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Via Email

Dr. Mathias Döpfner
Chairman and CEO
Axel Springer SE

Dr. Konrad Wartenberg
General Counsel
Axel Springer SE

**Re: Business Insider's False and Defamatory Reporting Regarding
Dr. Neri Oxman**

Dear Drs. Döpfner and Wartenberg:

I write on behalf of my client, Dr. Neri Oxman—formerly a tenured member of MIT's faculty and now the CEO of OXMAN, a science, research, architecture, and design firm—regarding the false, defamatory, and highly damaging claims Business Insider published in a series of articles last month, which maliciously branded Dr. Oxman as an intellectual thief and a fraud. The articles are full of untrue and reckless claims, but worst of all, they falsely accuse Dr. Oxman of intentionally plagiarizing—and admitting to that academic misconduct—in her doctoral dissertation and other published works.

These defamatory accusations came as part of an orchestrated hit job intended to destroy Dr. Oxman's reputation for the sole purpose of retaliating against her husband, Bill Ackman, for his outspoken criticism of the presidents of Harvard University, the University of Pennsylvania, and MIT after antisemitism exploded on their campuses in the wake of the terrorist attack against Israel on October 7, and for what he publicly described as other failures of leadership.

Ackman's criticism, particularly of Claudine Gay, the former president of his alma mater, Harvard, did not sit well with *Katherine Long* (an Investigative Reporter at Business Insider), *John Cook* (Business Insider's Executive Editor), and *Henry Blodget* (Business Insider's Founder and Chairman), who have publicly expressed anti-Zionist and purportedly antisemitic views.

In 2021, Long, who was a member of the Pro-Palestinian Coalition at her college, signed an open letter regarding U.S. media coverage of Israel and Palestine that criticized Israel for its supposed "military occupation" of Palestine and alleged "system of apartheid."¹ In 2011, Cook's now-wife

¹ *An open letter on U.S. media coverage of Palestine*, Medium (June 9, 2021), <https://medialetterpalestine.medium.com/an-open-letter-on-u-s-media-coverage-of-palestine-d51cad42022d>.



described him as my “Jew-hating fiancé” who has referred to Israel as “occupiers” and “ethnic national[ists].”² In 2012, Blodget published an article titled “Why Do People Hate Jews?,” and he claimed to be surprised that readers found it antisemitic.³ To retaliate against Ackman for fighting antisemitism and for his public criticism of former Harvard President Gay–Long, Cook, and Blodget aimed where they could hurt Ackman most—at his family.

They strategically crafted a series of events that culminated in Business Insider publishing eight articles falsely accusing Dr. Oxman of having “stole[n],” “lifted,” “recycled,” “cribbed,” and “passed off [as her own]” the work of other scholars. Business Insider knew that those terms were false, inappropriate, and injurious, but nonetheless maliciously used them to describe inconsequential, non-substantive citation errors in Dr. Oxman’s dissertation. Long, Cook, and Blodget repeatedly violated basic tenets of ethical journalism, including by lying to Ackman and Dr. Oxman, failing to give them any realistic time to review and respond to allegations against them, misrepresenting material facts, and purposely harming the subjects of their reporting to serve their political biases. Their journalistic misconduct confirms that they acted with actual malice to injure Ackman and Dr. Oxman by manufacturing and widely publicizing the false and defamatory narrative that Dr. Oxman intentionally plagiarized in her doctoral dissertation and other works.

To plagiarize means “to steal and pass off (the ideas or words of another) as one’s own”; “to commit literary theft.”⁴ Because “plagiarism is sometimes seen as intellectual theft”⁵ that “is a type of fraud or deception,”⁶ accusations of plagiarism are among the most serious accusations that can be leveled against someone in academia—and they are defamatory *per se*. See, e.g., *Van Lengen v. Parr*, 136 A.D.2d 964, 964 (N.Y. App. Div. 1988) (“A publication is defamatory *per se* if it imputes to plaintiff incompetence, incapacity or unfitness in the performance of his trade, occupation or profession.”); *Singh v. Haas*, 2010 WL 1957410, at *5 (E.D. Va. Apr. 28, 2010) (“An accusation of ‘plagiarism [is] perhaps the most serious professional indictment that can be made against an author’ ... [and] would prejudice [plaintiff] in his profession” thus constituting an “actionable statement[] for purposes of [plaintiff’s] libel claim.”).

As confirmed by Business Insider and the common definition of plagiarism, plagiarism requires an intent to steal or defraud. Unintentional citation mistakes and honest errors are not considered plagiarism as the word is commonly understood. ***As MIT itself plainly explains in***

² A. Benedikt, *Life After Zionist Summer Camp*, The Awl (June 14, 2011), <https://www.theawl.com/2011/06/life-after-zionist-summer-camp/>.

³ H. Blodget, *What Are The Sources Of Anti-Semitism?*, Bus. Insider (May 29, 2012), <https://www.businessinsider.com/why-do-people-hate-jews-2012-5>.

⁴ *Plagiarize*, Merriam-Webster.com Dictionary, <https://www.merriam-webster.com/dictionary/plagiarize>; see also *Plagiarism*, Dictionary.com (“an act or instance of using or closely imitating the language and thoughts of another author without authorization and the representation of that author’s work as one’s own, as by not crediting the original author”), <https://www.dictionary.com/browse/plagiarism>.

⁵ MIT, Comparative Media Studies, *Avoiding Plagiarism* (Recognizing that “[a]ccidental plagiarism usually occurs because we do not understand the cultural conventions of academic writing and citation.”), <https://cmsw.mit.edu/writing-and-communication-center/avoiding-plagiarism/>.

⁶ *Id.* (quoting John R. Edlund, “What Is ‘Plagiarism’ and Why Do People Do It?”).



*advising students of its academic standards, plagiarism “does not include honest error.”*⁷ MIT also recognizes that “unintentional” plagiarism is not considered academic misconduct. In other words, honest mistakes happen, but those simple errors do not count as academic misconduct.

Business Insider also knew at the time of publication that under MIT’s own published academic standards, the very same MIT standards that Business Insider cited in its articles, *MIT does not require citation of “common knowledge,”* which includes what may seem like complex concepts to someone unfamiliar with a given field, but which are basic background facts and ideas to practitioners in that field.

Business Insider did not tell its readers that MIT’s policies and procedures expressly recognize that academic misconduct for plagiarism must be “intentional[], knowing[], or reckless[]”⁸ and that MIT requires a finding of intentionality or recklessness “by a Preponderance of the Evidence,” following a fair and thorough administrative process, before concluding someone has committed plagiarism.⁹

Business Insider’s purpose in excluding references in its articles to MIT’s academic misconduct policies and procedures which would have made clear that Dr. Oxman did not commit academic fraud is clear: Including them would have debunked the notion that Dr. Oxman had committed intentional plagiarism and academic fraud, and Business Insider wanted to create the false impression that Dr. Oxman committed intellectual theft. Business Insider knew that Dr. Oxman did not commit plagiarism or academic fraud under MIT’s own policies, yet it published eight false and materially misleading articles damaging Dr. Oxman’s reputation anyway.

To bolster its preconceived narrative, Business Insider cherrypicked from MIT’s academic standards. Business Insider omitted from all eight articles any mention of those MIT policies and procedures that contradict its predetermined storyline that Dr. Oxman was guilty of, and admitted to, intentional plagiarism. These omissions were deliberate and are further evidence of Business Insider’s actual malice. As courts have recognized, “*quot[ing] one part of an article without quoting another part which might tend to qualify or contradict the part quoted*” is evidence of actual malice. *Goldwater v. Ginzburg*, 414 F.2d 324, 336 (2d Cir. 1969); *see also Eramo v. Rolling Stone, LLC*, 209 F. Supp. 3d 862, 872 (W.D. Va. 2016) (“[D]isregard[ing] contradictory evidence” is supportive of actual malice.); *Murray v. Bailey*, 613 F. Supp. 1276, 1285 (N.D. Cal. 1985) (“It would be unjust and nonsensical to allow the defendant to rely on the report for certain purposes and to ignore it for others.”).

Shortly after Business Insider’s first article was published at 2:28 PM on January 4, Dr. Oxman acknowledged in a post on X that, in “*four paragraphs*” of her 330-page dissertation, she did not “place the subject language in quotation marks, which would be the proper approach

⁷ MIT, Office of the Vice President for Research, *Definitions of Research Misconduct*, <https://policies.mit.edu/policies-procedures/100-academic-and-research-misconduct-and-dishonesty/101-procedures-dealing#10.1.2>. Emphasis added unless otherwise noted.

⁸ MIT, Office of the Vice President for Research, *The Review Process*, <https://policies.mit.edu/policies-procedures/100-academic-and-research-misconduct-and-dishonesty/101-procedures-dealing#10.1.4>.

⁹ *Id.*



for crediting work,” and in *one sentence* she paraphrased an author but inadvertently did not cite him.¹⁰ She apologized for these errors. *She did not, however, admit to plagiarism, intentional or otherwise.*

Three hours and 30 minutes later, and without additional outreach to Dr. Oxman, Business Insider published a follow-up article falsely claiming in its inflammatory headline that “*Neri Oxman admits to plagiarizing in her doctoral dissertation after BI report.*”¹¹ (In contrast, Business Insider’s headline in an article about Claudine Gay noted neutrally that there were “concerns about attribution in her work.”)¹²

Business Insider knew when it published this article that its statement was false. Dr. Oxman had not admitted to plagiarism; she admitted only to minor citation errors. Business Insider purposefully mischaracterized Dr. Oxman’s post in the headline creating the false impression that Dr. Oxman had admitted to intellectual theft, which could not have been further from the truth.

By incorrectly describing Dr. Oxman’s post, Business Insider changed its meaning to have a different effect on the minds of readers than Dr. Oxman’s actual post would have produced. Readers who would have understood her to have made simple, honest errors, instead came to believe that she had committed fraud. As a result, the average reader would be less inclined to entertain the notion that Dr. Oxman’s citation errors were unintentional after reading Business Insider’s headline stating that she had admitted to plagiarism. See *Fraser v. Park Newspapers of St. Lawrence Inc.*, 246 A.D.2d 894, 896 (N.Y. App. Div. 1998) (“A report that an individual has been accused of a crime, or of distasteful acts—or even that other people claim to have witnessed such conduct—has an entirely different connotation than one announcing that the accused has in fact admitted, pleaded guilty to or been convicted of engaging in such activity.”).

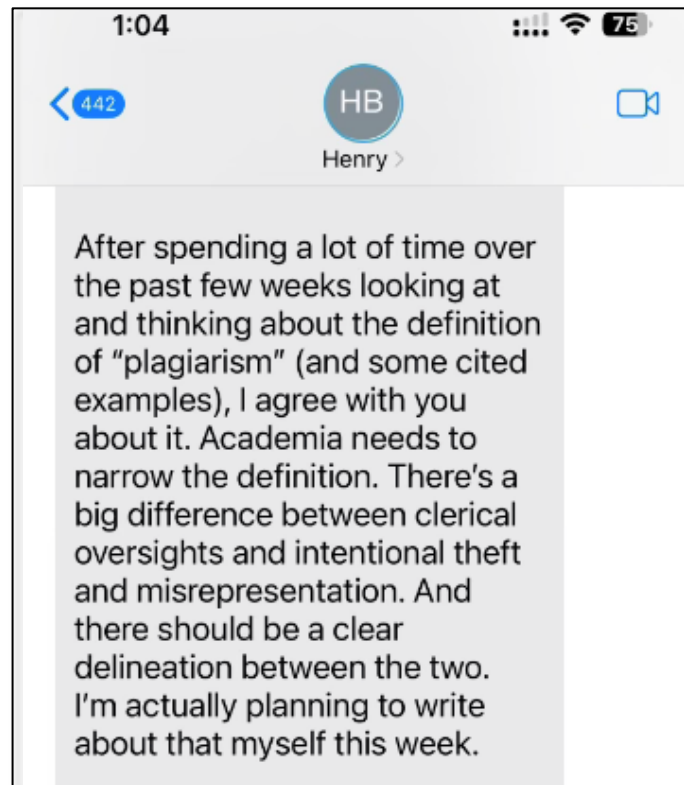
Business Insider purposefully attributed to Dr. Oxman, both expressly and by implication, an intent to steal the words and ideas of others. Business Insider did not acknowledge in *any way* that these purported instances of so-called plagiarism might be what MIT considers “common knowledge,” which MIT says does not need to be cited, or “accidental plagiarism,” which MIT recognizes under a variety of circumstances. Business Insider also privately *admitted* that it understood the critical distinction between inadvertent plagiarism and plagiarism that amounts to academic fraud. Henry Blodget shared with Ackman in a text that “[t]here’s a big difference between clerical oversights and intentional theft and misrepresentation”:¹³

¹⁰ Neri Oxman (@NeriOxman), X (Jan. 4, 2024), <https://twitter.com/NeriOxman/status/1742993073078947843>.

¹¹ K. Long, *Neri Oxman admits to plagiarizing in her doctoral dissertation after BI report*, Bus. Insider (Jan. 4, 2024), <https://www.businessinsider.com/neri-oxman-admits-plagiarism-business-insider-article-apology-2024-1>.

¹² G. Kay, *Harvard’s president looked like she was in the clear – but there are new concerns about attribution in her work*, Bus. Insider (Dec. 21, 2023), <https://www.businessinsider.com/harvard-president-plagiarism-concerns-attribution-antisemitism-claudine-gay-university-2023-12>.

¹³ Text message exchange between B. Ackman and H. Blodget (Jan. 7, 2024).



Business Insider did not (and cannot) point to anything in Dr. Oxman’s dissertation (or anywhere else) demonstrating that Dr. Oxman had an intent to steal because *she did not do so*. In fact, the instances of so-called plagiarism Business Insider identified *refute* the notion that Dr. Oxman had such an intent.

We are providing you this demand to explain why immediate retractions and corrections are necessary, supported by undisputed facts and a timeline over the last two months, in a final attempt to avoid litigation.

I. Business Insider Falsely Accused Dr. Oxman Of Intellectual Theft And Fraud By Claiming That Dr. Oxman “Stole,” “Lifted,” “Recycled,” And “Cribbed” Passages, And “Passed Off Writing From Other Sources As Her Own.”

“Accuracy is at the core of what [journalists] do.”¹⁴ As such, they must “[t]ake special care not to misrepresent or oversimplify”¹⁵ a story and “do [their] best to ensure that everything [they] report faithfully depicts reality—from the tiniest detail to the big-picture context that helps put the news into perspective.”¹⁶ Rather than seeking to report accurately on the instances of so-called plagiarism Business Insider purportedly identified in Dr. Oxman’s dissertation and other works,

¹⁴ NPR, *Ethics Handbook: Accuracy*, <https://www.npr.org/templates/story/story.php?storyId=688139552>.

¹⁵ Soc’y of Pro. Journalists, *SPJ Code of Ethics* (Sept. 6, 2014), <https://www.spj.org/ethicscode.asp>.

¹⁶ NPR, *Ethics Handbook: Accuracy*, <https://www.npr.org/templates/story/story.php?storyId=688139552>.



Business Insider purposefully cast what were little more than descriptions of information that fall soundly within MIT’s definition of “common knowledge,” or were (at most) “accidental plagiarism” (i.e., minor, inadvertent citation errors as MIT itself recognizes) as intentional plagiarism (i.e., intellectual theft and fraud as MIT likewise recognizes).

To plagiarize means “to steal and pass off (the ideas or words of another) as one’s own”; “to commit literary theft.”¹⁷ Merriam-Webster’s definition of plagiarism is the same as Business Insider’s *own source*, quoted in its attack on Dr. Oxman, who explained that plagiarism is the “[t]aking over the ideas, methods, or written words of another, without acknowledgment and *with the intention that they be taken as the work of the deceiver.*”¹⁸ *As confirmed by Business Insider, plagiarism requires an intent to steal or defraud.*

Unintentional citation mistakes and honest errors are not considered plagiarism as the word is commonly understood. Most importantly—as Business Insider knew at the time of publication—MIT’s own published academic standards recognize that, if plagiarism is “unintentional,” it is not considered academic misconduct. As MIT itself explains in its academic standards, plagiarism “*does not include honest error.*”¹⁹

Furthermore, according to MIT’s academic standards, inclusion of unattributed content that is common knowledge—even sophisticated concepts that are not understood by the general public but that are understood by a MIT Ph.D.-educated audience—is *not* plagiarism.²⁰ Neither is paraphrasing, nor is summarizing information that is common knowledge of the intended audience for one’s work.²¹

MIT’s policies also make clear that the use of another’s academic writings without quotation or citation can be the result of “inadverten[ce],” “mistakes,” “bad note-taking practices,” or “not because [an individual] is trying to cheat.” In other words, according to MIT, plagiarism can be “either accidental or intentional.”²² At MIT, to find a scholar guilty of plagiarism, a devastating academic finding of fraud, an administrative panel must come to a determination that a scholar

¹⁷ *Plagiarize*, Merriam-Webster.com Dictionary, <https://www.merriam-webster.com/dictionary/plagiarize>; see also *Plagiarism*, Dictionary.com (“an act or instance of using or closely imitating the language and thoughts of another author without authorization and the representation of that author’s work as one’s own, as by not crediting the original author”), <https://www.dictionary.com/browse/plagiarism>.

¹⁸ K. Long & J. Newsham, *Bill Ackman’s celebrity academic wife Neri Oxman’s dissertation is marred by plagiarism* (citing Miguel Roig, *Avoiding Plagiarism, self-plagiarism, and other questionable writing practices* at 3 (2015), <https://ori.hhs.gov/sites/default/files/plagiarism.pdf>).

¹⁹ MIT, Office of the Vice President for Research, *Definitions of Research Misconduct*, <https://policies.mit.edu/policies-procedures/100-academic-and-research-misconduct-and-dishonesty/101-procedures-dealing#10.1.2>.

²⁰ MIT, *Academic Integrity at MIT: A Handbook for Students*, “What is Common Knowledge?,” <https://integrity.mit.edu/handbook/citing-your-sources/what-common-knowledge#:~:text=Broadly%20speaking%2C%20common%20knowledge%20refers,having%20to%20look%20it%20up.>

²¹ MIT, *Academic Integrity at MIT: A Handbook for Students*, “Avoiding Plagiarism - Paraphrasing,” <https://integrity.mit.edu/handbook/academic-writing/avoiding-plagiarism-paraphrasing>.

²² MIT, Comparative Media Studies, *Avoiding Plagiarism* (recognizing that “[a]ccidental plagiarism usually occurs because we do not understand the cultural conventions of academic writing and citation”), <https://cmsw.mit.edu/writing-and-communication-center/avoiding-plagiarism/>.



intentionally plagiarized only after an intensive, multi-stage inquiry and investigation during a typically multi-month, rigorous administrative proceeding.

Business Insider knew before it went to print that the citation issues it had identified in Dr. Oxman's dissertation and other papers did not meet MIT's standards for intentional plagiarism, academic fraud, or misconduct. It had thoroughly reviewed and cited *Academic Integrity at MIT: A Handbook for Students* (hereinafter "MIT's Academic Integrity Handbook") and MIT's "academic-integrity code," yet it nevertheless published eight articles claiming that Dr. Oxman committed intentional acts of plagiarism. It omitted from each and every one of its articles any citation to or quotation of those portions of the MIT Academic Integrity Handbook, MIT's Policies and Procedures on Research Misconduct, and guidance from MIT's Writing and Communication Center reflecting that MIT itself recognizes "common knowledge," "honest error," "inadvertence," and "accidental plagiarism."

Instead, to cause maximum damage to Ackman—and by consequence to Dr. Oxman—Business Insider unequivocally accused Dr. Oxman of intentional theft of others' words and ideas. Business Insider also claimed that Dr. Oxman admitted to plagiarism when she simply acknowledged that she had made a handful of clerical errors.

Business Insider also claimed that Dr. Oxman and Ackman did not dispute any of the facts in any of its articles about these allegations, which could not have been further from the truth in light of Ackman's public and private statements in which he identified numerous errors and inaccuracies in the articles in posts on X, formerly known as Twitter, which he repeated in conversations and texts with members of the boards of Business Insider and Axel Springer, including Axel Springer's CEO, Mathias Döpfner, and Business Insider's Chairman and Founder, Henry Blodget.

For example, in its January 5 article, Business Insider wrote that "Oxman, a former MIT professor and celebrity within the world of academia, *stole* sentences and whole paragraphs from Wikipedia, other scholars, and technical documents in her academic writing, Business Insider has found."²³ In four of its articles, Business Insider falsely accused Dr. Oxman of "*lifting*" text from others' work—the common definition of which is "an act of stealing: THEFT"²⁴—as well as "*recycl[ing] phras[es]*"²⁵ and "*cribbing*" from sources.²⁶ Business Insider accused Dr. Oxman of actively "*pass[ing] off writing from other sources as her own.*"²⁷

²³ K. Long, et al., *Academic celebrity Neri Oxman plagiarized from Wikipedia, scholars, a textbook, and other sources without any attribution*, Bus. Insider (Jan. 5, 2024), <https://www.businessinsider.com/neri-oxman-plagiarize-wikipedia-mit-dissertation-2024-1>.

²⁴ *Lift*, Merriam-Webster.com Dictionary, <https://www.merriam-webster.com/dictionary/lift>.

²⁵ K. Long & J. Newsham, *Bill Ackman's celebrity academic wife Neri Oxman's dissertation is marred by plagiarism* ("[R]e-using [your own] material isn't a formal violation of MIT's *academic-integrity code* ...").

²⁶ K. Long, et al., *Academic celebrity Neri Oxman plagiarized from Wikipedia, scholars, a textbook, and other sources without any attribution* ("Oxman's cribbing from the 'Weaving' article was one of 15 examples that BI found Oxman plagiarizing from a Wikipedia article in her dissertation.").

²⁷ *Id.*



Business Insider also proclaimed that it had determined Dr. Oxman’s subjective intent in purportedly not citing Wikipedia: “It’s not surprising that Oxman wouldn’t credit Wikipedia in her doctoral dissertation: While Wikipedia is generally accurate, anyone can edit it, so teachers regularly tell their students that they should not cite the website as an authority.”²⁸ As set forth more fully below, this “finding” is demonstrably false because Dr. Oxman did, in fact, cite Wikipedia repeatedly in her dissertation when it was appropriate to do so. Business Insider had no basis whatsoever to attribute any malintent to Dr. Oxman, but it nonetheless did so recklessly, and without regard to the truth.

a. **Business Insider Falsely Accused Dr. Oxman Of Intellectual Theft And Fraud—Both Expressly And By Implication—By Intentionally Omitting That MIT Does Not Require Citation For Information That Is Common Knowledge.**

MIT’s policies—at the time Dr. Oxman wrote her dissertation and now—do not require citation for content that is considered common knowledge. “[C]ommon knowledge,” as defined by MIT, is not just what any ordinary person—for example, an ordinary Business Insider reader—would know or understand. Rather, under MIT’s academic standards, common knowledge expressly includes “knowledge shared by members of a certain field.”²⁹ The example MIT uses in its Academic Integrity Handbook illustrates the point: MIT-trained academics need not provide citation for “the fact that the necessary condition for diffraction of radiation of wavelength from a crystalline solid is given by Bragg’s law.”³⁰

MIT Academic Integrity Handbook, P. 7

What is Common Knowledge?

You may have heard people say that you do not have to cite your source when the information you include is “common knowledge.” But what is common knowledge?

Broadly speaking, common knowledge refers to **information that the average, educated reader would accept as reliable without having to look it up.**

This includes:

- Information that most people know**, such as that water freezes at 32 degrees Fahrenheit or that Barack Obama was the first American of mixed race to be elected president.
- Information shared by a cultural or national group**, such as the names of famous heroes or events in the nation’s history that are remembered and celebrated.
- Knowledge shared by members of a certain field**, such as the fact that the necessary condition for diffraction of radiation of wavelength from a crystalline solid is given by Bragg’s law.

However, what may be common knowledge in one culture, nation, academic discipline or peer group may not be common knowledge in another.

²⁸ *Id.*

²⁹ MIT, *Academic Integrity at MIT: A Handbook for Students* at 7, “What is Common Knowledge?,” <https://integrity.mit.edu/sites/default/files/images/AcademicIntegrityHandbook2020-color.pdf>.

³⁰ *Id.*



Although an ordinary person does not know what Bragg's law is, a description of Bragg's law in an MIT-paper drafted for an MIT-audience need not be cited under MIT's own rules.

The substantial majority of the alleged instances of so-called plagiarism in Dr. Oxman's dissertation that Business Insider identified included words, terms, and other information that did not need or require citation. They were basic definitions and descriptions—principally from Wikipedia and also from hardware, software, and other technical manuals, such as the Rhino 2.0 Command Reference and the Rhino User's Guide—that are widely understood by practitioners in Dr. Oxman's field.

For example, Business Insider alleged that Dr. Oxman plagiarized the term "Computer-Aided Design." Computer-Aided Design is a basic concept in Dr. Oxman's academic discipline, and therefore, under MIT's plagiarism guidelines, it does not require citation.

Business Insider also raised concerns about citations for items that Dr. Oxman did properly cite. In a paragraph in Dr. Oxman's dissertation discussing how physical pain can be a constraint on design, Business Insider complained that Dr. Oxman plagiarized the footnote citation she included for "pain." After placing quotation marks around the definition of pain, Dr. Oxman included a mid-sentence footnote citing the original source of that definition. Dr. Oxman explained in her footnote citation that the quoted definition of pain was "often quoted," "was first formulated by an IASP Subcommittee on Taxonomy: Bonica, JJ (1979). Pain 6 (3): 247252. ISSN 0304-3959.PMID 460931," and was "derived from Harold Merskey's 1964 definition ... Merskey, H (1964). *An Investigation of pain in psychological illness, DM Thesis*. Oxford University."³¹

Business Insider identified the above sentence and footnote as an instance of alleged plagiarism in a January 5 email it sent requesting comment prior to publication of one of its articles; however, it remains unclear what Business Insider found problematic with this definition, as Dr. Oxman clearly cited the definition she included in her dissertation.

Other terms that Business Insider falsely alleged that Dr. Oxman plagiarized, but are common knowledge in her field not requiring citation under MIT's standards include all of the Wikipedia definitions Dr. Oxman used in her dissertation including: "tessellation," "principle of minimum energy," "weaving," "Non-Uniform Rational B-Splines," "constitutive equations," "computer graphics," "raster graphics," "translational symmetry," "reflective symmetry," "heat flux," "tensor," and "manifolds."³²

Moreover, nearly all the alleged instances of Dr. Oxman's so-called plagiarism were in the background section of her dissertation or in its footnotes. They were not part of her arguments, thesis, or original work, which is primarily focused on physical design and built projects. As such, this information was rudimentary common knowledge as Business Insider itself admitted when it

³¹ N. Oxman, *Material-based Design Computation* at 170 n.6.8, MIT (June 2010), <https://dspace.mit.edu/handle/1721.1/59192>.

³² Email from K. Long to F. McGill (Jan. 5, 2024).



included in the article a quote from a math professor who explained: “[A]nyone who knows even the rudiments of algebraic topology could come up with their own sentence.”³³

b. Business Insider Falsely Accused Dr. Oxman Of Intellectual Theft And Fraud—Both Expressly And By Implication—By Intentionally Omitting MIT’s Own Policies Acknowledging Accidental And Inadvertent Plagiarism.

