	Case 3:20-cv-04054 Document 1	Filed 06/18/20 Page 1 of 28
1 2 3 4 5 6 7 8 9 10	HUNTON ANDREWS KURTH LLP Ann Marie Mortimer (State Bar No. 1690' amortimer@HuntonAK.com Jason J. Kim (State Bar No. 221476) kimj@HuntonAK.com Jeff R. R. Nelson (State Bar No. 301546) jnelson@HuntonAK.com 550 South Hope Street, Suite 2000 Los Angeles, California 90071-2627 Telephone: (213) 532-2000 Facsimile: (213) 532-2020 Attorneys for Plaintiff FACEBOOK, INC.	77)
550 South Hope Street, Suite 2000 Los Angeles, California 90071-2627 91 51 51 51 51 51 51 51 51 51 51 51 51 51		DISTRICT COURT ORNIA - SAN FRANCISCO DIVISION
200 South Hope 10 Angles, Calli 200 Call 200 Call 20	FACEBOOK, INC., a Delaware corporation, Plaintiff, v. MOHAMED ZAGHAR, d/b/a Massroot8, Defendant.	CASE NO.: 3:20-CV-04054 COMPLAINT; DEMAND FOR JURY TRIAL
	COMPLAINT; DEMA	AND FOR JURY TRIAL Case No. 3:20-cv-04054

Hunton Andrews Kurth LLP

Plaintiff Facebook, Inc. ("Facebook") asserts the following:

INTRODUCTION

1. Beginning no later than 2018 and continuing to the present, Defendant operated an unlawful business using the website <u>massroot8.com</u>, which targeted Facebook and its users. Defendant's business was an online service designed to improperly collect certain user data – namely, email address, mobile phone number, gender, and date of birth. Defendant collected the data by using self-compromised accounts and a computer program to control a network of computers or "bots," which pretended to be an Android device connected to the official Facebook mobile app. Through this fraudulent mobile connection, Defendant's service delivered automated requests for user data to Facebook computers and transmitted the data to <u>massroot8.com</u>. This data harvesting technique is known as "mobile scraping."

2. Specifically, between April 23, 2020 to May 6, 2020, Defendant's service collected and used Facebook login credentials from approximately 5,500 users, in order to access Facebook and scrape user data. This was not authorized by Facebook. Facebook now seeks injunctive relief and damages to remedy and prevent Defendant's violations of Facebook's Terms of Service, the Computer Fraud and Abuse Act, and California Penal Code Section 502.

PARTIES

3. Plaintiff Facebook, Inc., is a Delaware corporation with its principal place of business in Menlo Park, San Mateo County, California.

4. Defendant Mohamed Zaghar is a resident of Morocco, and since 2014, and at all times relevant to this Complaint, he owned and operated several websites, including <u>fast-likers.com</u>, <u>fast-autolikers.com</u>, and <u>massroot8.com</u>. Exs. 1 - 4.

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COMPLAINT; DEMAND FOR JURY TRIAL

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6. The Court has supplemental jurisdiction over the state law causes of action alleged in the Complaint pursuant to 28 U.S.C. § 1367 because these claims arise out of the same nucleus of operative facts as Facebook's federal claim.

7. In addition, the Court has jurisdiction under 28 U.S.C. § 1332 over all causes of action alleged in this Complaint because complete diversity exists and the amount in controversy exceeds \$75,000.

8. The Court has personal jurisdiction over Zaghar because he had multiple Facebook accounts and thereby agreed to Facebook's Terms of Service and agreed to submit to the personal jurisdiction of this Court for litigating this matter.

9. In addition, the Court has personal jurisdiction over Zaghar because he knowingly directed and targeted his conduct at California and at Facebook, which has its principal place of business in California. Zaghar transacted business and engaged in commerce in California by, among other things, using a California server to host the website <u>massroot8.com</u>. Facebook's claims arise directly from these California contacts.

10. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) as the threatened and actual harm to Facebook occurred in this District.

11. Pursuant to Civil L.R. 3-2(c), this case may be assigned to either the San Francisco or Oakland division because Facebook is located in San Mateo County.

