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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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Google LLC.,

Plaintiff,

Case No.

COMPLAINT

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v.

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NCHE NOEL,

Defendant.

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INTRODUCTION

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1. Defendant Nche Noel has been perpetrating a puppy fraud scheme to exploit the COVID-19 pandemic for personal gain, taking advantage of unsuspecting and vulnerable victims. Defendant runs multiple non-delivery websites that deceive and defraud users of the Internet in the United States. Some of these fraudulent websites purport to sell adorable puppies, and tricks victims into believing the websites are legitimate by using alluring photos of purebred puppies (*see* Figure

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1), along with compelling testimonials from supposedly satisfied customers. These



Hatie | AVAILABLE
Breed: Basset Hound
Name: Hatie
Current Age : 10 Weeks Old
Sex : Female
Price : \$700
Vaccinations : Up-to-Date
AKC Registered : Yes

Buy Hatie

photos aim to bait would-be victims into thinking the puppies are real and that they are interacting with actual dog breeders. But Defendant does not offer puppies for sale, and instead is running multiple international non-delivery scams with the intent to exploit the COVID-19 pandemic and the resulting resulting social isolation that many Americans have felt.

2. Defendant’s non-delivery scheme follows a similar script to many other online scams where malicious actors pretend to be someone they are not to convince victims to part with money for something they will never receive. Examples of such scams include illicit drug scams, romance scams targeting widows and widowers, loan scams targeting veterans, and investment scams targeting the elderly. These schemes rely on one-on-one communications to lull victims into a

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false sense of trust after they have invested significant time and energy communicating with people they think they have come to know. Defendant’s online puppy scam is particularly nefarious because it not only relies on one-on-one communications, but exploits the joy of pet adoption, resulting in both emotional and financial loss.

3. Defendant has used Gmail and Google Voice services under dozens of Google accounts to communicate false promises to victims, register the fraudulent websites with U.S. internet hosting companies, and request and receive payments, all in violation of Google’s Terms of Service (“ToS”).
4. Defendant’s fraudulent and illegal activities cause financial harm to Google, including by interfering with Google’s relationships with its users (and potential users), harming Google’s reputation, and forcing Google to expend substantial resources in excess of \$75,000 to investigate and remediate Defendant’s harmful activities. Defendant’s exploitative and malicious sham pet adoption scheme abuses Google products to prey on vulnerable victims during an unprecedented pandemic.
5. Google brings this action for breach of contract to protect victims from Defendant’s fraudulent scheme, disrupt Defendant’s activities, prevent Defendant from causing further harm, raise public awareness of these and similar types of online scams, and to recover damages.

PARTIES

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Plaintiff

- 6. Plaintiff Google is a corporation organized under the laws of the State of Delaware with its principal place of business at 1600 Amphitheatre Parkway, Mountain View, California 94043.
- 7. Google is a leading technology company that operates numerous products, platforms, and services, several of which are core to its business and relevant here:
 - (a) **Gmail**: Gmail is a free email service that is hosted on Google’s servers with more than 1.5 billion active users worldwide.
 - (b) **Google Voice**: Google Voice is a call management service that works on smartphones and the web so users can place and receive calls from anywhere, forward calls to any device, and have spam calls silently blocked. Google Voice numbers are linked to other Google accounts, usually Gmail.
 - (c) **Google Search**: Google Search is an internet-based search engine that allows users to search for publicly accessible documents and websites indexed by Google’s servers.
 - (d) **Google Ads**: Google Ads is an online advertising platform through which advertisers can publish advertisements on various Google platforms, such as Google Search and YouTube.
- 8. Google strives to provide its users worldwide with safe and secure platforms. Google allocates substantial resources to prevent its services from being used to commit fraud. But even the most advanced systems cannot catch every single fraudulent communication, particularly where victims are lured, outside of

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Google’s services, into contacting fraudsters. To confront this challenge, Google also solicits and receives reports of abuse of its services.¹

Defendant

9. Nche Noel is a person who resides in Cameroon.

JURISDICTION AND VENUE

10. This Court has jurisdiction over the cause of action alleged in this Complaint pursuant to 28 U.S.C. § 1332 because complete diversity exists between Plaintiff and Defendant, and because the amount in controversy exceeds \$75,000.

11. This Court has personal jurisdiction over Defendant because Defendant agreed to the Google ToS, which require Defendant to submit to the personal jurisdiction of this Court.