Not all so-called “plagiarism” is created equal—and Business Insider knew this as well. As Business Insider’s Founder and Chairman Henry Blodget himself admitted in a private text to Ackman, at one end of the plagiarism spectrum is intentional plagiarism, which is an intent “to steal and pass off (the ideas or words of another) as one’s own”; “to commit literary theft.”³⁴ By contrast, as Blodget also acknowledged, at the other end of the spectrum is “unintentional” or “accidental plagiarism,” when a work may not strictly comply with citation standards, but there is no intent to steal or claim credit for another’s work.

MIT’s academic integrity and misconduct policies *explicitly* recognize this distinction.³⁵ MIT’s policies establish that there is no academic misconduct when plagiarism is “unintentional.”³⁶ Under MIT’s own rules, research misconduct, i.e., plagiarism, “does not include honest error.”³⁷ Rather, plagiarism that constitutes academic misconduct includes “falsification, fabrication ... or deliberate indifference”:³⁸

³³ *Id.*

³⁴ Compare *Plagiarize*, Merriam-Webster.com Dictionary and *Plagiarism*, Dictionary.com (“an act or instance of using or closely imitating the language and thoughts of another author without authorization and the representation of that author’s work as one’s own, as by not crediting the original author”), with Text message exchange between B. Ackman and H. Blodget (Jan. 7, 2024).

³⁵ MIT, *Academic Integrity at MIT: A Handbook for Students* at 13, 20 (2020) (current version), <https://integrity.mit.edu/sites/default/files/images/AcademicIntegrityHandbook2020-color.pdf>; MIT, *Procedures for Dealing with Academic Misconduct in Research and Scholarship*, <https://policies.mit.edu/policies-procedures/100-academic-and-research-misconduct-and-dishonesty/101-procedures-dealing>; MIT, Comparative Media Studies, *Avoiding Plagiarism*, <https://cmsw.mit.edu/writing-and-communication-center/avoiding-plagiarism/>.

³⁶ MIT, *Academic Integrity at MIT: A Handbook for Students* at 20, <https://integrity.mit.edu/sites/default/files/images/AcademicIntegrityHandbook2020-color.pdf>.

³⁷ MIT, Office of the Vice President for Research, *Definitions of Research Misconduct*, <https://policies.mit.edu/policies-procedures/100-academic-and-research-misconduct-and-dishonesty/101-procedures-dealing-10.1.2>.

³⁸ *Id.*



MIT Definition of Research Misconduct, Office of the Vice President for Research

10.1.2 Definitions of Research Misconduct

- Research misconduct is fabrication, falsification, or plagiarism in research activities or deliberate interference. It does not include honest error or differences of opinion.
 - **Fabrication** is making up data or results and recording or reporting them.
 - **Falsification** is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the Research Record.
 - **Plagiarism** is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.
 - **Deliberate Interference** is intentionally causing material harm to the research or scholarly work of others, and may include damaging or destroying the property of others, such as research equipment or supplies; disrupting active experiments; or altering or deleting products of research, including data.

MIT's policies also recognize that the use of another's academic writing without quotation or citation can be the result of "inadverten[ce]," "mistakes," "bad note-taking practices," or "not because [an individual] is trying to cheat."³⁹ In other words, according to MIT, plagiarism can be "either accidental or intentional."⁴⁰

Business Insider understood and appreciated the distinction between inadvertent and intentional plagiarism before it reported on Dr. Oxman's dissertation because it had thoroughly reviewed and cited MIT's Academic Integrity Handbook and its "academic-integrity code."⁴¹ And, as explained previously, Henry Blodget privately acknowledged to Ackman that he understood the material difference between deliberately stealing another's work and inadvertent and minor errors, and he intended to write an article about this distinction.

Yet, far from delineating between "clerical oversights" and "intentional theft" in Dr. Oxman's dissertation (as Blodget aptly described it),⁴² Business Insider went out of its way to mislead readers by creating the false impression that Dr. Oxman engaged in intentional plagiarism. Business Insider selectively cited portions of MIT's Academic Integrity Handbook that supported the false notion that Dr. Oxman committed intentional plagiarism—while intentionally omitting any mention or reference to those portions of the Handbook or MIT's policies that would have made clear that Dr. Oxman had made only minor clerical errors in a small portion of her dissertation.

³⁹ MIT, *Academic Integrity at MIT: A Handbook for Students* at 13, 20, <https://integrity.mit.edu/sites/default/files/images/AcademicIntegrityHandbook2020-color.pdf>.

⁴⁰ MIT, Comparative Media Studies, *Avoiding Plagiarism* (Recognizing that "[a]ccidental plagiarism usually occurs because we do not understand the cultural conventions of academic writing and citation."), <https://cmsw.mit.edu/writing-and-communication-center/avoiding-plagiarism/>.

⁴¹ K. Long & J. Newsham, *Bill Ackman's celebrity academic wife Neri Oxman's dissertation is marred by plagiarism*.

⁴² Text message exchange between B. Ackman and H. Blodget (Jan. 7, 2024).



This point cannot be overstated: Not once, in any of its eight articles about Dr. Oxman, did Business Insider cite or quote those portions of MIT's Academic Integrity Handbook or MIT's policies and procedures on academic misconduct that distinguish between intentional plagiarism and accidental plagiarism.

We provide multiple examples from MIT's Academic Integrity Handbook that make clear the difference between intentional and unintentional plagiarism that Business Insider purposely omitted from its articles. For example, Business Insider never acknowledged or cited to that portion of MIT's Academic Integrity Handbook that says “[p]lagiarism is sometimes unintentional.”⁴³

MIT Academic Integrity Handbook, P. 13

Plagiarism is sometimes unintentional. It can occur when you try to put information from a source into your own words, but fail to do so completely. Often plagiarism occurs not because a student is trying to cheat, but because he or she has not been taught how to incorporate the words and ideas of others in the proper way.

Business Insider never cited to MIT's recognition that “[a]ccidental plagiarism usually occurs because we do not understand the cultural conventions of academic writing and citation.”⁴⁴

MIT's Writing and Communication Center

Accidental Plagiarism

Accidental plagiarism usually occurs because we do not understand the cultural conventions of academic writing and citation. In most Western countries, and certainly in the United States, there is a very real sense that writers own their ideas and the words they use to express those ideas. As John R. Edlund explains in “What Is ‘Plagiarism’ and Why Do People Do It?”:

⁴³ MIT, *Academic Integrity at MIT: A Handbook for Students* at 13, <https://integrity.mit.edu/sites/default/files/images/AcademicIntegrityHandbook2020-color.pdf>.

⁴⁴ MIT, Comparative Media Studies, *Avoiding Plagiarism*, <https://cmsw.mit.edu/writing-and-communication-center/avoiding-plagiarism/>.



Business Insider did not tell its readers that MIT acknowledges that accidental plagiarism can occur with “[b]otched [p]araphrasing.”⁴⁵

MIT’s Writing and Communication Center

Botched Paraphrasing: Paraphrasing is the process of turning a source passage into our own words. It is another way that we can unintentionally slip into plagiarism if we use phrasing from the original or use the ideas without proper citation.

Business Insider did not tell its readers that MIT acknowledges that accidental plagiarism can occur where an individual is writing about “[d]ifficult [c]oncepts.”⁴⁶

MIT’s Writing and Communication Center

Difficult Concepts: In addition to cultural confusion, we might slide into plagiarism when we discuss concepts that we do not understand, and using the author’s words seems the best way to convey those ideas to our readers. If we quote those words and cite the source, we take a key step to avoid plagiarism. Unless we actively engage with the ideas themselves (e.g., paraphrase them in our own words after the quotation, summarize them, or, better still, argue or support them with our own ideas and evidence), we have not fully assimilated the ideas (but at least we have not plagiarized).

Business Insider did not tell its readers that MIT acknowledges that inadvertent plagiarism can occur where the individual simply took notes poorly.⁴⁷

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ MIT, *Academic Integrity at MIT: A Handbook for Students* at 20, <https://integrity.mit.edu/sites/default/files/images/AcademicIntegrityHandbook2020-color.pdf>.



MIT Academic Integrity Handbook, P. 20

Avoiding Plagiarism: Taking Careful Notes

In recent years, several famous scholars have been accused of plagiarism. Some have mentioned **bad note-taking practices as the cause of their mistakes**: in taking information from another source, these scholars had copied several sentences without putting them in quotation marks. When they transformed the notes into their own text, they believed the sentences to be their own and presented them as such. The result was plagiarism.

Such inadvertent plagiarism can be avoided by following these guidelines:

- Use a program like RefWorks or EndNote to keep track of your citations.
- Write down the author, title, and page number of each source every time you quote directly, paraphrase, or jot down useful facts and figures.
- Paraphrase accurately (see p. 16).
- Keep a running list of all sources: articles, books, online sources and their URLs.

By following these steps, you can avoid the unpleasant scenario of spending hours trying to retrace your steps in order to locate the source from which you obtained your information.

Business Insider did not tell its readers that MIT's policies and procedures expressly recognize that academic misconduct for plagiarism must be "intentional[], knowing[], or reckless[]."⁴⁸

MIT Standard of Proof for Research Misconduct, Office of the Vice President for Research

In order to enter a finding of Research Misconduct, MIT must determine by a Preponderance of the Evidence:

- that the Respondent engaged in Research Misconduct;
- that the Research Misconduct marked a significant departure from accepted practices of the relevant academic community; and
- that the Respondent committed the Research Misconduct intentionally, knowingly, or recklessly.

⁴⁸ MIT, Office of the Vice President for Research, *The Review Process*, <https://policies.mit.edu/policies-procedures/100-academic-and-research-misconduct-and-dishonesty/101-procedures-dealing#10.1.4>.



Business Insider also did not tell its readers that MIT requires a finding of intentionality or recklessness “by a Preponderance of the Evidence,” following a fair and thorough administrative process, before concluding someone has committed plagiarism.⁴⁹

Business Insider’s purpose in excluding references to these portions of MIT’s Academic Integrity Handbook and academic misconduct policies in its articles on Dr. Oxman is clear: Including them would have debunked the notion that Dr. Oxman had committed intentional plagiarism and academic fraud, and Business Insider wanted to create the false impression that Dr. Oxman committed intellectual theft.

Business Insider’s wholesale omission of MIT’s policies and procedures contradicting its preconceived narrative was deliberate, and it is further evidence of Business Insider’s actual malice towards Dr. Oxman and Ackman. Indeed, the law holds that “quot[ing] one part of an article without quoting another part which might tend to qualify or contradict the part quoted” is evidence of actual malice. *Goldwater*, 414 F.2d at 336; *see also Eramo*, 209 F. Supp. 3d at 872 (“[D]isregard[ing] contradictory evidence” is supportive of actual malice.); *Murray*, 613 F. Supp. at 1285 (“It would be unjust and nonsensical to allow the defendant to rely on the report for certain purposes and to ignore it for others.”).

c. Business Insider Falsely Accused Dr. Oxman Of Intellectual Theft And Fraud By Falsely And Maliciously Claiming That Dr. Oxman Lifted A Nearly 50-Word Passage From Claus Mattheck Without Attribution When She Did Not.

Business Insider intentionally accused Dr. Oxman of intellectual theft and fraud by strategically rearranging and combining paragraphs from separate pages in Dr. Oxman’s dissertation to create the false impression that she included a materially longer excerpt from Claus Mattheck’s book in her dissertation than was actually the case. Business Insider intended to (and did) falsely suggest that Dr. Oxman deliberately plagiarized Mattheck.

Business Insider inserted ellipses between two short passages from two different pages of Dr. Oxman’s dissertation and purposefully placed them out of order to suggest that Dr. Oxman copied a long passage from Mattheck. To hammer home this false claim, Business Insider intentionally omitted that Dr. Oxman had, in fact, cited and attributed one of the passages to Mattheck.

Here is how Business Insider presented Dr. Oxman’s dissertation in the original version of its January 4 article—published at 2:28 PM—comparing it to an excerpt from Mattheck’s book:

⁴⁹ *Id.*



Business Insider Rearranges Dr. Oxman Dissertation To Falsely Claim She Plagiarized Mattheck Without Citation

Claus Mattheck	Neri Oxman
<p>"But a tree also arranges its material sensibly within the narrower limits of its possibilities: trees loaded on one side by wind become elliptical in the wind direction... Thus, if the tree now deposits all its building materials in the zone of highest bending stress (tension side and compression side) by forming particularly wide annual rings there, this buildup goes into the third power of the larger semi-axis b in Eq. (4), while a widening in the direction of the small semi-axis is only linear.... The multiplicity of external loads to which a tree component can be exposed can be divided into forces, bending moments, torsional moments and thermal stresses. If the component is not to be moved, these loads must be countered by a support exerting equally large but opposed reaction loads. The axial forces (Fig. 1) are the simplest example. (As readers with good technical knowledge will presumably skip this section, the following technical concepts have been presented in a way at least partially adapted to a biological readership, using examples observed in nature)."</p>	<p>"The tree arranges its material sensibly within the narrower limits of its possibilities: trees loaded laterally on one side by wind become elliptical in the wind direction. Thus, if the tree now deposits all its building materials in the zone of highest bending stress (tension side and compression side) by forming particularly wide annual rings there, this buildup goes into the third power of the large axis (the longitudinal axis describing the trunk), while a widening in the direction of the small axis is only linear... The range of loads to which a tree is exposed is vast and it includes forces of various magnitudes and directions, bending moments, torsional moments, and thermal stresses amongst others. If the tree is to resist the loads exerted upon it, these loads must be countered by a support applying equally large, but opposed, reaction loads against it." In the engineering disciplines it is often the case that such force-form relations are simplified and abstracted as post beam models in order to predict physical deformation."</p>

Section 2.7.1.3 on bottom of p. 49 and top of p.50 of dissertation that BI cut short with ellipses, omitting citation to Mattheck on p. 50

Section 2.7 on top of p. 49 of dissertation

Such “deliberate alteration” of the text of Dr. Oxman’s dissertation in a way that “result[ed] in a material change in the meaning conveyed” is evidence not only of falsity but also “knowledge of falsity for purposes of [actual malice].” *Masson v. New Yorker Mag., Inc.*, 501 U.S. 496, 517 (1991).

When an X user pointed out that Business Insider had doctored the text of Dr. Oxman’s dissertation, rather than acknowledge its mistakes (as journalistic standards require),⁵⁰ Business Insider made a stealth correction to the article—further evidence that Business Insider intentionally and maliciously misrepresented Dr. Oxman’s work to bolster its preconceived narrative.⁵¹

In its stealth correction, however, Business Insider highlighted in yellow—its way of demonstrating the language Dr. Oxman purportedly “stole”—a longer passage than what was actually implicated. ***And it left unhighlighted her attribution to Mattheck***—additional evidence of Business Insider’s desire to harm Dr. Oxman.

⁵⁰ See, e.g., Soc’y of Pro. Journalists, *SPJ Code of Ethics* (Journalists should “[a]cknowledge mistakes and correct them promptly and prominently” and “[e]xplain corrections and clarifications carefully and clearly.”), <https://www.spj.org/ethicscode.asp>.

⁵¹ Walter Sobchak (@WalterSobchakSr), X (Jan. 4, 2024), <https://twitter.com/WalterSobchakSr/status/1743092967349346745>.



Business Insider Issues Stealth Correction And Over-Highlights Dr. Oxman's Language That Is Implicated

Claus Mattheck	Neri Oxman
<p>But a tree also arranges its material sensibly within the narrower limits of its possibilities: trees loaded on one side by wind become elliptical in the wind direction. An elliptical cross-section, however, has a moment of inertia [equation] where (a and b) are the semi-axes of the ellipse. Thus, if the tree now deposits all its building materials in the zone of highest bending stress (tension side and compression side) by forming particularly wide annual rings there, this buildup goes into the third power of the larger semi-axis b in Eq. (4), while a widening in the direction of the small semi-axis is only linear. The tree thus forms a non-circular cross-section which is stiffest against the prevailing bending load, and is characterized by smaller stresses than a uniformly circular cross-section with an identical external bending moment. As we shall see later, root cross-sections may even assume nearly the shape of an I-beam which we know from civil engineering (Fig. 3), in which hardly any wood forms in the zone of neutral bending ($r = 0$).</p>	<p>The tree arranges its material sensibly within the narrower limits of its possibilities: trees loaded laterally on one side by wind become elliptical in the wind direction. Thus, if the tree now deposits all its building materials in the zone of highest bending stress (tension side and compression side) by forming particularly wide annual rings there, this buildup goes into the third power of the large axis (the longitudinal axis describing the trunk), while a widening in the direction of the small axis is only linear. The tree thus forms a non-circular cross-section which is stiffest against the prevailing bending load, and is characterized by smaller stresses than a uniformly circular cross-section with an identical external bending moment. Root cross-sections may even assume nearly the shape of an I-beam, in which hardly any wood forms in the zone of neutral bending. Here the component is forced into an optimization of shape (Mattheck 1998).</p>

Insider highlights more text in dissertation than implicated in Mattheck's work.

Insider does not highlight where Dr. Oxman credits Mattheck's work.

Then Business Insider blocked the X user who pointed out the issue. In other words, when it was caught manipulating Dr. Oxman's dissertation to fit its preconceived narrative, Business Insider tried to hide the evidence and silence its critic:⁵²

⁵² *Id.*



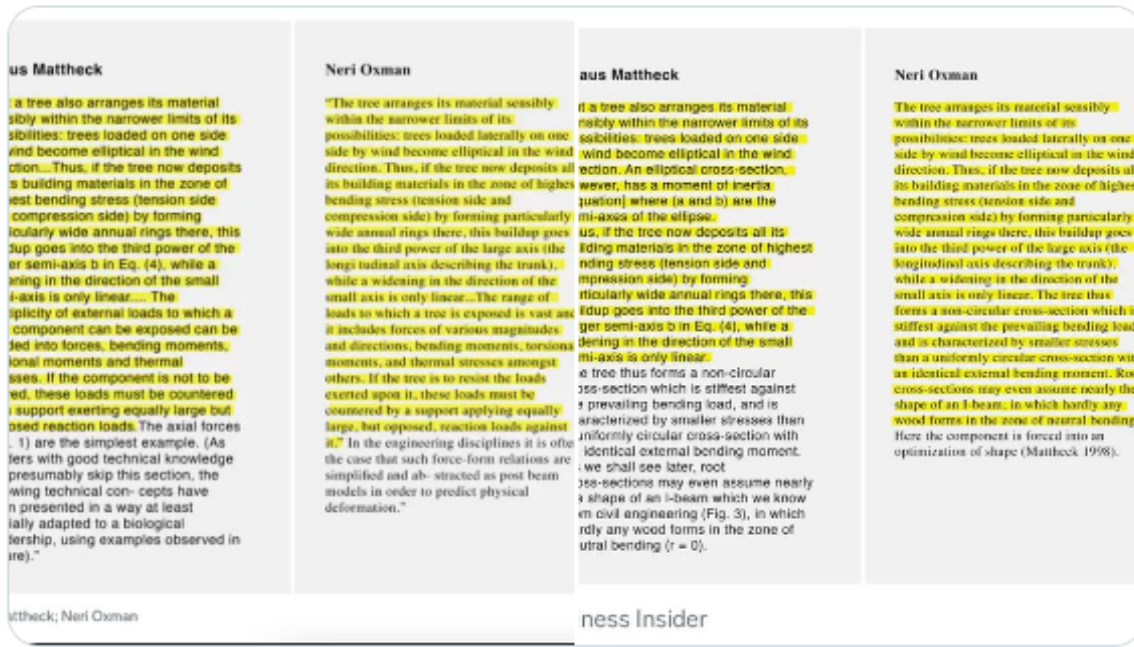
Post



Walter Sobchak
@WalterSobchakSr



Worth noting that the BI authors originally presented Oxman's discussion related to Mattheck's work by intentionally leaving out her citation at the end. When I pointed this out to their BI colleague, he blocked me & they then stealth edited the image without issuing correction.



- d. **Business Insider Falsely Accused Dr. Oxman Of Intellectual Theft And Fraud By Claiming In Its January 4 Article That Her Dissertation Was “Marred By Plagiarism,” While Intentionally Omitting The Fact That Dr. Oxman Did, In Fact, Cite Claus Mattheck Throughout Her Dissertation.**

In the first article Business Insider published about Dr. Oxman on January 4, it falsely claimed in the headline that Dr. Oxman's dissertation was “marred by plagiarism.”⁵³ (The term “marred” further demonstrates Business Insider's intent to injure Dr. Oxman, rather than inform

⁵³ K. Long & J. Newsham, *Bill Ackman's celebrity academic wife Neri Oxman's dissertation is marred by plagiarism.*



readers. The word “mar” means “to ruin or diminish the perfection or wholeness of : SPOIL.”⁵⁴) But that article identified only five inconsequential citation errors in Dr. Oxman’s doctoral dissertation: four paragraphs that provided proper attribution to the authors, but were missing quotation marks, and one properly paraphrased sentence from Claus Mattheck’s book that was missing a citation.

Crucially, however, Business Insider intentionally omitted the fact that Dr. Oxman included Mattheck’s book in her bibliography. Business Insider also intentionally omitted the fact that Dr. Oxman expressly cited or mentioned Mattheck’s book and other work *nine other times* in her dissertation—including, as set forth above, in one of the very paragraphs Business Insider highlighted in its original January 4 article. Business Insider also intentionally omitted the fact that Dr. Oxman praised Mattheck as having “carried out” “significant work” in the field of Biomimetics.⁵⁵

Below are screen captures taken directly from Dr. Oxman’s dissertation showing her repeated citation of Mattheck:

<p>2.7.1.1 Axial Forces</p> <p>Axial forces are the most basic example. The mass of a tree’s branches exerts (by its very own weight) an axial force on its trunk, thus causing compressive stress. The branches cause an elastic compression of the trunk in the axial direction resulting in a spatially uniform distribution of compressive stresses (Mattheck 1998). The soil below the tree’s trunk must therefore exert an equally great but opposite force in order to avoid the hypothetical condition in which the post sinks into the soil. As a reaction, axial tensile forces would cause tensile stresses in the post. The situation is rather more complicated with eccentric loading.</p>	<p>P. 49 of Dr. Oxman Dissertation</p>
<p>building materials in the zone of highest bending stress (tension side and compression side) by forming particularly wide annual rings there, this buildup goes into the third power of the large axis (the longitudinal axis describing the trunk), while a widening in the direction of the small axis is only linear. The tree thus forms a non-circular cross-section which is stiffest against the prevailing bending load, and is characterized by smaller stresses than a uniformly circular cross-section with an identical external bending moment. Root cross-sections may even assume nearly the shape of an I-beam, in which hardly any wood forms in the zone of neutral bending. Here the component is forced into an optimization of shape (Mattheck 1998).</p>	<p>P. 50 of Dr. Oxman Dissertation</p>

⁵⁴ Mar, Merriam-Webster.com Dictionary, <https://www.merriam-webster.com/dictionary/mar>.

⁵⁵ N. Oxman, *Material-based Design Computation* at 49, 50, 114, 116, 132, 318, <https://dspace.mit.edu/handle/1721.1/59192>.



4.7 Soft-Kill Optimization: Towards Biomimetic Design

4.7.1 Background and Relevance

Similar advancements in optimization have been developed in the field of Biomimetics as engineers reveal Nature's unique capacities for the design and optimization of its products. Within this scope, significant work has been carried out by Prof. Claus Mattheck, director of the Research Center at Karlsruhe. Mattheck embarked on the mission of simulating knot healing processes in trees. Knots are usually attributed to dormant buds or cut side branches and are generally considered as imperfections in the wood which greatly affect its mechanical properties.

Taking an in inspiration from Nature, Mattheck's aim was to develop processes to mimic growth and refinement and further implement them as computational routines in the field of shape optimization. More specifically, the task is to shape any given object so that it may be as light as possible without compromising its durability. In this process, both the external shape and its internal composition are modulated in a subtractive manner. In other words, the process of optimization is based on reducing excess matter in specific locations that do not act as load bearing regions. Holes and recesses are incorporated in regions of unloaded zones. The following steps describe this optimization process which has been termed Soft Kill Optimization (SKO).

P. 114 of Dr. Oxman
Dissertation

4.7.4 Summary

The SKO method initiates by setting the initial approximate limiting dimensions ("bounding box") of the component. External loads are then applied as well as any limiting conditions such as clamping, support and guides. The FEM numerical tool is then applied to derive the calculations for stress and strain displacements in the component. Following the FEM application, the SKO method is then applied with the aim of eliminating any non load-bearing zones as it delivers a pre optimized light weight design draft. Any remaining notch stresses are then removed by the application of the CAIO (Computer Aided Internal Optimization) method. With Notch stresses are reduced by simulating biological growth facilitated by the removal of notches by shrinking any still remaining non-load bearing zones. The combination of FEM, SKO and CAIO promotes the realization of the axiom of uniform stress and create durable and ultra lightweight components with maximum durability.

To summarize, the removal of low stress regions using evolutionary structural optimization is made possible by the trio of several methods developed by Mattheck and his team. The steps required for both external (-shape) and internal (-material) optimization include the following routines:

- Computer Aided Optimization (CAO) methods such as the Finite Element Method (FEM) previously described for the initial analysis of the component and the application of a FE mesh on which to perform further computation.
- Soft Kill Optimization (SKO) method for reduction of material substance corresponding to regions of high and low load.
- Computer Aided Internal Optimization (CAIO) for shaping holes and openings to correspond to the force trajectories applied on the homogeneous material.

P. 116 of Dr. Oxman
Dissertation

Figure 4.8: Manual desecration of the *soft-kill optimization* (SKO) method developed by Prof. Claus Mattheck, director of the Research Center at Karlsruhe (Mattheck 1998). Left and right images display the rationalization of the method using the *Generative Components* software without and with variable geometrical features respectively.

P. 132 of Dr. Oxman
Dissertation

[215] Mattheck, C., *Design in nature: learning from trees*, Springer, 1998.

P. 318 of Dr. Oxman
Dissertation

From the above examples, it is manifestly clear that Dr. Oxman had no intention of stealing Mattheck's words or ideas, having credited him throughout her dissertation, and having separately



acknowledged him and praised the importance of his work in the dissertation. Business Insider ignored these material facts because doing so bolstered the false impression Business Insider sought to convey—that Dr. Oxman had engaged in a “classical mode of plagiarism,” i.e., intellectual theft—by “lift[ing]” from Mattheck’s work.⁵⁶

Given that the only instances of alleged plagiarism Business Insider identified in this article were only four paragraphs with eight missing quotation marks and one instance in which Dr. Oxman failed to cite an author she cited extensively elsewhere in her 330-page dissertation, it is wildly inaccurate to characterize her dissertation as “marred” (i.e., ruined or spoiled) “by plagiarism.”⁵⁷

e. Business Insider Falsely Accused Dr. Oxman Of Intellectual Theft And Fraud By Intentionally Omitting The Fact That Dr. Oxman Did, In Fact, Cite Wikipedia In Her Dissertation Although MIT’s Standards At The Time Did Not Require It.

