



reputation in the medical device industry, and in his community, and he has been a renowned contributor to the advancement of the practice of medicine for more than 25 years. As a developer and inventor of numerous medical devices, Prof. Nobles' business success depends in large part on the strength of his reputation.

2. The Defendant Roderick Boyd is a resident of the State of North Carolina. Boyd is a writer for and a member of the Board of Directors for SIRF. Boyd is a named author of the article "The Invention of Professor Dr. Anthony Nobles" (hereinafter, the "Nobles Article"). Upon information and belief, Boyd resides in Wilmington, North Carolina.

3. The Defendant Keith Larsen is a resident of the State of North Carolina. Larsen is a named author of the Nobles Article. Upon information and belief, Larsen is an intern at SIRF. Upon information and belief, Larsen resides in Charlotte, North Carolina.

4. The Defendant Southern Investigative Reporting Foundation (SIRF) is a corporation organized and existing under the laws of the State of North Carolina, and has its principal office of business in Wilmington, North Carolina. The Nobles Article was published on the SIRF website.

### **JURISDICTION**

5. The Court has jurisdiction over the Defendants, and venue is properly fixed in this Court pursuant to 28 U.S.C. § 1391(b) because all of the defendants reside in North Carolina, and at least Mr. Roderick Boyd and SIRF reside in the Eastern District of North Carolina.

6. This Court has jurisdiction over Prof. Nobles' claim for defamation as it arises under diversity jurisdiction within the meaning of 28 U.S.C. § 1332. Diversity jurisdiction exists when there is complete diversity between the parties and the amount in controversy exceeds \$75,000. Here, the Plaintiff is a citizen of California. Defendants Roderick Boyd and Keith Larsen are citizens of North Carolina, and Southern Investigative Reporting Foundation (SIRF) is incorporated in, and has its principal place of business in, North Carolina. Finally, the amount in controversy in this case exceeds the \$75,000 threshold.

## VENUE

7. Venue is proper in this Court. When all defendants reside in the same state, venue is proper in a Federal District Court that lies in a district where any defendant resides. Here, all of the defendants reside in North Carolina, and at least Mr. Roderick Boyd resides in the Eastern District of North Carolina.

## BACKGROUND

### Professor Nobles

8. Prof. Nobles filed his first patent application at the age of 22 and went on over the course of his career to obtain no less than 31 issued United States Patent Registrations, two European patent registrations, and one Canadian patent registration wherein Prof. Nobles is listed as the inventor.

9. Over the course of his career, Prof. Nobles has founded more than 28 companies and has developed more than 155 medical devices. Through the years, Prof. Nobles' companies and/or enabling technologies have been sold or licensed to several of the largest medical companies in the world, including: Johnson & Johnson, Medtronic, Guidant, Cordis, Baxter, Edwards, Trimeddyne, Conceptus, Elekta, Boston Scientific, and Cardio-Thoracic Systems.

10. Prof. Nobles' medical devices and technologies have saved and/or improved the quality of lives of thousands of people all over the world for more than 20 years.

11. Prof. Nobles' patents cover technologies that have enabled groundbreaking medical devices, which have greatly contributed to the improvement of medical practice. For example, Prof. Nobles' Visualization Trocar, which intellectual property was acquired by Johnson & Johnson for laparoscopic surgery, is used for their Endopath trocar which is sold worldwide for treatment in general surgery. Similarly, Prof. Nobles sold a license to allow Guidant, Boston Scientific, and Maquet to create products using the Baladi Inverter intellectual property, which enables surgeons to conduct heart bypass surgeries while the patient's heart is still beating. In addition, doctors use the NobleStitch device to eliminate strokes and severe migraines in patients with Patent Foramen Ovale, a condition that affects approximately 27% of the world's population.

12. In 1986, Prof. Nobles founded Nobles Engineering, with companies like Baxter, Edwards, and Trimedyne purchasing his products. After that, he went on to launch several additional companies—through which he developed new neurosurgical, laparoscopic, cardiac, vascular, endoscopic surgery, and obstetrics and gynecology technologies— which in most cases he has taken public, sold, and/or licensed to companies such as Cordis, Johnson & Johnson, Medtronic, and Guidant. Today, Prof. Nobles is the CEO of seven companies.

