FIPS 140-3** → SP 800-111 / SP 800-52 → **SP 800-131A** → 18 U.S.C. 1030 → 18 U.S.C. 1343

- g. **HITECH**

42 U.S.C. 17932 → Section 13402 → HHS Interim Final Rule 74 FR 42740 → SP 800-111 (data at rest) → SP 800-52 / SP 800-77 / SP 800-113 (data in motion) → **FIPS 140-3 → SP 800-131A** (byte-multiple key lengths: AES-128/192/256) → no CMVP validation pathway for non-byte-standard

architectures → no breach notification safe harbor → 45 CFR §164.402 → 18 U.S.C. 1030 → 18 U.S.C. 1343

h. **America's Water Infrastructure Act**

33 U.S.C. 300i-2 → SDWA Section 1433 → EPA 817-B-23-001 → NIST CSF → SP 800-53 Rev 5 SC-13 → CMVP → FIPS 140-3 → SP 800-131A → 18 U.S.C. 1001 → 18 U.S.C. 1030 → 18 U.S.C. 1343

i. **Safe Drinking Water Act**

42 U.S.C. 300f → SDWA Section 1459F → P.L. 117-58 → CISA CPGs → SP 800-53 Rev 5 SC-13 → CMVP → FIPS 140-3 → SP 800-131A → 18 U.S.C. 1030 → 18 U.S.C. 1343

In summary, in 1964 NIST decided the IBM 8-bit byte was the data architecture standard, instead of aligning the definition of data actual physics of information metrology. This determination allowed for regulatory capture throughout federal, state, and now county and city governments.

4. In contacting NIST Standards Coordination – HQ Jeffrey Horlick was very helpful, moved my email from Spam to safe sender, reviewed the 800-239 ipd presentation I had submitted and sent me NISTIR 6025 in return. I reviewed the document and mapped Information Physics to the 6025 paper.

- a. An item of note, NISTIR 6025, states plainly that the task group 'did not find any previous work addressing metrology for IT,' and concluded that the SI dimensioning system was 'less relevant' to information technology.

The consequence of that statement runs further than the standard itself. Every system built on the foundation of SI being less relevant than IT inherited the same premise: that physical reality was less relevant to the technology build than function. Meaning three decades of infrastructure, architecture, and policy were constructed on a standard that had already concluded SI (physical reality) did not need to apply.

The unmeasured thermodynamic, storage, and resource costs of technology are not a separate, newly discovered problem. The issues such as those with Data Centers and AI are the direct and predictable result of building an entire technological era on a foundation that excluded physical reality from the start, a system based on the NIST standard in its current state is working as designed and following the 1993 metrology direction.

- b. I asked Jeffrey what the next steps were which I needed to take to upgrade the Standard to be derived from Information Physics and he encouraged me to contact every single group within NIST and coordinate.

- i. I contacted the Alternative Computing group first specifically the group Leader Jabez McClelland as Infoton is an alternative computing data architecture to the byte and I

wanted to call the correct individual the first time. Jabez is doing hardware architecture for cloud servers (data centers) and Silicon metrology. Two high priority items. The goal of the call was to secure resources and obtain buy in to reach the next milestone. The following happened quickly