12. This Court also has personal jurisdiction over Defendant because Defendant used Google’s services to carry out the unlawful activity, and Google’s headquarters are located in this district. Additionally, personal jurisdiction over Defendant is proper because Defendant used web hosting services located in San Mateo, California to facilitate the unlawful activity.

13. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b), as the threatened and actual harm to Google occurred in this district. Defendant’s use of web hosting services located in San Mateo, California to enable Defendant’s unlawful activity provides an additional basis for venue in this judicial district.

FACTUAL ALLEGATIONS

¹ See Reporting Abuse Incidents, <https://support.google.com/a/answer/134413>.

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A. Non-Delivery Scams Targeting American Consumers

- 14. Over the last two years, there has been a significant increase in online scams and fraud. The COVID-19 pandemic dramatically contributed to this rise by causing many Americans to switch from in-person to online purchases of goods and services. It also increased their social isolation, causing people to seek ways to alleviate the loss of companionship normally provided by work, school, or socializing, like through pet adoptions.²
- 15. According to one study, from January through October of 2021, “there were 165% more puppy scams in the U.S. than during the same period in pre-pandemic 2019.³ An AARP report explains that fraudsters, usually located abroad, “post fake litters online or pretend to be someone they’re not, usually an existing breeder,” and warns that victims “could send a ‘breeder’ money and never receive a puppy or follow-up communication.”⁴ These scammers tend to post photos and videos of

² See, e.g., Alice Kantor, *Coronavirus triggers epidemic of cyber fraud*, FINANCIAL TIMES (Apr. 14, 2021), <https://www.ft.com/content/30553ae9-cdfd-483c-a1ef-c04e3135f9da>; Jordan Reynolds, *9 reasons digital fraud is on the rise*, SECURITY (Nov. 12, 2020), <https://www.securitymagazine.com/articles/93912-reasons-digital-fraud-is-on-the-rise>; Maggie Leonhardt, *Online fraud attempts are up 25% in the US—here’s why*, CNBC MAKE IT (Jun. 3, 2021) <https://www.cnbc.com/2021/06/03/why-online-fraud-attempts-are-up-25percent-in-the-us.html>.

³ Matt Howerton, *Getting a dog for Christmas? Beware, a new study says Texas is the No. 2 state for puppy scams*, WFAA 8 ABC (Dec. 1, 2021), <https://www.wfaa.com/article/news/local/getting-a-dog-for-christmas-beware-a-new-study-says-texas-is-the-number-2-state-for-puppy-scams/287-9ada3e6c-5fbc-4ad4-bce4-5440b4f44fbf>; see also Lily Velez, *Puppies for Sale: The States with the Most Online Puppy Scams*, VETERINARIANS.ORG (Nov. 15, 2021), <https://www.veterinarians.org/puppies-for-sale/>.

⁴ Katherine Skiba, *Pet Scammers Peddle Pandemic Puppies That Don’t Exist*, AARP (Nov. 16, 2021), <https://www.aarp.org/money/scams-fraud/info-2021/pet-scammers-pandemic-puppies.html>

1 adorable puppies with prices that are too good to be true and ask for payment
2 upfront through wire payments, gift cards, or direct transfer apps.⁵ After receiving
3 payment, the fraudsters often double down by inventing additional costs, such as
4 animal quarantine fees and unexpected delivery charges.⁶

5 16. Because only a small proportion of scammers are prosecuted,⁷ most victims are
6 unlikely to see justice or recompense for the financial and emotional harm they
7 suffer.

8 **B. Google’s Terms of Service and Related Policies**

9 17. Regardless of the Google service used, all Google users must agree to Google’s
10 ToS.⁸ The particular version of the ToS to which a user is bound is based on the
11 geographic region of the IP address from which the account is created. For
12 example, users who create accounts from US-based IP addresses must consent to
13 the US version of the ToS (“Google US ToS”).⁹

14 18. Whenever Google updates its ToS, users are notified and must agree to the updated
15 terms to continue using Google’s services.

16 19. Google’s US ToS require users to “comply with applicable laws” and prohibit

17 ⁵ *See id.*

18 ⁶ *See id.* (“[fraudsters] left multiple victims empty-handed. That’s despite paying for the dogs as
19 well as for subsequent fake costs fraudsters asserted had been incurred, including for a supposed
20 need to quarantine animals because of coronavirus exposure.”).

