

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COOLEY LLP
TIANA DEMAS (*pro hac vice* pending) (NY Bar No. 4210472)
(tdemas@cooley.com)
444 W. Lake Street, Suite 1700
Chicago, Illinois 60606-0010
Telephone: +1 312-881-6500

COOLEY LLP
MICHAEL G. RHODES (116127) (rhodesmg@cooley.com)
JOSEPH D. MORNIN (307766) (jmornin@cooley.com)
3 Embarcadero Center, 20th Floor
San Francisco, California 94111-4004
Telephone: +1 415 693 2000

Attorneys for Plaintiff
GOOGLE LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

<p>GOOGLE LLC,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>NCHE NOEL NTSE,</p> <p style="text-align: center;">Defendant.</p>		<p>Case No.</p> <p>COMPLAINT</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	-----------------------------------------

INTRODUCTION

1. Defendant Nche Noel Ntse has been perpetrating a puppy fraud scheme to exploit the COVID-19 pandemic for personal gain, while taking advantage of unsuspecting and vulnerable victims. Defendant runs multiple non-delivery websites that deceive and defraud internet users in the United States. Some of these fraudulent websites purport to sell adorable puppies, and victims are tricked into believing the websites are legitimate because of their alluring photos of purebred puppies (*see* Figure 1), and compelling testimonials from supposedly satisfied customers. These photos aim to bait would-be victims into believing the puppies are real

1 and that they are interacting with actual dog breeders. But Defendant does not actually sell
 2 puppies, and instead is running multiple international non-delivery scams with the intent to
 3 exploit the COVID-19 pandemic and the resulting high demand for puppies in the U.S.



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

4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14 *Figure 1.*
 15 *Image of “Available Puppies,”*
 16 *[https://jerrysbassethoundhome\[.\]com/available-puppies/](https://jerrysbassethoundhome[.]com/available-puppies/),*
 17 *retrieved on April 8, 2022.*

18 2. Defendant’s non-delivery scheme follows a similar script to many other online
 19 scams where malicious actors pretend to be someone they are not to convince victims to part with
 20 money for something they will never receive. Examples of other such scams include illicit
 21 prescription drug scams, romance scams targeting widows and widowers, loan scams targeting
 22 veterans, and investment scams targeting the elderly. These schemes rely on one-on-one
 23 communications to lull victims into a false sense of trust after they have invested significant time
 24 and energy communicating with people they think they have come to know. Defendant’s online
 25 puppy scam is particularly nefarious because it not only relies on one-on-one communications,
 26 but also exploits the joy of pet adoption, resulting in both emotional harm and financial loss.

27 3. Defendant has used several Google services, such as Gmail and Google Voice, via
 28 dozens of fraudulent 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”).

1 8. Google strives to provide its users worldwide with safe and secure platforms.
2 Google allocates substantial resources to prevent its services from being used to commit fraud. But
3 even the most advanced systems cannot catch every single fraudulent communication, particularly
4 where victims are lured to contact scammers outside of Google’s services. To confront this
5 challenge, Google also solicits and receives reports of abuse of its services.¹

6 **Defendant**

7 9. On information and belief, Defendant Nche Noel Ntse is a person who resides in
8 Cameroon.

9 **JURISDICTION AND VENUE**

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

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

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

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

23 **FACTUAL ALLEGATIONS**

24 **A. Non-Delivery Scams Targeting American Consumers**

25 14. Over the last two years, there has been a dramatic increase in online scams and
26 fraud. The COVID-19 pandemic significantly contributed to this rise by causing many Americans
27 to switch from in-person to online purchases of goods and services. It also increased their social
28

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

1 isolation, leading people to seek ways to alleviate the loss of companionship normally provided
2 by work, school, or socializing, like through pet adoptions.²

3 15. According to the Better Business Bureau, 35% of all online shopping scams
4 reported to it in 2021 were “pet scams.”³ Another study found that, from January through October
5 of 2021, “there were 165% more puppy scams in the U.S. than during the same period in pre-
6 pandemic 2019.”⁴ An AARP report explains that scammers, usually located abroad, “post fake
7 litters online or pretend to be someone they’re not, usually an existing breeder,” and warns that
8 victims “could send a ‘breeder’ money and never receive a puppy or follow-up communication.”⁵
9 These scammers tend to post photos and videos of adorable puppies with prices that are too good
10 to be true and ask for payment upfront through wire payments, gift cards, or direct transfer apps.⁶
11 After receiving payment, the scammers often double down by inventing additional costs, such as
12 animal quarantine fees and unexpected delivery fees.⁷

13
14
15
16 ² See, e.g., Alice Kantor, *Coronavirus triggers epidemic of cyber fraud*, FINANCIAL TIMES (Apr.
17 14, 2021), <https://www.ft.com/content/30553ae9-cdfd-483c-a1ef-c04e3135f9da>; Jordan
18 Reynolds, *9 reasons digital fraud is on the rise*, SECURITY (Nov. 12, 2020),
19 <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>.