1. Jabez stated he "did not know mathematics" A statement which shocked me and one which I could no reconcile—I was asking for the review of one tiny 6th grade level algebra physics discussion for Metrology. Indicating to me lack of qualification for the position of group manager.
2. When I pivoted into describing Information Physics Metrology and what I was looking to accomplish as I asked for resources, Jabez said "I know what you want and no." Unilaterally deciding my company did not get to exist, have resources, or have my architecture proven as NIST had done for IBM for decades.
3. I requested Jabez remove my 6025 Information Physics Metrology Mapping email out of SPAM so that we could review together. A request which he did not accept as he continued to send me away.
4. Jabez proceeded to direct me to ITL for "theoretical mathematical discussions" when Landauer is not theoretical at all and a well-established equation by **Bérut in Nature** which is the core mathematics Infoton is built upon. I protested and he became even shorter with me. It is of note, I really hate "theoretical" math because theoretical is the exact opposite of functional product requirements. Deriving data from established math is not theoretical either.
 - a. ITL by the way said they did not have a solution, suggestion, or path for my company.
5. Jabez accused me of the equivalent of opening a phone book and calling random phone numbers instead of someone who had carefully reviewed the contacts, and expertise to make sure that both mine, and NIST were being used efficiently. I told him I hadn't, and he would not hear what I had to say or allow the conversation to continue.
- c. As an employee in corporate America who for over a decade was highly compensated and technologies I've built still used today I found it extremely concerning a private citizen within 5 minutes decided that I did not get to have income, eat, or have a roof over my head come after nearly 600 days of racing around NISTs Anti-Trust integration with the 8-bit IBM that. An

arbitrage mechanism dictating what technologies reach the market instead of free innovation
built on proper metrology.

d. My competitor IBM and all byte-based companies have vast amounts of resources dedicated to
American innovation being used on them, yet Infoton is being blocked from those exact same
resources despite building on equations the market knows and have been proven already.

5. There is a proper way to build technology and an improper way, which is what makes this situation
more complex than a simple engineering disagreement. Had the underlying mathematics been included
in the standard from the start, the proper way to design these systems would have been far more appar-
ent. Many of the hindrances in technology today exist because that math was never required. In normal
competition, many approaches can be equally valid. Within information physics, there is only one cor-
rect derivation from physical constants, because the constants themselves don't change.

6. The only market I am locked out of is the one in my own country. I could go anywhere else in the world
and do business and have already been approach by DAISA, in connection with their geopolitical allies
in China and the UK.

7. When I reached out to President Donald J. Trump at The Whitehouse last month, he assured me of his
support and yet the message he delivered to me doesn't seem to have reached the appropriate people in-
side the Department of Commerce.

The second issue I wish to address is IBM

1. I had known for a while I needed to contact IBM to work on compatibility between our two companies,
what I wasn't expecting was IBM having purchased my Landlords employer and through employee
agreements having gained access over a competitors (mine) wifi network and could see all the transmis-
sions.

2. Upon contacting IBM of my concerns which their closing sale dates overlapped with cyberattacks in-
stead of responding back to me, my landlord the VP of Governance Risk and Compliance at IBM who I
had not included in the conversation was the one who responded back to me. I was handed a 3 day evic-
tion notice for "nuisance" in contacting his employer IBM. Out of 300,000 people on what was supposed
to be a confidential report my landlord was told and I was pushed out of my housing. IBM responded
back to me afterwards with a highly misspelled letter saying they were closing my case.

3. I contacted IBM after that. I saw executives at the VP level related to privacy checking out my linked in
after I emailed them. They never responded back to me. No attorney would take the case, and the one
that would said it would cost ~\$200,000 just to start.

I do not mean to continue to stress the urgency, however IBM has already forced me out of my housing situation once last year when I confronted them. I do not want the same thing to happen to me in the coming month and the place that I am living needs an answer within the week of whether I am staying. Again, none of this would happen if IBM hadn't embedded itself in NIST which resulted in the entire nation building to the 8 bit specification. A data architecture directly contributing to the data center (byte center) storage and energy problems we are having today because NIST mandated the floor and is pushing back on optimization beyond that level—a control behavior hindering innovation.

If I had been allowed to compete in the market, I would not have gone through all this hardship.

I am asking for today level access to compete in commerce and the same level of resources which has been given to my competitor. As approving Infoton into the market while giving all resources to an entity which is world hundreds of billions, would be just as devastating as not being allowed to compete in the market at all and would be a continuation of the ant-trust behaviors.

I thank Senator Mike Lee and his office staff for their involvement in the matter.

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