In its January 5, 2024 article titled “Academic celebrity Neri Oxman plagiarized from Wikipedia, scholars, a textbook, and other sources without any attribution,” Business Insider identified 15 instances in which it alleged that Dr. Oxman “stole sentences and whole paragraphs from Wikipedia.”⁵⁸

Business Insider, however, intentionally omitted that MIT’s Academic Integrity Handbook at the time Dr. Oxman wrote her dissertation in 2009 and 2010 did not address—much less require—citation to Wikipedia, which itself is a collaborative resource with no single author to whom ideas could be attributed, and which at the time of her dissertation was of relatively nascent origin. In fact, Wikipedia was so inchoate that MIT had not yet developed or published any guidance on how researchers should use Wikipedia. Only later—several years after Dr. Oxman’s dissertation was published—did MIT revise its Academic Integrity Handbook to include a prohibition on citing Wikipedia for academic work. In 2009 and 2010, when Dr. Oxman wrote her dissertation, no such prohibition existed.

Business Insider knew that MIT had not yet put forth policies on the use of Wikipedia as a source until years later, but it ignored and did not disclose this exculpatory information in its articles so as not to contradict its narrative that Dr. Oxman had committed literary theft. Business Insider was aware of the absence of these policies: It took great efforts to locate, review, and cite from MIT’s Academic Integrity Handbook that was in existence at the time Dr. Oxman published her dissertation in its articles on Dr. Oxman in an attempt to discredit her work. For example, in the first article Business Insider published on January 4, 2024, it cited MIT’s Academic Integrity Handbook for the proposition that “authors must either ‘use quotation marks around the words and cite the source,’ or ‘paraphrase or summarize acceptably and cite the source.’”⁵⁹ Business Insider

⁵⁶ K. Long & J. Newsham, *Bill Ackman’s celebrity academic wife Neri Oxman’s dissertation is marred by plagiarism*.

⁵⁷ *Id.*

⁵⁸ K. Long, et al., *Academic celebrity Neri Oxman plagiarized from Wikipedia, scholars, a textbook, and other sources without any attribution*.

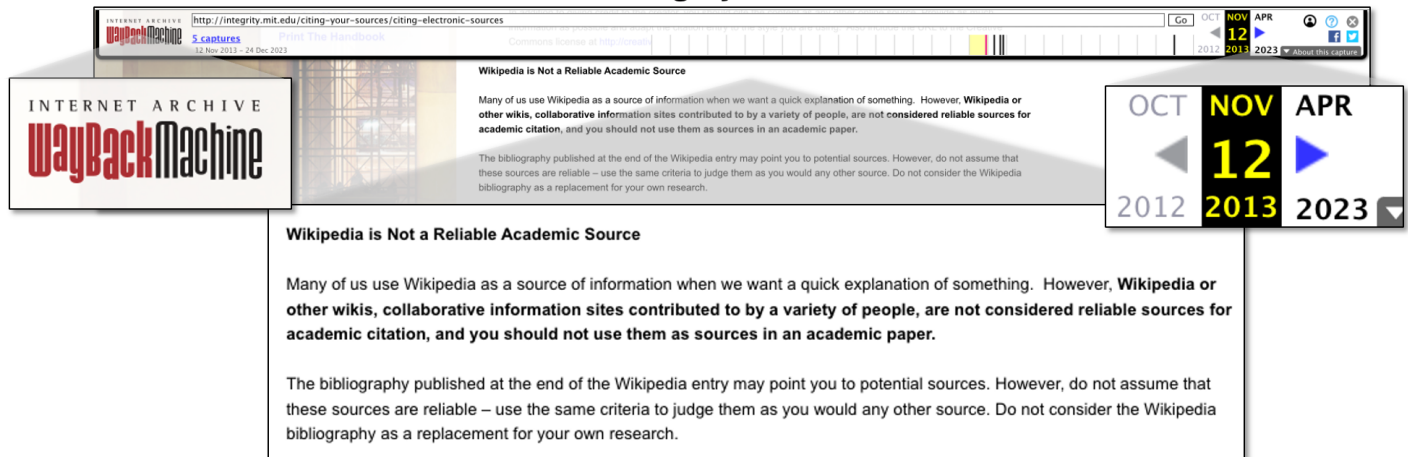
⁵⁹ K. Long & J. Newsham, *Bill Ackman’s celebrity academic wife Neri Oxman’s dissertation is marred by plagiarism*.



also noted that “identical language appeared in MIT’s handbook at least as far back as 2007,”⁶⁰ and it included a link to the 2007 version of the Handbook on the Wayback Machine.⁶¹

Indeed, Business Insider used precisely the same Wayback Machine we did to compare those sections of MIT’s Academic Integrity Handbook that address Wikipedia. The earliest version of the Handbook that included guidance relating to Wikipedia was from April 2013:⁶²

MIT Adds Guidance about Citing Wikipedia in its Academic Integrity Handbook in 2013



The Wayback Machine shows that no such reference to Wikipedia was available as late as February 2012—three years after Dr. Oxman submitted her dissertation.

Not only did Business Insider intentionally fail to include this exculpatory information for its readers—it elected instead to include its own narrative suggesting precisely the opposite. Business Insider proclaimed that “teachers *regularly* tell their students that they should not cite the website as an authority,”⁶³ which falsely conveyed the message that MIT and Dr. Oxman’s dissertation advisors were also “regularly tell[ing] their students that they should not cite [Wikipedia] as an authority” when, in fact, MIT had no such standard or policy at the time, and Dr. Oxman did not receive guidance on citing or using Wikipedia while she was researching, preparing, and finalizing her dissertation.

Business Insider also claimed that “Oxman never acknowledged having pulled from Wikipedia.”⁶⁴ This statement is demonstrably false. When it was appropriate to do so—i.e., when

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² MIT, *Academic Integrity at MIT: A Handbook for Students*, “Citing Electronic Sources” (Nov. 12, 2013), available on Wayback Machine at <https://web.archive.org/web/20131112142234/http://integrity.mit.edu/citing-your-sources/citing-electronic-sources>.

⁶³ K. Long, et al., *Academic celebrity Neri Oxman plagiarized from Wikipedia, scholars, a textbook, and other sources without any attribution*.

⁶⁴ *Id.*



the subject material was not common knowledge—Dr. Oxman expressly cited Wikipedia in her dissertation.⁶⁵ The fact that Dr. Oxman acknowledged having relied on Wikipedia for these appropriate instances also undermines Business Insider’s allegation that Dr. Oxman tried to hide her usage of Wikipedia because it is an unreliable source.

In its January 5 article, however, Business Insider proclaimed Dr. Oxman’s subjective intent in not citing Wikipedia: “It’s not surprising that Oxman wouldn’t credit Wikipedia in her doctoral dissertation: While Wikipedia is generally accurate, anyone can edit it, so teachers regularly tell their students that they should not cite the website as an authority.”⁶⁶ Business Insider had no basis for this claim, which was patently false given that Dr. Oxman *did* in fact credit Wikipedia as shown in the examples below:



Figure 3.11: The Great Mosque of Djenné is the largest mud-brick (or adobe building) in the world and is considered by many architects to be one of the greatest achievements of the Sudano-Sahelian architectural style, with Islamic influences. Source: http://en.wikipedia.org/wiki/Great_Mosque_of_Djenné

P. 94 of Dr. Oxman
Dissertation

⁶⁵ N. Oxman, *Material-based Design Computation* at 94, 95, 96, <https://dspace.mit.edu/handle/1721.1/59192>.

⁶⁶ K. Long, et al., *Academic celebrity Neri Oxman plagiarized from Wikipedia, scholars, a textbook, and other sources without any attribution.*

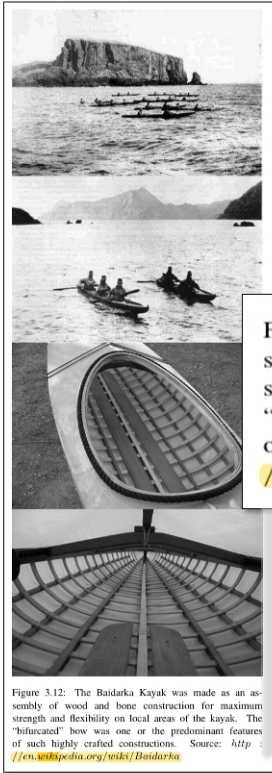


Figure 3.12: The Baidarka Kayak was made as an assembly of wood and bone construction for maximum strength and flexibility on local areas of the kayak. The “bifurcated” bow was one of the predominant features of such highly crafted constructions. Source: [http : //en.wikipedia.org/wiki/Baidarka](http://en.wikipedia.org/wiki/Baidarka)

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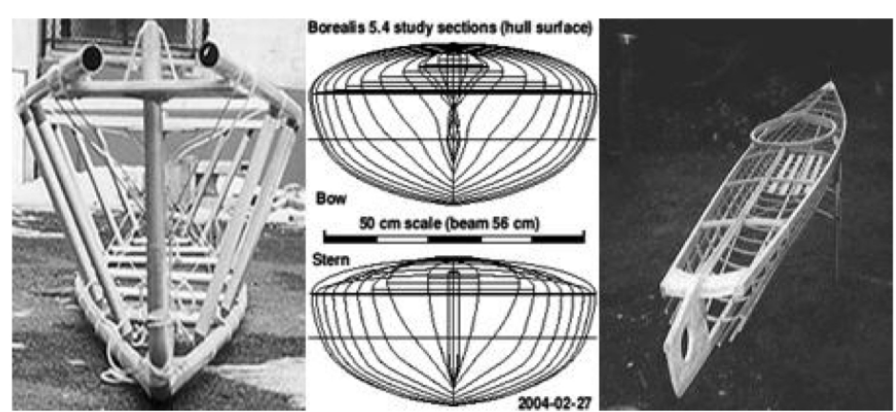


Figure 3.13: Rib forming of a Baidarka kayak: the “bifurcate” bow was one of the predominant features of such highly crafted constructions and served as the main structure upon which the intermediate rib structure rests. Source: [http : //en.wikipedia.org/wiki/Baidarka](http://en.wikipedia.org/wiki/Baidarka)

P. 96 of Dr. Oxman Dissertation

Notably, Dr. Oxman repeatedly cited Wikipedia for images and photographs when there was a single source to attribute credit—unlike definitions of words on Wikipedia that are common knowledge and collaboratively sourced, that is, where there is no author(s) to whom the ideas could be attributed if it were appropriate to do so.



II. Business Insider Improperly Reported That It “Found” That Dr. Oxman Had Committed Literary Theft, When In Fact It Conducted No Inquiry Or Investigation Into Dr. Oxman’s Mental State To Support Such A Finding, For Which There Is No Basis.

Not only did Business Insider falsely accuse Dr. Oxman of intentional plagiarism, but it also sought to legitimize these unfounded allegations by claiming that they were based on an “analysis” by Business Insider that “*found*” a “pattern of plagiarism” in Dr. Oxman’s work.⁶⁷ Despite this claim, Business Insider never conducted the type of rigorous inquiry or investigation necessary to make any such finding of Dr. Oxman’s subjective intent.

Because “plagiarism is sometimes seen as intellectual theft”⁶⁸ that “is a type of fraud or deception,”⁶⁹ accusations of plagiarism are among the most serious accusations that can be leveled against someone in academia and are defamatory *per se*. See, e.g., *Van Lengen*, 136 A.D.2d at 964 (“A publication is defamatory per se if it imputes to plaintiff incompetence, incapacity or unfitness in the performance of his trade, occupation or profession”); *Singh*, 2010 WL 1957410, at *5 (“An accusation of ‘plagiarism [is] perhaps the most serious professional indictment that can be made against an author’ ... [and] would prejudice [plaintiff] in his profession” thus constituting an “actionable statement[] for purposes of [plaintiff’s] libel claim.”).

In the university setting, the consequences for those found to have plagiarized are severe and can include expulsion or dismissal from the university. As such, rigorous, impartial investigations into allegations of plagiarism must be completed *before making a finding that the accused is guilty of this serious offense*.

MIT has detailed protocols for investigating reports of plagiarism that were well known to Business Insider at the time it published the articles about Dr. Oxman. Under MIT’s policies, when a report of potential academic misconduct is made, MIT’s Vice President for Research must “conduct an initial assessment of the allegations to determine whether the alleged misconduct falls within the scope of” the Institute’s academic and research misconduct policies.⁷⁰ “The Vice President for Research may appoint an impartial fact finder with appropriate expertise to conduct this initial assessment and to make a recommendation to the Vice President for Research.”⁷¹ If the Vice President for Research determines that the alleged academic misconduct falls within the Institute’s academic and research misconduct policies, the Vice President for Research must “initiate a two-stage review process.”⁷²

⁶⁷ K. Long & J. Newsham, *Bill Ackman’s celebrity academic wife Neri Oxman’s dissertation is marred by plagiarism*.

⁶⁸ MIT, Comparative Media Studies, *Avoiding Plagiarism* (Recognizing that “[a]ccidental plagiarism usually occurs because we do not understand the cultural conventions of academic writing and citation.”), <https://cmsw.mit.edu/writing-and-communication-center/avoiding-plagiarism/>.

⁶⁹ *Id.* (quoting John R. Edlund, “What Is ‘Plagiarism’ and Why Do People Do It?”).

⁷⁰ MIT, *Procedures for Dealing with Academic Misconduct in Research and Scholarship*, 10.1.4. *The Review Process*, <https://policies.mit.edu/policies-procedures/100-academic-and-research-misconduct-and-dishonesty/101-procedures-dealing#10.1.4>.

⁷¹ *Id.*

⁷² *Id.*



In the first stage, the Vice President for Research oversees an “information gathering and fact-finding” inquiry to “determine as a preliminary matter whether an allegation of Research Misconduct warrants further, formal review.”⁷³

When an inquiry is initiated, the Vice President for Research must provide written notice to the accused that “summarizes the allegations under review and advises the Respondent of their right to select an MIT Advisor to support them in the course of the proceedings.”⁷⁴ As part of the inquiry phase, the fact-finder reviews “records” and obtains other “documentary materials” that may be relevant.⁷⁵

“At the conclusion of the Inquiry, the fact finder ... prepare[s] a draft written report summarizing the process and information reviewed and recommending whether to proceed with an Investigation.”⁷⁶ A fact finder should only recommend an investigation if “there is a reasonable basis to conclude that the allegations may have substance and that Research Misconduct may have occurred.”⁷⁷

Regardless of the fact finder’s recommendation, the accused is given a copy of the “draft Inquiry report” and is provided with an opportunity to provide a written response that will “be reviewed by the fact finder” before the inquiry report is finalized.⁷⁸ Next, the Vice President for Research reviews the inquiry report, including the accused’s response, requests additional review or revisions by the fact finder if necessary, and submits the final report to the Provost, with a recommendation whether to proceed with an investigation. The Provost ultimately decides whether to investigate.⁷⁹ All of the above steps represent just the preliminary, inquiry stage of MIT’s review of a plagiarism allegation.

At the second stage, the Vice President for Research oversees an investigation conducted by an “impartial Investigator or Investigation Committee.”⁸⁰ The Vice President must provide written notice to the accused that an investigation is underway that “summarize[s] the allegations, identif[ies] the investigators and advise[s] the Respondent of their right to the support of an MIT Advisor in the investigation.”⁸¹

“The Investigation consists of a formal examination and evaluation of all relevant information”—including documentary evidence and interviews with individuals who may know relevant facts—“to determine if Research Misconduct occurred.”⁸²

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*



The Vice President for Research is required to review the investigation report, request that the investigator conduct additional review or provide further explanation if appropriate, and give the accused an opportunity to submit written comments.⁸³ The Vice President must submit a “final investigation report to the Provost along with [a] recommendation whether or not [MIT] should make a *finding* of Research Misconduct.”⁸⁴ The Vice President must also recommend what disciplinary measures, if any, are appropriate.

The Provost makes a final decision about whether to make a finding of research or academic misconduct and what disciplinary action(s) should be imposed. Potential discipline can include “formal reprimand, suspension, change in MIT status, and termination of employment.”⁸⁵ MIT’s protocols also set forth a “Standard of Proof for a Finding of Research Misconduct.”⁸⁶ *This standard makes clear that research misconduct requires “intentional[], knowing[], or reckless[]” action shown “by a Preponderance of the Evidence.”*⁸⁷

Each stage of the process for investigating and determining whether to make a finding of academic misconduct typically takes weeks, if not months and even years. The purpose of these protocols is to protect members of the MIT community from false accusations of plagiarism or other academic misconduct. These protocols ensure that the Institute does not rush to judgment and unfairly label someone a plagiarizer without first conducting a thorough investigation and giving the accused a right to be heard.

Business Insider did not conduct any investigation, yet alone the type of rigorous, thorough, impartial, and unbiased investigation required by MIT and other universities. It made no effort whatsoever to determine Dr. Oxman’s mental state and whether she had the requisite intent to steal as Business Insider claimed and implied. As such, Business Insider’s claim that it “found” that Dr. Oxman committed plagiarism is baseless, and it was only used to amplify the false narrative that she had engaged in intellectual theft and fraud.

III. In A Carefully Orchestrated Series Of Outreaches To, And Articles About, Ackman And Dr. Oxman, Business Insider Falsely Accused Dr. Oxman Of Admitting To Intellectual Theft And Fraud By Improperly Characterizing Dr. Oxman’s Admission Of Five Inconsequential Clerical Errors As Intentional Plagiarism.

Business Insider launched its January 2024 smear campaign targeting Dr. Oxman as part of its broader retaliatory campaign against her husband, Bill Ackman. Since the October 7, 2023 attack on Israel, during which Hamas brutally murdered nearly 1,200 Israeli citizens,⁸⁸ Ackman has published a series of posts and essays on X criticizing the presidents of Harvard University, the University of Pennsylvania, and MIT for what he publicly decried as failures of leadership in light of

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ L. Frayer, *Israel revises down its death toll from the Oct. 7 Hamas attacks to about 1,200.*



the rise of antisemitism on their respective campuses. After the university presidents testified before Congress on December 5, 2023, Ackman publicly called for the three presidents to resign or to be removed.

Beginning in early December 2023, Business Insider launched a smear campaign that sought to portray Ackman as a racist bully to punch back for his criticism of elite university presidents and his role in catalyzing the resignation of former President Gay of Harvard. Between early December 2023 and early January 2024, Business Insider published more than a dozen articles about Ackman's calls for the university presidents to be removed. Some of those articles referred to Ackman as "racist[]," "an 'odious' oligarch," and a "right-wing, bad faith bull[y]." ⁸⁹

In early January 2024, when Business Insider's series of attacks failed to elicit any reaction from Ackman and achieve a desired level of news virality, Business Insider changed tactics, launching a new front in its clickbait offensive designed to impose on Ackman the maximum amount of pain where it would hurt him the most—on his wife and family. By doing so, Business Insider strategically crafted a well-orchestrated series of events that culminated in its publishing eight articles falsely accusing Dr. Oxman of intellectual theft and falsely accusing Dr. Oxman of admitting to intentional academic misconduct. Then, Business Insider and its parent company, Axel Springer, made multiple false statements that Dr. Oxman and Ackman did not dispute the accuracy of Business Insider's reporting, greatly increasing and reinforcing the harm to Dr. Oxman.

In short, Business Insider accused Dr. Oxman of fraud, accused Dr. Oxman of admitting to that fraud, and then accused Dr. Oxman and her husband of failing to dispute any of the facts in its articles. In doing so, Business Insider created the false narrative that Dr. Oxman's plagiarism was an open and shut case. But it was all a series of lies.

The Timeline Of Business Insider's Attempt To Destroy Dr. Oxman's Reputation

At 10:29 PM on January 3, 2024, Business Insider reporter Katherine Long sent Ackman and Pershing Square's (Ackman's investment firm) general media inquiry address an email with the intentionally inflammatory subject line:

"Journalist on deadline / Plagiarism by your wife." ⁹⁰

The email identified four alleged "instances of plagiarism" in Dr. Oxman's doctoral dissertation where Dr. Oxman inadvertently failed to include quotation marks around four paragraphs that were otherwise properly cited and, in one instance, when she failed to include a citation for a sentence paraphrased from a book cited elsewhere in her dissertation. Business Insider demanded a response

⁸⁹ J. Hart, *Harvard president's resignation draws strong reactions from her critics and supporters*, Bus. Insider (Jan. 2, 2024), <https://www.businessinsider.com/online-reactions-to-harvard-president-claudine-gay-resigned-2024-1>; K. Wei Kevin Tan, *A Yale professor is slamming Bill Ackman's campaign against Harvard, calling the billionaire investor an 'odious oligarch,'* Bus. Insider (Jan. 2, 2024), <https://www.businessinsider.com/yale-professor-slams-bill-ackman-campaign-against-harvard-2024-1>; K. Wei Kevin Tan, *Bill Ackman says he's 'not right wing' and has operated 'only in good faith' in his battle with Harvard*, Bus. Insider (Jan. 2, 2024), <https://www.businessinsider.com/bill-ackman-says-he-is-not-a-right-wing-bully-2024-1>.

⁹⁰ Email exchange among Fran McGill, John Cook, and others (Jan. 4, 2024).



to Long's email by noon the following day even though there was no breaking news or urgency in its reporting.

Long knew, but intentionally withheld from Dr. Oxman and Ackman, that Business Insider had identified and planned to subsequently report on—the following day—other supposed instances of so-called plagiarism in Dr. Oxman's dissertation. Business Insider sought to entrap Dr. Oxman by getting her to apologize for the five inconsequential and inadvertent citation errors Long identified in her initial outreach and article, with a plan to use Dr. Oxman's apology against her in its subsequent reporting hours later.

At 11:24 PM, less than an hour after Long sent her email, Fran McGill, the head of communications for Ackman's investment firm, acknowledged the email from Long, and explained that "we will get back to you." At 8:41 AM on the following day, McGill emailed Long, explaining that Dr. Oxman and Ackman were traveling internationally and requested a modest one-day extension to respond.

Business Insider editor John Cook agreed to hold the article for a few hours, ostensibly to give Dr. Oxman and Ackman more time to fact-check and respond to the claims. When Business Insider offered only a short extension, McGill explained that Dr. Oxman intended to prepare an on-the-record statement. McGill agreed that Dr. Oxman would wait to publish her statement until after Business Insider published its article. In other words, Cook knew that after Business Insider published its first article, Dr. Oxman would issue her statement, giving Business Insider the opportunity to print a follow-on article mischaracterizing her statement as an admission of intentional plagiarism.

Shortly after the first article was published at 2:28 PM on January 4, Dr. Oxman acknowledged in a post on X that, in "*four paragraphs*" of her 330-page dissertation, she did not "place the subject language in quotation marks, which would be the proper approach for crediting work," and in *one sentence* she paraphrased an author but inadvertently did not cite him. She apologized for these errors. She did not, however, admit to plagiarism, intentional or otherwise. Three hours and 30 minutes later, Business Insider published a follow up article falsely claiming in its inflammatory headline that "*Neri Oxman admits to plagiarizing in her doctoral dissertation after BI report.*"⁹¹

Business Insider knew that when it published this article that its statement was false—Dr. Oxman had not admitted to plagiarism. Business Insider read and included a link to Dr. Oxman's post in the article, but it purposefully mischaracterized Dr. Oxman's post in the headline creating the false impression that Dr. Oxman had admitted to intellectual theft.

By incorrectly describing Dr. Oxman's post, Business Insider changed its meaning to have a different effect on the minds of readers than Dr. Oxman's actual post would have produced. As a result, the average reader would be less inclined to entertain the notion that Dr. Oxman's citation errors were unintentional after reading that she had admitted to plagiarism. See *Fraser*, 246 A.D.2d

⁹¹ K. Long, *Neri Oxman admits to plagiarizing in her doctoral dissertation after BI report*, Bus. Insider (Jan. 4, 2024), <https://www.businessinsider.com/neri-oxman-admits-plagiarism-business-insider-article-apology-2024-1>.



at 896 (“A report that an individual has been accused of a crime, or of distasteful acts—or even that other people claim to have witnessed such conduct—has an entirely different connotation than one announcing that the accused has in fact admitted, pleaded guilty to or been convicted of engaging in such activity.”).

By falsely accusing Dr. Oxman of admitting to plagiarism, Business Insider intended to, and did, impart to readers that Dr. Oxman’s errors were deliberate and far more serious than the unintentional omission of eight quotation marks for four paragraphs that were properly cited, and the inadvertent failure to provide a citation for one sentence that Dr. Oxman had properly paraphrased in her 330-page dissertation.

Indeed, Business Insider effectively admitted that the title of its article—“Neri Oxman admits to plagiarizing in her doctoral dissertation after BI report”—was materially misleading. Business Insider used far less inflammatory language in the dek and body of the article to describe Dr. Oxman’s purported admission. Business Insider wrote in the dek that “Neri Oxman ... apologized for parts of her dissertation,” and it wrote in the body that “Neri Oxman ... admitted to failing to properly credit sources in portions of her doctoral dissertation.”⁹² Apologizing for “parts of her dissertation” and admitting to “failing to properly credit sources in portions of her doctoral dissertation” are a far cry from admitting to plagiarism. But as Business Insider knows, most readers rarely read beyond the headlines. And the articles in other publications that repeated Business Insider’s claims relied on that headline in convicting Dr. Oxman of intentional plagiarism in the court of public opinion.

IV. Business Insider Repeatedly Republished Its False Claim That Dr. Oxman Admitted To Intellectual Theft And Fraud, And Then It Hid From Its Viewers Her Actual Statement Admitting To Five Inconsequential Clerical Errors.

Business Insider repeatedly republished the false claim that Dr. Oxman admitted to plagiarism. It did so in an article published at 12:26 AM on January 5, 2024, writing in the first sentence that, Dr. Oxman “apologized for multiple instances of plagiarism in her 2010 doctoral dissertation.”⁹³ It did so again in another article published later that same day, writing in the dek that Dr. Oxman “admitted to lifting passages from other scholars’ work in her dissertation,” and in the body of the article stating that she “admitted the plagiarism.”⁹⁴ On January 7, 2024, Business Insider published an article titled, “Bill Ackman says it is a ‘near certainty’ that academics will improperly cite others’ work *after his wife admitted to plagiarism*.”⁹⁵ Business Insider repeated the

⁹² *Id.*

⁹³ L. Lee & M. Berg, *How plagiarism by Claudine Gay, Harvard’s former president, compares to that of Neri Oxman, an academic and Bill Ackman’s wife*, Bus. Insider (Jan. 5, 2024), <https://www.businessinsider.com/claudine-gay-neri-oxman-ackman-wife-plagiarism-dissertation-harvard-mit-2024-1>.

⁹⁴ K. Long, et al., *Academic celebrity Neri Oxman plagiarized from Wikipedia, scholars, a textbook, and other sources without any attribution*.

⁹⁵ K. Tangelakis-Lippert, *Bill Ackman says it is a ‘near certainty’ that academics will improperly cite others’ work after his wife admitted to plagiarism*, Bus. Insider (Jan. 7, 2024), <https://www.businessinsider.com/bill-ackman-plagiarism-near-certainty-neri-oxman-record-questioned-2024-1>.



false claim that Dr. Oxman admitted to plagiarism in the dek of this article and in the body. Business Insider again reaffirmed this false claim when it released a statement by Business Insider CEO Barbara Peng on January 14, 2024, stating that the Dr. Oxman “stories are accurate and the facts well documented.”⁹⁶

Although the January 4 Business Insider article included a hyperlink to Dr. Oxman’s X post, Business Insider *excluded* that link in every one of its subsequent articles. Instead, Business Insider only linked back to its January 4 article, which improperly characterized Dr. Oxman’s statement as “admit[ting] to plagiarizing.”⁹⁷ In doing so, Business Insider hid the truth from its readers, making it more difficult to evaluate Business Insider’s claims, which further demonstrates its clear motive to falsely accuse Dr. Oxman of intellectual theft.