FACTUAL ALLEGATIONS

A. <u>Background on Facebook</u>

12. Facebook is a social networking website and mobile application that enables its users to create their own personal profiles and connect with each other on their personal computers and mobile devices. As of March 2020, Facebook daily active users averaged 1.73 billion and monthly active users averaged 2.6 billion.

13. To access Facebook and view certain user profiles, Facebook requires that each user create a Facebook account. To create a Facebook account, Facebook requires each user to register with a unique username and password.

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14. Registered users can create user profiles and include information about themselves, including their email address, phone numbers, and date of birth. Registered Facebook users can make connections on Facebook by becoming "Friends" with other Facebook users.

15. Facebook provides its users with control over how to customize their profiles and how much personal information to include in their profile. In addition, Facebook's privacy settings provide users with control over how much profile information is viewable publicly, to other Facebook users, or to the users' Friends.

16. Facebook uses a number of technical measures to secure its service. These include measures designed to verify that users access the service through the official Facebook mobile application (on Android or iPhone) and have proper access to their account. For example, the official Facebook mobile application has a unique application identification number and digitally signs requests sent to Facebook servers, using a cryptographic key embedded in the application and a proprietary signature.

17. When a Facebook user logs into Facebook through the official Facebook mobile app, his or her device connects with restricted computers that provide the user with access to their profile and posts, as well as their Friends' profile and posts (subject to the Friends' privacy settings).

B. <u>Facebook's Terms of Service</u>

18. All Facebook users must agree to Facebook's Terms of Service ("Terms") (available at <u>https://www.facebook.com/terms.php</u>) and other rules that govern access to, and use of, Facebook.

19. Section 3.2.1 of Facebook's Terms prohibits users from "do[ing] . . . anything unlawful, misleading, [] or fraudulent" or facilitate or support others in doing so.

20. Section 3.2.2 of Facebook's Terms prohibits users from "do[ing] anything that could . . . impair the proper working or appearance of [Facebook] Products."

21. Section 3.2.3 of Facebook's Terms prohibits "access[ing] or collect[ing] data from [Facebook] Products using automated means (without our permission) or attempt[ing] to access data you don't have permission to access."

C. <u>Background on Scraping</u>

22. "Web scraping" refers to the process of extracting data from a website interface. This can be done manually (*i.e.* copy and paste by a person) or by using automated means, such as specialized tools and software. Websites, including the official Facebook site, are designed for human end-users and not for automated use, and employ anti-scraping measures to prevent and detect web scraping.

23. "Mobile scraping" refers to the process of extracting data from a mobile application by using a fraudulent mobile connection. A mobile application is a kind of software specifically designed to run on a mobile device and connect to protected computers. Mobile scrapers use specialized software to collect data pretending to be an Android or iPhone device to connect to protected computers. Through this fraudulent mobile connection, mobile scrapers deliver automated requests for data.

24. Automation tools and software are necessary for mobile scraping. Facebook employs a number of measures to detect and disrupt unauthorized automated requests on its systems, including monitoring use patterns that are inconsistent with a human user, CAPTCHA, and disabling of accounts engaged in automated activity.

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When web and mobile scrapers extract the desired data from a website or 25. mobile app, they often restructure and format it, and can save and store it for further 3 use, such as lead generation and pricing competition and optimization.

D. **Background on Defendant Zaghar**

26. At various times between May 2007 and February 2019, Zaghar created and used approximately ten Facebook accounts and agreed to Facebook's Terms. Zaghar also created and controlled several Facebook apps and Pages.

27. Zaghar created and used certain Facebook accounts before receiving a cease and desist letter from Facebook. Facebook disabled his known accounts on or about July 11, 2018, when it sent the cease and desist letter to Zaghar. Subsequently, Zaghar created at least three Facebook accounts using the aliases "Ixo Ver," and "Zag Har."

28. Between August 2014 and September 2016, Zaghar controlled and operated the website fast-likers.com. Exs. 1 and 4. Between February 2016 and October 2018, Zaghar used the domain fast-autolikers.com to host his website. Exs. 2 and 4.