13. In addition to leading seven different companies, Prof. Nobles is a professor of Biomedical Engineering at the Westsachsen University in Zwickau, Germany.

14. Prof. Nobles has been invited to, and appeared as a guest lecturer at, numerous conferences and speaker series around the globe. His lecture topics include: Digital Angioscopic Techniques, Current and Future Applications of Lasers, Endovascular Surgery and Interventional Techniques, Endoscopic Surgical Devices, Stereo Tactic Fiber Optic Ventriculoscopy, Endoscopic Placement of a Shunt for Hydrocephalus, Biomedical Engineering for the Masters Student, and Mechanical Problems in Modern Medical Devices for Cardiovascular Treatment, among many others.

15. His drive to invent, create, and generate successful businesses has ultimately provided Prof. Nobles with opportunities to lecture at numerous universities, professional medical associations, and engineering associations, including: University of California, Los Angeles, Harvard, The University of California, Los Angeles Harbor Medical Center, Chapman University, The University of Southern California School of Pharmacy, The American College of Surgeons, The American Association of Neurological Surgeons, and The West Sachsen Hochschule School of Biomedical Engineering, Zwickau Germany, among others.

16. Prof. Nobles has also contributed several articles and textbook chapters to respected medical and engineering publications, including: Journal of Minimally Invasive Neurosurgery; Structural, Valvular and Congenital Heart Disease Interventions 2e; Chapter 3: Image Production and Visualization Systems of Endoscopic Surgery of Textbook by Rodney A. White, Mosby- Year Book, Inc. (1991); Chapter I: The Physics of Neuroendoscopic Systems and the Instrumentation of Intracranial Endoscopic Neurosurgery, The American Association of Neurological Surgeons ( 1998); a chapter titled

Endoscopic Instrumentation and Equipment for Surgery included in Surgical Technology International, Century Press (1991).

17. Prof. Nobles has also made significant contributions to the youth of his community by generously providing financial sponsorship for the annual Red Ribbon Week, the “Shop With A Cop” program to help impoverished kids to have food and Christmas gifts during the holidays, “Tip A Cop” to support the Children’s Special Olympics, the “Every Fifteen Minutes” programs hosted by the Fountain Valley Police Department to teach teens to not drink and drive, and the annual Career Day hosted by Fulton Middle School. Up until a recent fire destroyed his family home, Prof. Nobles decorated his, as well as many of his neighbors’, homes with large-scale Halloween displays. Each year, several thousand people, mostly families, traveled to his neighborhood annually to witness the displays to offer a safe environment for children to enjoy the holiday.

18. Prof. Nobles has provided hundreds of thousands of dollars in capital and equipment to several hospitals and medical institutions in the United States and abroad, including in part: University of California, Los Angeles; University of Zwickau; the Paracelsus Clinic; and the Royal Brompton Hospital in London.

19. Prof. Nobles has donated thousands of hours of medical training and services for more than 20 years. He has also spent hundreds of hours lecturing and teaching around the world, and has contributed hundreds of thousands of dollars in related expenses.

20. Prof. Nobles has funded many scholarships to deserving and underprivileged youth, including sending an especially deserving classmate of his daughter on an eighth grade educational trip to Washington, D.C. Not only did Prof. Nobles provide a plane ticket to D.C., he ensured the child had everything necessary for the upcoming school year, including new clothing and school supplies. During the trip, Prof. Nobles also provided safety equipment for the over fifty students when the group encountered unexpected weather problems.

21. Prof. Nobles has used his significant assets such as his exotic car collection and aircraft to raise money and awareness for several charitable and public service groups including the Bolsa Chica Conservancy, the L.A. County Sheriffs, and War Veterans.

22. Since relocating due to the fire that destroyed his home, Prof. Nobles most recently donated \$350,000 to purchase and rebuild a community center for his new community by restoring the old firehouse in Sunset Beach.

### **Defendants**

23. Defendants have engaged in an unprovoked campaign to defame Prof. Nobles with false and malicious statements to cause damage to his reputation.