20 ³ See, e.g., *Purchasing a puppy online remains extremely risky, BBB warns holiday shoppers*,
21 BETTER BUSINESS BUREAU (Dec. 9, 2021), [https://www.bbb.org/article/news-releases/26235-
purchasing-a-puppy-online-remains-extremely-risky-bbb-warns-holiday-shoppers](https://www.bbb.org/article/news-releases/26235-purchasing-a-puppy-online-remains-extremely-risky-bbb-warns-holiday-shoppers).

22 ⁴ Matt Howerton, *Getting a dog for Christmas? Beware, a new study says Texas is the No. 2 state*
23 *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](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).

24 ⁵ Katherine Skiba, *Pet Scammers Peddle Pandemic Puppies That Don’t Exist*, AARP (Nov. 16,
25 2021), <https://www.aarp.org/money/scams-fraud/info-2021/pet-scammers-pandemic-puppies.html>

26 ⁶ See *id.*

27 ⁷ See *id.* (“[Scammers] left multiple victims empty-handed. That’s despite paying for the dogs as
28 well as for subsequent fake costs fraudsters asserted had been incurred, including for a supposed
need to quarantine animals because of coronavirus exposure.”).

1 16. Because only a small proportion of scammers are prosecuted,⁸ most victims are
2 unlikely to see justice or recompense for the financial and emotional harm they suffer.

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

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

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

11 19. The Google US ToS require users to “comply with applicable laws” and prohibit
12 users from “misleading [or] defrauding . . . others.” *See* Ex. 1.

13 20. Google’s US ToS contain a choice of law and forum selection clause, which
14 provides: “California law will govern all disputes arising out of or relating to these terms, service-
15 specific additional terms, or any related services, regardless of conflict of law rules. These
16 disputes will be resolved exclusively in the federal or state courts of Santa Clara County,
17 California, USA, and you and Google consent to personal jurisdiction in these courts.” Ex. 1.

18 21. To use a consumer Gmail account—any email address that ends with
19 @gmail.com—users also must agree to Gmail Program Policies, which prohibit users from
20 “send[ing] messages to trick, mislead, or deceive other users into sharing information under false
21 pretenses.”¹¹ Gmail Program Policies also prohibit users from “impersonating another person,

22 _____
23 ⁸ *See* U.S. D.O.J. Dep’t of Public Affairs, *Cameroonian Citizen Extradited from Romania to Face*
24 *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>.

25 ⁹ *See* <https://policies.google.com/terms>.

26 ¹⁰ *See* <https://policies.google.com/terms?hl=en-US>, attached as Exhibit 1. This exhibit includes
27 the Google US ToS for 2017, 2020, and 2022—all of which contain the same choice of law and
forum selection clauses and other provisions relevant to this Complaint.

28 ¹¹ *See* <https://www.google.com/gmail/about/policy/>, attached as Exhibit 2.

1 company, or entity with the intent to deceive or mislead” and from using Gmail “to promote,
2 organize, or engage in unlawful activities.” Ex. 2.

3 22. In addition to the Google ToS, Google Voice users must agree to the Google Voice
4 ToS¹² and the Voice Acceptable Use Policy,¹³ which prohibits using Google Voice “to engage in
5 or promote illegal activities.” Ex. 4.

6 **C. Defendant Defrauded Googles Users and the Public Through Multiple Non-**
7 **Delivery Scams**

8 23. In or around September 2021, Google received an abuse report from AARP, a
9 nonprofit, nonpartisan organization that serves and advocates on behalf of older Americans, and
10 whose mission is to empower people to choose how they live as they age. As part of that mission,
11 AARP alerts its members, government and corporate entities, and the general public about
12 common fraud schemes and tactics collected via the AARP Fraud Watch Network.

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

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

24 26. Google investigated the information from AARP and uncovered a network of
25 Google, Gmail, and Google Voice accounts connected to Google Voice Number 1 and Gmail
26

27 ¹² See <https://support.google.com/voice/answer/9231816?hl=en>, attached as Exhibit 3.

28 ¹³ See https://support.google.com/voice/answer/9230450?hl=en&ref_topic=9273222, attached as Exhibit 4.

1 Account A, which, on information and belief, are controlled by Defendant and used to conduct
 2 other similar non-delivery schemes. The connected accounts are linked by, among other things,
 3 subscriber email addresses or recovery email addresses, phone numbers, and login IPs. One of
 4 these connected accounts, jurgenchloe7@gmail[.]com (“Gmail Account B”) was created in
 5 November 2014, and its owner agreed to the Google US ToS (like many of the other connected
 6 accounts).