Between September 2014 and July 2018, Zaghar operated the fast-29. likers.com and fast-autolikers.com websites. On those websites, which no longer operate, Zaghar offered a scraping service with various functionalities, including the ability to extract the mobile phone number and email address of a Facebook user. Zaghar also offered fake engagement services, including the ability to artificially increase the number of a users' Facebook friends. Zaghar advertised the fast-liker.com and fast-autolikers.com services on YouTube using the name "TheMrZaghar." Ex. 5.

30. Beginning no later than October 27, 2018, Zaghar began operating the website massroot8.com and redirecting users of the fast-autolikers.com website to the massroot8.com website. Ex. 4. As explained in more detail below, Zaghar offered another scraping service on massroot8.com.

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Facebook's Prior Enforcement Against Zaghar E.

31. On or about July 11, 2018, Facebook sent Zaghar a cease and desist letter by FedEx and email. In the letter, Facebook demanded that Zaghar stop violating Facebook's Terms, revoked his access to Facebook, and notified Zaghar that his conduct may violate the Computer Fraud and Abuse Act (18 U.S.C. § 1030), as well as Section 502 of the California Penal Code. Facebook also deleted apps, pages, and user accounts associated with Zaghar.

32. On July 19, 2018, Zaghar sent an email to Facebook's attorneys stating that he "closed" the fast-autolikers.com website and deleted any Facebook user data he collected as a result of operating that website. He also provided a list of Facebook user account IDs that allegedly used his service.

By August 5, 2018, Zaghar posted on fast-autolikers.com that the site was 33. "closed," and that he had been contacted "by Facebook lawyers that [sic] if the site is not stopped, they will sue [] because the site violates Facebook's privacy policy." Zaghar also wrote that Facebook learned that his website was "helping people to know their friends 'information [sic] and this is causing them harm so Facebook has disabled [a]ll the accounts of the owner of the site ... and the owner of the site was permanently banned from using Facebook" Ex. 6.

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Zaghar's Scraping Service Violates Facebook's Terms F.

20 After Facebook revoked Zaghar's access to Facebook and sent Zaghar 34. the cease and desist letter, he violated Facebook's Terms by creating approximately 22 three new Facebook user accounts and accessing Facebook for the purpose of scraping 23 non-publicly viewable user data. Specifically, Zaghar used mobile scraping in order 24 to obtain data from Facebook protected computers.

25 35. In or around October 27, 2018, Zaghar began using the website 26 massroot8.com to engage in new scraping activity targeting Facebook and its users. 27 Specifically, Zaghar's fast-autolikers.com website began directing users to the website

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1 <u>massroot8.com</u>. Ex. 7. As a result, anyone who tried to visit the <u>fast-autolikers.com</u>
2 website would instead visit the <u>massroot8.com</u> website.

36. On the <u>massroot8.com</u> website, Zaghar offered his customers the ability to scrape their Facebook Friends' contact information, such as email address, phone number, gender, and date of birth. Zaghar did not charge users a fee to access and use the <u>massroot8.com</u> website. Instead, Zaghar ran advertisements on his website to generate revenue.

37. To use Zaghar's scraping service, <u>massroot8.com</u> customers first had to create an account on <u>massroot8.com</u>. Zaghar's customers registered with <u>massroot8.com</u> with an email address, first and last name, and a password. Zaghar's customers also needed a valid Facebook username and password in order to use the service. After registering with <u>massroot8.com</u>, Zaghar required his customers to link their Facebook account to their <u>massroot8.com</u> account and share their Facebook login credentials with the service. As a result, Zaghar's customers self-compromised their Facebook account by relinquishing control of their username and password.

38. After Zaghar collected the user's access information, his scraping software enabled the automated and improper collection of data from Facebook. In order to evade Facebook's technical restrictions against web scraping, Zaghar's scraping software engaged in mobile scraping by emulating Facebook's official Facebook Android app to connect a bot with Facebook restricted endpoints, and send automated requests to Facebook as if a human user was logging into the Facebook app. Zaghar and his customers could not use the scraping software to access any Facebook user data that they were not otherwise authorized to view by their Facebook Friends.

39. Zaghar's scraping software was programmed to request user data from Facebook and transmit it to <u>massroot8.com</u>, where it was accessible to his customers on a dashboard.

