

EXHIBIT O



Guy Who Didn't Invent Email Sues Gawker For Pointing Out He Didn't Invent Email

from the *shiva.-you-ain't-hulk-hogan.-either* dept

Oh boy. Remember Shiva Ayyadurai? The guy who has gone to great lengths to claim that he "invented email," when the reality is that he appears to have (likely independently) written an early implementation of email long after others had actually "invented email." In the past we've called out examples where gullible press have fallen for his easily debunked claims, but he keeps popping back up. He somehow got an entire series into the Huffington Post, which was clearly crafted as a PR exercise in trying to rewrite history. The mainstream press repeated his bogus claims about inventing email after he married a TV star. And, most recently, he decided to scream at the press for memorializing Ray Tomlinson -- someone who actually did have a hand in creating email -- upon his death.

We've gone through in great detail as to why Ayyadurai is simply wrong in his claims. There's a lot more to it, but the summary we've written in the past is this:

First off, no one denies that V.A. Shiva Ayyadurai -- an apparently very bright 14-year-old at the time -- wrote an email software program for the University of Medicine and Dentistry of New Jersey (UMDNJ) in 1978. By all accounts, it was a perfectly decent email system that allowed the UMDNJ staff to send electronic messages. Further, no one doubts that, in 1981, Ayyadurai registered the copyright on his program, which was called EMAIL. The problems are that (1) email was invented long before 1978, (2) the copyright is merely on the specific software code, not the idea of email, and (3) while Ayyadurai may have independently recreated the basics of email (and even added a nice feature), none of his work was even remotely related to what later became the standards of email. What's most sickening about this is that as part of this new PR campaign, Ayyadurai is ridiculously arguing that the reason no one believes him isn't because he's simply wrong, but because they can't stand to believe that "a dark-skinned immigrant kid, 14 years old," invented email, and that it was done in "one of the poorest cities in the US" rather than at a famous university.

Again, that might make for a nice story line if there were some factual basis behind it, but there isn't. The history of email is well-documented from multiple sources and it began way, way before 1978. And while early versions were somewhat crude, by 1978 they had basically everything that Ayyadurai claims to have invented (it is entirely believable that Ayyadurai, as a bright kid, independently came up with the same ideas, but he was hardly the first). There was a messaging system called MAILBOX at MIT in 1965. You can read all the details of it here, including source code. Ray Tomlinson is frequently credited with inventing the modern concept of email for the internet by establishing the @ symbol (in 1972) as a way of determining both the user and which computer to send the email to. By 1975, there were things like email folders (invented by Larry Roberts) and some other basic email apps. As is noted, by 1976 -- two years before Ayyadurai wrote his app -- email was 75% of all ARPANET traffic.

For what it's worth, some have disputed the idea that he even added any features not existing in previous discussions. Nevertheless, he's not the "inventor" of email, no matter how many times he claims he is.

We, of course, have not been alone in debunking his claims. Back in 2012, a few weeks after we first debunked them, Gawker's Sam Biddle did a long and thorough takedown of Ayyadurai's claims. Apparently that story really angers Ayyadurai, and I'm guessing that seeing Hulk Hogan win his crazy lawsuit against Gawker helped Ayyadurai to decide to sue Gawker as well.

And, in keeping with my belief that this is all one giant PR stunt, the lawsuit filing was accompanied by a press release that repeats the same debunked claims, and selectively quotes

Defamation
by Mike Masnick
Wed, May 11th 2016
10:44am

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And, in keeping with my belief that this is all one giant PR stunt, the lawsuit filing was [accompanied by a press release](#) that repeats the same debunked claims, and selectively quotes the very media he fooled as evidence that he really invented email. The [actual lawsuit](#) is a joke. As in the Hogan case, Ayyadurai is suing not just Gawker, but also the company's founder Nick Denton, along with the author of the articles (in this case, Sam Biddle).

The filing again lays out Ayyadurai's highly misleading version of history, insisting again that getting the copyright on a program called EMAIL is the equivalent of "inventing" email. He continues to conflate patent and copyright law and misleadingly claim that because you couldn't get a patent on software at the time, a copyright is basically the same thing. This is wrong on both counts. You could patent some software at the time, and either way a copyright is nowhere near the equivalent. He also relies on debunked reports in Time Magazine and CBS. And also Wired, though he leaves out that Wired [was just quoting Noam Chomsky](#), who bizarrely has become one of Ayyadurai's biggest defenders, and that the Wired story includes other evidence that Ayyadurai is wrong.