7 27. Gmail Account B has the same phone number as several Google accounts with
 8 display names and recovery email addresses containing some variation of “Nche Noel Ntse.” One
 9 of the oldest accounts, nchenoel123@gmail[.]com, was created in September 2013 from an IP
 10 address in Cameroon and has a phone number with the country code for Cameroon. Furthermore,
 11 a Gmail account that logged in from the same IP address as Gmail Account A uses the name
 12 “Nche Noel Ntse” in the billing address. A separate Gmail account that lists Gmail Account B as
 13 its recovery email address also contains the name “Nche Noel Ntse” in the billing address. The
 14 repeated use of variations of “Nche Noel Ntse” as the name for these related Gmail accounts—
 15 including for Gmail Account B, which agreed to the Google US ToS—indicates that the person
 16 behind the basset hound non-delivery scam is named Nche Noel Ntse and is based in Cameroon.

17 28. When Google investigated the AARP report about
 18 familyhomebassetthounds[.]com, the website had been disabled. Google located an image of the
 19 homepage for a similarly-named website, familybassethoundhome[.]com, on a website about
 20 puppy scams.

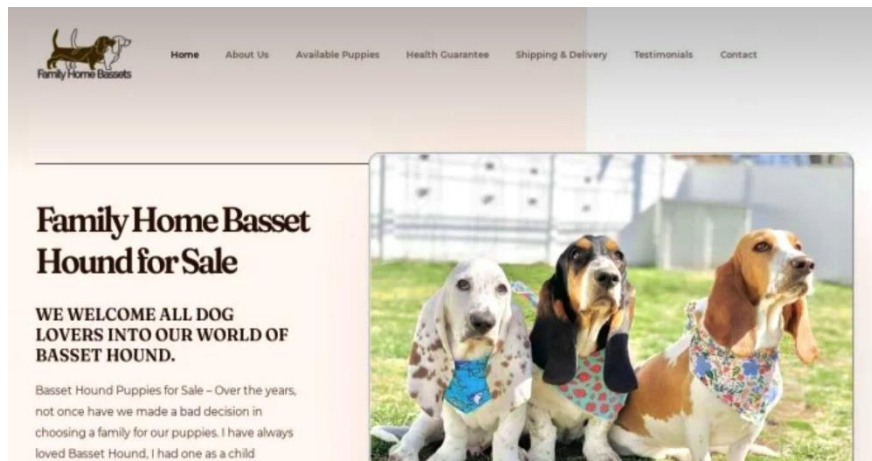


Figure 2. Image of familybassethound[.]com webpage found at <https://puppy-scammer-list.us/familybassethoundhome-com>, retrieved on April 8, 2022.

1 29. The above screenshot of familybassethoundhome[.]com (Figure 2) contains the
2 same language as a still-active puppy scam website, jerrysbassethoundhome[.]com (Figure 3),
3 which is hosted by Dynadot, a domain name registrar and web hosting service based in San
4 Mateo, California. On information and belief, Dynadot generally requires a court order before it
5 will disable fraudulent websites.



11 **WE WELCOME ALL DOG LOVERS INTO OUR WORLD OF BASSET HOUND.**

12 Over the years, not once have we made a bad decision in choosing a family for our puppies. I have always loved Basset Hound, I had
13 one as a child growing up, I called him "Billy". He was very much loved and will always be remembered. It is because of Billy's breed
14 today and I do not necessarily do it for the money but for the love of it. I know how awesome it was having best around. I want every
15 child or family to be able to have the same experience as well. If you have any questions. Please feel free to get in touch and i will get
16 back to you as soon as possible.

17 We are as equally dedicated to our clients as we are our dogs, being here 24/7 for phone calls, advice and support. We utilize health
18 testing in our dogs including but not limited to heart, hips, thyroid and eyes to help us better understand and TRY to eliminate genetic
19 disease.



29 *Figure 3. Image of jerrysbassethoundhome[.]com homepage found at
30 [https://jerrysbassethoundhome\[.\]com/](https://jerrysbassethoundhome[.]com/), retrieved on April 8, 2022.*