#### **Defendants' Defamatory Article About Prof. Nobles**

24. On, or around, September 16, 2014, Defendants published an article entitled "*The Invention of Professor Dr. Anthony Nobles*" (hereinafter, "the Nobles Article") on the website of Defendant Southern Investigative Reporting Foundation (SIRF). A true and correct copy of this article is attached at **Exhibit A**.

25. The Nobles Article contains many objectively false statements, meant to do harm to Prof. Nobles. Upon information and belief, Defendants made these statements in the article with knowledge of its falsity or with reckless disregard for the truth. Furthermore, upon information and belief, Defendants made these statements in the article with actual malice.

26. The objectively false statements made in the Nobles Article are:

- (1) "...how Nobles used a combination of imagined and overstated credentials about his schooling, his teaching career, and his success as a entrepreneur to craft his greatest invention -- the legend of himself as a medical technology renaissance man." Exhibit A at 2.
- (2) "So Anthony Nobles came up with what video game players call a 'cheat (<http://vgstrategies.about.com/od/fagglossary/a/WhatAreCheats.htm>),' or a shortcut around an otherwise complex problem, like, for instance, a lack of the academic credentials that make investors comfortable with medical device entrepreneurs." Exhibit A at 3.

- (3) “The cost to Nobles for all of this ersatz educational experience? According to federal prosecutors, \$550 for a doctorate and 50% off for a second diploma, so figure about \$825 all in.” Exhibit A at 4.
- (4) “Note also the 16-year hiatus in conference attendance and research presentations.” Exhibit A at 7.
- (5) “Investors would likely forgive Nobles’ being a fabulist if he was able to generate a return on their capital.” Exhibit A at 8.
- (6) “In December of 2008 Sutura effectively wound down operations with Nobles buying (back) all Sutura’s non-cash assets and \$3 million in cash for \$6.75 million.” Exhibit A at 9
- (7) “in 2007 Sutura negotiated a \$23 million settlement in a patent violation suit brought against Abbott Labs, Shortly after, according to the company’s 2007 10-K annual report, \$11.96 million in marketable securities were purchased at a point that year. Who got custody of these assets is not clear” Exhibit A at 9.
- (8) “Another investor, Croatian investor Bruno Mlinar, who met Nobles when both were in Europe racing Ferraris in 2008, gave Nobles \$2.5 million for a stake in Nobles Medical Technology and a new venture, Gyntlecare, after Nobles assured him that his company was going to be worth over \$150 million pending some Food and Drug Administration approvals.” Exhibit A at 10.
- (9) “He also received \$435,000 in cash from one Karen Glassman at Gyntlecare...” Exhibit A at 10.
- (10) “For Mlinar, it gets worse in that Nobles also talked him into shipping him a Ferrari worth what he claimed was \$750,000 on the view that Nobles would use it as collateral for financing (but somehow preserving Mlinar’s ownership.)” Exhibit A at 10.
- (11) “A better word for these people is ‘investors’ and with few exceptions, they appear to be correct. Anthony Nobles has a storybook life yet, according to Southern

Investigative Reporting Foundation research, it appears most (if not all) of the capital he has raised has failed to earn a return.” Exhibit A at 2.

- (12) “SIRF reached out to Anthony Nobles four times via phone... but no calls were returned....SIRF did not ultimately secure an interview.” Exhibit A at 10.

**Defendants Rushed To Publish The Nobles Article, Demonstrating Actual Malice**

27. Defendants rushed to publish the Nobles Article, and even though they assert that “SIRF reached out to Anthony Nobles four times via phone... but no calls were returned....SIRF did not ultimately secure an interview” (Exhibit A at 8), the statement is patently false. Nobles made himself available to respond to Defendants’ questions about his activities in eight days, but they refused the offer and went forward with publishing the article without verifying any of its facts with Prof. Nobles.

28. On September 8, 2014, Prof. Nobles received an email from Roderick Boyd requesting an interview for a proposed article.

29. Prof. Nobles wrote him back letting Boyd know that he was “extremely busy right now and do not currently have time available to give to you. However if my schedule frees up in the future it would be helpful to know more about you, your firm and the article you are proposing to write.”

