

Title: BCG Stole Patented Technology that Guarantees Authenticity and Provenance of Physical Items (DIAMONDS) via BLOCKCHAIN from a Former BCG Employee. BCG then "developed" the same tech for DeBeers, the Despicable Diamond Cartel that has Pillaged African Countries' Rare Gemstones since 1888.

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Created 2022-04-10 19:12:25 UTC

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TLDR: BCG (allegedly) stole patented technology from an employee, fired him, and published it themselves for DeBeers. DeBeers is the slimy diamond cartel that has been pillaging third world countries for decades. Plaintiff got suplexed by the fuckboi BCG legal team and his suit was thrown out due to failing the "Alice Test". Even though his patent clearly demonstrated a "Useful Improvement of Physical Phenomena".

****SKIP TO MY FIRST EDIT IF YOU DON'T WANT TO READ THE LEGAL JARGON****

Sauce:

<https://cases.justia.com/federal/district-courts/new-york/nysdce/1:2020cv02285/534347/58/0.pdf?ts=1648837917>

<https://preview.redd.it/76zqp7vzk7s81.png?width=700&format=png&auto=webp&s=538e149f9097ef84263bfb0818cba079a9e278d5>

****Rady v. Boston Consulting Group, LLC et al****

****FACTUAL BACKGROUND****

The following facts are taken from allegations contained in the Second Amended

Complaint and are presumed true.

Mr. Rady underwent a Masters/Ph.D. program at Kings College at the University of

London in August 2010, researching primarily “physical optical properties, photonics,

spectroscopy, and statistical modeling and analysis for predictive rendering.” Second Amended

Complaint (“SAC”) ¶ 6, ECF No. 30. Mr. Rady claims that he “incidentally” developed a method

to ***“Technology .”*** Id. ¶ 7. ***This method involves “3D spatial mapping and spectral***

analysis to determine each individual identification signature,” recording these signatures into

a blockchain, which “allows users to guarantee the authenticity and provenance of each item’s

location and source throughout the supply chain, even where significant modifications are

made to that item.” Id. Mr. Rady claims that his method and system will quickly authenticate the

provinces of gemstones “without the need to confirm with central authority no matter how many

times the gemstone is cut, polished, or otherwise modified.” Id. ¶ 8. Mr. Rady’s technology has been claimed in United States Patent No. 10,469,250 (“250 patent”), but he maintains that other aspects of the technology are kept in his confidence as trade secrets. Id. ¶ 9

In June 2016, Mr. Rady was employed by BCG, working on projects unrelated to identifying counterfeit gemstones. Id. ¶ 10. Mr. Rady claims that in 2017, BCG began work with De Beers “to develop a method to identify and insure the provenance of gemstones,” but could not develop a solution until contacting Mr. Rady. Id. ¶ 11. Mr. Rady then disclosed to BCG technology and alleged trade secrets included in his then-unpublished patent application. Id. ¶ 13. BCG agreed that the information he provided would be held in strict confidence and they would not use the information without his consent. Id.

BCG then publicized TRACR, its gemstone provenance and authentication method
developed for De Beers. Id. ¶ 14. Mr. Rady claims that this method was “substantially similar to
the detailed method disclosed to BCG by Mr. Rady.” Id. Mr. Rady alleges that BCG did not
compensate him for the use of his technology and terminated his employment. Id. ¶ 15.

****I. Plaintiff’s Patent Claims Fail Under the Alice Test****

The Federal Circuit has asserted that “whether a claim is drawn to patent-eligible subject matter under [35 U.S.C.] § 101 is a threshold inquiry.” In re Bliski, 545 F.3d 943, 950 (Fed. Cir. 2000), aff’d sub. nom. Biliski v. Kappos, 561 U.S. 593 (2010). 35 U.S.C § 101 defines patentable inventions as “any new and useful process, machine, manufacture, or composition of matter, or ***any new and useful improvement thereof***.” 35 U.S.C § 101. ***“The laws of nature, physical***
phenomena, and abstract ideas have been held not patentable.” Diamond v. Chakrabarty, 447 U.S.
303, 309 (1980).

****CONCLUSION****

Accordingly, Defendants’ motions are GRANTED and Plaintiff’s infringement claim (Count I) is DISMISSED. The Clerk of Court is respectfully directed to terminate the motions at

ECF Nos. 37 and 40. The parties shall file a joint status letter no later than 14 days from the date of this decision.

EDIT 1: Found this article which is an easier read, plus some added color, than the legal documents - <https://www.spglobal.com/marketintelligence/en/news-insights/latest-news-headlines/software-developer-accuses-de-beers-boston-consulting-group-of-ip-infringement-59088564>

Software developer accuses De Beers, Boston Consulting Group of IP infringement

Diamond miner De Beers SA and management consulting firm The Boston Consulting Group Inc., or BCG, are being sued in U.S. federal court on allegations of intellectual property infringement and the misappropriation of trade secrets in their development of a gem authentication and tracing platform unveiled in 2018.

A former BCG software developer, Max Rady, filed a lawsuit in March in the U.S. District Court for the Southern District of New York claiming the Anglo American PLC subsidiary and BCG improperly incorporated the developer's personal research in creating TRACR, a blockchain-powered diamond traceability platform. De Beers worked with BCG to develop the program, part of an effort to mitigate sourcing of diamonds from conflict zones and to track potentially fake gems.

According to a May 20 court filing, Rady had privately developed a system for tracking the provenance of gemstones using blockchain technology and filed for a U.S. patent on this method in December 2017, which was granted two years later. However, after learning of Rady's work in "early 2018" while he was employed at the firm for other purposes, certain BCG executives overseeing work on the project for De Beers contacted him and suggested that they could implement the invention in the final product, according to the filing. Rady claims that he then shared details about his technology "in strict confidence."

Months after Rady disclosed the information to the BCG executives, the company "publicized its gemstone provenance and authentication method developed for De Beers, which became known as TRACR," the filing stated. "This method was substantially similar to the detailed method disclosed to BCG by Mr. Rady and its use and disclosure was contrary to BCG's agreement not to use or disclose without Mr. Rady's consent."

De Beers spokesperson David Johnson said in an email that the company denies the allegations and "will be defending this claim." A representative for BCG declined to comment on Rady's time at the firm or the allegations referenced in the lawsuit.

Legal experts told S&P; Global Market Intelligence that the case is complicated and they expect both companies to aggressively fight Rady's claims. But, if successful, the lawsuit could leave the companies vulnerable to substantial financial exposure. "What this means in the end is, if [TRACR] is a process that's valuable, a large financial exposure for De Beers," said Dmitry Karshtedt, an associate professor of law at George Washington University.

Intellectual property cases are complex and expensive undertakings, attorney Nicole Galli said in a June 17 interview. Galli said the complaint filed by Rady's attorneys was "thoroughly prepared," and there is "obviously a lot of history" between Rady and BCG leading up to the legal proceeding. Galli expects the companies to push back as hard as they can.

"Given the value at issue here and given the size and scope of the defendants, I am sure they are going to put up as many road blocks as they can think of," Galli said. "I would expect it to be hard fought."