V. Business Insider Falsely Accused Dr. Oxman Of Engaging In A Quid-Pro-Quo Relationship With Jeffrey Epstein—Falsely Describing It As A “Brewing Scandal” When It Was Business Insider Who Sought To Create A Scandal.

In an effort to increase the virality of its articles on Dr. Oxman, Business Insider falsely accused her of engaging in a quid-pro-quo relationship with convicted felon and child sex trafficker Jeffrey Epstein. In its January 4 article, titled “Bill Ackman’s celebrity academic wife Neri Oxman’s dissertation is marred by plagiarism,” Business Insider falsely claimed that “[i]n 2019, emails uncovered by the Boston Globe showed Ackman pressured MIT to keep Oxman’s name out of a brewing scandal over an original sculpture she made for Jeffrey Epstein in exchange for a \$125,000 donation to her lab.”⁹⁸ These claims are false, and Business Insider knew they were false when it published them.

Dr. Oxman did not make a sculpture for Epstein in exchange for a donation to her lab, and she was never involved in any quid-pro-quo exchange with Epstein. Dr. Oxman met Epstein only once: during a fundraising presentation at MIT which she gave at the direction of her supervisor at the MIT Media Lab, its Director Joi Ito. The attendees of the presentation in addition to Epstein included Ito and a senior member of the MIT faculty who was one of the most respected members of the MIT faculty.

Dr. Oxman presented her work in the 45-minute meeting. She later was told that Epstein had agreed to donate \$125,000. Thereafter, the president of MIT, Rafael Reif, sent a personal letter to Epstein thanking him for his donation. *Dr. Oxman never again saw, never again spoke to, and never accepted any invitations from Epstein.*

Two years later, at Joi Ito’s express direction, Dr. Oxman arranged for her lab to send Epstein a 3-D printed plastic object, not a “sculpture,” made by her lab, like other gifts routinely produced

⁹⁶ B. Peng, *Our Journalism: A Note from CEO Barbara Peng*, Bus. Insider (Jan. 14, 2024), <https://www.businessinsider.com/our-journalism-a-note-from-ceo-barbara-peng-2024-1>.

⁹⁷ K. Long, et al., *Academic celebrity Neri Oxman plagiarized from Wikipedia, scholars, a textbook, and other sources without any attribution.*

⁹⁸ K. Long & J. Newsham, *Bill Ackman’s celebrity academic wife Neri Oxman’s dissertation is marred by plagiarism.*



by her lab for other approved MIT donors. Dr. Oxman’s lab regularly produced these objects for donors because of her lab’s expertise in 3D printing and design.

Furthermore, the Boston Globe did not “uncover[] emails” from Ackman. Business Insider’s language falsely suggests that Ackman was somehow trying to hide multiple emails that had to be “uncovered,” which is demonstrably false. Ackman sent a single email to Joi Ito on the subject, which he voluntarily shared with the Globe when it reached out to Ackman and Dr. Oxman in connection with its article.

Most significantly, Ackman never “pressured” MIT to do anything, nor did he threaten legal action. He merely asked Ito not to mention Dr. Oxman’s name in response to a reporter’s inquiry about Epstein. He asked Ito not to mention her name because Dr. Oxman had no involvement in Epstein coming to MIT, no decision-making authority or involvement in MIT’s decision to accept Epstein’s donation, and no role in MIT’s decision to thank him for his donation. Ackman simply did not want her to be inappropriately dragged into a situation in which she had no material involvement.

Business Insider knew all of these facts, but it chose to mischaracterize the truth nonetheless. All of these facts were available in Ackman’s email to Joi Ito, which was linked to in the Boston Globe article that Business Insider cited. Other media outlets, in addition to the Globe, that reported on Ackman’s email to MIT at the time accurately explained that he simply “urged [MIT] to avoid naming his wife.”⁹⁹

Business Insider’s inclusion of these spurious allegations, which have no relevance whatsoever to the rest of the article, demonstrates its intent to harm Dr. Oxman and Ackman and to garner attention, clicks, and advertising revenues. Business Insider was “pandering to lurid curiosity,” yet another violation of professional journalistic standards.¹⁰⁰ Business Insider went out of its way to include a wholly irrelevant, gratuitous reference to Epstein—a deviant criminal sexual predator and convicted felon—in an unrelated article about alleged plagiarism to stir up controversy and garner attention by misrepresenting as a scandal Dr. Oxman’s insignificant and entirely appropriate MIT-requested interaction with a pre-approved MIT donor.

Almost immediately after the article was published, Fran McGill, the head of communications for Ackman’s investment firm wrote to John Cook, the Business Insider executive editor who worked on the article, explaining that there was no quid-pro-quo exchange, as Business Insider claimed. “There wasn’t a scandal over the sculpture, and it wasn’t an ‘original sculpture’ given ‘in exchange for’ the donation,” wrote McGill.¹⁰¹ He also pasted in his email a paragraph from the Boston Globe article that Business Insider cited in support of its libelous claim about Epstein. That passage said:

⁹⁹ O. Rummler, *Hedge fund manager told Joi Ito to keep his wife’s name out of Jeffrey Epstein saga*, Axios (Sept. 14, 2019), <https://www.axios.com/2019/09/14/joi-jeffrey-epstein-ties-mit-media-lab-professor>.

¹⁰⁰ Soc’y of Pro. Journalists, *SPJ Code of Ethics*, <https://www.spi.org/ethicscode.asp>.

¹⁰¹ Email exchange among Fran McGill, John Cook, and others (Jan. 4, 2024).



And in 2017, [Joi] Ito requested that her design lab, which often produced donor gifts for the university, send a token of appreciation to Epstein: a grapefruit-sized, 3-D printed marble with a base that lit up. It came with a pair of gloves to avoid getting fingerprints on the surface. She complied, and asked lab members to mail it to Epstein's Manhattan address.

McGill requested that Business Insider correct its reporting to reflect what the Boston Globe actually reported. In response, Business Insider issued a stealth correction and revised the statement to say, “[i]n 2019, emails uncovered by the Boston Globe showed Ackman pressured MIT to keep Oxman's name out of a brewing scandal over an original sculpture she gave to Jeffrey Epstein in thanks for a \$125,000 donation to her lab.”

Notably, in yet another example of Business Insider's intent to harm Dr. Oxman and Ackman, Business Insider did not acknowledge that the article had been revised, as journalistic standards require. The stealth correction was also woefully inadequate because it still falsely suggested that the Boston Globe uncovered and reported on Dr. Oxman's active involvement in a scandal with Epstein that Ackman had pressured MIT to keep secret.

VI. Driving Home Its Retaliatory Intent, Business Insider Intentionally Published Dr. Oxman's Home Address, Doxing Her And Her Family To Hundreds Of Millions Of Readers And Social Media Followers.

In addition to falsely accusing Dr. Oxman of intentional plagiarism and academic fraud, and wantonly and maliciously claiming she had engaged in a quid-pro-quo exchange with Epstein, Business Insider also doxed Dr. Oxman. Business Insider has created security concerns for Dr. Oxman and her family by recklessly publishing her home address to hundreds of millions of readers and followers. In its January 4, article, “Bill Ackman's celebrity academic wife Neri Oxman's dissertation is marred by plagiarism,” Business Insider gratuitously included the location of Ackman and Dr. Oxman's home, which was entirely irrelevant to the article.

“Ethical journalism treats sources, subjects, colleagues and members of the public as human beings deserving of respect.”¹⁰² Journalists must consider “*potential harm* or discomfort” to story subjects.¹⁰³ “Pursuit of the news is *not a license for ... undue intrusiveness.*”¹⁰⁴ Here, Business Insider ignored these fundamental principles of ethical journalism and went out of its way to maximize potential harm to Dr. Oxman and her family by revealing her home address in the very first article it published about her.¹⁰⁵ Doxing is not only unethical journalism, but it is also prohibited by social media sites and is antithetical to basic common decency.¹⁰⁶ Business Insider's

¹⁰² Soc'y of Pro. Journalists, *SPJ Code of Ethics*, <https://www.spj.org/ethicscode.asp>.

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ K. Long & J. Newsham, *Bill Ackman's celebrity academic wife Neri Oxman's dissertation is marred by plagiarism*.

¹⁰⁶ X, Media Policy, Overview (Dec. 2022) (“You may not publish or post other people's private information without their express authorization and permission.”), <https://help.twitter.com/en/rules-and-policies/personal-information>.



disclosure of Dr. Oxman’s home address also needlessly exposed Dr. Oxman and her family to potential security issues.

This is not the first time Long—the primary author of the article—has doxed the subjects of her reporting. In 2020, she posted on X that she “like[s] the people who send [her] angry emails when [she] publish[es] the addresses of billionaires’ homes.”¹⁰⁷



Dr. Oxman’s home address has absolutely no relevance to the article. Business Insider’s repeated failure to abide by basic standards of ethical and professional journalism is further evidence of Business Insider’s malicious intent. See, e.g., *Harte-Hanks Commc’ns, Inc. v. Connaughton*, 491 U.S. 657, 667–68, 693 (1989) (“newspaper’s departure from accepted standards ... [was] supportive of” actual malice); *Eramo*, 209 F. Supp. 3d at 871; *Kerwick v. Orange Cnty. Publ’ns Div. of Ottaway Newspapers, Inc.*, 53 N.Y.2d 625, 627 (1981); *Morsette v. The Final Call*, 309 A.D.2d 249, 258–59 (N.Y. App. Div. 2003). Any refusal to take out the address after-the-fact will be further evidence of malice. See, e.g., *Zerangue v. TSP Newspapers, Inc.*, 814 F.2d 1066, 1071 (5th Cir. 1987) (failure to retract may tend to support a finding of actual malice).

VII. Business Insider Reinforced Its False Claim—That Dr. Oxman Admitted To Intellectual Theft And Fraud—And Compounded The Significant Damage Resulting From It By Falsely Claiming That Dr. Oxman And Ackman Did Not Dispute The Facts In Business Insider’s Articles.

In response to Ackman’s public criticism of Business Insider’s agenda-driven, false, and defamatory reporting on Dr. Oxman, Business Insider went into full defense mode. It began circling the wagons to protect its own reputation rather than taking steps to correct and/or retract its flawed and defamatory articles.

¹⁰⁷ Katherine Long (@ByKLong), X (Apr. 8, 2020), <https://twitter.com/ByKLong/status/1247740055981981698?s=20>.



Business Insider and Axel Springer began parroting the false narrative that neither Dr. Oxman nor Ackman disputed the facts in Business Insider’s reporting. An Axel Springer spokesperson issued an on-the-record statement on January 7, 2024, claiming that “the facts of the [Business Insider] reports have not been disputed.”¹⁰⁸ Contemporaneously, Business Insider Editor-in-Chief, Nicholas Carlson, made similar claims in a letter to his staff the same day, which was leaked to the media, where he said “[w]e published two stories about Neri Oxman this week. ... The facts of the stories have not been disputed by Oxman or her husband Bill Ackman.”¹⁰⁹ Nothing could have been further from the truth, and Business Insider and Axel Springer knew it at the time.

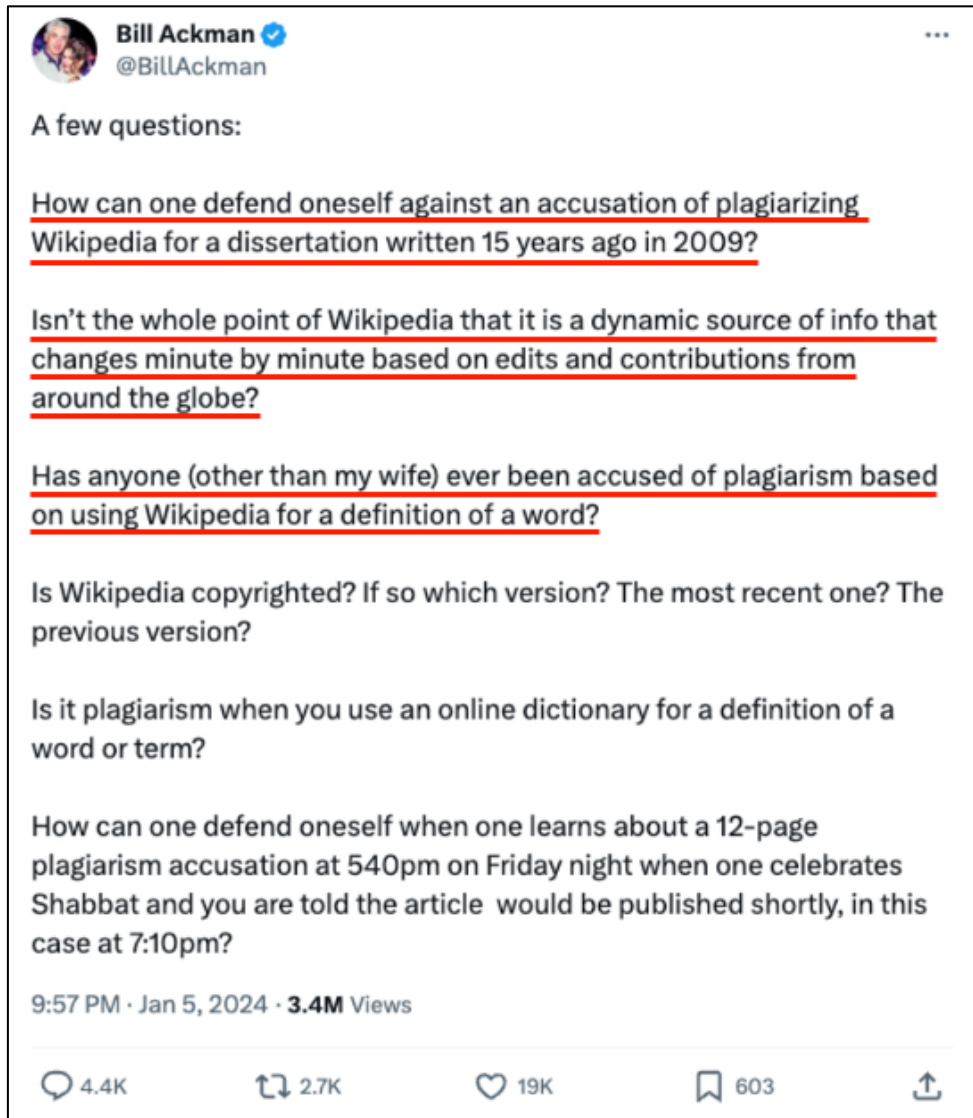
Ackman forcefully disputed the facts of Business Insider’s reporting publicly on X, and directly, verbally and in writing to: (1) Henry Blodget, founder and Chairman of Business Insider, (2) Axel Springer board member Martin Varsavsky, and (3) ultimately Axel Springer’s CEO Mathias Döpfner.

In just one example, at 9:57 PM on January 5, just a few hours after Business Insider published its article falsely accusing Dr. Oxman of plagiarizing from Wikipedia and other sources, Ackman posted on X disputing that using Wikipedia for definitions is plagiarism. He asked rhetorically, “How can one defend oneself against an accusation of plagiarizing Wikipedia ... Isn’t the whole point of Wikipedia that it is a dynamic source of info that changes minute by minute based on edits and contributions from around the globe? Has anyone (other than my wife) ever been accused of plagiarism based on using Wikipedia for a definition?”¹¹⁰ Among other challenges to Business Insider’s reporting, Ackman directly disputed the notion that Dr. Oxman’s inclusion of definitions from Wikipedia in her dissertation was plagiarism.

¹⁰⁸ S. Thaler, *Axel Springer launches probe into Business Insider’s reporting on Bill Ackman’s wife Neri Oxman’s alleged plagiarism*, N.Y. Post (Jan. 8, 2024), <https://nypost.com/2024/01/08/business/axel-springer-launches-probe-into-business-insiders-reporting-on-neri-oxman/>.

¹⁰⁹ C. Roush, *Business Insider EIC Carlson stands by Oxman stories*, Talking Biz News (Jan. 7, 2024), <https://talkingbiznews.com/media-news/business-insider-eic-carlson-stands-by-oxman-stories/>.

¹¹⁰ Bill Ackman (@BillAckman), X (Jan. 5, 2024), <https://twitter.com/BillAckman/status/1743466850560720914>.



Ackman also publicly disputed the facts of Business Insider’s reporting in a 5,125 word post he made on X on January 6, 2024. He explained how “there are different kinds of plagiarism,” “[s]ome plagiarism is due to the laziness of the author,” “[s]ome ... from being human,” and other plagiarism is “much more pernicious, like for example, when important ideas are intentionally stolen without attribution.”¹¹¹ Ackman explained, “I am sure that when Neri wrote her dissertation she thought that there was nothing wrong with using Wikipedia as a dictionary.”¹¹²

¹¹¹ Bill Ackman (@BillAckman), X (Jan. 6, 2024), <https://twitter.com/billackman/status/1743792224020619450?s=46&t=FKnrNlrAnZ2sDFQxwXpcoQ>.

¹¹² *Id.*



Bill Ackman January 6, 2024 Post on X

The good news is that no paper written by a faculty member after the events of this past week will be published without a careful AI review for plagiarism, that, in light of recent events, has become a certainty.

But what do we do about papers written before today, which will inevitably fail an AI plagiarism test? The answer I believe is that there are different kinds of plagiarism, and it depends.

Some plagiarism is due to the laziness of the author. Laziness is not a great excuse for a member of the faculty, but it does not seem like a crime to me. It is more a reflection of the competency and motivation of the faculty member. In the real world, employees can be fired for being lazy, but this can be challenging to do under the tenure system.

Some plagiarism arises from being human, at least before AI systems. A tenured member of the faculty with thousands of pages of published work before the launch of AI systems is going to make some number of unintentional mistakes. The more papers they have published and the more total pages they have, the greater the likelihood of instances of plagiarism.

Other kinds of plagiarism, however, are much more pernicious, like for example, when important ideas are intentionally stolen without attribution. The worst form of plagiarism would be a case where an author intentionally stole another person's work and presented it as his own, and it represented an important part of the new paper. I expect that this kind is rare, but it is clearly outright theft, and should be treated as such.

Neri has yet to vet yesterday's plagiarism allegations, but she will get to them when she has time to do so. Notably the first 15 of the 28 examples that came from Business Insider's "thorough review of her published work" were definitions of words or terms that Neri may have used from Wikipedia including the definition of: "weaving," "computer graphics," "computer-aided design," "pain," "manifold," "heat flux," "optimization," and "sustainable design," to name more than half of the examples BI calls plagiarism.

Is this plagiarism? Let's assume that in writing her dissertation Neri used Wikipedia as a dictionary for these terms and it is deemed to be plagiarism, does it any way affect the quality and originality of the research in her dissertation? I think that's worth an important discussion among the experts.

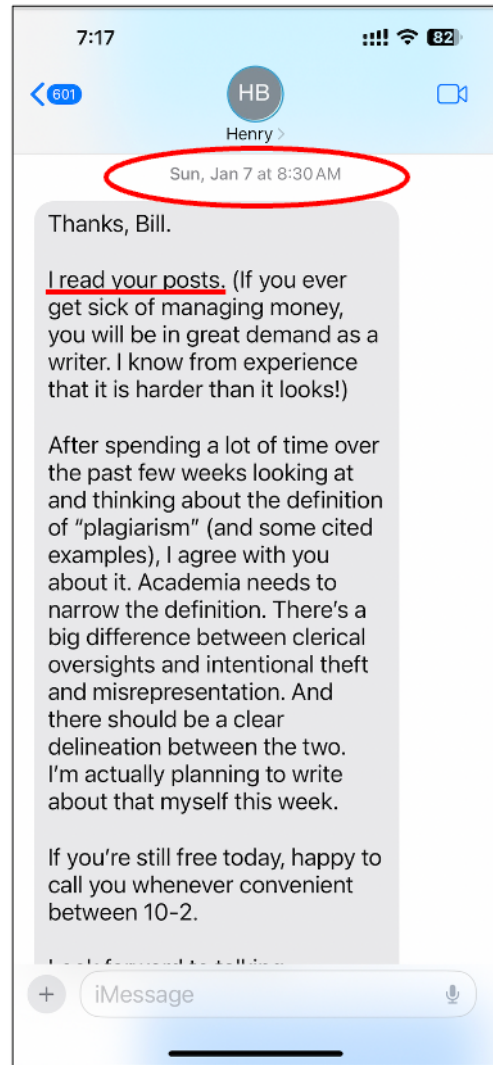
It does not strike me as plagiarism, nor do I think it takes anything away from her work. I am not sure who would even complain that they were not cited properly. I also wish I knew how to reach a human being at Wikipedia as my Wikipedia biography needs correcting, and could be meaningfully improved if there was someone I could speak to.

I am sure that when Neri wrote her dissertation she thought that there was nothing wrong with using Wikipedia as a dictionary. When I was a student, I remember having a thesaurus and a dictionary on my desk that I would consult when I wrote a paper and needed a synonym or a definition of a word. I never thought to quote or cite my thesaurus or dictionary for basic words, term or synonyms.

The next day (January 7), Ackman exchanged text messages and spoke on the phone with Business Insider Founder and Chairman, Henry Blodget. Blodget candidly admitted in his text exchange with Ackman that he had read Ackman's posts relating to plagiarism, including the posts that disputed Business Insider's claim that Dr. Oxman committed intellectual theft.¹¹³ After reading Ackman's posts, *Blodget praised Ackman for his writing skills, and agreed with Ackman that "there's a big difference between clerical oversights and intentional theft and misrepresentation. And there should be a clear delineation between the two."*¹¹⁴

¹¹³ Text message exchange between B. Ackman and H. Blodget (Jan. 7, 2024).

¹¹⁴ *Id.*



At 10:00 AM on January 7, 2024, Ackman spoke on the phone with Blodget for 38 minutes. During that call, Ackman vigorously disputed the facts of Business Insider's reporting, including Business Insider's failure to distinguish between inadvertent and intentional plagiarism, just as Ackman had explained on X. Blodget was apologetic to Ackman, told Ackman that he took these concerns seriously, and explained that Axel Springer had already launched an investigation into its articles about Dr. Oxman.

On the call, Ackman requested that Blodget have Business Insider publicly announce the investigation to help mitigate some of the reputational damage it had caused, and was continuing to cause, to Dr. Oxman. Ackman also asked Blodget to take down the articles about Dr. Oxman while Business Insider's investigation was pending. Blodget said that he would consider his request, but had to speak to others before doing so, and promised to get back to Ackman later that day.



Blodget also requested that Ackman not publicly disclose that he and Ackman had spoken, a request Ackman has honored to date despite the astounding hypocrisy of the Founder and Chairman of an organization dedicated to unearthing secrets and slinging mud about innocent people asking for anonymity. (Recently, Blodget was outed in a New York Magazine article by his colleagues at Business Insider who recognized Blodget’s writing style and use of exclamation marks in his text to Ackman, a text that Ackman had shared on X without identifying Blodget.)¹¹⁵

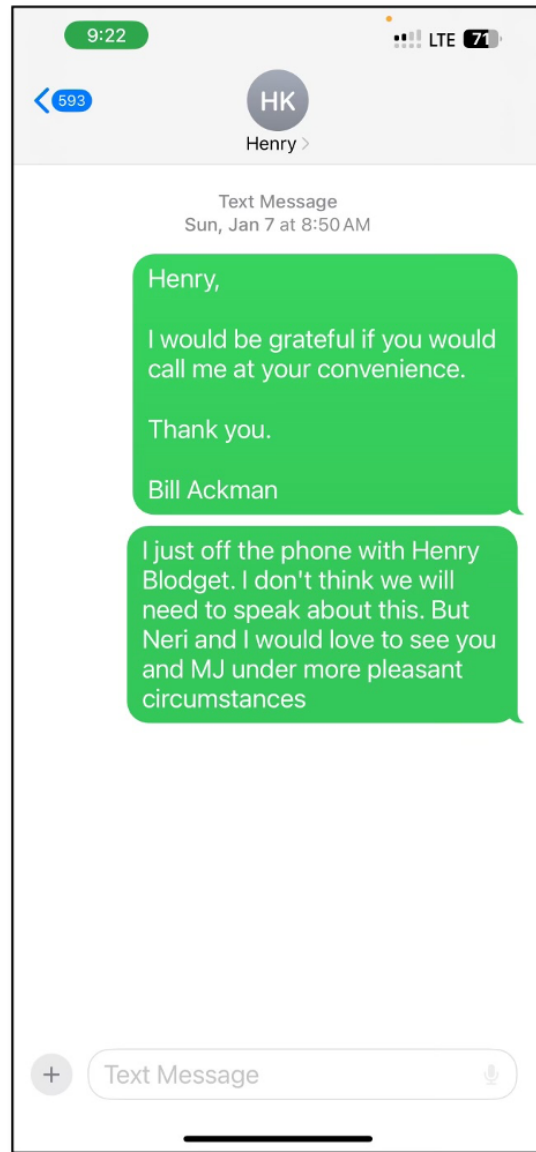
After his call with Blodget, Ackman was relieved. Blodget had told Ackman that Business Insider was going to conduct an investigation into the factual accuracy of the articles, as well as the processes and circumstances in connection with the reporting of the articles. He also told Ackman that he intended to write an article in Business Insider later that week that explained the differences between intentional plagiarism and “clerical errors.” In light of Blodget’s reassuring statements on the call, Ackman believed it would only be a few days before Dr. Oxman would be exonerated and the articles corrected or retracted.

Seventy minutes prior to his call with Blodget at 8:50 AM on January 7, Ackman had called Henry Kravis, and then texted Kravis when he did not reach Kravis by phone, to share his concerns about Business Insider’s false and defamatory articles, and to seek Kravis’ assistance in getting the articles corrected. Kravis, the co-founder of KKR, along with its co-investor, is the largest shareholder of Axel Springer. He is also a member of Axel Springer’s Board of Directors.