21 ⁷ *See* U.S. D.O.J. Dep’t of Public Affairs, *Cameroonian Citizen Extradited from Romania to Face
22 Covid-19-Related Fraud Charges*, DEPARTMENT OF JUSTICE (Apr. 27, 2021),
<https://www.justice.gov/opa/pr/cameroonian-citizen-extradited-romania-face-covid-19-related-fraud-charges>.

23 ⁸ *See* <https://policies.google.com/terms>, attached as Exhibit A.

⁹ *See* <https://policies.google.com/terms?hl=en-US>, attached as Exhibit B.

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users from “misleading [or] defrauding . . . others.” *See* Ex. B.

20. Google’s US ToS contain a choice of law and forum selection clause, which provides: “California law will govern all disputes arising out of or relating to these terms, service-specific additional terms, or any related services, regardless of conflict of law rules. These disputes will be resolved exclusively in the federal or state courts of Santa Clara County, California, USA, and you and Google consent to personal jurisdiction in these courts.” Ex. B.

21. To use a consumer Gmail account—any email address that ends with @gmail.com—users also must agree to Gmail Program Policies, which prohibit users from “send[ing] messages to trick, mislead, or deceive other users into sharing information under false pretenses.”¹⁰ Gmail Program Policies also prohibit users from “impersonating another person, company, or entity with the intent to deceive or mislead” and from using Gmail “to promote, organize, or engage in unlawful activities.” Ex. C.

22. In addition to the Google ToS, Google Voice users must agree to the Google Voice ToS¹¹ and the Voice Acceptable Use Policy,¹² which prohibits using Google Voice “to engage in or promote illegal activities.” Ex. E.

C. Defendant Defrauded Google’s Users and the Public Through Multiple Non-Delivery Scams

23. In or around September 2021, Google received an abuse report from AARP, a non-profit, non-partisan organization whose members are age 50 or older, and

¹⁰ *See* <https://www.google.com/gmail/about/policy/>, attached as Exhibit C.
¹¹ *See* <https://support.google.com/voice/answer/9231816?hl=en>, attached as Exhibit D.
¹² *See* https://support.google.com/voice/answer/9230450?hl=en&ref_topic=9273222, attached as Exhibit E.

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whose mission is to empower people to choose how they live as they age.

24. The report indicated that in August 2021, an individual (“Victim 1”) who, at all relevant times, lived in South Carolina, was looking for a puppy online and found the website familyhomebassetthounds[.]com. The report indicated that Victim 1 sent an email from their Gmail account to familyhomebassetthound[.]gmail.com (“Gmail Account A”), listed on the website, to express interest in a specific basset hound puppy.

25. The report indicated that through correspondence with Gmail Account A and text messages with the Google Voice number (954) 899-0315 (“Google Voice Number 1”), Victim 1 was instructed to pay for the puppy by sending \$700 in electronic gift cards. Victim 1 bought the gift cards and sent the gift card information to Google Voice Number 1. Victim 1 later received a text from the Google Voice Number 1 claiming that the delivery company, “Sunshine Express,” needed an extra \$1,500 to deliver the puppy. Victim 1 never received the puppy.

26. Google investigated the information from AARP and uncovered a network of Gmail and Google Voice accounts connected to the Google Voice Number 1 and Gmail Account A, which, on information and belief, are controlled by Defendant Nche Noel. The connected accounts are linked by, among other things, subscriber email addresses or recovery email addresses, phone numbers, and login IPs. One of these connected accounts, jurgenchloe7@gmail[.]com (“Gmail Account B”) was created in November 2014, and its owner agreed to the Google US ToS.

27. Gmail Account B has the same phone number as several Google accounts with

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display names and recovery email addresses containing some variation of “Nche Noel.” One of the oldest accounts, nchenoel123@gmail[.]com, was created in September 2013 from an IP address in Cameroon and has a phone number with the country code for Cameroon. The repeated use of variations of “Nche Noel” as the display name for these older Gmail accounts—including for Gmail Account B, which agreed to the Google US ToS—indicates that the person behind the basset hound non-delivery scam is named Nche Noel and is based in Cameroon.

28. When Google investigated the AARP report about familyhomebassetthounds[.]com, the website had been disabled. Google located an image of the homepage for a similarly-named website, familybassethoundhome[.]com, on a website about puppy scams, as well as a Google Search cache of the same website. The Google Search cache contained Gmail Account A, the same email address that was used to contact Victim 1.

