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U.S. DISTRICT COURT  
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5 Attorneys for Plaintiff  
6 FACEBOOK, INC.

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

12 FACEBOOK, INC., a Delaware  
13 corporation,

14 Plaintiff,

15 v.

16 JOHN DOES 1-10, individuals; and JOHN  
DOES 11-20, corporations,

17 Defendants.

Case No.

C07 03404 HRL

COMPLAINT FOR:

- 1) VIOLATION OF THE COMPUTER FRAUD AND ABUSE ACT; AND
- 2) VIOLATION OF THE CALIFORNIA COMPREHENSIVE COMPUTER DATA ACCESS AND FRAUD ACT

[DEMAND FOR JURY TRIAL]

19 For its complaint, plaintiff FACEBOOK, Inc. ("FACEBOOK") alleges as follows:

20 I. PARTIES

21 1. Plaintiff FACEBOOK is a Delaware corporation with its principal place of  
22 business in Palo Alto, California.

23 2. Defendants John Does 1-10 are individuals of unknown residence and citizenship.  
24 FACEBOOK does not know any of the John Does' identities or locations at this time.  
25 FACEBOOK will amend its complaint to name John Does 1-10 when their identities are learned.

26 3. Defendant John Does 11-20 are corporations of unknown locations of  
27 incorporation. FACEBOOK does not know the identities or locations of John Does 11-20 at this  
28

1 time. FACEBOOK will amend its complaint to name John Does 11-20 when their identities are  
2 learned.

3 **II. JURISDICTION AND VENUE**

4 4. This Court has federal question jurisdiction of this action under 28 U.S.C. § 1331,  
5 because this action alleges violations of the Computer Fraud and Abuse Act, 18 U.S.C. § 1030.

6 5. Venue is proper in this District under 28 U.S.C. § 1391(b)(2). Depending on the  
7 residence of defendants, venue may be proper under 28 U.S.C. § 1391(b)(1) or (3) as well.

8 **III. FACTS AND BACKGROUND**

9 6. FACEBOOK, Inc. ("FACEBOOK") owns and operates a social networking Web  
10 site located at <http://www.facebook.com>.

11 7. FACEBOOK requires users to register with a unique username and password in  
12 order to access to its proprietary computer network.

13 8. FACEBOOK users may create profiles that contain personal data such as contact  
14 information (including email addresses, mailing addresses and telephone numbers), pictures, and  
15 other content that is personal in nature.

16 9. FACEBOOK's Web site enables users to add "friends" to their profiles. This  
17 process connects one registrant's profile to another registrant's profile, giving each of the  
18 connected "friends" access to the other "friends" connected to the respective profiles. In this  
19 manner, FACEBOOK's Web site creates a virtual social network of interconnected profiles.  
20 "Friends" can send messages to one another over FACEBOOK's proprietary computer network.  
21 Users may also send email to one another over the internet.

22 10. FACEBOOK user profiles are available for viewing and FACEBOOK users may  
23 be contacted only by FACEBOOK or persons who have a FACEBOOK username and password.

24 11. Before a username is activated, the user must agree to FACEBOOK's Terms of  
25 Use, which sets forth the terms of authorized use before FACEBOOK activates their accounts.

26 12. FACEBOOK's Terms of Use prohibit users from conducting certain activities.  
27 Among the prohibited activities are sending unsolicited or unauthorized advertising, promotional  
28 materials, junk mail, spam, chain letters, pyramid schemes, soliciting passwords and personally

1 identifiable information (which is often the intent of so-called “phishing” schemes), and using  
2 automated software scripts to send large volumes of requests to the FACEBOOK network.  
3 Furthermore, the Terms of Use prohibit users from disseminating any forms of mass-mailing,  
4 mass-contact, or sales schemes over FACEBOOK’s Web site.

5 13. FACEBOOK requires its users to refrain from the prohibited actions described in  
6 its Terms of Use because they have the potential to overwhelm FACEBOOK’s proprietary  
7 computer network and disrupt or degrade service to FACEBOOK users. Furthermore, the  
8 prohibited actions detract from the FACEBOOK user environment because they are often  
9 associated with unwanted or harmful activities targeting FACEBOOK users or attempting to  
10 compromise FACEBOOK’s security.