30. On September 9, 2014, Prof. Nobles received a second email from Roderick Boyd, which stated that Roderick Boyd is “releasing an article within the week that looks at your multi-year use of diploma mill credentials from fake universities, and your obviously remarkable economic good fortune vs. The [sic] experience of your investors in your public and private ventures.”

31. On September 9, 2014, Prof. Nobles receive a third email from Roderick Boyd with a series of accusatory questions and stated that he had “a series of questions that are more specific to legal fights you are, or have been, recently party to.”

32. On September 10, 2014, Boyd sent Prof. Nobles another email, providing allegations from a third party that Boyd did not give Prof. Nobles the opportunity to respond to. This email alleges that: he has “fake degrees and having no medical training... you were working for the CIA and while assigned



to Roswell New Mexico--something to do with aliens--you said that your diplomas et al were purged for classified reasons.”

33. On September 10, 2014, Prof. Nobles emailed Boyd back and said he would speak to him the following Thursday.

34. Boyd responded by stating that “If you’d been willing to take 15-20 minutes. Not much longer than it took for you to read and reply on this thread, we wouldn’t be having this conversation.”

35. Boyd refused to wait until Prof. Nobles had time in his schedule to address the many serious allegations Boyd brought up in his emails. Boyd’s unwillingness to wait until Prof. Nobles had time to address these allegations before publishing the article on September 16, 2014 demonstrates Boyd’s actual malice.

***After Publishing The Nobles Article, Defendants Went On a Smear Campaign to Purposely and Maliciously Cause Harm to Prof. Nobles***

36. On information and belief, Boyd also directly contacted multiple people associated with Prof. Nobles, and supplied the Nobles Article or relayed false information presented therein to those people, in an effort to maliciously harm Prof. Nobles’ reputation. Boyd’s contact with these people directly interfered with Prof. Nobles’ business, which has damaged Prof. Nobles’ reputation and interfered with Prof. Nobles raising funds for his companies.

***Defendant Boyd’s Long History of Writing Inflammatory Articles and Published Criticism of Boyd by Others***

37. Boyd has been harshly criticized by others in the publishing industry regarding his defamatory tactics.

38. An article titled “*Roddy Boyd Sucks It Like He’s Paying the Rent (Fortune Magazine)*,” can be found at <http://www.deepcapture.com/roddy-boyd-sucks-it-like-hes-paying-the-rent/> (last visited on September 25, 2014).

39. This article states that the author has “met Roddy on occasion, and a more seedy and furtive character would be difficult to name.”

40. An article titled “*Michael Milken, 60,000 Deaths, and the Story of Dendreon (Chapter 12 of 15)*” can be found at <http://www.deepcapture.com/michael-milken-60000-deaths-and-the-story-of-dendreon-chapter-12-of-15/> (last visited on September 11, 2014).

41. This article states that “Roddy spent a great deal of time working with a soon-to-be arrested criminal named Spyro Contogouris, who had been hired by a subsidiary of Steve Cohen’s SAC Capital, to sabotage, harass, and trash Fairfax Financial.”

42. This article also states that “Roddy has spent several years trying to cover the naked short selling scandal, ridiculing anyone who mentions the crime or the remarkable coincidence of companies appearing on the Reg Sho list (the SEC’s list of companies suffering from naked short selling) when those companies are the targets of a select group of hedge funds.....” and “writes hatchet jobs on the public companies targeted by this same select group of short selling hedge funds. The sources of the information in Roddy’s stories are, of course, the short sellers themselves....”

43. This article further states that “[w]ith the exception of Roddy’s particular clique of journalists, it is not typical for reporters to receive thank you notes for the ‘courtesies’ that they have extended to help hedge funds make money.”

44. An article titled “*How ‘Activist Investors’ David Einhorn and Dan Loeb Brought Their Special Talents to Bear On New Century Financial*” can be found at [http://www/deepcapture.com/how-activist-investors-david-einhorn-and-dan-loeb-brought-their-special-talents-to-bear-on-new-century-financial/](http://www.deepcapture.com/how-activist-investors-david-einhorn-and-dan-loeb-brought-their-special-talents-to-bear-on-new-century-financial/) (last visited on September 11, 2014).