29. The above screenshot of familybassethoundhome[.]com (Figure 2) contains the same language as a still-active puppy scam website, jerrysbassethoundhome[.]com (Figure 3, below), which is hosted by Dynadot, a domain name registrar and web hosting service based in San Mateo, California.

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*Figure SEQ Figure * ARABIC 1. Image of familybassethoundhome[.]com homepage found at [https://puppy-scammer-list\[.\]us/familybassethoundhome-com](https://puppy-scammer-list[.]us/familybassethoundhome-com)*

30. Like the website reported by Victim 1, jerrysbassethoundhome[.]com offers puppies for sale at a cost of \$700, complete with heartwarming pictures and purported testimonials from real and satisfied customers. By clicking the “Buy” button in Figure 4 below, website visitors are led to a webform that requests their full name, email address, phone number, puppy name, and message.

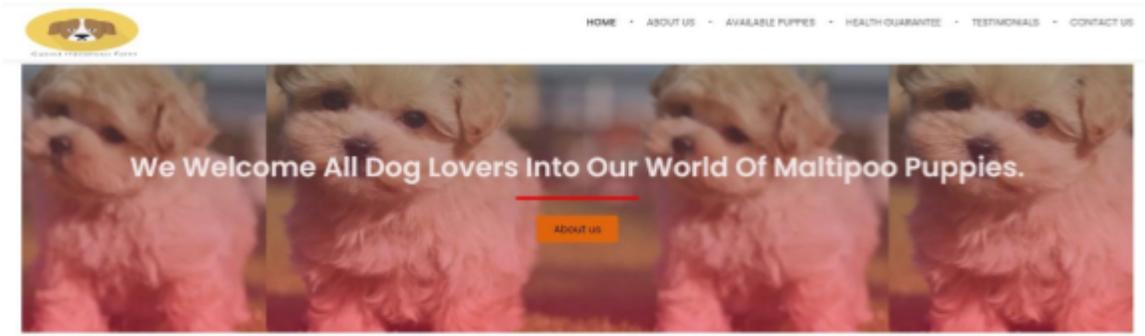
31. On information and belief, jerrysbassethoundhome[.]com is operated by Nche Noel. The contact information for the webmaster of jerrysbassethoundhome[.]com, i.e., the person responsible for creating or maintaining the website, is a Gmail account that logged in from the same IP address as familyhomebassethound@gmail[.]com (Gmail Account A).



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32. Nche Noel runs additional non-delivery scam websites that abuse Google’s services and are designed to defraud Google users and the public. These websites include maltipoofarmhome[.]com (Figure 5, below), a website that purportedly sells maltipoo puppies for \$700 and uses nearly identical language to the basset hound websites. The webmaster email for jerrysbassethoundhome[.]com attempted to run a Google Ads campaign to promote maltipoofarmhome[.]com, which indicates common control over the two sites. Google suspended the Google Ads account for payment fraud before any ads were served. Maltipoofarmhome[.]com is hosted by Namecheap, a domain name registrar and hosting provider based in Phoenix, Arizona.

33. Furthermore, Google discovered a Google Ads campaign that promoted familyhomebassethound[.]com. The same Google Ads account was recently used to run an Ads campaign for emilypuppyfarm[.]com, which was registered on March 27, 2022. The recent registration date for this domain shows that the harm is ongoing.



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34. On information and belief, Nche Noel also controls moonrocksmand[.]com, a website that purports to sell marijuana and prescription opiate cough syrup. The “Call Us” section of the website lists a Google Voice number ending in -5071, which is registered to a Gmail account that logged in from the same IP address as several Gmail accounts controlled by Nche Noel. Moonrocksmand[.]com is hosted by Porkbun, a domain name registrar and hosting provider based in Portland, Oregon. On information and belief, moonrocksmand[.]com does not actually sell controlled substances and is yet another common non-delivery scheme.

35. The above fraudulent websites, which are still operational, pose an immediate risk of harm to Google and to the public. The websites are deliberately designed to trick unsuspecting victims into believing they are buying puppies to lure them into sending money for these non-existent puppies via electronic means. Ultimately, the victims receive nothing in return. As discussed above, Nche Noel uses a network of Gmail and Google Voice accounts to facilitate the scheme and communicate with victims, one of whom is based in South Carolina. These communications necessarily involve interstate and foreign wires because Nche Noel is based in Cameroon, the websites are hosted by providers in California, Arizona, and Oregon, and Victim 1 is based in South Carolina. In sum, Nche Noel is engaged in a “scheme or artifice to defraud or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises,” and uses interstate and foreign wires to effect that scheme, in violation of 18 U.S.C. § 1343.