Immediately after finishing his call with Blodget shortly before 11:00 AM, Ackman texted Kravis that he no longer needed to speak with him because Blodget reassured him that the situation was being evaluated and would be resolved promptly:¹¹⁶

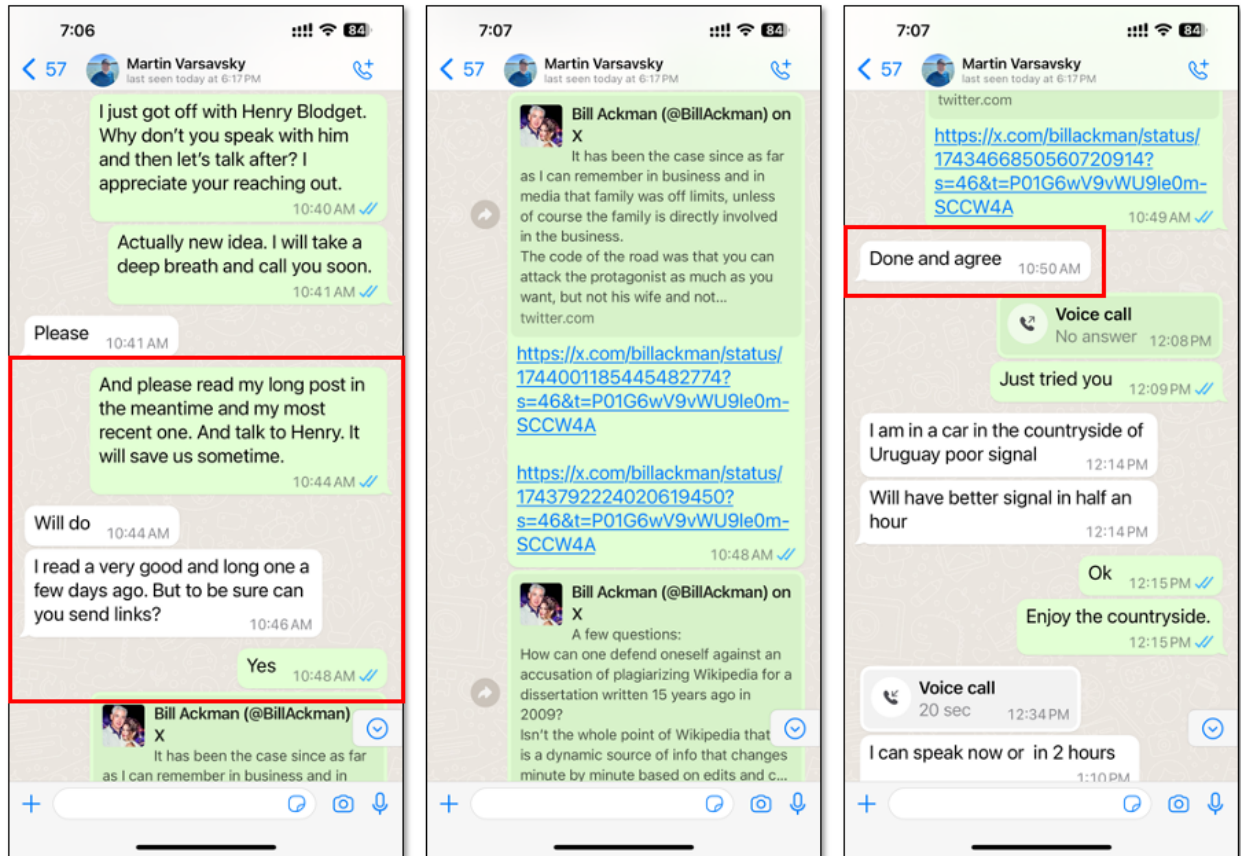
¹¹⁵ R. Wiedeman, *Raging Bill Ackman’s fight against Harvard has made him the public face of a billionaire class anxious it no longer rules the world*, N.Y. Mag. (Feb. 12, 2024), <https://nymag.com/intelligencer/article/bill-ackman-war-harvard-mit-dei-claudine-gay.html>.

¹¹⁶ Text message exchange between B. Ackman and H. Kravis (Jan. 7, 2024).



Later that day, Ackman was contacted by Martin Varsavsky, another member of Axel Springer’s Board, and later spoke to and exchanged multiple WhatsApp messages with him.¹¹⁷ Ackman asked Varsavsky to read his X posts in which he expressly disputed Business Insider’s claims that Dr. Oxman had committed intentional plagiarism. He sent Varsavsky links to those posts, to which Varsavsky responded, “*Done and agree*”:

¹¹⁷ WhatsApp exchange between B. Ackman and M. Varsavsky (Jan. 7, 2024).



In several conversations with Varsavsky, Ackman explained that he disagreed with many of the facts reported by Business Insider and explained the material difference between intentional theft and inadvertent errors, which Varsavsky seemed to understand and agree. After their WhatsApp interactions, Varsavsky enabled disappearing messages.

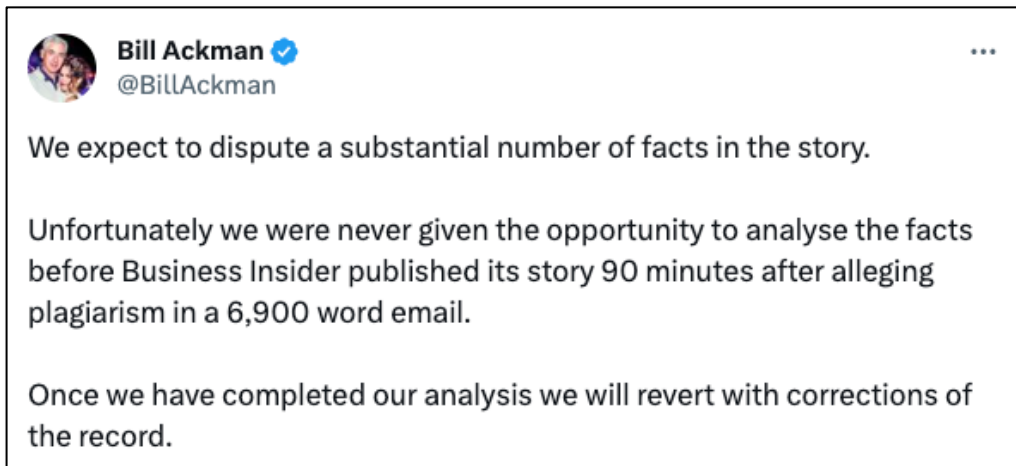
Despite Ackman's repeated challenges to the facts of the articles to Blodget and Varsavsky, Nicholas Carlson, Business Insider's Editor in Chief, and Adib Sisani, a spokesperson for Axel Springer, announced that Business Insider would investigate the reporting process and motivation for publishing the articles about Dr. Oxman. In these same announcements, Carlson and Sisani falsely claimed, however, that the facts of Business Insider's reporting were undisputed. Those facts, according to Carlson, were that Business Insider's "first story revealed plagiarism similar to the kind found in Claudine Gay's work. The revelations in the second story were more serious: specifically, that Oxman lifted passages without citation from Wikipedia, a textbook, and other academic writing."¹¹⁸ *In other words, Carlson recognized the distinction between intentional and unintentional plagiarism and unequivocally stated that Business Insider intended to (and did) accuse Dr. Oxman of both.*

Carlson's and Axel Springer's false statements that the facts were undisputed amplified Business Insider's false claim that Dr. Oxman admitted to plagiarism. Almost immediately after

¹¹⁸ C. Roush, *Business Insider EIC Carlson stands by Oxman stories.*



Axel Springer falsely claimed that the facts of Business Insider’s reporting were undisputed, Ackman reiterated in a post on X that he “expect[ed] to dispute a substantial number of facts in the [Business Insider] story”—explaining his intent to do so formally through counsel, as he had already done publicly on X and privately, by phone and in writing with Business Insider and Axel Springer senior executives and Board members.¹¹⁹



In an interview around the same time with Puck, Axel Springer’s head of communications, Adib Sisani, spoke on the record to a reporter from Puck. In response to questions about Ackman, Sisani said that “most people underestimate how much Ackman is completely losing it” and that “*the facts of the story stand. I’m certain the sourcing and technical journalistic work done was spotless.*”¹²⁰

¹¹⁹ Bill Ackman (@BillAckman), X (Jan. 7, 2024), <https://twitter.com/BillAckman/status/1744119648705036337>.

¹²⁰ D. Byers, *A Season of Ackman’s Life*, Puck (Jan. 10, 2024), <https://puck.news/a-season-of-ackmans-life/>.



Statements by Adib Sisani to Puck

In a phone call this week, Sisani told me that the company launched the review because Axel took Ackman's accusations so seriously—chiefly, the insinuation that targeting Oxman, who was born in Israel, was antisemitic or anti-Zionist. "That's a very hard red line," Sisani said of Ackman's assertions. "Those are accusations that we're going to make triple-sure are outrageous and not based in reality." Still, Sisani conceded, "most people underestimated the way that Bill Ackman is completely losing it."

according to Sisani, it appears he's unlikely to force B.I. to concede defeat. Axel and Business Insider will conclude their review in a matter of days, Sisani said, but, he added, "the outcome of the review is pretty clear." Sisani continued: "We believe in our own editorial standards. Of course there's not a bias in the sense that his wife is Jewish—that's so far out there. What remains is: Did we give him and his wife enough time to comment? I'm sure there's an email trail that's easily reviewed. Could there be an outcome where maybe we give them an hour extra?" Sisani also acknowledged that some of B.I.'s reporters "could be seen as spiking the football" with their own seemingly impartial posts on social media, rather than "letting the story speak for itself." Nevertheless, he said, "the facts of the story stand. I'm certain the sourcing and technical journalistic work done was spotless."

Sisani's statements were meant to diminish Ackman's—and by extension, Dr. Oxman's—denials of Business Insider's claims. Ackman was not "losing it." Rather, he was explicating with particularity and urgency the falsehoods in Business Insider's articles in an effort to mitigate the harm Business Insider had done to his wife and her reputation.

Ackman was optimistic that Axel Springer's investigation into its reporting on Dr. Oxman would reach the right conclusions that would result in corrections and/or retractions. Remarkably, Business Insider refused to correct its articles even when presented with objective facts refuting its predetermined narrative and when major shortcomings with its process were identified that reflected its total disregard of professional journalistic standards and ethics.

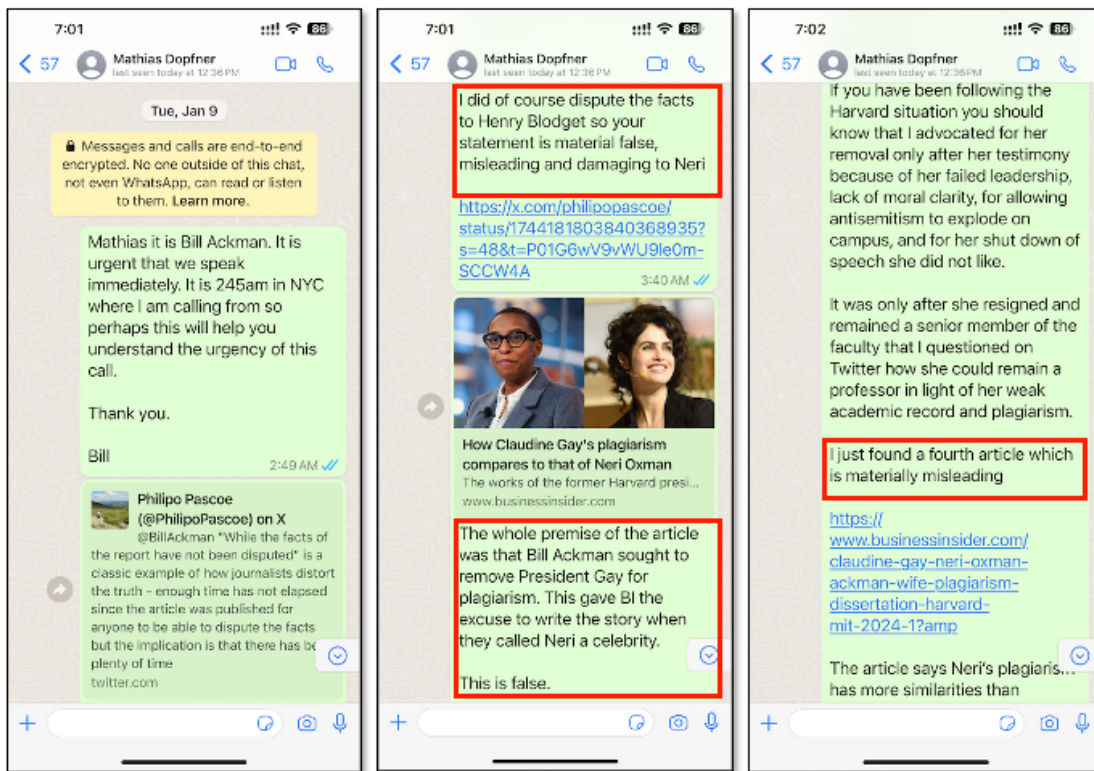
On January 9, 2024, at the suggestion of Varsavsky, Ackman contacted Axel Springer CEO Döpfner via WhatsApp. Ackman and Döpfner spoke on the phone for about 35 minutes around 3:15 AM on January 9. During that phone call, Döpfner told Ackman that he was unaware that Ackman had disputed the facts of Business Insider's reporting.

Döpfner had to terminate the call because he was about to have a medical procedure, so he asked Ackman to send him via WhatsApp the specific claims from Business Insider's articles that

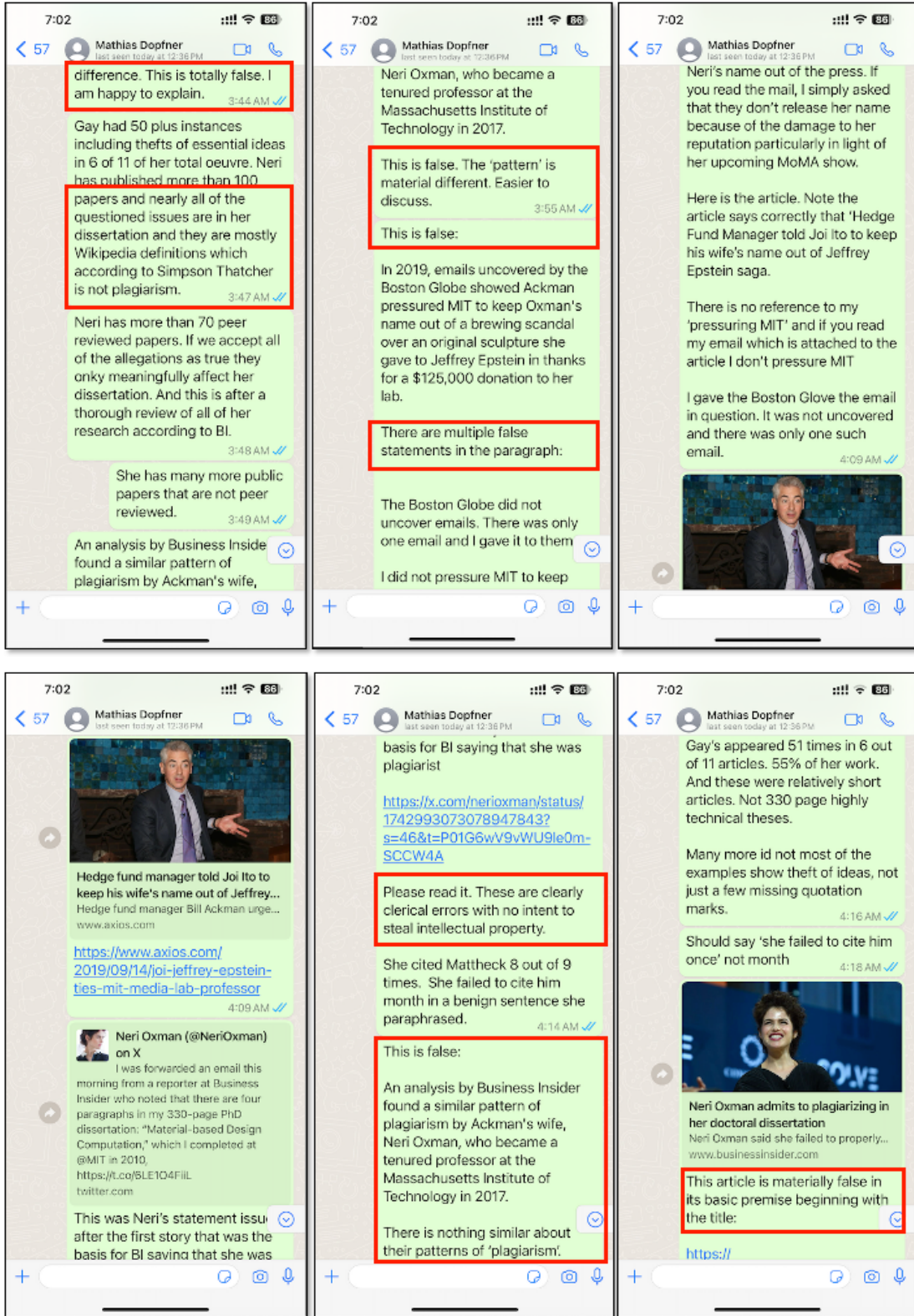


Ackman disputed. Ackman messaged Döpfner as requested, identifying multiple incorrect statements in Business Insider's reporting and explaining to Döpfner why and how those statements were false, including by noting that the alleged instances of so-called plagiarism that Business Insider identified were "clearly clerical errors."¹²¹ Döpfner read the texts as evidenced by the double blue checks after each of Ackman's texts (the WhatsApp indicator to acknowledge that texts were read by the recipient).

Ackman could not have been clearer that he "dispute[d] the facts" of Business Insider's reporting, including "to Henry Blodget," so Axel Springer's "statement [which said that the facts were undisputed by Dr. Oxman and Ackman] is material[ly] false, misleading and damaging to Neri."



¹²¹ WhatsApp exchange between B. Ackman and M. Döpfner (Jan. 9-10, 2024).





7:03 Mathias Dopfner
last seen today at 12:36 PM

This article is materially false in its basic premise beginning with the title:

<https://www.businessinsider.com/neri-oxman-admits-plagiarism-business-insider-article-apology-2024-1?amp>

Neri out out only one statement. She admits to mistakes, that is missing 8 quotation marks and one attribution in a 330 page document. But in no place in her statement does she admit to plagiarism.

Business insider comes to legal conclusion but has no basis for doing so.

When professors are alleged to have plagiarized, there are serious processing that many months to be resolved. The professors are represented by counsel.

7:03 Mathias Dopfner
last seen today at 12:36 PM

There is no chance that on the basis of the clerical mistakes that Neri made that a court would conclude that these unintentional errors would arise to plagiarism, which is a career destroying finding.

That is not for BI to determine in an article. Neri had only a few hours, limited access to the source material, and legal representation.

What is the basis for their legal conclusion on plagiarism? Which lawyer carefully examined the facts and the documents, interviewed etc and what judge came to this decision? 4:26 AM ✓

This was the article that destroyed her.

It enabled many thousands of other media outlets to run with stories that said:

Neri Oxman admits to plagiarism.

7:03 Mathias Dopfner
last seen today at 12:36 PM

Bear in mind, that this is worse than an article which says that Bill Ackman admits to insider trading.

Would Business Insider put out such a story before a court came to this conclusion?

There is not a chance that it would do so.

Saying a tenured professor from MIT plagiarized is the death of their career.

Professors commit suicide when this happens because their career is over.

The only thing worse to a mother is the death of a child or the loss of a pregnancy from the last remaining frozen egg from when your eggs were still good. 4:31 AM ✓

Can you speak? 4:32 AM ✓

7:03 Mathias Dopfner
last seen today at 12:36 PM

Correcting typos:

This is false:

An analysis by Business Insider found a similar pattern of plagiarism by Ackman's wife, Neri Oxman, who became a tenured professor at the Massachusetts Institute of Technology in 2017.

There is nothing similar about their patterns of 'plagiarism'.

Gay's appeared 51 times in 6 out of 11 articles. 55% of her work. And these were relatively short articles. Not 330-page highly technical theses.

Many more id not most of the examples show theft of ideas, not just a few missing quotation marks. 4:39 AM ✓

Fixing again as spell check changed it. This shows you how easy it is to make a clerical error.

7:03 Mathias Dopfner
last seen today at 12:36 PM

Correcting typos:

This is false:

An analysis by Business Insider found a similar pattern of plagiarism by Ackman's wife, Neri Oxman, who became a tenured professor at the Massachusetts Institute of Technology in 2017.

There is nothing similar about their patterns of 'plagiarism'.

Gay's appeared 51 times in 6 out of 11 articles. 55% of her work. And these were relatively short articles. Not a 330-page highly technical dissertation. 4:41 AM ✓

Many more if not most of the examples show theft of ideas, not just a few missing quotation marks.

There is no university in the wc or court of law would find that a professor had plagiarized on the

7:03 Mathias Dopfner
last seen today at 12:36 PM

basis of four properly cited paragraphs that were missing quotation marks, and one sentence from an author who cited properly 8 other times in the dissertation.

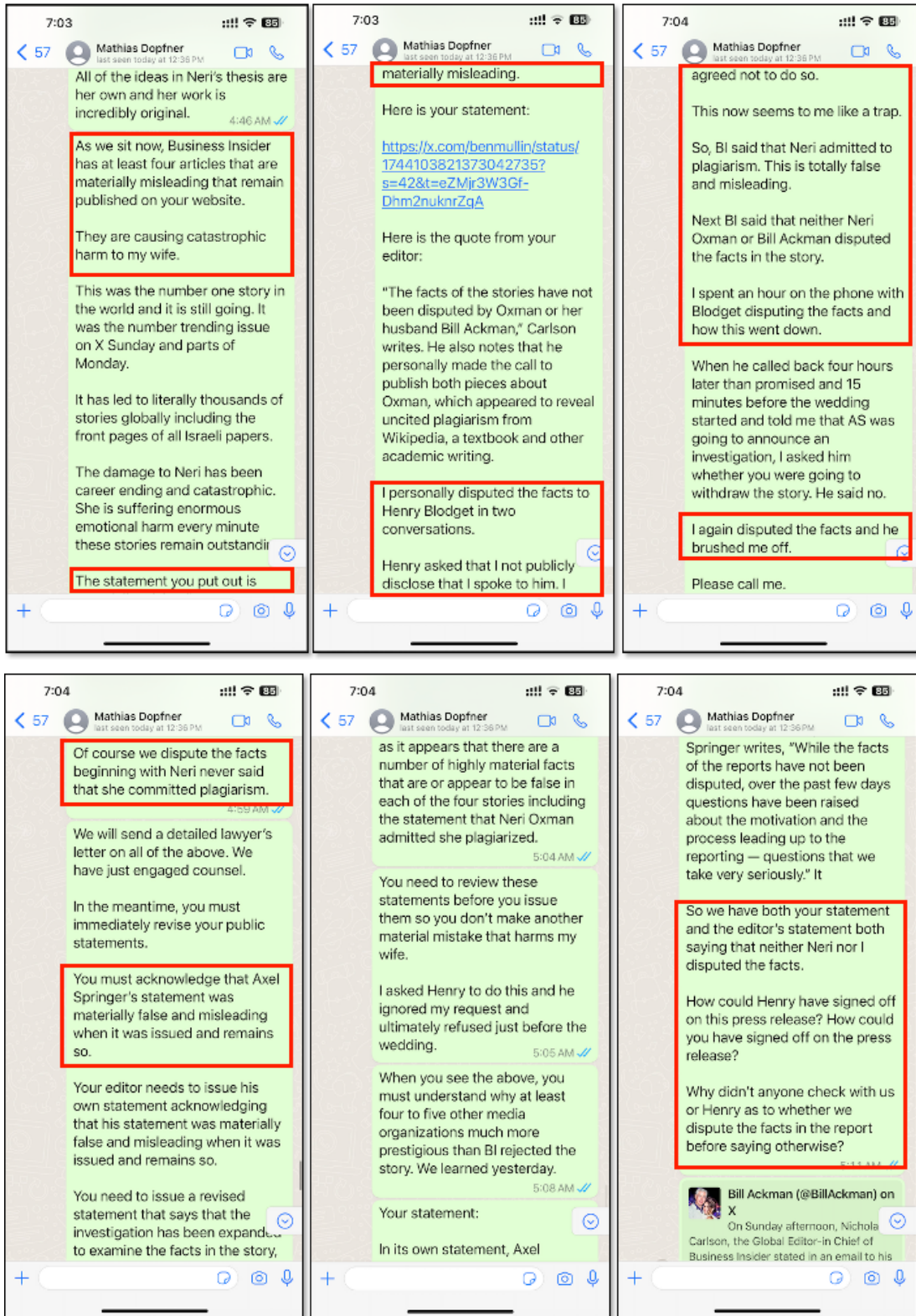
A finding of plagiarism is a career ending finding. These findings are made extremely carefully because of their life-destroying impact.

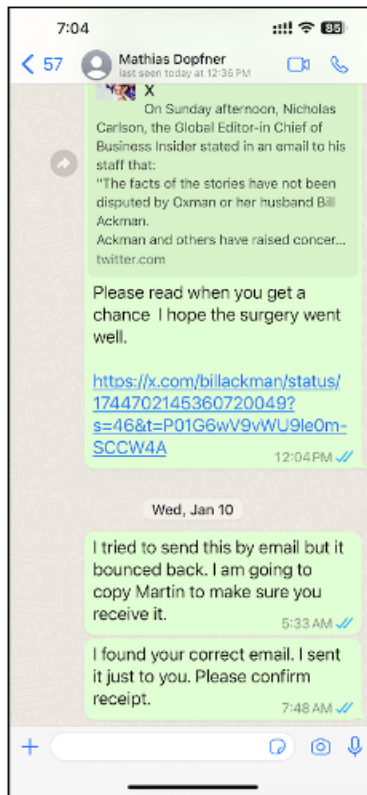
Among other things, the intent of the professor and the pattern of plagiarism are relevant to the finding.

If there are repeated findings about intentional theft of ideas, one is more likely to have been found guilty of plagiarism.

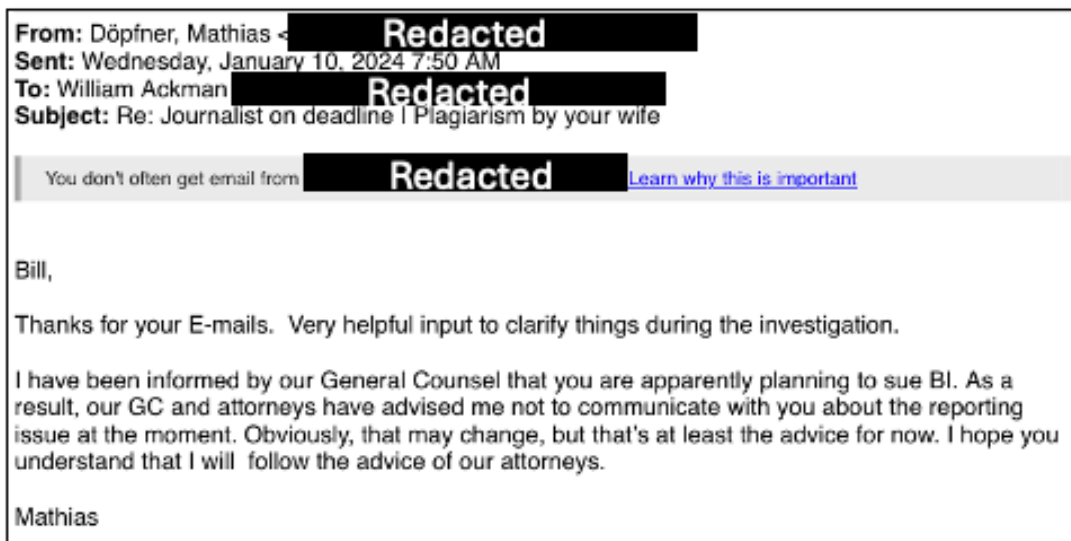
Here, there is clearly no intent.

The Simpson Thatcher lawyer said that plagiarism is about th of ideas.





Ackman also emailed the above errors in the Business Insider articles to Döpfner on January 10, along with a copy of the 7,071-word request for comment that Katherine Long emailed on January 5. Döpfner responded that he thought Ackman’s “input” was “[v]ery helpful” to “clarify things during [Business Insider’s] investigation.”¹²²



¹²² Email exchange between B. Ackman and M. Döpfner (Jan. 10, 2024).