11 14. Sometime between or before June 1, 2007 and June 15, 2007, John Does 1-20  
12 (“John Doe”) used Internet Protocol Address (“IP Address”) 216.127.50.20 to access  
13 FACEBOOK’s Web site hundreds of thousands of times. During the fifteen-day period from  
14 June 1, 2007 to June 15, 2007, John Doe was responsible for more than 200,000 separate requests  
15 sent to FACEBOOK.

16 15. The communications received from IP Address 216.127.50.20 between June 1 and  
17 June 15, 2007 used an automated script to gain unauthorized access to FACEBOOK’s “friend-  
18 finder” functionality. These requests generated error messages, and were detected as  
19 unauthorized attempts to access and harvest proprietary information belonging to FACEBOOK.

20 16. FACEBOOK reported this unauthorized activity originating from IP address  
21 216.127.50.20 and the ISP blocked the offending IP address from accessing IP addresses  
22 associated with FACEBOOK’s proprietary computer system. Thereafter, John Doe continued his  
23 attempts to access the FACEBOOK computer system without authorization by other means.

24 17. As a direct and proximate result of the activities described in paragraphs 14 and 15  
25 and other attempts at unauthorized access to FACEBOOK’s proprietary computer network by  
26 John Does 1 -20, FACEBOOK has incurred substantial damages in excess of \$5,000.

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1 **IV. CLAIMS FOR RELIEF**

2 **COUNT I – COMPUTER FRAUD AND ABUSE ACT, 18 U.S.C. § 1030**

3 18. Plaintiff FACEBOOK realleges and incorporates by reference, as if fully set forth  
4 herein, the allegations in paragraphs 1-17 above.

5 19. FACEBOOK's Web site operates in interstate commerce.

6 20. John Doe intentionally accessed FACEBOOK's Web site without authorization,  
7 including but not limited to more than 200,000 separate requests sent from IP Address  
8 216.127.50.20, which caused or recklessly caused damage and loss to FACEBOOK.

9 21. John Doe's attempts to access FACEBOOK's Web site have harmed FACEBOOK  
10 in that, among other things, FACEBOOK has been required to expend resources to investigate the  
11 attempted unauthorized access and abuse of its computer network and to prevent such access or  
12 abuse from occurring.

13 **COUNT II – CALIFORNIA COMPREHENSIVE COMPUTER DATA ACCESS  
14 AND FRAUD ACT, CALIFORNIA PENAL CODE § 502(C)**

15 22. Plaintiff FACEBOOK realleges and incorporates by reference, as if fully set forth  
16 herein, the allegations in paragraphs 1-21 above.

17 23. FACEBOOK's proprietary computer network that hosts its Web sites is located in  
18 the State of California.

19 24. John Doe knowingly and without permission used FACEBOOK's proprietary  
20 computers, computer system, or computer network.

21 25. John Doe knowingly and without permission accessed FACEBOOK's proprietary  
22 computers, computer system, or computer network.

23 26. Upon information and belief, John Doe knowingly and without permission took,  
24 copied, or made use of, data from FACEBOOK's proprietary computers and computer network.

25 27. As a direct and proximate result of John Doe's actions, FACEBOOK has been  
26 irreparably harmed and damaged in that, among other things, FACEBOOK has been required to  
27 expend resources to investigate the attempted unauthorized access and abuse of its computer  
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1 network and to prevent such access or abuse from occurring. The extent and amount of such  
2 injury and damage will be demonstrated at trial.

3 **V. JURY DEMAND**

4 28. Pursuant to Federal Rule of Civil Procedure 38(b), plaintiff demands a trial by jury  
5 as to all issues so triable in this action.

6 **VI. PRAYER FOR RELIEF**

7 **WHEREFORE**, plaintiff FACEBOOK prays for the following relief:

- 8 A. For injunctive relief, as follows: An order barring defendants from any further
- 9 acts constituting a violation of the Computer Fraud and Abuse Act or the California
- 10 Comprehensive Data Access and Fraud Act, including any attempts to access FACEBOOK's
- 11 computer systems, with or without a valid registration;
- 12 B. For judgment in favor of plaintiff, and against defendant, for damages in such
- 13 amounts as may be proven at trial; and
- 14 D. For such other relief as the Court may deem just and proper.

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16 DATED: June 28, 2007

PERKINS COIE LLP

17  
18 By: *Lisa D. Olle*  
Lisa D. Olle

19 Attorneys for Plaintiff  
20 FACEBOOK, INC.