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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><b>COMPLAINT</b></p>
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**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

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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 4. Defendant's fraudulent and illegal activities cause financial harm to Google,  
2 including by interfering with Google's relationships with its users (and potential users), harming  
3 Google's reputation, and forcing Google to expend substantial resources in excess of \$75,000 to  
4 investigate and remediate Defendant's harmful activities. Defendant's exploitative and malicious  
5 sham pet adoption scheme abuses Google products to prey on vulnerable victims during an  
6 unprecedented pandemic.

7 5. Google brings this action for breach of contract to protect victims from  
8 Defendant's fraudulent scheme, disrupt Defendant's activities, prevent Defendant from causing  
9 further harm, raise public awareness of these and similar online scams, and to recover damages.

10 **PARTIES**

11 **Plaintiff**

12 6. Plaintiff Google is a corporation organized under the laws of the State of Delaware  
13 with its principal place of business at 1600 Amphitheatre Parkway, Mountain View, California  
14 94043.

15 7. Google is a leading technology company that operates numerous products,  
16 platforms, and services, several of which are core to its business and relevant here:

17 (a) **Gmail:** Gmail is a free email service that is hosted on Google's servers with  
18 more than 1.5 billion active users worldwide.

19 (b) **Google Voice:** Google Voice is a free call management service that works on  
20 smartphones and the web so users can place and receive calls from anywhere,  
21 forward calls to any device, and have spam calls silently blocked. Google  
22 Voice numbers are linked to other Google accounts, usually Gmail.

23 (c) **Google Search:** Google Search is an internet-based search engine that allows  
24 users to search for publicly accessible documents and websites indexed by  
25 Google's servers.

26 (d) **Google Ads:** Google Ads is an online advertising platform through which  
27 advertisers can publish advertisements on various Google platforms, including,  
28 for example, Google Search and YouTube.

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.<sup>1</sup>

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  
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<sup>1</sup> 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.<sup>2</sup>

3 15. According to the Better Business Bureau, 35% of all online shopping scams  
4 reported to it in 2021 were “pet scams.”<sup>3</sup> 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.”<sup>4</sup> 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.”<sup>5</sup>  
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.<sup>6</sup>  
11 After receiving payment, the scammers often double down by inventing additional costs, such as  
12 animal quarantine fees and unexpected delivery fees.<sup>7</sup>

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16 <sup>2</sup> 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 <sup>3</sup> 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 <sup>4</sup> 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 <sup>5</sup> 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 <sup>6</sup> See *id.*

27 <sup>7</sup> 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.”).

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