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 RICHARD W. HARRIS
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

Richard W. Harris
MP

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

HRL

11
 12 GOOGLE INC., a Delaware corporation,
 13 Plaintiff,

Case No. **EV 10**
COMPLAINT

4264

v.

15 OMAR JACKMAN, an individual; JOHN
 16 DOE "SIMON," an individual; JOHN
 17 DOES 2-50, individuals,
 18 Defendants.

19
 20 This action seeks to stop rogue online pharmaceutical sellers from using plaintiff
 21 Google Inc.'s ("Google") AdWords advertising network ("AdWords") for unauthorized purposes,
 22 in violation of Google's stated policies and the Terms and Conditions to which the advertisers
 23 agreed.

I. PARTIES

24
 25 1. Google is a Delaware corporation with its principal place of business located at
 26 1600 Amphitheatre Parkway, Mountain View, California 94043.

27
 28
 COMPLAINT
 Case No.

1 9. To participate in AdWords, an advertiser must have an AdWords account. An
2 advertiser creates an account online, and through the sign-up process the advertiser agrees to
3 certain Terms and Conditions that govern the account. These Terms and Conditions provide that
4 the advertiser must comply with Google's AdWords policies, and they further provide that the
5 advertiser will not use AdWords to advertise anything illegal or engage in any illegal or
6 fraudulent business practice.

7 10. In its content policies governing AdWords, Google prohibits the promotion of
8 online pharmacies and prescription drugs except under specific circumstances. Google allows ads
9 targeting the United States to promote online pharmacy websites *only* if the advertised website is
10 verified by the National Association of Boards of Pharmacy's Verified Internet Pharmacy
11 Practice Sites ("VIPPS") program. VIPPS is a third-party verification program with stringent
12 criteria to ensure that the website complies with applicable laws regarding the handling, sale, and
13 shipping of prescription drugs. See www.vipps.nabp.net.

14 **B. Defendants' Unlawful and Unauthorized Efforts to Use AdWords to Promote**
15 **Prescription Drugs**

16 11. In recent years, the number of advertisers who purport to sell prescription drugs
17 online has grown exponentially. Some advertisers have circumvented Google's policies and
18 practices, Google's third-party certification requirements, and Google's efforts to identify and
19 remove offending ads. The degree of sophistication has increased and these rogue
20 pharmaceutical advertisers continue to attempt to advertise using AdWords, notwithstanding
21 Google's use of VIPPS verification and, prior to its use of VIPPS, other third-party certification
22 services. Rogue advertisers also have defied Google's prohibition on the use of prescription-
23 drug-related keywords by non-approved advertisers. These rogue advertisers continue to find
24 ways around the technological measures Google has put in place to stop them, including tools to
25 flag ads for pharma review and a block on the use of thousands of prescription-drug-related
26 keywords by non-approved advertisers in the AdWords auction.

27 12. Defendants purport to advertise on behalf of online pharmacies, or website
28 businesses that offer prescription drugs for sale online.

1 13. Defendant Jackman registered the domain name www.4rx-online.com and opened
2 an AdWords account that he used to run ads for, among other websites, www.4rx-online.com.

3 14. Defendant John Doe “Simon” opened an AdWords account that he used to run ads
4 for www.onlinedrpharmacy.com.

5 15. Defendants John Does 2-50 are other individuals who opened AdWords accounts
6 and used them to run ads for websites that offer prescription drugs for sale online. Google
7 continues to investigate these and other rogue pharmaceutical advertisers.

8 16. Defendants are not verified by VIPPS. Nonetheless, they have attempted to and
9 have used AdWords to advertise prescription drugs for sale to consumers in the United States. To
10 get their ads running, defendants violated Google’s policies and circumvented technological
11 measures Google takes to enforce its policies.

12 17. For example, Jackman ran an ad that stated:

13 Generic {keyword:Stuff}?
14 You spelled it wrong but we know
15 what you meant. You can buy it here
 www.4rx-online.com

16 Jackman’s ad used keyword insertion, meaning that when it appeared on a user’s screen, the word
17 in the user’s search query that triggered the display of Jackman’s ad would appear after “Generic”
18 in the top line of the ad or, if the keyword were too long, the word “Stuff” would appear. The
19 keywords Jackman selected to trigger the display of this ad were misspellings of prescription drug
20 terms, such as “sildennafil” instead of Sildenafil. Although Google has created a system to block
21 thousands of prescription-drug-related terms—including misspellings—Jackman and other
22 advertisers, including the Doe defendants, continue to create new misspellings. The combination
23 of possible misspellings of drug terms is virtually limitless. Through the use of generic ad text
24 and misspelled keywords, Jackman was able to evade Google’s detection systems and, for a short
25 time, get this ad into the AdWords program.