COMPLAINT; DEMAND FOR JURY TRIAL 40. Between April 23, 2020 and May 6, 2020, Zaghar's service used approximately 5,500 Facebook users' credentials to obtain, through automated means, their Facebook Friends' email address, mobile phone number, and date of birth. In large part, this data was not publicly viewable, rather, only registered Facebook users who were logged into Facebook and were Facebook Friends with Zaghar's customers could view the data.

41. Facebook has taken various technical enforcement measures against Zaghar and his customers, including disabling Zaghar's user accounts on Facebook and Instagram and requiring his customers to create new passwords in order to secure their Facebook accounts.

G. Zaghar's Acts Harmed Facebook

42. Zaghar's scraping service and his violations of Facebook's Terms have caused Facebook to expend valuable resources to investigate and remediate his conduct.

43. Facebook has suffered damages attributable to the efforts and resources it has used to address Zaghar's conduct described in this Complaint in an amount to be determined at trial, and in excess of \$75,000.

FIRST CAUSE OF ACTION

(Breach of Contract)

44. Facebook realleges and incorporates all preceding paragraphs here.

45. Between 2007 and 2019, Zaghar created multiple Facebook accounts and agreed to Facebook's Terms. Facebook's Terms constitute an agreement between Facebook users and Facebook.

46. In addition, since at least 2015, Zaghar collected and used Facebook users' login credentials. These users' accounts were also governed by Facebook's Terms and Policies. Because Zaghar's unlawful business used the Facebook platform,

COMPLAINT; DEMAND FOR JURY TRIAL

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including targeting Facebook user accounts that were governed by Facebook's Terms,Zaghar further agreed to be bound by Facebook's Terms.

47. Despite his agreement to Facebook's Terms, Zaghar breached and continues to breach Terms sections 3.2.1, 3.2.2, and 3.2.3 by (a) accessing and using Facebook after Facebook revoked his access; (b) scraping data from Facebook using automated means without Facebook's permission; (c) sending code to Facebook that masquerades as the Facebook mobile app, which is "unlawful, misleading, [] or fraudulent;" and (d) facilitating others to scrape data from Facebook without Facebook's permission through the <u>massroot8.com</u> website.

48. Facebook has performed all conditions, covenants, and promises required of it in accordance with its agreements with Zaghar.

49. Zaghar's breaches have caused Facebook to incur damages in an amount to be determined at trial, and in excess of \$75,000.

SECOND CAUSE OF ACTION

(Computer Fraud and Abuse Act, 18 U.S.C. § 1030)

50. Facebook realleges and incorporates all preceding paragraphs here.

51. Since at least October 2018, Zaghar accessed Facebook protected computers, namely, restricted endpoints, without authorization in order to scrape data from Facebook.

52. Facebook computers are "protected computers" as defined by 18 U.S.C. § 1030(e)(2)(B) because they are "used in or affecting interstate commerce or communication."

23 53. Zaghar violated 18 U.S.C. § 1030(a)(2) because he intentionally accessed
24 and caused to be accessed a Facebook protected computer without authorization and
25 obtained information. More specifically, Zaghar's scraping service emulated
26 Facebook's official Facebook Android app and misused Facebook login credentials in
27 order to fraudulently login to Facebook and scrape data, including certain users' email

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Hunton Andrews Kurth LLP 550 South Hope Street, Suite 2000 Los Angeles, California 90071-2627 address, mobile phone number, and date of birth, that was not publicly viewable
 beyond their group of Facebook Friends.

54. Zaghar violated 18 U.S.C. § 1030(a)(4) because he knowingly and with intent to defraud, accessed Facebook protected computers, by sending unauthorized commands and requests, and by means of such conduct furthered the intended fraud and obtained something of value. Zaghar's intended fraud included sending unauthorized commands and requests to Facebook that falsely represented themselves as Facebook's official Android app for the purpose of scraping and obtaining access to and data from Facebook, the value of which exceeded \$5,000.