45. This article states that Roddy Boyd is “a reporter with close connections to the Einhorn-Milken nexus of hedge funds”.

46. This article also states that David Einhorn “played a significant role in creating the conditions that made New Century vulnerable to catastrophe” while “building massive short positions in Bear Sterns, Lehman Brothers, MBIA and other companies....”

47. This article further states that Michael Milken is “the infamous criminal who specialized in loading companies with debt, looting them, and then profiting still more from their inevitable bankruptcies.”

48. An article titled “*Today’s Yawn: Scoffers of Law Rocker-Gradient Ignore Court Order & Roddy Boyd Shills, Exhibit Z*” can found at <http://www/deepcapture.com/rocker-gradient-scoff-at-law-and-roddy-boyd-shills/> (last visited on September 11, 2014).

49. This article states that Roddy Boyd is “beyond his brief stint at now-defunct criminal bacchanal that was Refco....”

50. This article also asks “will Roddy Boyd, having lost all appearance of reputation, honor, and employment, be game for another try?”

51. An article titled “*Roddy Boyd, Formerly of News Corporation and Time Warner Inc., and the Bear Stearns Insider*,” by Mark Mitchell, published on October 13, 2009 can be found at [http://www.marketrap.com/article/view\\_article/91161/roddy-boyd-formerly-of-news-corporation-and-time-warner-inc-and-the-bear-stearns-insider](http://www.marketrap.com/article/view_article/91161/roddy-boyd-formerly-of-news-corporation-and-time-warner-inc-and-the-bear-stearns-insider) (last visited on September 29, 2014).

52. This article states that “Roddy likes to stroke his own back, and in so doing, he often rambles in such a way as to unintentionally admit to his own buffoonery, or to some form of miscreancy on the part of his favorite Wall Street sources.”

53. An article titled “*Facts and Research – How Illegal Stock Short Selling Harms America’s National Security and How the NASDAQ Stock Market Was Fooled by Short Sellers and Rigged Its Own Corporate Listing Process*” can be found at [http://www.nyggroup.com/library/NASDAQ\\_Research.htm](http://www.nyggroup.com/library/NASDAQ_Research.htm) (last visited on September 14, 2014).

54. This article states that “[a]ccording to former FBI agents’ investigations, illegal stock short sellers Roddy Boyd and his father Michael Boyd (a hedge fund manager whose \$30 million trust accounts name his tabloid writer son Roddy Boyd as a beneficiary), are co-conspirators of the Jon Carnes crime family.....”

55. This article also states that “several short seller conspirators with close ties to tabloid writer/short seller Roddy Boyd, and his hedge fund manager father Michael Boyd shorts against the companies which Roddy Boyd touts negatively in the media, were recently arrested by law enforcement.”

**FIRST CAUSE OF ACTION**

**Defamation**

**(Against All Defendants)**

56. Plaintiff realleges and incorporates the allegations in paragraphs 1 to 55 above as though fully set forth herein.

57. Defendants made various statements concerning Plaintiff in the Nobles Article.

58. By posting the Nobles Article on the Internet, Defendants published, or caused to be published, the Nobles Article to at least one third party, and made the Website available to Internet users.

59. Numerous statements made by Defendants in the Nobles Article are, and at all relevant times were, false and defamatory, and defamatory on their face as they apply to Plaintiff.

60. Plaintiff is identified as the subject of these false and defamatory statements, and it is understood that the false and defamatory statements are about Plaintiff.

61. The false and defamatory statements in the Nobles Article are of matters for which the truth is publicly available and easily verifiable.

62. The false and defamatory statements made in the Nobles Article are not and were not privileged.

63. The false and defamatory statements made in the Nobles Article are, and at all relevant times were, of a matter and character that tend to injure Plaintiff's reputation.

64. Upon information and belief, Defendants made the false and defamatory statements in the Nobles Article with knowledge of their falsity.

65. Upon information and belief, Defendants made the false and defamatory statements in the Nobles Article with a reckless disregard for the truth.

66. By the acts alleged herein, Defendants acted with malice and intentionally caused harm to Plaintiff.

67. In an email to Mr. Boyd dated September 10, 2014, Plaintiff stated he was available to interview with Defendants on September 18, 2014.

