January 2, 2019

THE GOOGLE OKIE DOKE: How Google plagiarized and tried to steal a patent.

Foreword by Leroy Jones, Jr., President of Sheridan Radio and Digital Division - Sheridan Broadcasting Corporation (SBC)

You know I can say a lot about this story but it's just the story of all entrepreneurs and inventors in America. You have a dream and an idea to create something from deep in your heart. The true American Dream.

Then the reality of walking down this road becomes clear. Both your dream and idea is crushed by forces outside of your control. This cold and straight brutal punch in the face is no joke. In this new economy we have a small and insular group of large players who control the pipeline of innovation and money. They are the ones standing at the front door to keep those who don't have the look they are comfortable with on the outside.

You would think that Ron Davenport, Jr. who happens to have both his undergraduate degree from Yale and his law degree from Harvard would be the perfect person for entrance into the club. He's checked off all of the boxes they ask for, but the point-blank reality of it all is that he never had a chance to get through the door. I guess it was hard for them to accept a fifty plus year old Black man trying to be innovative in the tech world. On the other hand it makes you think how hard it is for women and other people that don't look like the gatekeepers to ever get through the doors. These dream crushers are ruthless.

Bottom line these new "Robber Barons" are just running the same game from the 19th century in the 21th century. They are monopolies. As folks like to say, the names may change, but the game stays the same. Google and the others in this small club are standing at the gates and they are working to keep certain people out. Point blank they are running straight game. They are wielding the power to do anything they want. They also have the money and resources to destroy any efforts or anyone trying to make them do the right thing.

These monopolies like the large and powerful companies of old they have fought regulation and oversight with big money and influence. I understand that game. That's why I will be formally requesting the appropriate Congressional Committees to investigate and hold hearings on their actions, and we will also be exploring all possible options to hold them accountable for their actions.

So please read our case study on how Google plagiarized and tried to steal a patent.

From: Ronald R. Davenport, Jr.

Date: January 2, 2018

Subject: My Google Experience

I approached Google to discuss a way for YouTube to compete for TV ad dollars. My proposal was for YouTube to allow YouTube content to be distributed via radio stations and radio station websites. Instead of starting with an audio file, a radio station starts with an audio/visual file: the station broadcasts the audio while simultaneously streaming the audio/visual. Basically, my idea turns radio station websites into mini-MTV channels/TV stations using content from a central repository (such as YouTube).

There are several advantages over digital distribution by using my approach. First, each station (not the network repository) is responsible for its own bandwidth thereby saving the network money. Second, each station (not the network repository) is responsible for copyright fees for music contained within the content which also saves the network money. Third, radio station ads are measured using ratings -- just like TV ads.

Radio stations already have existing sales staffs; replacing the audio ads with audio/visual ads gives each station more valuable ad inventory to sell to an audience that already expects ads as part of the product. Fourth, since the content is chosen in advance by radio stations, all content is "safe" because it is pre-screened and distributed by FCC licensed content providers -- unlike any YouTube, Facebook or any other digital network. Further, the ads don't trigger privacy issues since the ads are sold using ratings rather than browser history. Any digital network can use my approach.

On December 18, 2008, I spoke by phone with 2 very senior Google people (David Drummond and Megan Smith) and 2 additional Google team members (Jack Ancone and Jag Duggal). I signed an NDA dated February 25, 2009, and visited the Google campus on March 12, 2009. Google assigned a person (Bob Meese) to work with me to develop my idea. We had several meetings and many discussions. Ultimately, however, it was determined that my idea didn't fit within a Google "bucket."

I filed a provisional patent application on March 9, 2009, and it was published on September 9, 2010. On September 9, 2011, a company called Vadio filed a provisional patent application very similar in scope to my idea. If Vadio had filed 1 day later, my patent application would have been prior art due to the similarity of the proposals and Vadio would not have been allowed to file its patent application.

