THE ACCIDENTAL BILLIONAIRES: The Founding of Facebook

By Ben Mezrich
Doubleday, Random House, Inc., New York, 2009, ISBN 978-0-385-52937-2
Price $25.00

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Journal of High Technology Law
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The Accidental Billionaires, by Ben Mezrich, is a nonfiction account of Facebook.com and how Mark Zuckerberg's Harvard University dorm room project snowballed into a multi-million dollar company. The author centers the book around how lawsuits against Mr. Zuckerberg came to fruition based on the alleged stealing of social network ideas, the alleged stealing of programming code, and the alleged corporate expungement of one of the founders. Mr. Mezrich plays up the battle of wanted credit and recognition with an underlying theme of sex, money, genius, and betrayal.

Mr. Mezrich is an author who writes nonfiction books on young, sometimes geeky, geniuses and their road to success, fame, money, and power. A Harvard graduate, Mr. Mezrich is a columnist for *Boston Common* and a contributor to *Flush* magazine. He is most famous for his work *Bringing Down the House: The Inside Story of Six M.I.T. Students Who Took Vegas for Millions*, the best seller that inspired the film *21*. It starred big names like Kevin Spacey, Kate Bosworth, and Laurence Fishburne.

The Accidental Billionaires, adapted from book to movie by *West Wing's* Aaron Sorkin, has been optioned by Sony Pictures, and it is unclear when movie production will begin. His other nonfiction works include: *Rigged: The True Story of an Ivy League Kid Who Changed the World of Oil, from Wall Street to Dubai*, *Busting Vegas: The M.I.T. Whiz Kid Who Brought the Casinos to Their Knees*, and *Ugly Americans: The True Story of the Ivy League Cowboys Who*

Raided the Asian Markets for Millions. His novels include: *The Carrier*, *The Skeptic*, *Fertile Ground*, *The X-Files: Skin*, *Reaper*, and *Threshold*. *Reaper* was made into a TV movie called *Fatal Error*.

In *The Accidental Billionaires*, the parties involved in the lawsuit present legal arguments with the narration bouncing from character to character. Mr. Zuckerberg is portrayed as an unreadable, socially awkward, and interesting person who is committed to his company. With the focus on the relationships between characters, the reader is swept up in the drama of the story and the company's founders desire to pursue girls which distracts from the legal issues at heart.

Mr. Mezrich notes in the opening pages of *The Accidental Billionaires* that Mr. Zuckerberg declined interviews and comments when the author was writing the book. The book is predominantly based off of interviews with Eduardo Saverin, a co-founder and original funder of theFacebook.com. Mr. Mezrich relies heavily on documents from court proceedings, articles from Harvard University's campus newspaper, *Crimson*, together with various other sources, including interviews with people who witnessed theFacebook.com's climb to popularity.

The book starts in October 2003 when Mr. Saverin and Mr. Zuckerberg met at an event at one of the Final Clubs, an elite fraternity-like organization at Harvard University. The story progresses chronologically telling about Mr. Zuckerberg's pre-Facebook projects called Course Match and Facemash.com. Course Match was a website where students could look at what classes their peers had registered for. Facemash.com was a short-lived website where students could rate the attractiveness of their peers, and compare them to farm animals, which was based off a similar website called HotOrNot.com. Mr. Zuckerberg's Facemash.com landed him on academic probation because he hacked onto private school databases, violating privacy, to upload pictures of students in the school for his website. Mr. Mezrich portrays Mr. Zuckerberg's

perspective as, "if the information was getable, didn't Mark [Zuckerberg] have the right to get it?"[1] and "information is meant to be shared."[2] Mr. Zuckerberg argues that his hack alerted the university to flaws in its security system and he offered to help fix the system.

Simultaneously, Cameron Winklevoss, Tyler Winklevoss, and Divya Narendra attempted to enlist Mr. Zuckerberg to program their social networking site, Harvard Connection. Harvard Connection, later developed into ConnectU, is "an online meeting place where Harvard guys and girls could find each other, share information, [and] connect. That the site would have two sections, one for dating, and one for connecting."[3] The Winklevoss twins and Mr. Narendra did not offer any monetary payment to Mr. Zuckerberg for the computer programming. His reward was rehabilitation of his image after bad publicity from the Facemash.com incident. In the end, while Mr. Zuckerberg looked at the programming code, he never did any programming for ConnectU.

On February 4, 2004, Mr. Zuckerberg launched theFacebook.com that he created and coded in a matter of days. To sustain theFacebook.com, Mr. Zuckerberg gets funding capital from Mr. Saverin and agrees to split the company 70% for Mr. Zuckerberg and 30% for Mr. Saverin. TheFacebook.com is distinguished from its predecessors Match.com and Friendster.com because it is not a dating website. Rather, it is a social networking site that operates exclusively within a college campuses for the purpose of connecting students with peers they already know. Mr. Mezrich emphasizes that theFacebook.com is not the first of its kind. Aaron Greenspan had created houseSYSTEM, a social network that required Harvard e-mails

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[1] BEN MEZRICH, THE ACCIDENTAL BILLIONAIRES: THE FOUNDING OF FACEBOOK, 45 (Doubleday, Random House, Inc) (2009). .