55. Zaghar caused a loss to Facebook in an amount in excess of \$5,000 during a one-year period.

56. Zaghar's actions caused plaintiff to incur a loss as defined by 18 U.S.C. § 1030(e)(11), including the expenditure of resources to investigate and remediate Zaghar's fraud and unauthorized access. Plaintiff is entitled to compensation for losses and any other amount to be proven at trial.

THIRD CAUSE OF ACTION

(California Penal Code § 502)

57. Facebook realleges and incorporates all preceding paragraphs here.

58. Zaghar knowingly accessed and without permission used Facebook's computers, computer system, or computer network in order to wrongfully obtain data in violation of California Penal Code § 502(c)(1)(B).

22 59. Zaghar knowingly and without permission used or caused to be used
23 Facebook's computer services, as defined by § 502(b)(4), in violation of California
24 Penal Code § 502(c)(3).

25 60. Zaghar knowingly and without permission accessed and caused to be
26 accessed Facebook's computers, computer systems, or computer networks after
27 Facebook disabled his accounts in violation of California Penal Code § 502(c)(7).

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61. Facebook suffered and continues to suffer damages and a loss as a result of Zaghar's actions. Facebook, therefore, is entitled to compensatory damages, in an amount to be proven at trial, as well as injunctive relief and attorney's fees under California Penal Code § 502(e)(1) and (2).

62. Because Zaghar willfully violated California Penal Code § 502 and given the clear and convincing evidence that Zaghar committed "fraud" as defined by 3294 of the California Civil Code, Plaintiff is entitled to punitive damages under California Penal Code § 502(e)(4).

PRAYER FOR RELIEF

Facebook seeks judgment awarding the following relief:

(a) An injunction restraining Zaghar from accessing Facebook;

(b) An injunction requiring Zaghar to identify the location of any and all data obtained from Facebook, delete any and all data obtained from Facebook, including users' Facebook credentials, and to identify any and all entities with whom Zaghar shared data obtained from Facebook;

16 (c) Compensatory and punitive damages in an amount to be determined at
17 trial;

18 (d) Attorney's fees, costs, and expenses, including but not limited to those
19 incurred in connection with the investigation and remediation of Zaghar's misconduct;

(e) Pre-judgment and post-judgment interest; and

11 COMPLAINT; DEMAND FOR JURY TRIAL

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Free Account

With your account on our website u manage Multiple Facebook Accounts for extracting and posting.



Awesome Performances

with our website u can find mail checker and mail extractor and a lot of tricks what are waiting for Register now to use free services.







CREATE NEW ACCOUNT

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Fast-Autolikers

About Us

That Website Created By MrZaghar (Zaghar Mohamed)

My name : Zaghar Mohamed

I'am from Morocco , i Like Hammerthrow sport and coding Apps + Website,

i like creating Musics (SoundCould Channel) and make cartoons ... etc.

About Fast-autolikers.com

that website is new version of Fast-Likers (août 23, 2014),

its borned at février 13, 2016, and at april 10, 2016 we add instagram autoliker the beta version,

FAST-AUTOLIKERS.COM give you the service of (autolikers + autofriendsinvete + Autofollow) on facebook and (autoliker) on instagram. we make fast-autolikers.com with love 🕈 .

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Fast-Autolikers © 2016 - Created By MrZaghar. | Privacy Policy

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•••	S Locked		×	+						

has been closed. We have been contacted by Facebook lawyers that if the site is not stopped, they will sue us because the site violates Facebook's privacy policy. There are those who have reported on the site that we are helping people to know their friends 'information and this is causing them harm so Facebook has disabled All the accounts of the site and all applications and the owner of the site was permanently banned from using Facebook even if he changed the IP for this and we received threats from Facebook to close this site and we respect this request of Facebook in protecting users, so the provider was

unfortunately locked after 4 years From giving So Ntha Site

To Contact LANGUAGE: Info@fast-autolikers.com a

WebProxy | Youtube Downloader |



2019-12-12 - Screenshot from fast-autolikers.com as of 2018-10-27 via archive.org





Loading...

http://www.fast-autolikers.com/ | 19:06:13 October 27, 2018

Got an HTTP 301 response at crawl time

Redirecting to...

https://massroot8.com

Impatient?



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