VIII. Business Insider Acted With Actual Malice In Publishing This Series Of Articles.

a. Business Insider's Coverage Of Dr. Oxman Was Driven By Biased, Anti-Zionist, And Purportedly Antisemitic Employees Seeking To Retaliate Against Ackman For His Criticism Of Former Harvard President Gay.

Business Insider never had any interest in journalistic integrity or the truth when reporting on Dr. Oxman. From the outset, its reporting was tainted by its progressive political bias and the desire of its anti-Zionist reporters and editors to smear a prominent, Jewish advocate and his family for speaking up against former Harvard President Gay. The Business Insider employees primarily responsible for this attack have a history of unethical conduct and have publicly expressed their anti-Zionist and/or purported antisemitic views.

Henry Blodget, Business Insider's Founder and Chairman, started Business Insider as a second career after he settled charges brought by the Securities and Exchange Commission ("SEC") for fraudulent research that he had issued. In 2003, Blodget paid \$4 million as part of the settlement agreement, and he was censured and permanently barred from the securities industry.¹²³

Notably, Blodget did *not* deny the government's allegations against him, including that he "issued fraudulent research under Merrill Lynch's name, as well as research in which he expressed views that were inconsistent with privately expressed negative views."¹²⁴ Specifically, the SEC also alleged—which Blodget also did not deny—that he:

aided and abetted violations of antifraud provisions of the federal securities laws and violated SRO rules by issuing research reports on one internet company (GoTo.com) that were materially misleading because they were contrary to privately expressed negative views ... and ... *issued research reports on six other Internet companies ... that were not based on principles of fair dealing and good faith and did not provide a sound basis for evaluating facts regarding those companies, contained exaggerated or unwarranted claims about those companies, and/or contained opinions for which there was no reasonable basis.*¹²⁵

After committing fraud and losing his career in financial services by forfeiting his license as part of his multi-million-dollar settlement with the SEC, Blodget moved on to journalism, and the publication of attack articles at Business Insider for profit by taking down prominent people in business. Blodget's fraudulent research techniques found an easy translation to journalism where Blodget was not constrained by the SEC or other regulatory oversight.

Insider Inc., the owner of Business Insider, touts its mission on its website as purportedly to "[i]nform and [i]nspire," but notably absent from its website is any mention of Blodget's history with

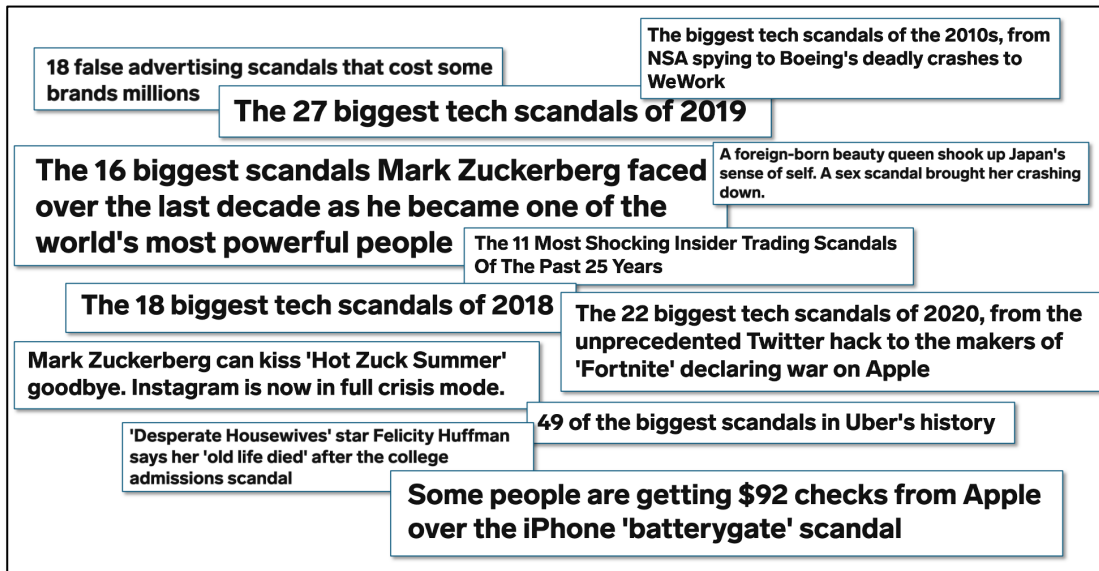
¹²³ SEC Press Release, *The Securities and Exchange Commission, NASD and the New York Stock Exchange Permanently Bar Henry Blodget From the Securities Industry and Require \$4 Million Payment* (Apr. 28, 2003), <https://www.sec.gov/news/press/2003-56.htm>.

¹²⁴ *Id.*

¹²⁵ *Id.*



the SEC.¹²⁶ Far from “inspir[ing]” its readers, Business Insider’s journalism is driven by clickbait headlines about “scandal” and articles that Blodget thinks “will make people go, ‘Whoa!’ or ‘Hey!’ or ‘Ha ha.’”¹²⁷



Blodget’s history of writing an antisemitic article is similarly unscrupulous. In 2012, Blodget wrote an article entitled, “Why Do People Hate Jews?,” which prominently featured a picture of two traditionally dressed Hasidic Jews. At the time of he published the article, Blodget claimed to have been surprised by the public backlash. In response, he shut down dissent by turning off public comments on Business Insider’s website for the article, and later changed its title.¹²⁸

¹²⁶ Insider Inc., *Who We Are*, <https://www.insider-inc.com/who-we-are>.

¹²⁷ M. Celarier, *Henry Blodget Was Banned From the Financial Industry. So He Built a Financial Media Empire*, Institutional Inv. (July 28, 2020), <https://www.institutionalinvestor.com/article/2bswzwy2s9zuvhth43k/culture/henry-blodget-was-banned-from-the-financial-industry-so-he-built-a-financial-media-empire>. The headlines are clipped from various articles published by Business Insider in recent years.

¹²⁸ H. Blodget, *What Are The Sources Of Anti-Semitism?*, <https://www.businessinsider.com/why-do-people-hate-jews-2012-5>.



John Cook, an executive editor for news who oversees Business Insider’s coverage of politics, investigations, features, and defense, and the editor who oversaw each of the defamatory Business Insider articles about Dr. Oxman, also has a long history of sleazy and retaliatory journalism.

As a teenager, Cook and his friends produced an anonymous “underground,” “proudly indecent” “newspaper” called *Ramming Speed*, which “viciously attacked [his] teachers and peers.”¹²⁹ This “scandal sheet” contained messages encouraging a student to commit suicide and “racist rants.”¹³⁰ (One of Cook’s victims attempted suicide afterward, while another’s embarrassment was so unbearable she wanted to move to live with her aunt in another state.)¹³¹ Cook was suspended from high school when he was identified as one of the authors of *Ramming Speed*, and he admitted to using the “n-word” in some of his articles.

¹²⁹ J. Cook, *Confessions of a Teenage Word-Bully*, Jezebel (Jan. 4, 2013), <https://jezebel.com/confessions-of-a-teenage-word-bully-5973276>.

¹³⁰ E. Bazelon, *Gawker’s Confessions of a Heartless Bully*, Slate (Jan. 7, 2013), <https://slate.com/human-interest/2013/01/bullying-confessions-past-and-present-from-gawker-and-wnyc-s-radio-rookie.html>.

¹³¹ *Id.*



Cook's career in shoddy, hate-filled journalism continued, but his approach transitioned from attempting to convince high school classmates to commit suicide to defending the unlawful publication of celebrity sex tapes. At Gawker, Cook began as a contributor rising to its executive editor. Cook was subpoenaed by Terry Gene Bollea (a.k.a., Hulk Hogan) in connection with a lawsuit Bollea filed against Gawker asserting numerous tort claims for Gawker's unlawful publication and dissemination of a sex tape.¹³² A jury verdict against Gawker resulted in a \$140 million award to Bollea, causing Gawker to file for bankruptcy.¹³³ Cook not only defended Gawker's publication of the sex tape, but also published an article boasting how Gawker was defying a court injunction to remove an article about the sex tape from Gawker's website.¹³⁴

Cook's bullying has evolved from targeting teens and celebrities to targeting Jews, which should not come as a surprise. In 2011, Cook's now-wife (then-fiancé) published an article describing him as her "Jew-hating fiancé" who described Israelis as "occupiers" and "ethnic national[ists]." Cook also criticized his now-sister-in-law for her "'morally bankrupt decision' to live in Israel."¹³⁵

¹³² Gawker Staffer Fights Hulk Hogan Subpoena, Courthouse News Serv. (Feb. 12, 2015), <https://www.courthousenews.com/gawker-staffer-fights-hulk-hogan-subpoena/>.

¹³³ S. Ember, Gawker's New Owner Deletes Six Posts Involved in Lawsuits, N.Y. Times (Sept. 10, 2016), <https://www.nytimes.com/2016/09/11/business/media/gawkers-new-owner-deletes-six-posts-involved-in-lawsuits.html>.

¹³⁴ THR Staff, Hulk Hogan Sex Tape: Gawker Refuses to Take Down Post, The Hollywood Rep. (Apr. 25, 2013), <https://www.hollywoodreporter.com/news/general-news/hulk-hogan-sex-tape-gawker-446636/>.

¹³⁵ A. Benedikt, Life After Zionist Summer Camp, <https://www.theawl.com/2011/06/life-after-zionist-summer-camp/>.



Katherine Long, the investigative reporter on Business Insider’s fast investigations team and the sole author or co-author of three of the defamatory Business Insider articles about Dr. Oxman,¹³⁶ has publicly espoused pro-Palestinian, anti-Zionist views since her college days.

As an undergraduate, Long was a member of the Pro-Palestinian Coalition at Brown University. In June 2021, she signed an open letter regarding U.S. media coverage of Israel/Palestine that criticized Israel for its supposed “military occupation” of Palestine and alleged “system of apartheid.”¹³⁷ The letter stated that: “[t]he evidence of Israel’s systematic oppression of Palestinians is overwhelming and must no longer be sanitized.”¹³⁸

Recently, in October 2023, she replied “are you freaking kidding me,” to a post on X stating that “MSNBC has quietly taken three of its Muslim broadcasters out of the anchor’s chair since Hamas’s attack on Israel ... amid America’s wave of sympathy for Israeli terror victims.”¹³⁹



In June 2023, Long also made a post on X criticizing “billionaire Henry Kravis” for “throwing a party for multimillionaire Henry Kissinger.”¹⁴⁰ Kravis is, and Kissinger was, Jewish. This post also exposes another one of Long’s biases—her disdain for the wealthy—that motivated her to attack Ackman and Dr. Oxman.

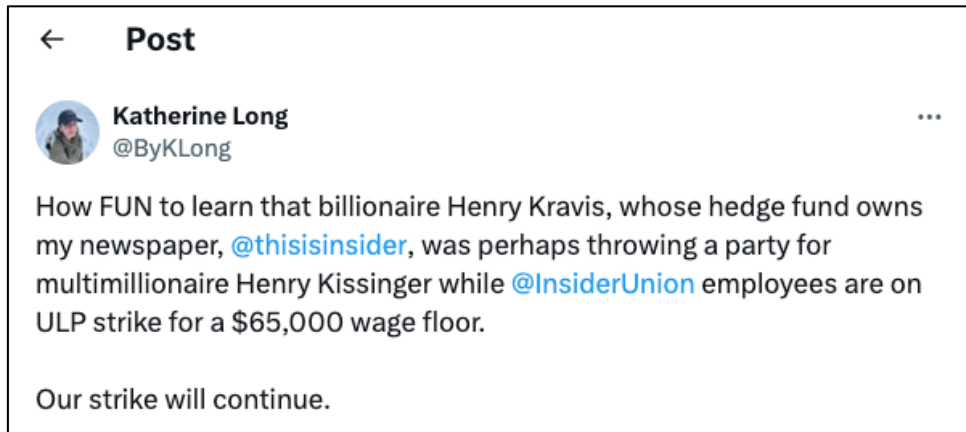
¹³⁶ K. Long, *Neri Oxman admits to plagiarizing in her doctoral dissertation after BI report*; K. Long & J. Newsham, *Bill Ackman’s celebrity academic wife Neri Oxman’s dissertation is marred by plagiarism*; K. Long, et al., *Academic celebrity Neri Oxman plagiarized from Wikipedia, scholars, a textbook, and other sources without any attribution*.

¹³⁷ *An open letter on U.S. media coverage of Palestine*, <https://medialetterpalestine.medium.com/an-open-letter-on-u-s-media-coverage-of-palestine-d51cad42022d>.

¹³⁸ *Id.*

¹³⁹ Katherine Long (@ByKLong), X (Oct. 13, 2024), <https://twitter.com/ByKLong/status/1712954804514009098>.

¹⁴⁰ Katherine Long (@ByKLong), X (June 6, 2023), <https://twitter.com/ByKLong/status/1666214253660110849?s=20>.



Given Cook’s and Long’s professed opposition to Israel, and Blodget’s purported antisemitism, it is no surprise that Business Insider set out to smear Dr. Oxman who is an Israeli Jew, and Ackman, who is Jewish and has been actively working to address antisemitism on university campuses. It is clear from Business Insider’s first outreach to Ackman that Long’s goal was to cause Dr. Oxman harm by catalyzing her termination from MIT to punish Ackman for being vocal about rising antisemitism at elite American colleges and for his role in calling for the resignations of the presidents of Harvard, Penn, and MIT.

b. Business Insider’s Coverage Of Dr. Oxman Was Motivated by Its Desire To Get Dr. Oxman Fired by MIT.

At 10:29 PM on January 3, 2024, Long sent an email with the false and inflammatory subject line *“Journalist on deadline / Plagiarism by your wife” writing “to request comment on instances of plagiarism” she had purportedly identified in “your wife, MIT professor Neri Oxman’s 2010 thesis. My deadline is noon ET tomorrow January 4.”*¹⁴¹ Long listed five supposed “instances of plagiarism” and explained that the “context” for her reporting about Dr. Oxman was Ackman’s “calls for Harvard president Claudine Gay’s resignation....”¹⁴² Long then revealed the motivation beyond her article asking in bolded text:

Do you expect your wife to remain at MIT in light of these instances of plagiarism?

Long was under the misimpression that Dr. Oxman was still affiliated with MIT, when she had previously left MIT in 2020 and moved to New York City to found OXMAN.¹⁴³

After effectively demanding Dr. Oxman’s resignation, Long signed her email with the closing valediction “[w]armly,” reflecting the smug satisfaction she garnered in anticipating the harm she hoped would befall Dr. Oxman and Ackman due to her retaliatory reporting.

¹⁴¹ *Id.* (Emphasis in original.)

¹⁴² *Id.*

¹⁴³ *Id.* (Emphasis in original.)



The context for this reporting is your calls for Harvard president Claudine Gay's resignation, based in part on her plagiarism. Responding to news that Ms. Gay will remain part of Harvard's faculty after her resignation, you wrote that Ms. Gay has "serious plagiarism issues."

"Students are forced to withdraw for much less. Rewarding her with a highly paid faculty position sets a very bad precedent for academic integrity at Harvard," you wrote.

Do you expect your wife to remain at MIT in light of these instances of plagiarism?

I have CC'd my colleagues Jack Newsham and Jake Swearingen. They are based on the East Coast (I am based on the West Coast) and may respond if you have inquiries before I am online tomorrow.

I have sent this email to Pershing Square's media relations professionals, who I hope will assist in routing it to the appropriate inbox.

Warmly,
Katherine

--
Katherine Long
Pronouns: she/her

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When Ackman's investment firm's head of communications, Fran McGill, responded by email that Dr. Oxman was no longer affiliated with MIT, Long's boss John Cook demanded proof, including "any public announcements of that renunciation [of tenure at MIT], and a clarification of her current employment relationship with MIT"—again demonstrating that Business Insider's mission was to secure Dr. Oxman's termination or resignation.¹⁴⁴

¹⁴⁴ *Id.*



From: John Cook [Redacted]
Sent: Thursday, January 4, 2024 10:14 AM
To: Francis McGill [Redacted]
Cc: Jake Swearingen [Redacted]; Katherine Long [Redacted]; Jack Newsham [Redacted]
Subject: Re: Journalist on deadline | Plagiarism by your wife

Thank you Francis. We will hold off publication until 4 pm at the earliest with the intent of including a statement or response from Oxman and Ackman or you on their behalf. You also agreed that you would try to provide us with a timeline of Oxman's renunciation of tenure, any public announcements of that renunciation that may exist, and a clarification of her current employment relationship with MIT. We look forward to hearing back from you.

thanks,

john

A fundamental tenet of ethical journalism is that it seeks to report news, not to make it.¹⁴⁵ But that is precisely what Business Insider was trying to effectuate. Blodget, Cook, and Long attempted to make news with their carefully crafted strategic outreach to secure an admission or apology for minor clerical errors to later leverage (falsely) into more reporting that Dr. Oxman had admitted to intentionally plagiarizing. Their ultimate ambition was to catalyze Dr. Oxman's firing or resignation from MIT. They also intended to further capitalize on such a result with additional reporting and fanfare for their hopeful (sick and twisted) victory.

Business Insider's approach to writing about Dr. Oxman is a gross violation of the basic standards of ethical journalism, which emphasizes unbiased, transparent, fair, and accurate reporting¹⁴⁶; not biased manipulation intended to manufacture storylines to generate clicks and further Business Insider reporters' far-left, anti-Zionist agenda.

In summary, Blodget, Cook, and Long concocted a scheme whereby they used five immaterial and inadvertent clerical citation errors in Dr. Oxman's dissertation to elicit from her an acknowledgement of these errors. Then they converted this acknowledgement into a headline that Dr. Oxman admitted to plagiarism and academic fraud. They then concocted 28 additional fraudulent allegations of plagiarism, giving Dr. Oxman less than 92 minutes between contacting her and the publication of an article declaring that she committed additional plagiarism. By the publication of the third article, the public had already been misled that Dr. Oxman had admitted to plagiarism, so the public accepted these additional allegations as the truth. And Dr. Oxman was never given the time to research, analyze, and respond to these allegations.

¹⁴⁵ See, e.g., The Wash. Post, *Policies and Standards* (last updated June 30, 2022), <https://www.washingtonpost.com/policies-and-standards/>.

¹⁴⁶ E.g., Soc'y of Pro. Journalists, *SPJ Code of Ethics*, <https://www.spj.org/ethicscode.asp>.



c. **A Comparison Of Business Insider’s Reporting on Allegations of Plagiarism By Claudine Gay Demonstrates Its Mistreatment Of Dr. Oxman.**

Business Insider’s bias against Dr. Oxman is perhaps best demonstrated by comparing its reporting on Dr. Oxman with its reporting on alleged plagiarism by former Harvard President Claudine Gay.

In its first article on Dr. Oxman, Business Insider claimed that it had “found” a “similar pattern of plagiarism” between Dr. Oxman and Gay. Despite these similarities, however, Business Insider’s reporting on Gay bore no resemblance to its attempts to destroy Dr. Oxman.

For example, on December 21, 2023, Business Insider published an article about allegations relating to Gay’s failure to properly cite “duplicative language” in some of her papers.¹⁴⁷ While the headline of the article about Gay noted “new concerns about attribution in her work,”¹⁴⁸ the headline of the article about Dr. Oxman proclaimed that her dissertation was “marred by plagiarism.” The article about Gay mentioned “instances of inadequate citation,” “examples from ... work that were similar to other academic writings,” and Harvard’s review, which had not found that Gay had executed “intentional deception or recklessness.”¹⁴⁹

Earlier Business Insider articles about Gay are similar. On December 12, 2023, it published an article about Gay’s “citation issues” and ended the article by quoting Gay’s former colleague D. Stephen Voss, whose work was implicated in Gay’s academic writings, as “minor-to-inconsequential.”¹⁵⁰ By contrast, the series of articles about Dr. Oxman proclaimed that Business Insider had “found” plagiarism, that Dr. Oxman “*stole* sentences and whole paragraphs from Wikipedia, other scholars, and technical documents in her academic writing,”¹⁵¹ that Dr. Oxman “lifted” text from others’ work” and that the “instances of plagiarism BI found on Friday are *closer to a more common definition of plagiarism*—the use of someone else’s words without any indication that you are passing them off as your own.”¹⁵²

¹⁴⁷ G. Kay, *Harvard’s president looked like she was in the clear – but there are new concerns about attribution in her work*, <https://www.businessinsider.com/harvard-president-plagiarism-concerns-attribution-antisemitism-claudine-gay-university-2023-12>.

¹⁴⁸ *Id.*

¹⁴⁹ *Id.*

¹⁵⁰ H. Getahun, *Harvard President Claudine Gay is cleared of plagiarism accusations but will have to correct past articles for citation issues*, *Bus. Insider* (Dec. 12, 2023), <https://www.businessinsider.com/harvard-says-president-claudine-gay-did-not-violate-plagiarism-rules-2023-12>.

¹⁵¹ K. Long, et al., *Academic celebrity Neri Oxman plagiarized from Wikipedia, scholars, a textbook, and other sources without any attribution*.

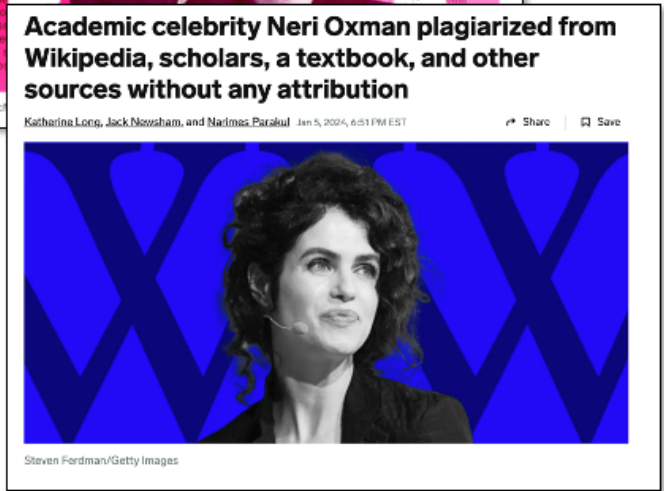
¹⁵² *Id.*



Business Insider's Treatment of Dr. Gay



Business Insider's Treatment of Dr. Oxman



Why did Business Insider exhibit such significant disparity in treatment between Gay and Dr. Oxman? Why did “similar” allegations raise “concerns about attribution” in Gay’s work, but “mar” Dr. Oxman’s work with “plagiarism”? Business Insider’s unmistakable intent was to protect Gay (because it agreed with her politics) and smear Dr. Oxman (because it disagreed with her husband’s stance in support of Israel and against former Harvard President Gay).

Nicholas Carlson, Editor in Chief of Business Insider, wrote in his letter to Business Insider employees on January 7 that he “know[s] our newsroom’s motivations are truth and accountability,” and he “stand[s] proudly by our newsroom.”¹⁵³ Business Insider CEO Barbara Peng echoed similar sentiments in a statement she released a week later, stating that “We stand by our newsroom and our reporting.”¹⁵⁴

These statements of unquestioning support for Business Insider’s newsroom are troubling given Cook’s and Long’s willingness to cast aside any semblance of journalistic integrity and objectivity in pursuit of their own political and religious biases. How can the senior leaders of

¹⁵³ C. Roush, *Business Insider EIC Carlson stands by Oxman stories*.

¹⁵⁴ B. Peng, *Our Journalism: A Note from CEO Barbara Peng*.



Business Insider stand behind their prejudiced and unprofessional newsroom unless they themselves are similarly biased?

d. Business Insider Acted With Actual Malice Because Its Coverage Was Intentionally Designed To Deprive Dr. Oxman Of A Meaningful Opportunity To Comment—And Then Business Insider Publicly Lied About What It Presented To Dr. Oxman And Ackman For Comment.

Business Insider acted with actual malice by rushing to publish its January 5, 2024 article, “Academic celebrity Neri Oxman plagiarized from Wikipedia, scholars, a textbook, and other sources without any attribution,” without providing Dr. Oxman any meaningful opportunity to analyze and investigate the allegations.

After identifying five inconsequential citation errors and securing a public apology from Dr. Oxman on January 4, one day later at 5:19 PM on January 5, Long sent Pershing Square’s head of communications a 7,071-word email that contained 28 new allegations of purported plagiarism and demanded comment “immediately,” because Business Insider “plan[ned] to publish a story about them th[at] evening.” Long’s article was ultimately published at 6:51 PM, *92 minutes* after Long sent her email. Long of course knew that it would be impossible for Dr. Oxman to fact check her allegations in an hour and a half.

Business Insider and Long have a professional and ethical obligation to treat story subjects with “scrupulous fairness.”¹⁵⁵ Among other things, this requires diligently seeking responses from subjects of news coverage by giving them a full and fair opportunity to understand and then comment on the accusations against them. Treating subjects fairly is a bedrock principle of ethical journalism. For example, the Society of Professional Journalists explains that “[j]ournalists should ... diligently seek subjects of news coverage and allow them to respond to criticism or allegations of wrongdoing.”¹⁵⁶ Business Insider’s own “Ethics Policy” states that “[r]eporters *must* seek both sides of the story by providing an opportunity for those subject to negative accusations with an opportunity to respond. Reporters seek to convey accusations in detail and allow a fulsome response.”¹⁵⁷

Business Insider and Long knew that the sheer length and complexity of Long’s email would prevent Dr. Oxman from reviewing and commenting before publication. It would have been impossible to carefully read, let alone fact-check, Long’s 7,071-word email in that amount of time. Business Insider knew that substantively fact-checking 28 allegations of plagiarism would be an incredibly time- and resource-intensive endeavor, especially when those allegations relate to a dissertation published more than 13 years ago, and source documents, which could take weeks or more to obtain.

¹⁵⁵ E.g., NPR, *Ethics Handbook: Fairness*, <https://www.npr.org/about-npr/688177789/fairness>.

¹⁵⁶ Soc’y of Pro. Journalists, *SPJ Code of Ethics*, <https://www.spi.org/ethicscode.asp>; see also S. Coronel, et al., *Rolling Stone’s Investigation: ‘A Failure That Was Avoidable,’* *Colum. Journalism Rev.* (Apr. 5, 2015) (Reporters should allow story subjects a meaningful opportunity to “point out holes or contradictions” and not avoid “hear[ing] challenging, detailed rebuttals” to contemplated stories.), https://www.cjr.org/investigation/rolling_stone_investigation.php.

¹⁵⁷ Insider Inc., *Ethics Policy* (Feb. 28, 2018), <https://www.businessinsider.com/insider-ethics-policy>.



Business Insider knew that to respond to its allegations, Dr. Oxman would have had to procure copies of her dissertation and the other articles referenced in Long's email. Given that a number of these academic texts and hardware and software manuals were highly specialized, from many years ago, and were not available online or for download, Business Insider knew that Dr. Oxman would not be able to defend herself against the allegations in the 92 minutes before it published the article. Compare the 92 minutes between Business Insider's email and the article's publication with MIT's process for adjudicating allegations of plagiarism and other academic misconduct, which involves multiple stages, and typically takes many months or even a year or more.