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



13
14
15
16

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

17
18

Buy Boris

19
20
21
22

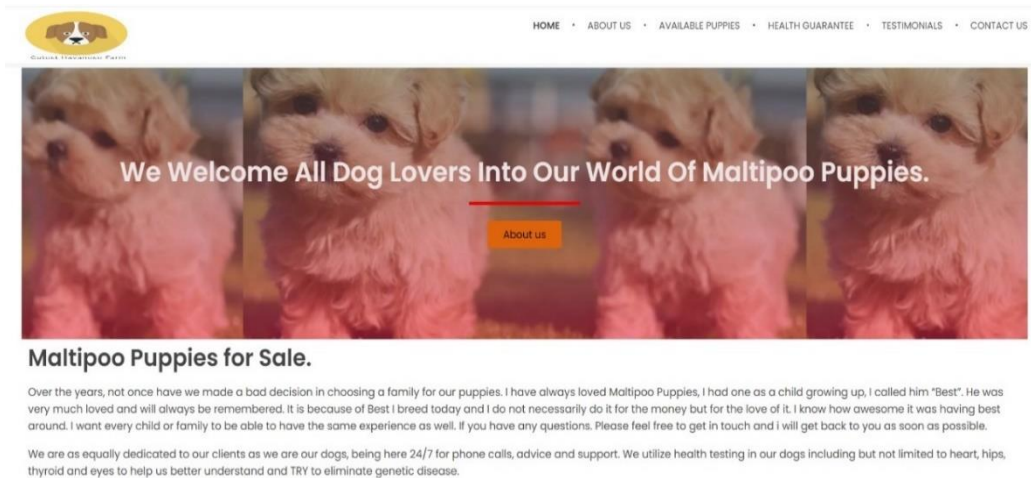
*Figure 4. Image of “Available Puppies,”
[https://jerrysbassethoundhome\[.\]com/
 available-puppies/](https://jerrysbassethoundhome[.]com/available-puppies/), retrieved on April 8, 2022.*

23
24
25
26
27
28

31. On information and belief, Defendant operates jerrysbassethoundhome[.]com. 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).

32. Even as some of Defendant’s websites are suspended, new scam websites crop up, evidencing a concerted effort to defraud and an ongoing harm to Google and to the public. Recently, Google discovered a Google Ads account that ran an Ads campaign promoting familyhomebassethound[.]com. The same Google Ads account was used to run an Ads campaign for emilypuppyfarm[.]com, as well as the other domains listed in Exhibit 5. Publicly-available records reveal that emilypuppyfarm[.]com was registered on March 27, 2022 with Namecheap, a

1 domain name registrar and web hosting service based in Phoenix, Arizona. The recency of this
 2 site shows that Defendant will continue to perpetrate fraud and abuse Google's services unless
 3 stopped. Google suspended the related Ads account and has requested that the website be taken
 4 down.



18 *Figure 5. Image of maltipoofarmhome[.]com webpage, retrieved on January 5, 2022.*

19 33. Defendant also ran maltipoofarmhome[.]com (Figure 5, above), a website that
 20 purported to sell Maltipoo puppies for \$700 and used nearly identical language to the basset
 21 hound websites. The webmaster email for jerrysbassethoundhome[.]com attempted to run a
 22 Google Ads campaign to promote maltipoofarmhome[.]com, which indicates common control
 23 over the two sites. In late October 2021, Google suspended the Google Ads account for payment
 24 fraud before any ads were served. Before it was taken down, Maltipoofarmhome[.]com was
 25 hosted by Namecheap.

26 34. On information and belief, Defendant also controlled moonrocksmad[.]com, a
 27 website that purported to sell marijuana and prescription opiate cough syrup. The “Call Us”
 28 section of the website listed a Google Voice number ending in -5071, which is registered to a

1 Gmail account that logged in from the same IP address as several Gmail accounts controlled by
2 Defendant. Until April 7, 2022, when it was taken down at Google’s request,
3 Moonrocksmand[.]com was hosted by Porkbun, a domain name registrar and hosting provider
4 based in Portland, Oregon. On information and belief, moonrocksmand[.]com did not actually sell
5 controlled substances and was yet another non-delivery scheme.

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

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

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

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

26 38. Google has suffered damages attributable to the efforts and resources it has used to
27 address this Complaint; investigate and mitigate Defendant’s illegal conduct; and attempt to
28

1 identify, analyze, and stop Defendant's fraudulent and injurious activities. Many of these
2 damages are ongoing.

3 **CAUSE OF ACTION**

4 **Breach of Contract**

5 1. Google realleges and incorporates by reference all preceding paragraphs.

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

8 3. Defendant agreed to and became bound by Google's US ToS when Defendant
9 used Gmail and Google Voice services.

10 4. Google has performed all conditions, covenants, and promises required of it in
11 accordance with Google's US ToS.

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

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

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

22 **REQUEST FOR RELIEF**

23 Google requests judgment against Defendant as follows:

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- a. Accessing or attempting to access Google’s services;
- b. Creating or maintaining any Google accounts;
- c. Engaging in any activity (or facilitating others to engage in any activity) that violates Google’s ToS or related policies; and
- d. Continuing to operate the websites listed in Exhibit 5 and creating or operating any new scam websites.

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 11, 2022

COOLEY LLP

By: /s/ Michael G. Rhodes

Michael G. Rhodes

Attorney for Plaintiff
GOOGLE LLC