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D. Defendant’s unlawful activity caused significant harm to Google

36. Defendant’s breaches of the Google ToS, Gmail’s Program Policies, and the Google Voice ToS caused substantial harm to Google, and pose a continuing risk of harm to the public. Defendant has violated express prohibitions against unlawful activity and misrepresentation in these terms by perpetrating fraud through the use of Gmail accounts and Google Voice numbers.

37. Defendant’s breaches have injured Google by damaging the safety and integrity of its platform, negatively impacting its users and potential users.

38. Google has suffered damages attributable to the efforts and resources it has used to address this Complaint; investigate and mitigate Defendant’s illegal conduct; and attempt to identify, analyze, and stop Defendant’s fraudulent and injurious activities. Many of these damages are ongoing.

1 **CAUSE OF ACTION**

2 **Breach of Contract**

3 1. Google realleges and incorporates by reference all of the preceding paragraphs.

4 2. Access to and use of Google services, including Gmail and Google Voice, is
5 governed by Google's ToS and related Google policies.

6 3. Defendant agreed to and became bound by the Google US ToS when Defendant
7 used Gmail and Google Voice services.

8 4. Google has performed all conditions, covenants, and promises required of it in
9 accordance with the Google US ToS.

10 5. Defendant's violations of the Google US ToS and related policies have directly
11 and proximately caused and continue to cause harm and injury to Google.

12 6. When Defendant agreed to and became bound by the Google US ToS, both Google
13 and Defendant knew or could have reasonably foreseen that the harm and injury to Google was
14 likely to occur in the ordinary course of events as a result of Defendant's breach.

15 7. Defendant's actions caused Google to incur losses and other economic damages,
16 including, among other things, the expenditure of resources to investigate and remediate
17 Defendant's conduct and damage to the safety and integrity of Google's platform, impacting
18 Google's users and potential users. Google has been damaged in excess of \$75,000. The exact
19 amount will be proved at trial.

20 **REQUEST FOR RELIEF**

21 Google requests judgment against Defendant as follows:

22 1. Judgment against Defendant that Defendant breached their contracts with Google
23 in violation of California law.

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2. Judgment entering a permanent injunction enjoining and restraining Defendant and their agents, servants, employees, successors, and assigns, and all other persons acting in concert with or conspiracy with any of them or who are affiliated with Defendant from:

- a. Accessing or attempting to access Google’s services;
- b. Creating or maintaining any Google accounts; and
- c. Engaging in any activity (or facilitating others to engage in any activity) that violates Google’s ToS or related policies.

3. Judgment awarding damages, including, but not limited to, compensatory, statutory and punitive damages, as permitted by law and in such amounts to be proven at trial.

4. Judgment awarding reasonable costs, including reasonable attorneys’ fees.

5. Judgment awarding awarded pre- and post-judgment interest as allowed by law.

6. Other such relief that the Court deems just and reasonable.

DEMAND FOR JURY TRIAL

Google respectfully requests a jury trial.

Dated: April ____, 2022

COOLEY LLP

By: [DRAFT]

Attorney for Plaintiff
Google LLC.

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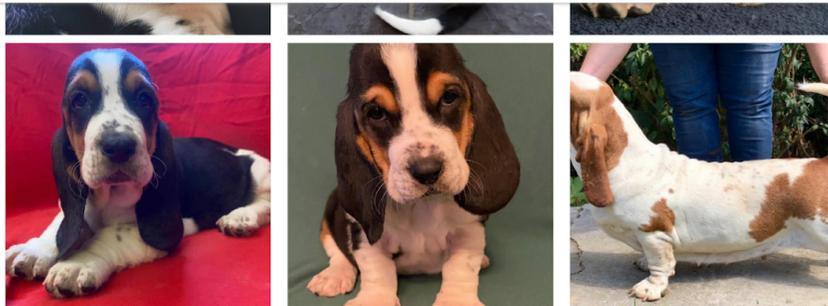


Posted on May 25, 2021

Hatie | AVAILABLE
Breed: Basset Hound
Name: Hatie
Current Age: 10 Weeks Old
Sex: Female
Price: \$700
Vaccinations: Up-to-Date
AKC Registered: YES

Shipping area: UNITED STATES, Worldwide
What's included: Registered/Registerable,
Current vaccinations, Veterinarian
examination, Health guarantee

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