In the university setting, due process in the form of a rigorous, impartial investigation in which the accused is given a meaningful opportunity to respond to the allegations against them is an essential safeguard against the harm that false accusations of academic misconduct can cause. Clearly, Business Insider did not want Dr. Oxman to have an opportunity to defend herself. It had already obtained Dr. Oxman's public apology for minor clerical errors, which it then transformed into an admission of plagiarism and academic fraud. Business Insider did not expect—indeed, it did not want—Dr. Oxman and Ackman to be able to fact check its most recent allegations before it published its article.

To make matters worse, Long sent her 7,071-word email after sundown on Friday evening—a time she knew that an Israeli Jew would be just beginning to observe Shabbat with family members. To send a request for comment to a Jewish family immediately after the start of Shabbat on Friday night is highly insensitive and, in this case, entirely unnecessary. Business Insider's article was not “hot” or breaking news. At the time of initial publication of Business Insider's first article about Dr. Oxman on January 4, 2024 concerning the first five citation errors (the bad-faith basis for Business Insider's headline about Dr. Oxman's supposed admission of intellectual theft), Long and Cook already had in their possession all of the alleged other instances of so-called plagiarism that were included in the 7,071-word email sent by Long the very next day. The follow up article was already written and the graphics had already been prepared. Business Insider never intended to give Dr. Oxman a fair chance to defend herself. It intentionally sandbagged Dr. Oxman and Ackman in its quest to embarrass and injure them.

Dr. Oxman wrote her dissertation more than 13 years ago, and she has not been a professor at MIT for three years. Pershing Square's head of communications had assured Business Insider the day before that no other media outlets were seeking comment about this story, and he committed not to share the story with any other publication. There was simply no need for Business Insider to rush to publish, except to unfairly ambush Dr. Oxman and Ackman and to cause them maximum harm. Business Insider's insistence on doing so was evidence of actual malice. See *Goldwater*, 414 F.2d at 339-40 (2d Cir. 1969) (rush to publish article that was not “hot news” was evidence of actual malice).

Business Insider also acted with actual malice not only in the manner, but also in the form in which it presented its allegations to Dr. Oxman. Dr. Oxman and Ackman were sent a nearly indecipherable email that did not offer side-by-side comparisons of the plagiarism allegations. But the published article, which appeared 92 minutes later, provided yellow highlighted comparison images prepared by graphic designers to make it easier for readers to compare the allegations on a



side-by-side basis. These graphics likely took hours (if not a day or more) to prepare and were therefore available to be shared with Dr. Oxman and Ackman at the time Long sent her email, but Business Insider intentionally chose not to.

Examples of some of these side-by-side comparison graphics from the article, which Long could have sent to Dr. Oxman, but intentionally withheld, are below:

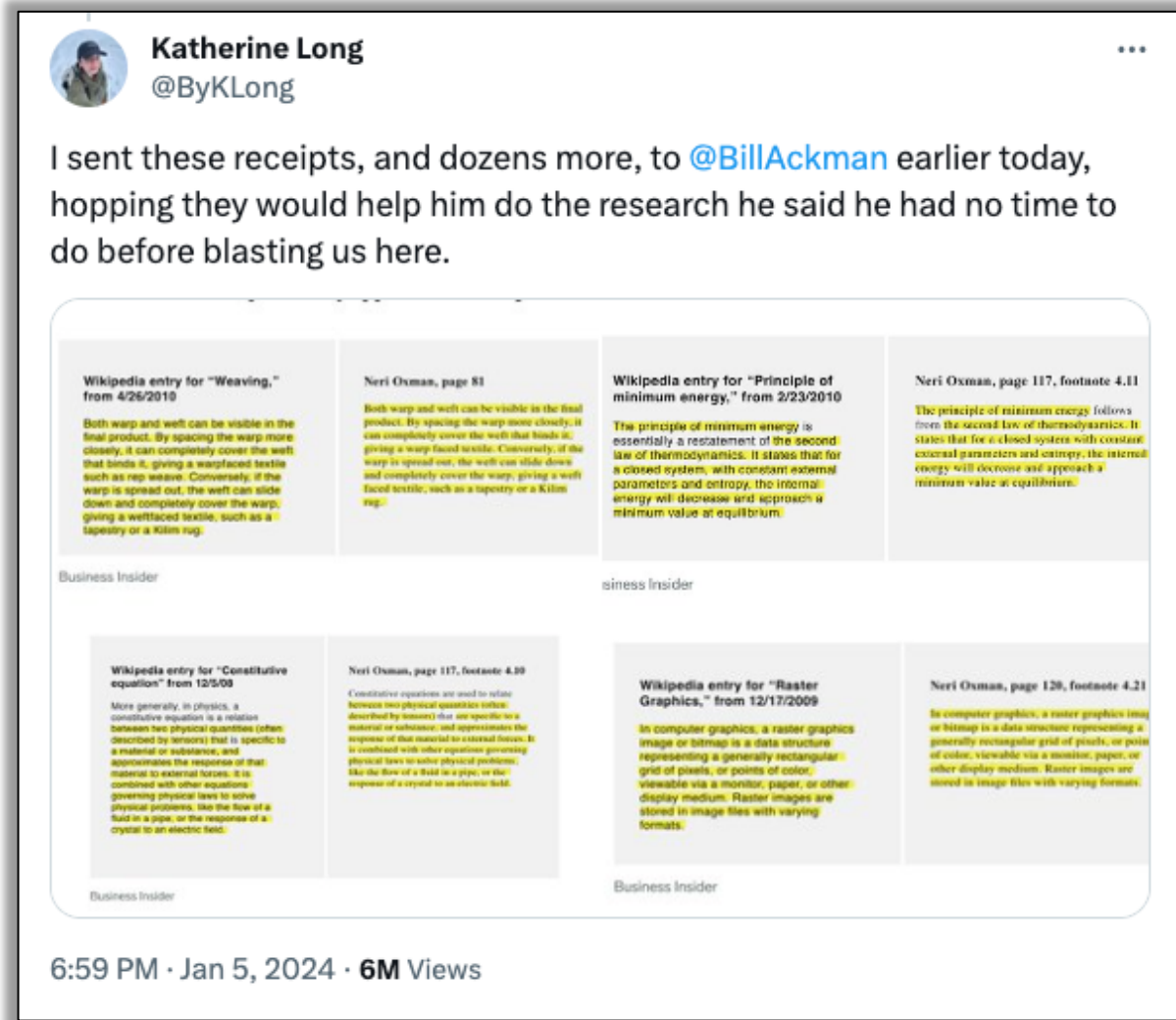
Business Insider Graphics Intentionally Withheld From Dr. Oxman for Comment

<p>Wikipedia entry for “Weaving,” from 4/26/2010</p> <p>Both warp and weft can be visible in the final product. By spacing the warp more closely, it can completely cover the weft that binds it, giving a warp faced textile such as rep weave. Conversely, if the warp is spread out, the weft can slide down and completely cover the warp, giving a weft faced textile, such as a tapestry or a Kilim rug.</p>	<p>Neri Oxman, page 81</p> <p>Both warp and weft can be visible in the final product. By spacing the warp more closely, it can completely cover the weft that binds it, giving a warp faced textile. Conversely, if the warp is spread out, the weft can slide down and completely cover the warp, giving a weft faced textile, such as a tapestry or a Kilim rug.</p>
<p>Wikipedia entry for “Heat flux,” from 11/10/08</p> <p>Heat flux or thermal flux, sometimes also referred to as heat flux density or heat flow rate intensity is a flow of energy per unit of area per unit of time. In SI units, it is measured in [W/m²]. It has both a direction and a magnitude so it is a vectorial quantity. To define the heat flux at a certain point in space, one takes the limiting case where the size of the surface becomes infinitesimally small.</p> <p>Heat flux is often denoted ϕq, the subscript q specifying heat flux, as opposed to mass or momentum flux. The most important appearance of heat flux in physics is in Fourier's law describing heat conduction.</p> <p>The measurement of heat flux is most often done by measuring a temperature difference over a piece of material with known thermal conductivity. This method is analogous to a standard way to measure an electric current, where one measures the voltage drop over a known resistor.</p>	<p>Neri Oxman, page 169</p> <p>Heat flux or thermal flux, also referred to as heat flux density or heat flow rate intensity, is defined as the flow of energy per unit of area per unit of time. In SI units, it is measured in W/m². Given that this dimension occupies both a direction and a magnitude, it is considered a vectorial quantity. In order to determine the magnitude and direction of a thermal voxel in the digital domain which occupies the design space, we assume the limiting case where the size of the surface or volume element making up the design object is infinitesimally small.</p> <p>Heat flux is often denoted ϕq, the subscript q specifying heat flux, as opposed to mass or momentum flux.</p>

After Ackman publicly criticized Long and Business Insider on X for intentionally depriving him and Dr. Oxman of any meaningful opportunity to analyze the allegations and comment on them, Long took to X and blatantly lied about what she actually presented Ackman and Dr. Oxman. Long falsely claimed that she had presented Dr. Oxman and Ackman the side-by-side “receipts” that



were printed in the January 5 Article “hopping [sic] they would help him [Ackman] do the research he said he had no time to do before blasting us here.”¹⁵⁸



The above graphics are not what Long sent to Ackman. Instead, Long sent a 7,071-word, poorly formatted, nearly indecipherable email. It was impossible for Dr. Oxman or Ackman to have “done the research” in the time allotted even if Long had provided the above “receipts”—but she withheld the comparison graphics to ensure that Ackman and Dr. Oxman could not respond in time.

Moreover, Long did *not* send her 7,071-word email to Ackman or Dr. Oxman; she sent it to the head of communications for Ackman’s investment firm. And she never spoke to Ackman at all, despite her X post to the contrary. Instead, Long posted the above false and misleading statement on X because she wanted the public—including the more than six million people who viewed it—to

¹⁵⁸ Katherine Long (@ByKLong), X (Jan. 5, 2024), <https://twitter.com/ByKLong/status/1743422082132869307>.

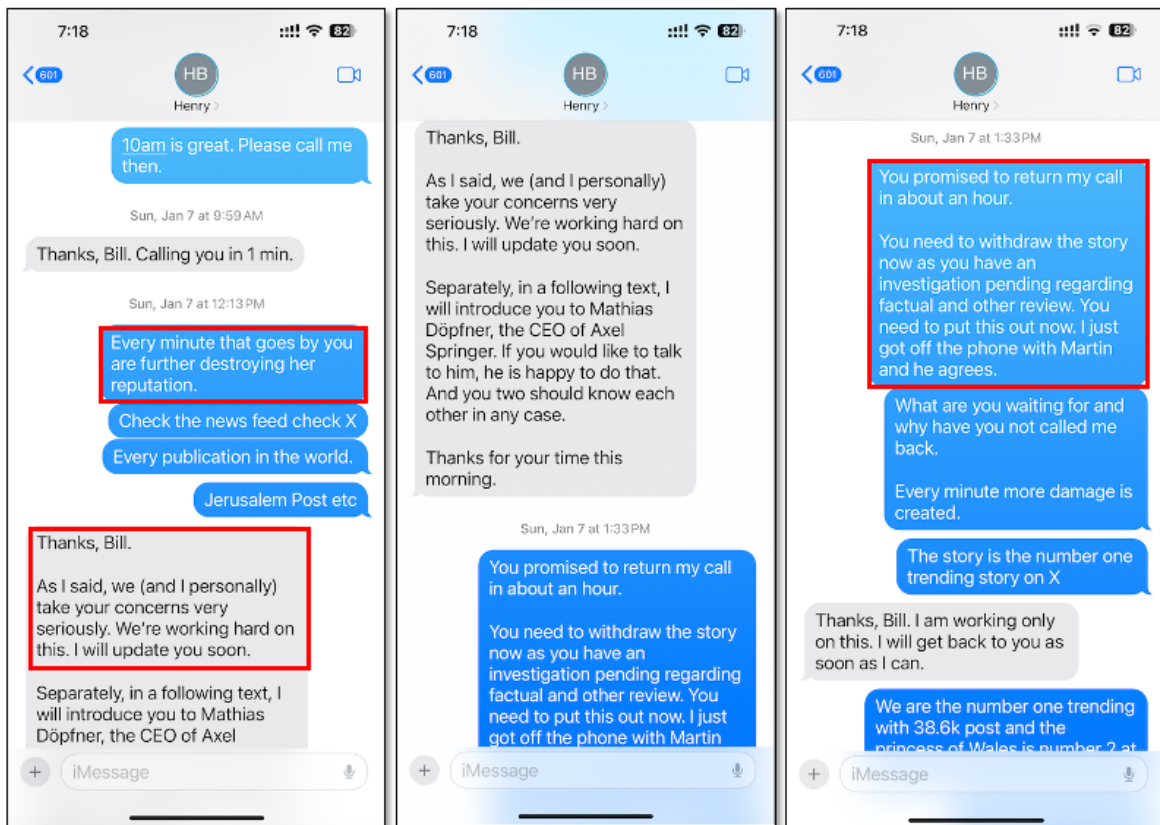


believe that Ackman and Dr. Oxman refused to comment because they had no substantive response and were attempting to hide from her investigative journalism. This is quintessential malice. See *Westmoreland v. CBS Inc.*, 596 F. Supp. 1170, 1174 (S.D.N.Y. 1984) (A reporter “make[s] himself liable if he knowingly or recklessly misstates ... evidence to make it seem more convincing or condemnatory than it is.”).

e. Business Insider Acted With Actual Malice Because It Refused To Retract Its Coverage And Instead Doubled Down.

As discussed previously (*supra*, § VII), between January 5 and 7, Ackman repeatedly put Business Insider and Axel Springer on notice that its reporting was false, and he expressly requested that Business Insider retract its claims, at least provisionally, while it conducted its internal investigation.

For example, after speaking with Blodget on the phone for 38 minutes on January 7, Blodget assured Ackman that he “personally” was taking Ackman’s concerns “very seriously.”¹⁵⁹ Ackman responded that Blodget “need[ed] to withdraw the story now as you have an investigation pending regarding factual and other review,” and Ackman informed Blodget that he had spoken with Martin Varsavsky, who agreed that the articles needed to come down.

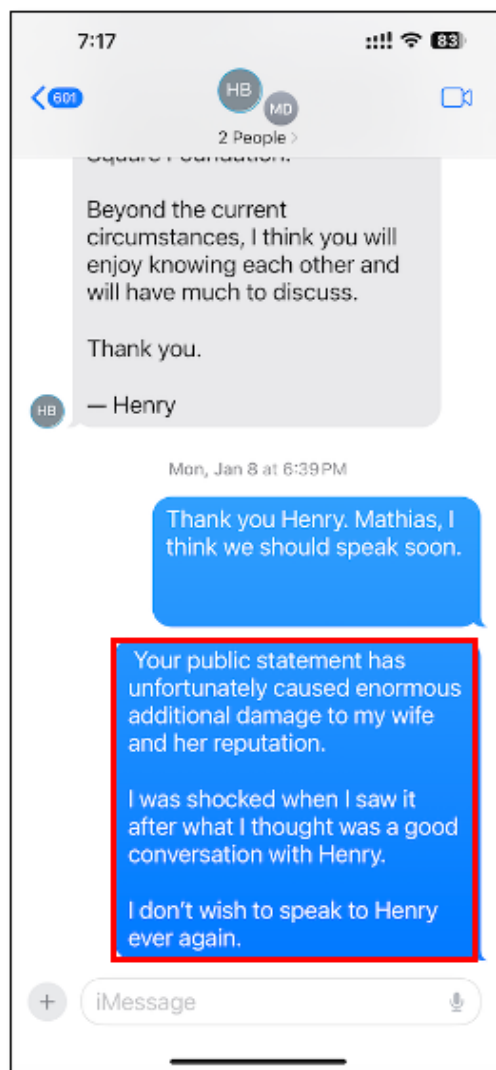


¹⁵⁹ Text message exchange between B. Ackman and H. Blodget (Jan. 7, 2024).



On January 7, Ackman spoke to Blodget and Varsavsky and told them that Business Insider's claims were false, and Blodget disingenuously assured Ackman that he took Ackman's concerns "very seriously" and was "working only on this," which Ackman understood to mean that Blodget was working diligently to rectify the situation. Yet, shortly thereafter, on the same day, Business Insider and Axel Springer released separate statements, which both said that the facts of Business Insider's reporting were undisputed, despite Ackman having repeatedly disputed these facts publicly and to Blodget and Varsavsky directly over the phone and in writing.

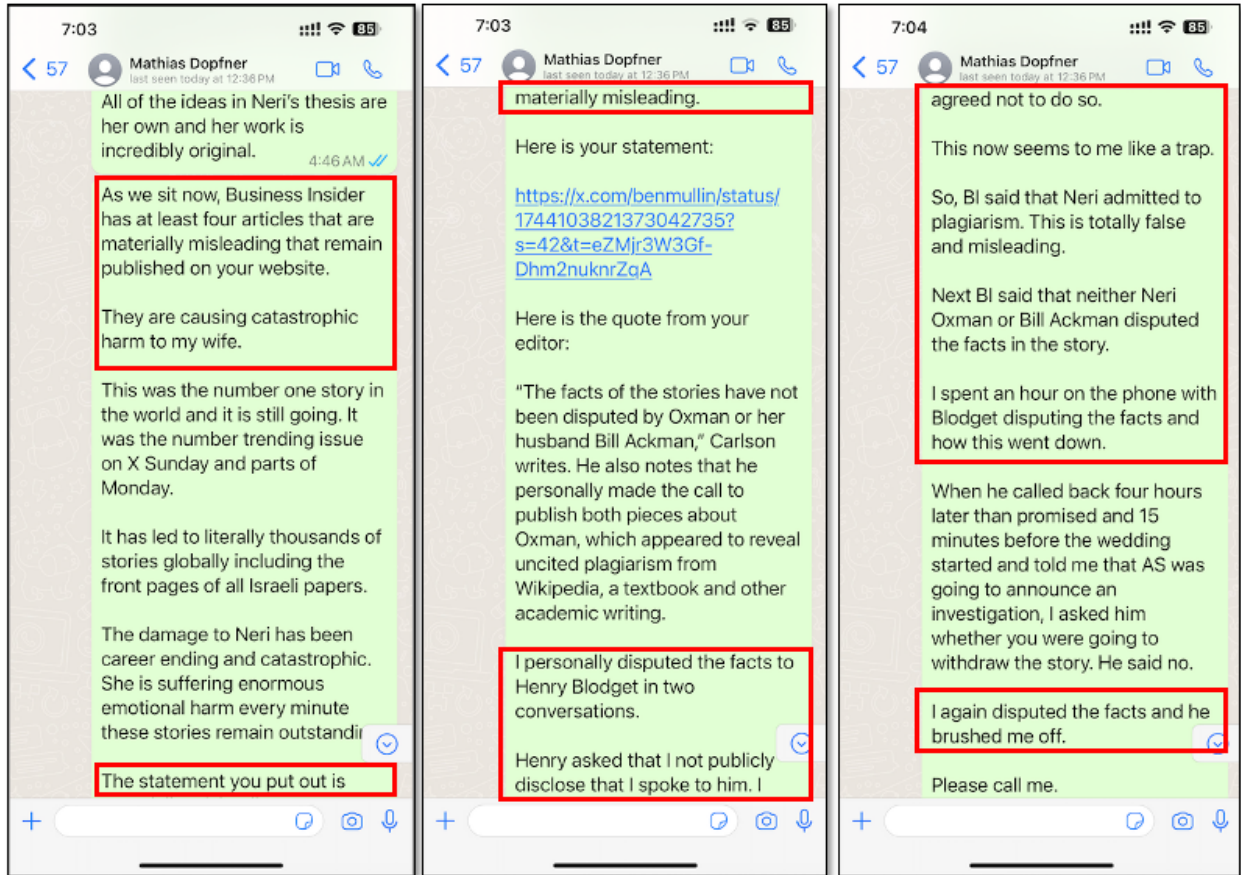
On January 8, Ackman texted Mathias Döpfner that they needed to "speak soon" because Axel Springer's statement was causing "enormous additional damage" to Dr. Oxman and her reputation.¹⁶⁰



¹⁶⁰ Text message exchange between B. Ackman, H. Blodget, and M. Döpfner (Jan. 8, 2024).



As previously explained, Ackman also sent Döpfner multiple WhatsApp messages the following day explaining how he repeatedly and publicly disputed the facts of Business Insider's coverage and that Axel Springer's statement to the contrary was materially misleading, a sample of which is provided below.¹⁶¹



Despite Ackman's requests for Business Insider to take down its articles while its investigation was pending, Business Insider refused to do so. Instead, on January 14, 2024, Business Insider published a statement from its CEO Barbara Peng announcing the results of this purported "investigation." Peng concluded that "[t]he stories are accurate and the facts well documented."¹⁶²

¹⁶¹ WhatsApp exchange between B. Ackman and M. Döpfner (Jan. 9, 2024).

¹⁶² B. Peng, *Our Journalism: A Note from CEO Barbara Peng*.



Regarding the recent reporting on Neri Oxman, we feel it's important to share the following:

- There was no unfair bias or personal, political, and/or religious motivation in the pursuit of the stories.
- The stories were newsworthy and Neri Oxman, who has a public profile as a prominent intellectual and has been a subject of and participant in media coverage, is a fair subject.
- The process we went through to report, edit, and review the stories was sound, as was the timing. Through their representative, Oxman and Ackman responded that they had made the decision not to comment.
- The stories are accurate and the facts well documented.

Peng's statements are false. There was, in fact, bias and/or personal, political, and/or religious motivation in the pursuit of the articles. Dr. Oxman is not a "fair subject," as she had nothing to do with Ackman's campaign against antisemitism on university campuses or his call for the presidents of Harvard, Penn, and MIT to resign. Dr. Oxman is no longer an academic, nor is she the president of a university. She was simply "your [Ackman's] wife," as Long repeatedly referred to her. The "process [Business Insider] went through to report, edit, and review the stories" was not "sound," nor was "the timing." And most importantly, the articles are not "accurate," and the facts are not "well documented."

The CEO of Business Insider's false statements bolstered Business Insider's libelous narrative that Dr. Oxman intentionally plagiarized and made it less likely that the average reader would be "open [to] the possibility of a more benign explanation." *Fraser*, 246 A.D.2d at 896.

When errors are exposed in media reporting, journalists have a duty to "acknowledge mistakes and correct them promptly and prominently."¹⁶³ Business Insider and Axel Springer did the exact opposite here. Their statements doubling and tripling down on Business Insider's false coverage once again violated journalistic standards. Business Insider's refusal to retract was itself further evidence of actual malice. See, e.g., *Zerangue*, 814 F.2d at 1071 (5th Cir. 1987) (failure to

¹⁶³ Soc'y of Pro. Journalists, *SPJ Code of Ethics*, <https://www.spj.org/ethicscode.asp>.

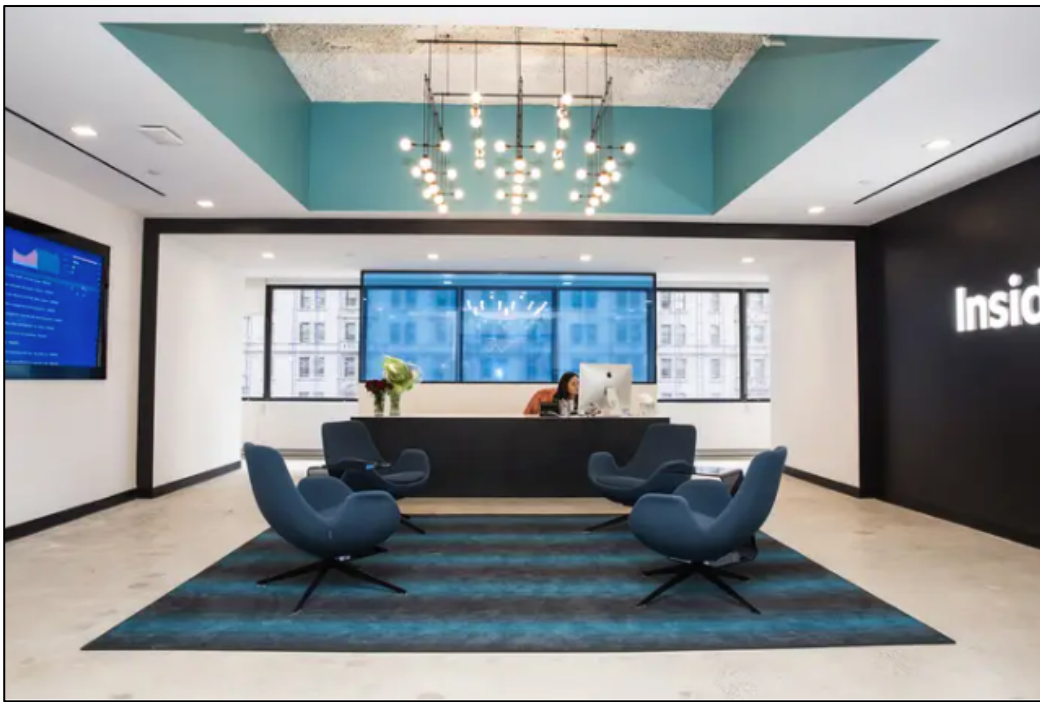


retract may tend to support a finding of actual malice); cf. *Church of Scientology of Cal. v. Dell Publ'g Co., Inc.*, 362 F. Supp. 767, 770 (N.D. Cal. 1973).

f. Business Insider Acted With Actual Malice Because Its Coverage Was, In Part, Motivated By Greed.

Business Insider also acted with actual malice because its reporting was motivated, in part, by greed. Business Insider recognized that a series of hit-pieces about Ackman and his wife would attract a massive number of readers along with hundreds of thousands, if not millions, of clicks and generate substantial revenue.

Business Insider has three primary revenue streams: advertising, subscriptions, and licensing.¹⁶⁴ All three revenue streams depend on driving traffic to Business Insider's website. Generating website traffic is so important to Business Insider that there is a flat screen monitor in the Business Insider lobby that shows rankings of articles based on the real-time numbers of viewers so that employees are constantly motivated to compete with their colleagues to drive traffic as they walk in and out of Business Insider's headquarters.¹⁶⁵



Business Insider was correct that attack articles about Dr. Oxman would generate a massive number of clicks and views. As Ackman explained to Döpfner, Business Insider's false claims were “[t]he number one story in the world,” were “the number [one] trending issue on X,” and had “led

¹⁶⁴ G. Cuofano, *A Quick Glance At Business Insider Digital Strategy* (May 3, 2022), <https://fourweekmba.com/business-insider-business-model/>.

¹⁶⁵ Á. Cain & S. Jacobs, *Take a tour of the brand new global headquarters of Insider Inc., steps away from Wall Street*, *Bus. Insider* (Jan. 26, 2018), <https://www.businessinsider.com/insider-inc-office-tour-2018-1>.



to literally thousands of stories globally.”¹⁶⁶ Between January 1 and February 21, 2024, there have been 2,072 articles published that mention Dr. Oxman—many of which repeat the false claims concocted by Business Insider. Those articles have received an incalculable number of interactions on Facebook, X, and Pinterest, and have generated more than *seven billion potential impressions*.¹⁶⁷ Nine of the top ten articles by number of interactions repeat Business Insider’s false and defamatory plagiarism allegations.

