



Legal Document

Massachusetts District Court
Case No. 1:11-cv-12000-RBC
Greenspan v. Random House, Inc. et al

Document 77, Attachment 11



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[PROPOSED] EXHIBIT K

Fabrications and Errors in *The Accidental Billionaires*

Hardcover Jacket

1. “One lonely night, Mark hacked into the university’s computer system, creating a ratable database of all the female students on campus—and subsequently crashing the university’s servers...”

Errors

- This is patently false and pure invention. Harvard does not have a monolithic “university[] computer system.” The one server that crashed due to Facemash was Mark Zuckerberg’s personal computer (according to Mark), though it’s likely even this claim is exaggerated. In reality, the administration suddenly terminating Mark’s internet access for violating network usage policy may have just confused him into thinking that something had crashed, or provided enough material for Mark to blow up into a more grandiose claim.
- Mr. Mezrich’s retelling of this tale on C-SPAN implies that Mark’s actions actually crashed every single computer system at Harvard University. This is also false.

Page 15

2. “Mark’s reputation, however, definitely preceded him: a computer science major who lived in Eliot House...”

Fabrications and Errors

- During his sophomore year, Mark was a resident of Kirkland House, not Eliot House. He studied psychology and computer science.

Page 18

3. “...better at logarithms drunk...”

Errors

- “Logarithms” does not make sense in a computer science context. “Algorithms” is the intended word.

Page 29

4. “Victor Gua”

Errors

- The proper spelling of Victor’s last name is “Gao.”

Page 31

5. “Wanted add”

Errors

- “Wanted ad” was probably intended.

Page 47

6. “It was hacking at its most fundamental—like a cryptographer working out of some cave to defeat the Nazis’ code.

Errors

- The “perl script” described above this line on page 47 did not involve cryptography in any way.

Page 51

7. “The guy and the girl, on the other hand, had just gotten lucky. They’d probably noticed the door propped open, and curiosity had driven them forward. As we imagine it...”

Errors

- This is entirely fabricated.

Page 54

8. “We can imagine him noticing, as he goes, that the girl’s floral perfume still hangs, seductively, in the air.”

Errors

- This is entirely fabricated.

Page 60

9. “And then there was Jenny, Kelly and Ginny, the three hottest blondes on campus, in a room with the phone number 3-FUCK. Someone probably needed to get fired.”

Errors

- This is entirely fabricated.

Page 61

10. ““Yeah, wow. It got like twenty thousand hits in twenty minutes.”

Errors

- Only 450 people voted on photographs 22,000 times over the course of several days according to *The Harvard Crimson*. See <http://www.thecrimson.com/article.aspx?ref=350143>. Also see page 56.

Page 66

11. “he’d also pointed out that his actions had illuminated some serious security flaws in the university’s computer system. His stunt had a silver lining, he’d argued, and he’d readily volunteered to help the houses fix up the flaws in their systems.”

Errors

- Ad Board proceedings are closed and Mark Zuckerberg did not cooperate with Defendants. Therefore this is entirely fabricated and likely borrowed from *Authoritas*.

Page 71

12. “Victor Gua”

Errors

- The proper spelling of Victor’s last name is “Gao.”

Page 80

13. “And some kid named Aaron Greenspan on campus had gotten in trouble a few months before for getting kids to join an info-sharing bbs that had used their Harvard e-mails and IDs as passwords.”

Errors

- houseSYSTEM was not an “info-sharing bbs.” BBS (bulletin board system) should be capitalized. BBSes were used on character-based terminals in the 1980s and early 1990s and were long since obsolete by 2003.
- houseSYSTEM did not use Harvard e-

14. “Then the Greenspan kid had gone on to develop something called houseSYSTEM that had some social elements involved in it. Grossman had even added a Universal House Facebook into his site, which Mark had checked out; hardly anyone had paid any attention to it, as far as Eduardo knew.”
15. “Friendster wasn’t exclusive, the way Mark was describing his idea. And Grossman’s site wasn’t particularly slick, and wasn’t about pictures and profiles. Mark’s idea was really different. It was about moving your real social network onto the Web.”

Page 82

16. “Facemash has gotten him in trouble--but it had also shown the world exactly what Mark had wanted to show--that he was smarter than everyone else. He’d beaten Harvard’s computers, then he’d beaten the ad board.”

Page 96

17. “Likewise, choosing your own password was integral; that Aaron Greenspan kid had gotten into so much trouble for having students use their Harvard ID numbers and system passwords to log onto his site.

mail addresses or ID numbers as passwords.

