

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Jeffery Battle,
Battle Enterprises, LLC
(Plaintiff)

-Vs-

Microsoft Corporation
(Defendant)

Complaint for a Civil Case

Case No. **JRR 23CV1822**

Jury Trial: Yes No

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USDC - GREENBELT
'23 JUL 7 PM 12:32

The Parties to This Complaint A. The Plaintiff (Individual).

8314 Pigeon Fork Ln
Laurel, Maryland, 20724
(301) 613-6104
jefbttl@hotmail.com

The Parties to This Complaint B. The defendant (Organization).

1 Microsoft Way
Redmond, Washington, 98052
(425) 882-8080
buscond@microsoft.com, daniel@bing.com

The Microsoft Corporation is a company with enormous power and reach. However, it is alleged that their actions to harm Plaintiff, Jeffery Battle, are libel for defamation and are negligent, egregious, and intentionally malicious. They intentionally harmed an average citizen which is horribly wrong and a betrayal of the public's trust, by deploring so-called and questionable, artificial intelligence computer search results (Microsoft Bing and Bing Chat), without valid security and personal assurances.

Microsoft through its search engine, Bing and Bing Chat, has engaged in the act of internet libel (Cyber-libel) by defaming Mr. Battle and propagating false information about Mr. Battle that could have a substantial impact on his livelihood long-term. For context, Mr. Battle is an author, professor, journalist, President, and Chief Executive Officer of his company, Battle Enterprises, LLC, and subsidiary, The Aerospace Professor Company, and an honorably discharged U.S. Air Force veteran, who is in the process of promoting his new autobiography entitled, "The Aerospace Professor: The Man and The Brand", and his company named "The Aerospace Professor Company" and its service offerings and E-Commerce product website.

From May 2023 until the present, Microsoft, through their search engine Bing and Bing Chat, has generated false statements conflating Mr. Battle with a person of a similar name, Jeffrey Leon Battle, who is a convicted terrorist, to the professional and personal detriment of Mr. Battle and his family. Please note that the distinction between Plaintiff, Mr. Battle, and Jeffrey Leon Battle, is in the spelling of their first name and Mr. Battle, has no middle name.

Specifically, when someone uses Bing to search Plaintiff, Mr. Battle's name "Jeffery Battle", the search engine generates a small blurb at the top of the search results which states:

Jeffery Battle, also known as The Aerospace Professor, is the President and CEO of Battle Enterprises, LLC and its subsidiary The Aerospace Professor Company. He is an honorable discharged U.S. Air Force veteran and has been appointed as an Adjunct Professor for Embry-Riddle Aeronautical University. Battle has a Master of Business Administration in Aviation degree and two Bachelor of Science degrees. *However, Battle was sentenced to eighteen years in prison after pleading guilty to seditious conspiracy and levying war against the United States. He had two years added to his sentence for refusing to testify before a grand jury.*

This blurb falsely and detrimentally states that Mr. Battle was sentenced to prison for seditious conspiracy and levying war against the United States and links to a Wikipedia page for Jeffrey Leon Battle, not Jeffery Battle. These false statements are reporting, **“This summary was generated using AI based on multiple online sources. To view the original source information, use the "Learn more" links.”** The false information has changed over time and now hides the terrorist’s reference information from Wikipedia upon the initial search, only showing Mr. Battle’s sourced information, and now includes Mr. Battle’s company intellectual property, The Aerospace Professor’s logo.

Terrorists are generally considered by many in the American public and globally, as individuals who are targeted for harm by civilians and law professionals. The false information, which is directly attributed to Mr. Battle through Bing, has, and will continue, to severely damage Mr. Battle’s professional and personal reputation and could lead to threats of violence against him and his family. During the time that Mr. Battle has been dealing with this false attribution of facts to his name, he is attempting to promote his autobiography and aerospace company, and Ecommerce. In light of these false statements, Mr. Battle has ceased marketing and business sales activities related to his new book, his aerospace company, and Ecommerce, to his own financial and professional detriment.

Mr. Battle attempted to go through the appropriate measures and processes to communicate with Microsoft. For example, Mr. Battle has made numerous attempts to get Microsoft using the “Report A Concern to Microsoft BING” option and by engaging in email exchanges with the Bing Team to modify these search results to communicate accurate information about his background and to remove the information attributable to Jeffrey Leon Battle. For convenience, Mr. Battle provided the case Management number, SIR14721209, which Mr. Battle received for these communications. At times the damaging search results were removed from Bing; stating “The URL in question is no longer visible on Bing. If you continue to see the URL appearing on Bing, **please provide a screenshot of the search results page** or provide the URL in question for further investigation. Dated June 2, 2023” However, shortly thereafter, within moments on the same days, they would be re-posted using different URLs or in different locations attached to Mr. Battle’s autobiography and company marketing materials, his journalist material on “Muck Rack” or his EIN Press Releases, therefore, also harassing him as a journalist. However, other defaming information that is attached to his marketing materials and press releases, does not state that its artificial intelligence (AI) generated.