68. Defendants declined to interview Plaintiff, and instead chose to publish the Article with the false and defamatory statements on September 16, 2014.

69. Upon information and belief, publication of the Nobles Article was driven by a desire to disparage Plaintiff.

70. The false and defamatory statements in the Nobles Article impeached and continue to impeach Plaintiff in his business, trade, and profession.

71. Plaintiff has suffered substantial harm as a direct and proximate result of these false and defamatory statements made by Defendants in the Nobles Article.

72. In Defendants' on-going campaign to disparage and harm Plaintiff, Defendants have aggressively sought, and continue to seek out, third parties with whom Plaintiff has a relationship, in order to further impeach Plaintiff in his business and trade by providing copies of the Nobles Article with its false statements.

73. Defendants, in their campaign to harm Plaintiff, acted and continue to act with malice to intentionally cause harm to Plaintiff.

74. Plaintiff has suffered harm as a direct and proximate result of Defendant's continuing actions.

**SECOND CAUSE OF ACTION**

**Libel Per Se**  
**(Against All Defendants)**

75. Plaintiff realleges and incorporates the allegations in paragraphs 1 to 74 above as though fully set forth herein.

76. As stated above, Defendants published, or caused to be published, the Nobles Article, which included various statements concerning Plaintiff.

77. Numerous statements made by Defendants in the Nobles Article are, and at all relevant times were, false and defamatory, and defamatory on their face as they apply to Plaintiff.

78. Plaintiff is identified as the subject of these false and defamatory statements, and it is understood that the false and defamatory statements are about Plaintiff.

79. The false and defamatory statements in the Nobles Article are of matters for which the truth is publicly available and easily verifiable.

80. The false and defamatory statements in the Nobles Article are susceptible to only one meaning.

81. The false and defamatory statements made in the Nobles Article are not and were not privileged.

82. The false and defamatory statements made in the Nobles Article are, and at all relevant times were, of a matter and character that tend to injure Plaintiff's reputation.

83. The false and defamatory statements in the Nobles Article tend to impeach Plaintiff in his trade or profession, and tend to subject Plaintiff to ridicule, contempt, or disgrace.

84. Upon information and belief, Defendants made the false and defamatory statements in the Nobles Article with knowledge of their falsity.

85. Upon information and belief, Defendants made the false and defamatory statements in the Nobles Article with a reckless disregard for the truth.

86. By the acts alleged herein, Defendants acted with malice and intentionally caused harm to Plaintiff.

87. In an email to Mr. Boyd dated September 10, 2014, Plaintiff stated he was available to interview with Defendants on September 18, 2014.

88. Defendants declined to interview Plaintiff, and instead chose to publish the Article with the false and defamatory statements on September 16, 2014.

89. Upon information and belief, publication of the Nobles Article was driven by a desire to disparage Plaintiff.

90. The false and defamatory statements in the Nobles Article impeached and continue to impeach Plaintiff in his business, trade, and profession.

91. Plaintiff has suffered substantial harm as a direct and proximate result of these false and defamatory statements made by Defendants in the Nobles Article.

92. In Defendants' on-going campaign to disparage and harm Plaintiff, Defendants have aggressively sought, and continue to seek out, third parties with whom Plaintiff has a relationship, in order to further impeach Plaintiff in his business and trade by providing copies of the Nobles Article with its false statements.

93. Defendants, in their campaign to harm Plaintiff, acted and continue to act with malice to intentionally cause harm to Plaintiff.

94. Plaintiff has suffered harm as a direct and proximate result of Defendant's continuing actions.

**THIRD CAUSE OF ACTION**  
**Libel Per Quod**  
**(Against All Defendants)**

95. Plaintiff realleges and incorporates the allegations in paragraphs 1 to 94 above as though fully set forth herein.

96. As stated above, Defendants published, or caused to be published, the Nobles Article, which included various statements concerning Plaintiff.

97. Numerous statements made by Defendants in the Nobles Article are, and at all relevant times were, libelous when considered with innuendo, colloquium, and explanatory circumstances.