Vadio was started by 4 guys in their 20s out of Portland, Oregon. Whereas by 2009 I had over 15 years of experience in the media business, these 4 guys knew nothing about the media or

advertising business and were fresh out of college. It turns out, however, that one of the senior advisors to Vadio was a gentleman named Dean Gilbert, and Mr. Gilbert had previously been head of global content for YouTube.

Several of the other angel investors for Vadio included: Marc Geiger (William Morris Endeavor), Jay Boberg (MCA/Universal), Bruce Eskowitz (Live Nation), Michael Goldfine (RockStream Studios) and Weiden+Kennedy. Vadio obtained rights to use YouTube and Vevo videos as part of its product. Vadio also negotiated deals with Warner Music Group and Shazam. Vadio raised $2 million in 2014 from several new funders including: Ed Wilson (NBC Enterprises), Robin Richards (Vivendi Universal), Irwin Federman (U.S. Venture Partners), and Manatt Digital Media. Vadio raised an additional $7.5 million in 2015, and brought on Rio Caraeff (from Vevo) as an advisor, and Yair Landau (from Sony) as Chairman and COO.

I had steadily been pursuing my patent since 2009. The Patent Office rejected my application on February 24, 2013, but under the rules I was able to ask for reconsideration. My lawyers and I set up a meeting with the Patent Office for April 11, 2013 to discuss the patent examiner's concerns. In preparation for the meeting, I decided to take a look at Vadio's patent application to see if there was anything that might help me pursue my patent. I was shocked to find a paragraph lifted verbatim from my application. I had defined a "wired network," and even people in the advertising and media space don't know what a wired network is -- let alone 4 guys not in the media business.

Specifically, I wrote at paragraph [0003]:

> Within the radio industry, a "wired" network is a network that delivers commercials at pre-set times on a pre-determined list of radio stations. This is in contrast with an "unwired" network which delivers commercials to a pre-determined list of radio stations but allows each individual radio station to determine when it will broadcast the commercials.

Paragraph [0010] of Vadio's application (13/279,024) is a verbatim copy of paragraph [0003] of my application (12/716,620) which is the third paragraph of my patent. Had Vadio's patent application been approved, this plagiarized paragraph in and of itself could have constituted a material omission from the Information Disclosure Statement which requires an inventor to disclose any pertinent references to the invention.

I ultimately did receive a patent on October 15, 2013 (patent no. 8,560,718). I spoke with the CEO of Vadio (Bryce Clemmer) in November 2013 once by phone after my patent issued, but nothing came of this conversation. Vadio abandoned its initial patent application and filed a new application on December 18, 2013 (14/133,583). In order that I not learn of this new application and thus not be able to comment upon it, the CEO of Vadio filed the new application in his own name. After the comment period ended, the ceo transferred the new application to Vadio.

My lawyers informed Vadio that we knew that they plagiarized a paragraph verbatim from my patent application (now patent) by letter dated April 23, 2014. Vadio's second patent application did disclose my patent in the Information Disclosure Statement. Vadio began winding up its operations in February 2017.

I cannot say definitively that Google attempted to steal my idea. I can say that Google was certainly in a position to steal and benefit from my idea. I do not recall telling anyone at Google that I had filed a provisional patent application. Nonetheless, I spoke and visited with Google in 2008/2009; between 2009 and 2011 the former global head of content for YouTube became an advisor to DuroCast which would become Vadio (Vadio wasn't founded until 2012); and DuroCast filed a patent application with a serious deficiency (how could they have invented an invention if they plagiarized language from a similar invention).

An intellectual property lawyer would be expected to do a search for a previous example of an invention before telling a client to file for a patent. What doesn't make sense is for a lawyer to apprise a client of a previous similar invention and then plagiarize language from the previous similar invention's patent application because this could expose the lawyer to potential liability.

There are two conclusions for such conduct: (1) stupidity or (2) spite based on hubris or superiority from having very deep pockets. These very deep pockets, moreover, would also explain how Vadio was able to raise substantial sums of money from very high powered and well connected individuals on the basis of a flawed patent application.

Created and Written by

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