Despite Mr. Battle’s many efforts to go through Microsoft’s processes and resolve this matter, following the instructions of Microsoft Bing, and submitting the same complaints several times through “Report A Concern to Microsoft BING” as of the date of this complaint, the search results have remained the same. Microsoft responded, **“Hi, Thank you for contacting Bing regarding concerns with content appearing in Bing search results. We have reviewed your request and have forwarded it along to the appropriate content moderation team for processing. Thank you, Bing Team. Dated June 6, 2023.”**

In addition, when the question is asked using Microsoft Bing's artificial intelligence "Bing Chat;" "Are Jeffery Battle and Jeffrey Battle the same person?" different answers appear. The first answer stated "No" while defining the differences between the two individuals' spellings of their first names and backgrounds, then at a later date when asked the exact same question, the artificial intelligence is now falsely stating "Yes" while omitting Mr. Battle's profile information as stated in this document and only including the information of the terrorist as if they were the same person. The false defamation response would also have other and different language responses.

Note, "AI can be manipulated by others, in fact, data manipulation is a significant concern in AI development and deployment" (SmartGuy, 2023). The changes in question responses are possibly due to Data Poisoning. "**Data Poisoning is the practice of introducing malicious or misleading data into a dataset to influence the performance of an AI model.** This can be done by intentionally introducing errors or biases into the data, or by manipulating the distribution of the data. Therefore, it's essential to implement strong security and privacy measures to protect AI data from manipulation" (SmartGuy, 2023). The manipulated AI-generated information made it appear that Plaintiff, Jeffery Battle, was also a terrorist by changing the responses and answering "Yes" to the same question that was asked previously with a response of "No".

Also, Microsoft is harassing Mr. Battle by now publishing his personal information on their search engine in ways that they did not previously, harassing Mr. Battle and his family.

As such, Plaintiff hereby demands that Microsoft **immediately cease and desist** from defaming and harassing Mr. Battle, remove all references to Mr. Battle which conflate his identity with convicted terrorist Jeffrey Leon Battle, and modify the blurb and Chat description depicted in this complaint to accurately describe Mr. Battle. In Addition, we hereby demand that Microsoft remove Mr. Battle's personal information from Bing searches.

On June 23, 2023, Gouchev Law attorney, Jared Steiner, submitted an immediate **cease and desist** letter to Microsoft, entitled, "Legal Notice – Confidential, VIA CERTIFIED MAIL RRR AND ELECTRONIC TRANSMISSION" with an attachment entitled "Exhibit A" (GL 6-26-23).pdf, on behalf of Mr. Battle, with a response due date of **July 3, 2023**. However, no response from Microsoft was returned to Gouchev Law, by email or to the physical office address.

Because Microsoft did not respond or comply with the cease-and-desist demand, Mr. Battle is pursuing a court order for cease-and-desist, injunctive relief, monetary damages, other equitable relief, and attorney fees.

Harm:

1. Microsoft is libel, negligent, and has made false and malicious statements accusing Plaintiff of committing a crime and corrupt acts, and has tarnished his reputation and image by making him appear untrustworthy and incompetent.
2. Defamation information can persist on the internet for a very long time, worldwide, even long after the incident has passed, affecting Plaintiff's ability to rebuild his reputation.
3. Due to the false and malicious statements of Microsoft, Plaintiff has halted current marketing and business sales activities. Microsoft's BING's false reporting is especially harmful now and is

inflicting marketing and sale damage during an international book launch of Mr. Battle's autobiography and the promotion of his business "The Aerospace Professor Company" and Ecommerce. There are current and projected future business revenue losses due to defamation.

4. The Plaintiff is now at risk of being falsely detained, within the United States, or while traveling overseas, in perpetuity, due to the false reporting of him as a terrorist by Microsoft.
5. Mr. Battle is now at risk of other malicious actors, in perpetuity, that may have downloaded the false and malicious information, and are seeking to harm him, his family, or his business interests.
6. Microsoft's false and malicious reporting has damaged the reputation of Plaintiff, in perpetuity, as an author, President, and Chief Executive Officer (CEO), journalist, business owner, professor, and honorably discharged veteran.
7. During the time of Microsoft's false and malicious reporting of the Plaintiff as an American Terrorist, The White House's Office of the National Cyber Director, was viewing the Plaintiff's social media profile, indicating a possible encouragement or triggering of an investigation of the Plaintiff as an American terrorist, due to the defaming internet reporting by Microsoft. Plaintiff is a former federal Contracting Officer (CO) and has knowledge that Microsoft has many high-valued relationships and contracts for services throughout the federal government.
8. The Plaintiff and his family are not safe in their home, or anywhere else, because of Microsoft BING's malicious publishing of personal information. He now needs to relocate.
9. The Plaintiff is now hindered in obtaining or maintaining employment, consulting, or obtaining federal business contracts due to defamation and false information that can linger in perpetuity. Plaintiff's business is officially registered, for federal contracting purposes, as a Service-Disabled Veteran Owned Small Business (SDVOSB).
10. Microsoft has harmed Plaintiff's business and autobiography by defaming his U.S. Patent and Trademark Office (USPTO) registered intellectual property and business (logo) "The Aerospace Professor - Battle Enterprises."
11. Microsoft has engaged in intentional libel, harassment, and serious crime due to the defendant's conduct, having been especially reckless and intentional.
12. Microsoft's intentional defamation of Plaintiff as a journalist.
13. Microsoft has engaged in harassment and discrimination by intentionally harming and defaming Plaintiff due to his race. Mr. Battle's press releases and autobiography identifies him as an African American male, and Microsoft associated him with a convicted terrorist, who is also an African American male and has photographs readily available on Microsoft Bing searches.
14. Microsoft has suppressed Bings' search engine results for The Aerospace Professor autobiography and The Aerospace Professor, where in the United States and international stores