- Plaintiff’s face book was called “The Universal Face Book,” “The Face Book,” and “The Facebook,” but never “Universal House Facebook.”
- No evidence supports the characterization of houseSYSTEM offered here.
- 1,800 out of 6,400 undergraduates is more than “hardly anyone.”
- Plaintiff’s name is not “Grossman.”
- Referring to Friendster in the middle of talking about houseSYSTEM implies some linkage or similarity when there is not one.
- In fact, houseSYSTEM was exclusive to Harvard students, before Facebook was in 2004.
- Plaintiff’s name is still not “Grossman.”
- houseSYSTEM did have a Photo Album long before Facebook. It also did have user profiles as of March, 2004, and it had class profiles beginning in 2002 via CriticalMass.
- “Mark’s idea” was not significantly different from Plaintiff’s.

Errors

- Facemash demonstrated that Mark was immature and insensitive, but not “smarter than everyone else.”
- Regarding Facemash, Mark did not “beat” Harvard’s computers or the Administrative Board. None of Harvard’s computers even slowed down except for Mark’s own computer, and he was officially reprimanded.
- Users did not ever need a Harvard ID to log into houseSYSTEM. Such a misperception could be reached by paying especially close attention a introductory chapter detailing a

Mark had even e-mailed with him about his experience, the trouble he'd had with the ad board. Greenspan had immediately tried to get Mark to partner up with him—just like the Winklevoss twins and their Harvard Connection dating site. Everyone wanted a piece of Mark, but Mark didn't need anyone else. Everything he needed was right in front of him."

- conversation with President Summers.
- Aaron Greenspan was never officially reprimanded by the Administrative Board.
- Aaron Greenspan began e-mailing Mark two to three months after houseSYSTEM launched, not immediately, and did not suggest working together until January 8, 2004.
- The analogy between Aaron Greenspan and the Winklevoss twins is inappropriate and suggests false implications.
- Unlike the Winklevosses and Divya Narendra, the subjects of this paragraph, Aaron Greenspan knew how to write computer software.
- With negligible net worth in 2004, there was no reason for Aaron Greenspan or anyone to want a "piece" of Mark Zuckerberg.

Page 112

18. "Very nice to meet you," Eduardo finally whispered back to the girls, who giggled again. The taller one—Kelly—leaned even closer, her lips almost touching his skin.

Errors

- This is entirely fabricated.

Page 118

19. "Dustin could have the computer stuff that Mark couldn't do himself."

Errors

- Mark Zuckerberg has publicly stated on a number of occasions that Dustin Moskovitz did not know the difference between Perl and PHP at the time.

Page 120

20. "The tall, slender Asian girl was straddling him, her long bare legs wrapped around his waist, her skirt riding upward, her lithe body arching, as he pressed her back against the stall."

Errors

- Defendant Mezrich admits that these events and characters never occurred or existed as described.
- On October 16, 2010, Mark Zuckerberg denied that girls or finals clubs were his motivation as portrayed in *The Accidental Billionaires*: "And the reality for people who know me is I've been dating the same girl since before I started Facebook so obviously

that's not part of it. It's such a big disconnect that the people who make movies think of what people in Silicon Valley do building stuff. They just can't wrap their head around that someone might build something because they like building things."

Page 121

21. "As Eduardo went back to the girl wrapped around his waist, bolstered by the music of his friend getting crazy in the stall next to him, a thought hit him, and he couldn't stop smiling. They had groupies."

Errors

- See above.

Page 123

22. "Zuckerberg maintained that he hadn't started work on his thefacebook.com until after their last meeting on January 15; which seemed odd, considering that he'd registered the domain name thefacebook.com on January 13."

Errors

- thefacebook.com was registered on January 11, 2004, not January 13, 2004. See <http://www.networksolutions.com/whois-search/thefacebook.com>

Page 127

23. "...case of a sophomore student who broke the honor code..."

Errors

- Harvard does not have an honor code. See <http://www.thecrimson.com/article.aspx?ref=513249>

Page 130

24. "You entered into a code of ethics with the university..."

Errors

25. "He pointed toward the bookshelf behind the president, where he could clearly see a row of Harvard Handbooks from years past."

- There was no bookshelf behind the president's desk in Massachusetts Hall. Whether President Summers was sitting at his desk or sitting in his plush chair on the side of his office closest to Massachusetts Avenue, this description is incorrect. A bookshelf was located on the opposite side of the wall from a plush chair, and behind the President (when he was sitting at his desk) would have been his computer.

Page 169

26. "...experts on Linux and front-level coding."

Errors

- It is unclear what front-level coding refers to. "front-end coding" makes

more sense in this context.