Ayyadurai claims that Gawker's articles were defamatory, specifically stating:

As described herein, the February 2012 Article arises to the level of defamation per se, in that it falsely states that "[Dr.] Ayyadurai is a fraud."

As described herein, the March 2012 Article falsely alleges that:

- a) *Dr. Ayyadurai engaged in "semantic tricks, falsehoods, and a misinformation campaign."*
- b) *Dr. Ayyadurai is engaged in "revisionism" in his claim of invention of email.*

As described herein, the 2014 Article arises to the level of defamation per se, by stating that Dr. Ayyadurai is a "fraud," thus falsely accusing Dr. Ayyadurai of a crime and causing prejudice to his personal and professional reputation and business.

The 2014 Article also falsely states:

- a) *Dr. Ayyadurai is a "renowned liar" with respect to his statements that he invented email,*
- b) *Dr. Ayyadurai is a "big fake," and*
- c) *Dr. Ayyadurai is engaged in "cyber-lies."*

These defamation claims seem extremely weak. First off, as the detailed records show, Ayyadurai **did not invent email**. So *truth* is generally a good response to defamation claims. Second, even if he did create email (and he didn't), most of these statements would be protected as either statements of opinion or rhetorical hyperbole. Finally, Ayyadurai as a self-proclaimed public persona would have to show *actual malice* for it to be defamatory. hilariously, the lawsuit claims no actual malice is necessary, which is nonsense. Ayyadurai is so focused on making himself a famous person over his exaggerated claims to have invented email that for him to try to argue he's not a public figure is laughable. His lawyers also show no evidence that there is actual malice from Gawker but insist that if they could get to the discovery phase, they could find evidence supporting actual malice.

There are then three other claims: one for "intentional interference with prospective economic advantage," one for "intentional infliction of emotional distress" (the "my feelz!" argument), and one for (and I'm not kidding) "negligent hiring and retention."

Ayyadurai goes into detail about how people pointing out that he is exaggerating his claims has made people less willing to work with him. But that's not the fault of accurate reporting. It's the fault of him focusing so much on a false claim to have invented email.

This is the situation here: Defendants' false statements in the articles at issue had the effect of so severely discrediting Dr. Ayyadurai—based on the false statement that he is a "fraud"—that Dr. Ayyadurai's career was severely damaged. As a direct result of Defendants' publication of the false and defamatory statements about Dr. Ayyadurai, on information and belief, Dr. Ayyadurai has lost teaching positions at MIT, lost several paid speaking engagements at the time and in the future, lost an accolade and display dedicated to his invention at the Smithsonian Institute, lost

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http://m.theregister.co.uk/2016/12/08/winter_is_come time for the touches and pitchforks, I think.

Dark Helmet: Touches and pitchforks is my new favorite typo win

Jeffrey Nonken: hah. Well, mobile interface. That's my excuse.

Vidiot: WaPo article on copyright fight gets it wrong, of course... ASCAP and MPAA seen as the Office's only constituents. How about us citizens instead?

<https://www.washingtonpost.com/news/arts-and-entertainment/wp/2016/12/09/congressional-panel-calls-for-independent-copyright-office>

Mike Masnick: well, they do quote new head of the ALA too, and he's good

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I'm sure that's distressing, but it's not the fault of Gawker for pointing out that Ayyadurai was exaggerating what he did. It's what happens when you exaggerate like that and make grandiose claims that are not accurate.

