westman champlin koehler

INTELLECTUAL PROPERTY ATTORNEYS

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On Thu, Jan 5, 2023 at 5:29 PM Matt Guertin <MattGuertin@protonmail.com> wrote:

Every time I save a page someone is going nuts. Haha

What happened was that they were in the middle of an operation which they have almost certainly completed successfully many other times and then I suddenly appeared out of nowhere and haven't left since. Every single save now is just more proof of the fraud. They are going to have to do something or scrap the whole thing and just delete or revert back to originals and hope this goes away.

I have been saving all the time. In fact I just created a patch in Touchdesigner today that allows me to automatically save 5 individual page URL's every few seconds by clicking a button....and then inbetween each click I would switch to a different VPN location before doing the next. So technically the whole photoRobot site on wayback machine should have a big save shown today....but they can't keep up with that level of pages. They thought they were just going to make a few adjustments and spruce things up for photorobot to steal my patent and now they know they are screwed as I have been saving new wayback captures with most of the page group saves as well.

They have lost complete control. I even snapped a bunch of saves on NYE shortly after midnight to let them know I was celebrating their idiocy.

And the other thing is that they FOR SURE KNOW I AM THE ONE CAUSING ALL OF THEIR PROBLEMS! I just looked at the email exchanges between us and everything becomes even clearer.

All of the pieces are now falling perfectly into place.

Can you guess what day I signed up for a user account with the archive?

DECEMBER 9TH, 2022 @ 2:45am

I then proceeded to make use of my new account 'PatentlyFalse' by snapping an archive save of the entire PhotoRobot website exactly twenty minutes later at 3:05am

copy of email attached

I then began browsing through all of the PhotoRobot pages and an hour and forty-one minutes later at 4:46am I took my first of two pdf screen captures of PhotoRobot.com/blog which is when I caught someone

originally dated (Dec 9th) pdf's attached

editing the archive in real time within a 5 minute window and two PDF screen captures.

Here are my emails between the web archive which includes a .png of a draft I almost sent but decided against while I collected more evidence.

And that's a wrap... ;-)

~Matt

Sent with Proton Mail secure email.

------- Original Message -------
On Thursday, January 5th, 2023 at 4:30 PM, Matt Guertin <MattGuertin@protonmail.com> wrote:

> Amanda,
>
> I just watched my video I sent you and it sucks. I ramble on but don't give you any meat and potatoes at all.
>
> [redacted]
>
> Here is a 15 minute one I just made with the missing pieces that knocks it out of the park.
>
> It's all about the java script file names correlating with the dates.
>
> Undeniable.
> The web archive has just been completely invalidated.
> Cancelled.
>
> It would appear to be an internal matter at a rather high level if you work off of the assumption that everything is now changing across the entire site due to me :-)
>
> Well.....let me know where this information goes next. I'm curious how a problem as big as this one with such massive implications get's dealt with.
>
> Is there a protocol?
>
> As an attorney are you bound by some sort of oath and obligation (similar to 'duty of candor'..) to make light of this and pass it up whatever metaphorical legal chain exists?
>
> This is pretty crazy.
>
> ~Matt

Re: Call tomorrow (Thursday)

From Amanda Prose <aprose@wck.com>

To mattguertin<MattGuertin@protonmail.com>

CC Megan Neumann<mneumann@wck.com>

Date Friday, January 6th, 2023 at 12:12 PMFriday, January 6th, 2023 at 12:12 PM

Matt,

Based on my understanding of what is going on here, I do not see any reason to advise you against filing a complaint through ic3.gov. I think that is a great place to start the process of calling out this activity actually.

Best regards,

Amanda

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On Fri, Jan 6, 2023 at 11:47 AM Matt Guertin <MattGuertin@protonmail.com> wrote:

> Amanda,
>
> Unless you have any reason to advise me not to do so I am going to report this by filing a report at ic3.gov. with all relevant information.
>
> Just on it's face as it only relates to my case they are guilty of wire fraud as there is no requirement that the crime reaches completion. Being able to prove intent is all that is needed. The fact that it involves at minimum 3 people who are located in 3 different countries including the USA just makes it that much more serious.
>
> I honestly am not going to hold my breath as far as expecting something substantial to happen to any of them but I'm guessing there is still very good odds that if I report this to all of the relevant agencies which includes the FBI, FTC, and IRS among others. The fact that the archive is a 501c3 causes them additional problems. At the very

least they are going to be under enough pressure and stress over the ordeal that they will choose not to continue forward with the obvious path that they are on is my guess.