that the autobiography is for sale, largely no longer appear in the search results, therefore, suppressing marketing and sales.

15. Plaintiff has reasons to believe that Microsoft is now monitoring his personal email on Microsoft Outlook, seeking ways to further harm him or cause damage during the courts' hearing, and discovery processes.

Relief:

- A. Mr. Jeffery Battle, the Plaintiff, is seeking \$25 million dollars in actual damages for the injuries and losses suffered. These damages include loss of personal and professional reputation, loss of current and future business income by stopping and impeding the marketing and sales of "The Aerospace Professor: The Man and The Brand autobiography and the launch of The Aerospace Professor Company as a Service-Disabled Veteran Owned Small Business (SDVOSB), losses of E-commerce products sales business, harm to his U.S. Patent and Trademark Office (USPTO) registered intellectual property and business (logo) "The Aerospace Professor - Battle Enterprises," and he has suffered shame, embarrassment, and mental anguish. Due to the actions of Microsoft, Plaintiff is now hindered in obtaining and maintaining employment, business consulting opportunities, obtaining federal contracts for business, harm to Plaintiff as a professor, honorably discharged veteran, President and CEO, business owner, tarnished his reputation and image by making him appear untrustworthy and incompetent, harm to his and his family's personal safety, Plaintiff is at risk of being falsely detained as a terrorist in perpetuity, he is now at risk of other malicious actors in perpetuity, and other harm and losses as stated under "Harm."
- B. The Plaintiff is requesting the award of punitive damages as deemed appropriate by the court, due to the defendant's conduct having been especially reckless, intentionally malicious, discriminatory, and negligent.
- C. The Plaintiff requests that all attorney and legal fees associated with this complaint be paid by Microsoft.
- D. The Plaintiff is requesting that Microsoft respond with a remedy that will ensure that the damaging activities will cease and desist and that the false information will be immediately and permanently removed from Microsoft BING search results in perpetuity.
- E. The Plaintiff is requesting that Microsoft respond with an assurance that will remedy and pay the legal cost, in advance, for the removal of damaging information that may resurface on other individuals' websites, social media, company websites, or any other communications, globally, in writing, voice, disability support mediums, languages, or any other communications formats in perpetuity, and within 48 hours of Plaintiff's discovery.
- F. The Plaintiff is requesting that Microsoft respond with assurances that they will pay all expenses, within 8 hours, if Plaintiff is detained while traveling within the United States or abroad, in perpetuity, due to their false and malicious reporting of him as a terrorist.

- G. The Plaintiff is requesting that Microsoft cease the publishing of his personal information and in ways that they did not previously, prior to defamation and harassment.
- H. Request that Microsoft un-suppress Bings' search engine results for The Aerospace Professor autobiography, and The Aerospace Professor, where in the United States and international stores that the autobiography is for sale, largely no longer appears in the search results, therefore, suppressing marketing and sales.
- I. The Plaintiff is requesting that Microsoft BING's search criteria for Battle Enterprises be changed or edited. The harm is that even though the Plaintiff's first name is spelled differently (Jeffery), and there are nearly 100 others with the same spelling in the search results, the terrorist's information, with a different spelling first name (Jeffrey), comes up prior to the others on Microsoft BING searches.
- J. Plaintiff requests that Microsoft stop monitoring his personal email, jefbttl@hotmail.com, on Microsoft Outlook, and to stop seeking ways to further harm him or cause damage during the courts' hearing, and discovery processes.

Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

For Parties Currently Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of Signing: June 7, 2023
Signature of Plaintiff: Jeffery Battle

Printed Name of Plaintiff: Jeffery Battle

CC: Summons. Forwarded to Microsoft Corporation address by FedEx Next Day Delivery, with signature receipt confirmation, and emailed to buscond@microsoft.com, and daniel@bing.com.