If forced to litigate this issue, discovery will focus on precisely how much revenue Business Insider—and by consequence Axel Springer—derived from this reporting as well as Business Insider’s and Axel Springer’s income, net worth, and market value as such facts are highly relevant to a claim for punitive damages. N.Y. Pattern Jury Instruction § 3:30, Intentional Torts, Defamation, Punitive Damages, Cmt. (Dec. 2023 Updated) (evidence of defendant’s financial condition is relevant to punitive damages determination); *cf. Rombom v. Weberman*, 2002 WL 1461890, at *11 (N.Y. Sup. Ct. June 13, 2002) (finding that jury’s punitive damages award was not excessive because the “defamatory statements [were] published on internet web sites which are accessible to millions of people, all over the world, on a daily basis”).

IX. Dr. Oxman Is An Extraordinary Scientist, Designer, Architect, and Former Tenured Professor At MIT Whose Reputation Has Been Materially Damaged By Business Insider.

Dr. Oxman is a pioneer in material ecology—an emerging field in design. Her work “operates at the intersection of Biology, Material Science & Engineering, and Computer Science with an emphasis on environmentally informed digital design and fabrication.”¹⁶⁸ Dr. Oxman’s professional contributions as a designer are unparalleled in her field, and her path to the pinnacle of her field has been a long one.

After completing pre-medical studies at the Hebrew University of Jerusalem (1996-1999) and undergraduate studies in Architecture and Urban Design at the Technion Israel Institute of Technology (1999-2002), Dr. Oxman obtained her Master of Architecture Degree / Diploma from the Architectural Association (“AA”) in London and completed the AA Final Examination approved by the Architects Registration Board as well as the Royal Institute of British Architects Part 2 (2002-2004). From 2005 to 2010, Dr. Oxman enrolled in the Ph.D. program at MIT as a Presidential Fellow.¹⁶⁹ In 2010, Dr. Oxman successfully defended and published her doctoral dissertation titled, “Material-based Design Computation.”¹⁷⁰ Her dissertation developed and proposed a unique

¹⁶⁶ Text exchange between B. Ackman and M. Döpfner (Jan. 9, 2024).

¹⁶⁷ “Interactions” measures the total number of likes, dislikes, shares, and comments the articles received on Facebook, X, and Pinterest. “Potential impressions” measures the sum of the unique visitors monthly to all the publications that covered Dr. Oxman between January 4 and February 1, 2024. If a publication wrote about Dr. Oxman more than one time, we multiplied the number of unique visitors monthly by the number of articles. Business Insider had nearly 58 million unique visitors monthly during January 2024. We calculated unique visitors monthly using data from Muck Rack.

¹⁶⁸ N. Oxman, *Material Ecology* at 2, https://neri.media.mit.edu/assets/pdf/Publications_ME.pdf.

¹⁶⁹ See MIT, *MIT Presidential Fellows*, <https://web.mit.edu/provost/presfellow/>.

¹⁷⁰ N. Oxman, *Material-based Design Computation* at Abstract, <https://dspace.mit.edu/handle/1721.1/59192>.



approach to design that utilizes computational strategies to integrate form, material, and structure by “incorporating physical form-finding strategies with digital analysis and fabrication.”¹⁷¹

The very year Dr. Oxman received her Ph.D., she became a Professor of Media Arts and Sciences at MIT. To go straight from being a Ph.D. candidate at MIT to being a member of its faculty is extremely rare. Typically, MIT professors must gain experience and develop track records at other universities before being considered for faculty positions at MIT. Dr. Oxman, however, received a tenure track faculty position at MIT immediately after completing her Ph.D. She was promoted to Associate Professor of Media Arts & Sciences in 2014 and was awarded tenure in 2017.

While at MIT, Dr. Oxman was a member of MIT’s Media Lab faculty, an academic research lab that “focus[es] on the study, invention, and creative use of digital technologies to enhance the ways that people think, express, and communicate ideas, and explore new frontiers.”¹⁷²

Among her students at MIT, Dr. Oxman was known as “a caring advisor, compassionate friend, and inspiring person,” who always went out of her way “to recognize every individual’s efforts and contributions,” for example by “including slides of her students to emphasize their contributions and mak[ing] sure to ask [them] if she [was] properly representing their ideas.”¹⁷³ MIT has praised Dr. Oxman as “an incredible mentor making profound impacts on her student’s lives and careers,” adding that MIT was “very lucky to have her as a part of the MIT community,” and thankful “for her commitment to caring.”¹⁷⁴

In 2016, Dr. Oxman was awarded the Collier Medal from MIT for supporting a student during his fight against brain cancer, including leading her team to use technologies that she had developed to enable the high-resolution printing of the student’s brain and tumor that assisted his surgeon in removing the previously inoperable tumor. The successful removal of the tumor extended the student’s life by about four years.

Dr. Oxman’s work has been shown in over 116 exhibitions worldwide with about two dozen projects in permanent collections. For more than five months in 2020, New York’s Museum of Modern Art (“MoMA”) hosted a monograph exhibition (i.e., “retrospective”) entitled “Neri Oxman: Material Ecology.” It included a 6,000 square foot exhibit and showcased the entire oeuvre of Dr. Oxman’s career. MoMA recognized Dr. Oxman’s “revolutionary” and “pioneering approach” that “brings together materials science, digital fabrication technologies, and organic design, to create new possibilities for the future.”¹⁷⁵

The San Francisco Museum of Modern Art (“SFMOMA”) also hosted a nearly three-month exclusive exhibition (“retrospective”) of Dr. Oxman’s work from February to May 2022 titled “Nature × Humanity: Oxman Architects.” In this exhibition, Dr. Oxman presented “nearly 40

¹⁷¹ *Id.*

¹⁷² MIT Media Lab, *About the Lab: Lab FAQs*, <https://www.media.mit.edu/about/lab-faqs/#faq-what-is-the-media-lab>.

¹⁷³ MIT, Off. of Graduate Educ., Awards & Recognitions, Committed to Caring Honoree Index, Neri Oxman, <https://oge.mit.edu/profiles/neri-oxman/>.

¹⁷⁴ *Id.*

¹⁷⁵ MoMA Exhibitions, *Neri Oxman: Material Ecology*, <https://www.moma.org/calendar/exhibitions/5090>; MoMA, *Neri Oxman Material Ecology*, <https://www.moma.org/magazine/articles/315>.



profound artworks and installations” and reimagined “how we build and design with one essential objective: to transition from a focus on human material wealth to a focus on environmental health.”¹⁷⁶ SFMOMA recognized Dr. Oxman’s work as “pioneering” and “interdisciplinary,” stating that “Oxman is advancing a new architecture designed with nature and humanity in balance.”¹⁷⁷

Dr. Oxman’s work is featured in the permanent collections of SFMOMA, the Cooper Hewitt, Smithsonian Design Museum in New York, the Smithsonian Institute in Washington, D.C., Centre Georges Pompidou in Paris, the Museum of Fine Arts in Boston, the Museum of Arts and Design in New York, the Museum of Science in Boston, MAK Museum of Applied Arts in Vienna, and the FRAC Collection for Art and Architecture in France, among others.

Dr. Oxman has been lauded as “A Modern-Day da Vinci” (New York Times),¹⁷⁸ “[a] pioneer in materials, objects, and construction” (The Architect’s Newspaper),¹⁷⁹ a “superstar architect, inventor, artist and designer” (Town & Country Magazine),¹⁸⁰ “Natures Architect” (WIRED Magazine),¹⁸¹ and one of the “leading figures in her field” (Elle).¹⁸² John Maeda, the former president of the Rhode Island School of Design, said of Dr. Oxman: “If I was the Terminator, Neri is Terminator 2. I was crappy titanium parts, but she’s like liquid metal.”¹⁸³ Danny Hillis, who pioneered parallel computing said of Oxman, “I think we will look back and realize she saw the direction the world was heading earlier than other people.”¹⁸⁴ Her work has also been recognized at the World Economic Forum, where she was named a Cultural Leader in 2016 and is a member of its Expert Network.

In 2018, Dr. Oxman was honored with the National Design Award, Cooper Hewitt, Smithsonian Design Museum. At the ceremony, she was introduced by Sir Norman Foster who said:

Imagine someone with an early training in medicine, with a passion for architecture, who brings together the world of design and the world of nature to international acclaim. Imagine a leader in education and research in MIT, who inspires future

¹⁷⁶ SFMOMA Press Office, *SFMOMA Announces Exclusive Exhibition Nature × Humanity: Oxman Architects Opening in February 2022*, <https://www.sfmoma.org/press-release/sfmoma-announces-exclusive-exhibition-nature-x-humanity-oxman-architects-opening-in-february-2022/>.

¹⁷⁷ *Id.*

¹⁷⁸ P. Green, *A Modern-Day da Vinci*, N.Y. Times (Oct. 7, 2018) (print edition); M. Langmuir, *Neri Oxman Has All the Answers*, Elle (Aug. 9, 2019) (“Oxman is often, by the way, compared to Leonardo da Vinci.”), <https://www.elle.com/culture/a28646115/neri-oxman-interview/>.

¹⁷⁹ K. Mazade, *Neri Oxman grows tools for the future at new MoMA retrospective*, The Architect’s Newspaper (Feb. 27, 2020), <https://www.archpaper.com/2020/02/neri-oxman-grows-tools-for-the-future-at-moma/>.

¹⁸⁰ The Editors, *Behind the Scenes at San Francisco’s Most Exciting Night*, Town&Country (Oct. 30, 2019), <https://www.townandcountrymag.com/the-scene/parties/g29669387/sfmoma-contemporary-vision-award-2019/>.

¹⁸¹ M. Venkataramanan, *Nature’s architect: explore MIT’s ‘wearable mythologies’ in pictures*, WIRED (Nov. 16, 2012), <https://www.wired.co.uk/article/natures-architect>.

¹⁸² M. Langmuir, *Neri Oxman Has All the Answers*, <https://www.elle.com/culture/a28646115/neri-oxman-interview/>.

¹⁸³ P. Green, *Who Is Neri Oxman?*, N.Y. Times (Oct. 6, 2018), <https://www.nytimes.com/2018/10/06/style/neri-oxman-mit.html>.

¹⁸⁴ M. Langmuir, *Neri Oxman Has All the Answers*, <https://www.elle.com/culture/a28646115/neri-oxman-interview/>.



generations still to come. Imagine somebody whose style and professionalism is a role model. All of those qualities and more between is Neri Oxman.

Also in 2018, Dr. Oxman also received the Innovation Medal, London Design Festival.

In 2019, Dr. Oxman received an Honorary Fellowship from the Royal Institute of British Architects. She also received the 2019 Contemporary Vision Award from SFMOMA, which honors “individuals who have ‘helped redefine contemporary visual culture’ in some form.”¹⁸⁵ In 2021, she was named an honorary Royal Designer for Industry by the Royal Society for Arts, Manufacturers, and Commerce Design.

Dr. Oxman was also honored with the Vilcek Prize for Design from the Vilcek Foundation in 2014 and the Women in Design Award of Excellence from the Boston Society of Architects / American Institute of Architects. That year, she was also named to the Pride of America recognition by the Carnegie Corporation. In 2016 she was named to 100 Global Minds: The Most Daring Cross-Disciplinary Thinkers in the World (ROADS Publishing). These are just a few examples of the nearly 70 professional awards and honors Dr. Oxman has received.

Dr. Oxman has published 87 papers in peer-reviewed journals, non-refereed journals, conference proceedings, editorials, and books. She has received 15 patents for the innovative technologies she has developed, and she has given more than 200 invited talks, including 72 keynote presentations. The table below summarizes some of her professional achievements:

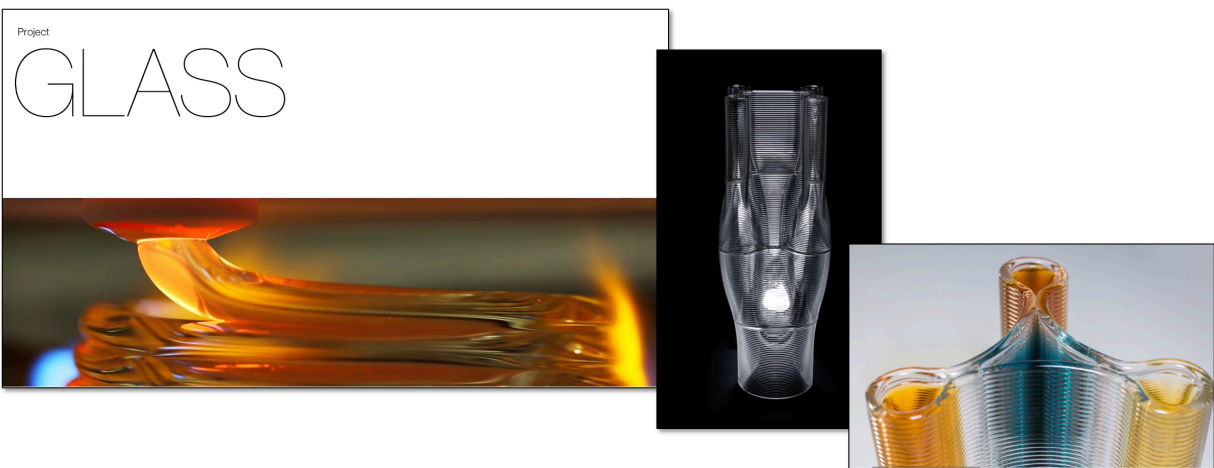
Technology	Projects Included	Patents	Theses	Journal Publications	Other Publications	Major Exhibitions	Permanent Collections
Biopolymers	Aguahoja I Aguahoja II Aguahoja III	2	10	3	7	15	3
Cofabrication Systems	Silk I Silk II Synthetic Apiary I Synthetic Apiary II		9	7		17	
Glass 3D Printing	Glass I Glass II	2	5	3	1	13	4
Data Driven Material Modelling	Lazarus Rottlace Vespers I Vespers II Wanderers Gemini	1	3	6		12	3
Hybrid Living Materials	Mushtari Vespers III Totems	1	8	3		8	2
Distributed Fabrication	Digital Construction Platform	1	3	3			1

¹⁸⁵ M. Luckel, *The Year of Neri Oxman Is (Pretty Much) Upon Us*, AdPro (July 24, 2019), <https://www.architecturaldigest.com/story/the-year-of-neri-oxman-is-pretty-much-upon-us>.

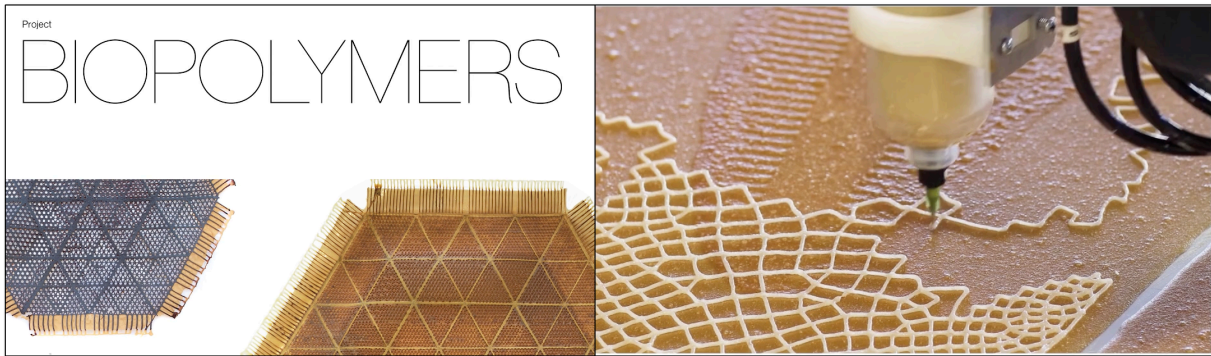


Between 2010 and 2020, Dr. Oxman and her group at MIT, The Mediated Matter Group, conducted research at the intersection of computational design, digital fabrication, materials science, and synthetic biology, and applied that knowledge to design across scales—from the micro scale to the building scale. Among other inventions, Dr. Oxman and her team developed technologies that enable the 3-D printing of glass, a technology for which they hold four patents and have authored four key publications. Dr. Oxman also supervised five research theses related to this project.

Dr. Oxman’s 3-D printing platform enables high-fidelity, large-scale additive manufacturing of optically transparent glass structures. It includes a digitally integrated thermal control system and a four-axis motion control system. By regulating internal temperatures and feed rates, precise deposition and cooling rates of molten glass can be achieved, resulting in the realization of complex geometries with superior optical transparency and strength. The tunability enabled by geometrical and optical variation driven by form, transparency, and color variation can drive, limit, or control light transmission, reflection, and refraction, and therefore carries significant implications for all things glass.



Dr. Oxman’s work includes the 3-D printing of biopolymers from cellulose, chitosan, and pectin, and bio-based structural materials produced from the cells of trees, apple skins, and shrimp shells. These technologies have applications for use at product scales for the design and manufacturing of biocompatible products and at architectural scales for buildings. These products also have applications for fashion design of clothing and footwear, with the goal of replacing non-biodegradable plastics with biological, composable materials. For their work on biopolymers, Dr. Oxman and her team hold four patents and have authored 12 publications. Dr. Oxman has supervised 10 research theses related to this project.



Dr. Oxman’s work also includes the robotic printing of concrete and bio-friendly foam for autonomous construction applications that improve construction efficiency, quality, and safety with little to no human involvement in the physical construction itself. These applications are suitable for use in disaster relief, hazardous environments, and extra-terrestrial terrain. Notably, NASA acquired Dr. Oxman’s autonomous platform for its Marshall Space Flight Center for use on lunar and other space missions. The invention was included in *Science Robotics*, a peer-reviewed scientific journal published by the American Association for the Advancement of Science.¹⁸⁶



Additionally, Dr. Oxman’s work includes a suite of software tools, techniques, and technologies known as Data-driven Material Modeling (“DDMM”). DDMM is a generative framework for the creation of high-resolution, geometrically complex, and materially heterogeneous 3-D printed objects. Combining parametric, geometric, and volumetric modeling with high-resolution multi-material 3-D printing, DDMM offers an integrated workflow and associated design

¹⁸⁶ N. Oxman, et al., *Toward site-specific and self-sufficient robotic fabrication on architectural scales*, *Science Robotics* (2015), <https://doi.org/10.1126/scirobotics.aam8986>.



space for 3-D-printable, functionally-graded material systems. In contrast to existing approaches, DDMM emphasizes the integration of multiple geometry-based data sources to achieve high levels of control in a wide variety of design scenarios. For their work on DDMM, Dr. Oxman and her team hold one patent and have authored five publications.



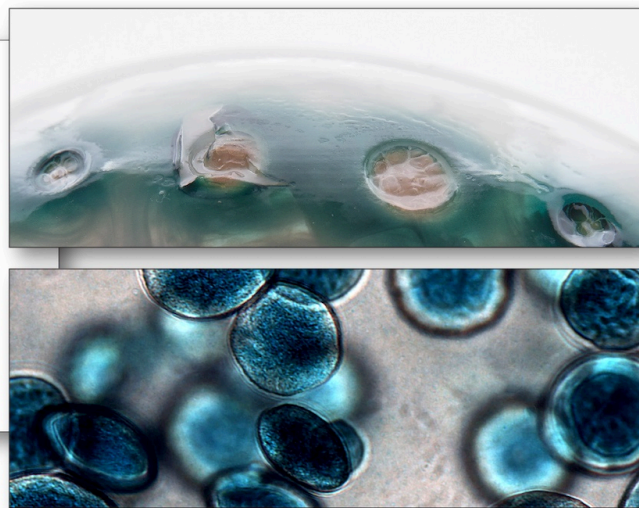
Dr. Oxman and her team have also invented an entirely new class of bio-augmented materials entitled Hybrid Living Materials (“HLMs”). Data-driven design is integrated with additive manufacturing and synthetic biology to digitally fabricate geometrically, materially, and biochemically complex objects that direct the behavior of living microorganisms. By incorporating multiple material properties—such as surface stiffness, porosity, patterning, roughness, hydrophilicity, or chemical concentration—into computational models, Dr. Oxman and her team can design and build dynamic and complex microenvironments and substrates, leveraging more functionalities of living cells within a single integrated object. This framework enables the creation of complex freestanding objects for a variety of applications, including point-of-use synthesizers, bioremediation devices, and whole-cell sensing matrices.

The development of 3-D printable bio-signaling resins that incorporate molecular inducers into UV-curable photopolymer resin allows for complete automation of signaling at the native resolution of the printer. This enables the placement of multiple orthogonal signals in parallel, as well as their tunable mixing, and higher levels of bioactivity patterning, complexity, and logic. Cells can be designed to perform logical functions similar to those in digital logic or Boolean logic, such as AND gates, which may further increase the potential to spatially pattern cells, and thereby performative behavior. Once introduced to the templated surface, the microorganisms and their byproducts animate the object with properties greater than the sum of their parts.



Project

HYBRID LIVING MATERIALS



Dr. Oxman and her team's work on Engineered living materials ("ELMs") lays the foundation for a design paradigm that allows the computational search for and growth of a desired pattern for compilation into a real-world DNA sequence. This DNA then reproduces the same growth process and the corresponding patterns when inserted into a living organism or hybrid living system. The ELM framework includes novel tools and techniques for the top-down construction and design exploration of growing living organisms; the bottom-up simulation of cells to solve the phenotype-to-genotype inverse problem; and the transfer from virtual genotype systems to real DNA, thereby bridging the in-silico/in-vitro gap. This work was partly sponsored by the Defense Advanced Research Projects Agency.

For their work on HLMs and ELMs, Dr. Oxman and her team hold one patent and have authored two publications, including one paper in *Advanced Functional Materials*, a peer-reviewed scientific journal, published by Wiley-VCH¹⁸⁷ and the *Proceedings of the Conference on Artificial Life*.¹⁸⁸ Dr. Oxman has supervised seven research theses related to this project.

For her and her team's work on co-fabrication systems, exploring how artificial and biological "agents" such as robots, silkworms, bees, and ants interact to assemble a product, Dr. Oxman and her team demonstrated how a wide range of geometric, dynamic, and environmental inputs can be tuned as behavioral "templates" for biologically augmented design and digital fabrication. Dr. Oxman and her team hold three patents and have authored five publications relating to co-fabrication systems including a paper in *Gravitational and Space Research*,¹⁸⁹ and another in

¹⁸⁷ N. Oxman, et al., *Hybrid Living Materials: Digital design and fabrication of 3D multimaterial structures with programmable biohybrid surfaces*, *Advanced Functional Materials* (2020).

¹⁸⁸ N. Oxman, et al., *Viva in Silico: A position-based dynamics model for microcolony morphology simulation*, *Proceedings of the Conference on Artificial Life* (2018).

¹⁸⁹ N. Oxman, et al., *A Rapid Fabrication Methodology for Payload Modules, Piloted for the Observation of Queen Honey Bees (Apis mellifera) in Microgravity*, 01 GIU 2021.



Communications Biology, a peer-reviewed scientific journal focused on research in biology.¹⁹⁰ Dr. Oxman has supervised seven research theses related to this project.

After Dr. Oxman married Ackman in 2019 and left MIT in 2020, she founded Neox Public Benefit LLC (doing business as OXMAN), a science, research, architecture, and design firm in New York that seeks to invent, develop, and deploy novel design tools, techniques, and technologies to redefine the way we make things, with a focus on creating synergy between humans and the environment. OXMAN operates out of a 36,000 square foot research and design laboratory in New York City designed by Dr. Oxman and Sir Norman Foster, and Foster + Partners, which includes a wet lab, a machine shop including a 3-D printing facility, a “robotic cell,” “grow rooms,” and other novel research technologies.

OXMAN’s work fuses computational design, digital fabrication, robotics, materials engineering, chemistry, and biology to create products, wearables, and environments designed to positively impact our planet and its inhabitants.

* * * * *

There can be zero dispute: Dr. Oxman’s reputation before Business Insider’s false and retaliatory campaign against her was impeccable. It has now been damaged. Business Insider’s accusations of intentional plagiarism have caused harm to Dr. Oxman’s business and reputation, and it has exposed her and her family to hatred, contempt, and aversion.

In just one recent example of the damage Business Insider has caused, Dr. Oxman’s work was slated to be featured in an upcoming edition of National Geographic Magazine. Photos of the work had already been taken, and the magazine was in the last stages of finalizing the issue. But after Business Insider falsely labeled Dr. Oxman an intentional plagiarizer, National Geographic pulled the photographs, and Dr. Oxman’s work was no longer featured in the magazine.

Dr. Oxman and Ackman have received hundreds of threatening, disparaging, and disgusting messages from readers who believe the false narrative that Business Insider concocted about Dr. Oxman. Some of these messages have threatened physical harm to Dr. Oxman, Ackman, and their family.

For example, on January 19, someone submitted a message through the OXMAN website that said, “Neri – let’s face it, you’re a dumb cunt but your husband is an even dumber cunt. I’m curious to know if it’s always been that way. When did you decide to cheat in grad school? Have you considered killing yourself? You should probably kill that cunt Bill and then put a bullet in your own head, babes.”¹⁹¹ On January 12, someone submitted a message through the OXMAN website that said, “Consider suicide.”¹⁹² And the hate continues. The injury caused by Business Insider’s reckless and malicious reporting can never be fully remedied.

¹⁹⁰ N. Oxman, et al., *Computational methods for the characterization of Apis mellifera comb architecture*, Communications Biology (2022), <https://doi.org/10.1038/s42003-022-03328-6>.

¹⁹¹ Submission through Oxman.com contact portal from “Bill Suckcocksman” (Jan. 12, 2024).

¹⁹² Submission through Oxman.com contact portal from “Jesus Christberg” (Jan. 12, 2024).



X. Business Insider Must Correct The Record And Retract Its False Claims That Dr. Oxman Intentionally Plagiarized And Committed Intellectual Theft.

Business Insider's articles falsely accusing Dr. Oxman of intentional plagiarism and admitting to that academic misconduct are painfully flawed—both in their substance and the process by which they were reported—and they are defamatory *per se*. At every stage, Business Insider and Axel Springer have acted with malice, and the damage they have caused Dr. Oxman has been immense and irreparable.

This reporting has subjected both Axel Springer and Business Insider to significant legal risk and liability. Axel Springer and Business Insider must mitigate the damage they have caused by correcting their libelous reporting, issuing statements setting the record straight, making a sincere and meaningful public apology to Dr. Oxman and Ackman, and creating a fund to compensate other victims of Business Insider's libelous reporting and to discourage their inappropriate conduct in the future. (Dr. Oxman is seeking no compensation for herself to make available additional resources for other victims.) Failure to take these steps will expose Axel Springer and Business Insider to substantial legal liability and will be further evidence of actual malice directed toward my client.

We trust you will treat the issues raised in this letter with the seriousness that they deserve, the responsibility that Axel Springer has in overseeing its publisher, and to which Dr. Oxman is rightly entitled. Dr. Oxman has spent a lifetime building her reputation, and she cannot sit idly by and allow Business Insider to damage it.

Unless and until this matter is resolved, Business Insider, Axel Springer, and their officers, directors, employees, agents, and contractors should preserve all documents, communications, electronically stored information, and other materials relating to Business Insider's reporting about Dr. Oxman and Ackman. For the avoidance of doubt, you should forward this letter and preservation notice to any and all confidential sources with whom Business Insider communicated in publishing these articles.

My client reserves all rights.

Sincerely,

Elizabeth M. Locke, P.C.