I think the biggest question everyone is going to wonder is how many times the web archive has pulled this scam before and how many other people has it affected?

Pardon my language - but fuck every single one of the people involved in this. Even if I don't have to worry at all from the standpoint of my patent I would be perfectly okay with them losing many of the things in their lives that they've worked so hard to achieve since that is what their end goal for me was/is.

I have attached PDF's of all relevant criminal law discussion to this email which demonstrates that they meet all of the criteria to be investigated and criminally charged.

I also don't think telling the internet archive about it is a good idea because after reading through those emails I think it makes it even more likely that they are directly involved in all of this. Just look at the email I got from that guy on the 29th (which I never even saw until last night) - My initial question I asked was about their removal policy if someone requests deletion of archived pages and he randomly replies 2 weeks later -

> "For what site?"

> "Ummmmmm.....you must've gotten my email mixed up with someone else's. Mine was the one asking about your archive deletion policy.."

Dr. Rogstad - Here are more of those 'coincidences' you were asking me about

The timing is way too coincidental as well as far as when I signed up, saved an archive of the site, and when I caught the first of the edits. All in order and not very far apart. Just this fact alone - that they were able to start adding backdated pages an hour later implies that this is a system they have down and something they have done many times before.

Their only recourse right now is to find a large team of people and attempt to start replacing the hundreds and thousands of pages with ones that aren't fraudulent but I'm not even sure how possible that is as it would require PhotoRobot to have an actual working site with the same code. They are screwed...and if they aren't yet I am going to do my best to make sure they are.

ChatGPT / openai..... that's how

~Matt

Sent with Proton Mail secure email.

------- Original Message -------
On Friday, January 6th, 2023 at 8:48 AM, Amanda Prose <aprose@wck.com> wrote:

> Wow. Thanks Matt. I will take a look at this.
>
> As for your other question regarding alerting others to this issue...there are a couple of ways to look at it and I admit, this is an issue new to me so I do not know where/who to alert or where to start.
>
> Regarding the patent office and your pending application as well as future applications, we have made memos in our file to explain why these archived pages are **not** considered prior art to you. Simply put, the material was not actually published prior to your filing of the provisional patent application. Because of this, the patent office will not consider the materials, the Examiner will ignore it. Generally, we have to provide a date of publication to materials not having a date on their face (a patent application publication or book have publication dates on the publication, but websites do not and are generally identified as published on the date you accessed it). So, we do not have any obligation to provide these to the patent office and then provide an explanation that its not really prior art. The patent office does not want to review it and probably would not. Thus, we do have a duty of candor with the patent office, and I believe that our initial information disclosure statement filing of the old (original) PhotoRobot pages satisfies this. As far as the patent office is concerned, the jurisdiction of the patent office is limited with respect to the disclosure of inventions and prior art, but tampering with non-patent literature prior art is not something the patent office will do anything about unless that allegedly tampered/altered prior art is submitted either by a patentee or by a third party. Then the patent office will get involved.
>
> As for the website tampering itself, it would seem that if the organization behind the website hosting the WayBack Machine should (and would want to) be made aware that there is some glitch or issue that is allowing these alterations and fake pages to be populated on its website. To me, this seems like step one, whether or not this step might actually solve, address or make the problem public. We could also let the entity who has these altered/fake pages on its server aware of this fraud as well (similar to how we file Digital Millennium Copyright Action violations).
>
> As for additional steps here - I am not sure what the next step is yet. I have not come across this and generally when we speak of such frauds it is when the fraudulent/altered material is used, for whatever purpose. For example, as soon as Photorobot or the Internet Archives tries to use the material in some way, then it is much more clear what the next step is.
>
> Best regards,
>
> Amanda