Page 183

27. “[Eduardo] and Mark had been invited onto the yacht of one of the original founders of Sun Microsystems. It turned out, the man was an exotic eater—known for his tastes in bizarre, exotic foods. After they’d talked business for a few hours, one of the boat’s staff had brought out a gleaming silver tray. On the tray was a piece of fibrous-looking meat. Eduardo had been afraid to ask—but the man had volunteered the information right away. The meat was koala—which wasn’t just exotic, but, he believed, illegal.”

Page 231

28. “He looked up at the glass-and-chrome building that housed Sequoia Capital’s main offices.”

Bibliography

29. “Greenspan, Aaron. /Authoritas/. Palo Alto, CA: Think Press, 2008.”
30. “Luke O’Brian”

Omissions

31. Mark Zuckerberg visited Aaron Greenspan’s Facebook repeatedly throughout the month of January, 2004
32. The nature and timing of the Harvard administration’s actions against Aaron Greenspan

Errors

- This is entirely fabricated and has been “debunked” according to *The New York Times*. Defendants have never provided any supporting evidence whatsoever.

Errors

- Sequoia Capital’s main offices are in an inconspicuous wooden building in an office park approximately 40 miles from the nearest glass-and-chrome building tall enough to look “up” at.

Errors

- The full title is *Authoritas: One Student’s Harvard Admissions and the Founding of the Facebook Era*.
- The proper spelling of Luke’s surname is “O’Brien.”

Implications

- With this fact, it appears that Mark relied heavily on a third-party who came up with the idea before he did, and that Mark’s work was therefore unoriginal.
- As this fact was absent, Mark was painted as a “genius” whose nominally original idea changed the world.
- With this set of facts, readers are likely to appreciate Aaron Greenspan’s later concerns about Mark Zuckerberg’s proposal
- As these facts were absent, Aaron Greenspan can be portrayed as an

- overly self-confident individual who is too stupid to appreciate Mark Zuckerberg's nominal genius
33. Mark Zuckerberg and Dustin Moskovitz's January 8, 2004 dinner with Aaron Greenspan, during which Mark stated, "I think you have good ideas."
 - With this fact, Mark's knowledge of houseSYSTEM and The Facebook therein is clearly not a coincidence.
 - With this fact, it is clear that at one point Mark Zuckerberg respected Aaron Greenspan and his work.
 - As this fact was absent alongside others, it was unclear whether or not Mark Zuckerberg even knew of Aaron Greenspan, let alone respected him.
 34. Mark Zuckerberg and Aaron Greenspan Both attended Computer Science / Applied Math 91r, a small computer science seminar
 - With this fact, Mark has yet another connection to Aaron Greenspan that rules out coincidence
 - As this fact was absent, Mark was portrayed as an unparalleled computer science "genius"
 35. The similarities between the houseSYSTEM Facebook and Mark Zuckerberg's Facebook
 - With these facts, Aaron Greenspan receives deserved credit for his work
 - Without these facts, Aaron Greenspan receives no credit for his work
 36. Aaron Greenspan had no malicious intent in developing houseSYSTEM or The Facebook, and his actions were horribly misconstrued by The Harvard Crimson
 - With this fact, readers are likely to be sympathetic toward Aaron Greenspan
 - As this fact was absent, Aaron Greenspan is portrayed as a potentially malicious, untrustworthy individual notable only for his ability to get in "trouble" for doing shoddy work that barely anyone knew about anyway
 37. Mark Zuckerberg broke into the e-mail accounts of Harvard Crimson reporters
 - With this fact, readers are likely to notice the irony of Aaron Greenspan being accused of crimes that in actuality Mark Zuckerberg later committed
 - Without this fact, Mark Zuckerberg appears far more forgivable
 38. Aaron Greenspan discovered and reported serious security flaws in the [Zuckerberg] Facebook web site which Mr. Zuckerberg subsequently ignored
 - With this fact, readers are likely to have a better understanding of the issues surrounding Facebook at its beginning
 - Without this fact, readers are unlikely to understand that security has been an issue with Facebook since its earliest days
 39. Aaron Greenspan protested to Mr.
 - With this fact, readers are likely to

Zuckerberg on privacy grounds over dinner on January 8, 2004

have a better understanding of the issues surrounding Facebook at its beginning

40. Aaron Greenspan reached a settlement with Mark Zuckerberg and Facebook, Inc. in May, 2009

- Without this fact, readers are unlikely to understand that security has been an issue with Facebook since its earliest days
- With this fact, readers are likely to believe that Aaron Greenspan's assertions concerning Facebook's founding are valid
- Without this fact, readers are less likely to believe that Aaron Greenspan's assertions concerning Facebook's founding are valid