[2] MEZRICH, *supra* note 1, at 53.

[3] MEZRICH, *supra* note 1, at 73.

and IDs as passwords. Similarly, Victor Grossman created Universal House Facebook, which was a social network that lacked pictures and profiles that theFacebook.com had.

As the interactive, addictive, and exclusive nature of theFacebook.com spread, the Winklevoss twins and Mr. Narendra claim Mr. Zuckerberg cheated them out of their idea that had been in formation for two years. While theFacebook.com was going viral due to an earlier release and constant changes and improvements, ConnectU was left in the dust. They argue that they had an oral contract with Mr. Zuckerberg and his failure to perform caused a delay in the release of ConnectU. Mr. Mezrich admits that there was "no contract, no paperwork, nothing but a handshake here and there."[4] But, ConnectU founders' claim is that the websites and the overall concepts are too similar.

> "Over the last three months, in breach of our agreement, and to our material detriment in reliance on your misrepresentations, fraud and/or other actionable behavior, for which we assert that damages are payable, you stalled the development of our website, while you were developing your own website in unfair competition with ours, and without our knowledge or agreement. You have also misappropriated our work product, including our ideas, thoughts, concepts, and research."[5]

Mr. Zuckerberg responds by clarifying theFacebook.com is a separate venture and "did not draw on any of the ideas discussed in our meetings."[6]

Mr. Mezrich defends Mr. Zuckerberg with a chair analogy: "it was like one furniture maker trying to sue someone for designing a new kind of chair. There were thousands of different types of chairs, and making one didn't give you the right to own them all."[7] Mr. Mezrich bases Mr. Zuckerberg's defense on the hard fact that there were so many programmers

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[4] MEZRICH, *supra* note 1, at 103.

[5] MEZRICH, *supra* note 1, at 113 (referencing cease-and-desist letter).

[6] MEZRICH, *supra* note 1, at 116.

[7] BEN MEZRICH, THE ACCIDENTAL BILLIONAIRES: THE FOUNDING OF FACEBOOK, 117 (Doubleday, Random House, Inc) (2009).

inventing and launching social networking sites at the same time that to penalize theFacebook.com for being the most successful of those websites is illogical. He states that just because someone came up with the idea does not mean they can sue someone else for implementing the idea. Even so, Facebook had been Mr. Zuckerberg's idea and he had written the code, put in the hours, launched the site, postponed college, obtained funding, and labeled it "A Mark Zuckerberg" production on every web page.[8]

Mr. Mezrich creates sympathy for the plaintiffs by presenting an ethical and fairness public policy argument. The legal standing is weakly based on "[i]t isn't fair"[9] that Mr. Zuckerberg may have stolen the idea from them. The Winklevoss twins and Mr. Narendra escalate their claims to the President of the University and to a law suit in state then federal court. The President refuses to entertain academic punishment or any action on the claims. The lawsuit is settled outside of court with a payout of sixty-five million dollars. The issue of whether a person should have the right to innovate compared to when an idea is stolen is answered with a resounding agreement towards the freedom to innovate when Mr. Zuckerberg ultimately comes out on top, as CEO of his own company.

Meanwhile as Facebook.com grows it is relocated to Silicon Valley. Mr. Saverin, who chose to stay on the east coast, is expunged. When meetings were conducted on the West Coast without Mr. Saverin's approval, he became upset and locked Facebook.com's bank account from Mr. Zuckerberg. Bickering between the co-founders ensued and ended with a fall out. Mr. Mezrich fails to mention anything about fiduciary duty and the possible lawsuit Mr. Zuckerberg could have against Mr. Saverin for freezing financial accounts of the corporation. Instead, the

[8] MEZRICH, *supra* note 1, at 240.
[9] MEZRICH, *supra* note 1, at 105.

reader is entranced with details of partying, venture capitalists, expendable women, and endless hours of programming. In the end, ConnectU, LLC's Winklevoss twins and Mr. Narendra's lawsuit settles out of court and Mr. Saverin's lawsuit is halted when Mr. Saverin is officially acknowledged as one of the original co-founders of theFacebook.com.

Mr. Mezrich lays out the lawsuits against Mr. Zuckerberg and weaves it with racy stories of parties, alcohol, women, beating the system, and power struggles. The dramatic effect of Mr. Mezrich's narrative writing leaves the reader rushing through to get to the end. The reader will not be able to put the book down. His writing style, places complicated concepts into layman terms, which makes it understandable and pleasant for anyone to read. Without an interview or any direct insight from Mr. Zuckerberg, besides his blog posts, the reader is left wondering how much of the drama is embellished. *The Accidental Billionaires* reads like a fiction book, even though it is nonfiction, and would appeal to readers of both genres.