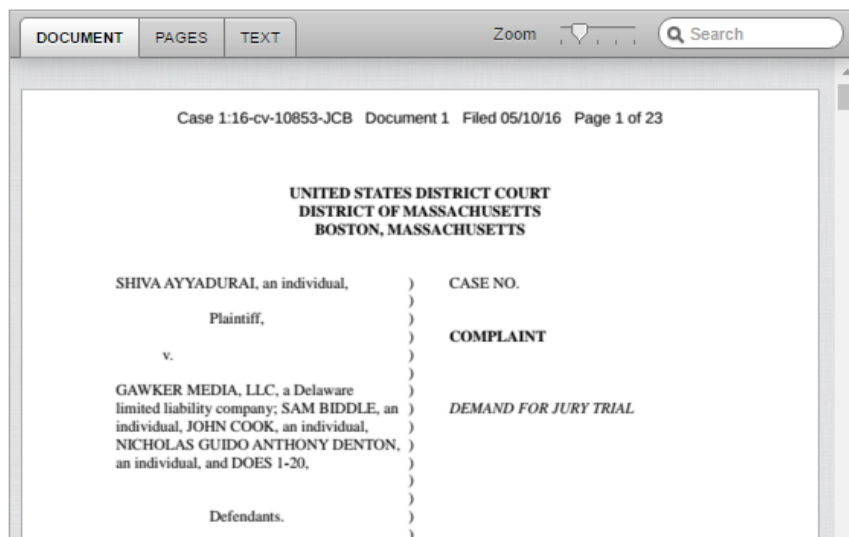
The "negligent hiring" claims seems to just be an attempt to attack and mock Sam Biddle. I'm not a Sam Biddle fan by any stretch of the imagination. I think he has a history of taking things completely out of context and creating sensational posts that are misleading, at best. But that's not defamation. It's just bad reporting. And Ayyadurai's claims about "negligent hiring" basically accuse Biddle of being a drug addict and, potentially, mentally unstable. That claim is not going to last very long and seems to serve no purpose other than to attack Biddle's reputation.

The filing also spends a ton of completely wasted space on other lawsuits against Gawker, as if trying to prove that the company has a history of bad actions. But the litany of bad actions listed are extremely exaggerated. Yes, Gawker has been sued for defamation, but Gawker has not lost those cases and they are extremely unlikely to lose them. I mean, you're reaching really, really low if you're citing **Chuck Johnson's laughable** defamation lawsuit against Gawker that has already been **tossed out** of a Missouri court for **being ridiculous**. And yes, Johnson also filed an **identical** case in California, but it's going nowhere (it was so identical that it focused on the harms in Missouri, despite being filed in California). But Ayyadurai's lawyers pretend that it's evidence of Gawker's defamatory history:

Gawker has been sued multiple times for defamation, including currently in an action in New York State Court, by the Daily Mail newspaper, and in an action in California by an individual named Charles Johnson, for writing and publishing false and unsubstantiated rumors that Mr. Johnson had been involved in misconduct and criminal activity.

The lawsuit also cites a variety of other lawsuits involving Gawker that have nothing to do with defamation at all, including (obviously) the Hulk Hogan case that will almost certainly be overturned on appeal, and also a copyright lawsuit from Dr. Phil and a few other examples of people being unhappy with Gawker's coverage.

This case should go nowhere fast, and Ayyadurai may be opening himself up to a world of hurt in exposing himself to discovery, should the case even reach that stage. Unfortunately for Gawker, Massachusetts -- where Ayyadurai filed this lawsuit -- has an anti-SLAPP statute that is **much more limited** and unfortunately may not be that helpful to Gawker. Yet another reason why we need a **federal anti-SLAPP law** as soon as possible.



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- 11:52 The FCC Suggests Some Wishy Washy, Highly Unlikely Solutions To The Poorly-Secured Internet Of Things (13)
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 Plaintiff,)
 v.)
 GAWKER MEDIA, LLC, a Delaware)
 limited liability company; SAM BIDDLE, an)
 individual, JOHN COOK, an individual,)
 NICHOLAS GUIDO ANTHONY DENTON,)
 an individual, and DOES 1-20,)
 Defendants.)

CASE NO.)
COMPLAINT)
DEMAND FOR JURY TRIAL)

Plaintiff Dr. Shiva Ayyadurai, by and through his undersigned attorneys, sues Defendants Gawker Media, LLC, Sam Biddle, John Cook, Nicholas Guido Anthony Denton, and DOES 1-20 (collectively, "Defendants"), and respectfully makes the following allegations.

SUMMARY OF THE CASE

1. Dr. Ayyadurai is a world-renowned scientist, inventor, lecturer, philanthropist and entrepreneur. In 1978, Dr. Ayyadurai invented email: the electronic mail system as we know it

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