98. Plaintiff is identified as the subject of these libelous statements, and it is understood that the libelous statements are about Plaintiff.

99. The libelous statements in the Nobles Article are of matters for which the truth is publicly available and easily verifiable.

100. The libelous statements made in the Nobles Article are not and were not privileged.

101. The libelous statements in the Nobles Article tend to impeach Plaintiff in his trade or profession, and tend to subject Plaintiff to ridicule, contempt or disgrace.

102. Upon information and belief, Defendants made the libelous statements in the Nobles Article with knowledge of their falsity.

103. Upon information and belief, Defendants made the libelous statements in the Nobles Article with a reckless disregard for the truth.

104. By the acts alleged herein, Defendants acted with malice and intentionally caused harm to Plaintiff.

105. In an email to Mr. Boyd dated September 10, 2014, Plaintiff stated he was available to interview with Defendants on September 18, 2014.

106. Defendants declined to interview Plaintiff, and instead chose to publish the Article with the false and defamatory statements on September 16, 2014.

107. Upon information and belief, publication of the Nobles Article was driven by a desire to disparage Plaintiff.

108. The libelous statements in the Nobles Article impeached and continue to impeach Plaintiff in his business, trade and profession.

109. Plaintiff has suffered substantial harm as a direct and proximate result of the libelous statements made by Defendants in the Nobles Article.

110. In Defendants' on-going campaign to disparage and harm Plaintiff, Defendants have aggressively sought, and continue to seek out, third parties with whom Plaintiff has a relationship, in order to further impeach Plaintiff in his business and trade by providing copies of the Nobles Article with its libelous statements.

111. Defendants, in their campaign to harm Plaintiff, acted and continue to act with malice to intentionally cause harm to Plaintiff.

112. Plaintiff has suffered harm as a direct and proximate result of Defendant's continuing actions.

**FOURTH CAUSE OF ACTION**  
**Unfair Business Practices**  
**(Against All Defendants)**

113. Plaintiff realleges and incorporates the allegations in paragraphs 1 to 112 above as though fully set forth herein.

114. As stated above, Defendants published, or caused to be published, the Nobles Article, which included various statements concerning Plaintiff.

115. Upon information and belief, Defendants engaged in an unfair or deceptive act or practice by publishing or causing the Nobles Article to be published.

116. Upon information and belief, Defendants directly contacted other parties and sent a copy of the Nobles Article.



117. Defendants' publication and distribution of the Nobles Article was an unfair or deceptive act or practice affecting commerce because it contains statements constituting libel per se.

118. Upon information and belief, Defendants' actions affected commerce by affecting at least one of Plaintiff's businesses.

119. Upon information and belief, Defendants' actions proximately caused actual injury to the Plaintiff and at least one of Plaintiff's businesses.

120. Upon information and belief, Defendants' actions caused investment loss for at least one of Plaintiff's businesses.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff demands judgment against the Defendants as follows:

A. For injunctive relief preventing Defendants from making any comments that could be construed as to disparage Plaintiff and requiring that Defendants remove all postings from the Internet and any other public forums that they have previously made that disparage Plaintiff;

B. For general damages in an amount over \$75,000.

C. For punitive damages;

D. For judgment against Defendants for Plaintiff's costs of suit, including Plaintiff's reasonable attorneys' fees; and

E. For such other relief as the Court may deem just and proper.

Date: October 1, 2014

Respectfully submitted,

/s/ Seth L. Hudson  
Seth L. Hudson  
North Carolina Bar No. 32259  
[shudson@worldpatents.com](mailto:shudson@worldpatents.com)  
CLEMENTS BERNARD PLLC  
1901 Roxborough Road, Suite 250  
Charlotte, NC 28211  
(704) 790-3600  
*Local Civil Rule 83.1 Counsel*

John D. van Loben Sels  
California State Bar No. 201354  
*(pro hac vice application submitted concurrently)*  
[jvanlobensels@fishiplaw.com](mailto:jvanlobensels@fishiplaw.com)  
FISH & TSANG, LLP  
2603 Main Street  
Suite 1000  
Irvine, CA 92614  
(650) 209-1667  
(949) 943-8358 facsimile