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JW/MLL

No.

CR 00 20108

JW

HRL

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FILED
JUN 23 2004
RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

THE UNITED STATES OF AMERICA

vs.

MICHAEL ANTHONY BRADLEY

INDICTMENT

COUNT ONE: Title 18, United States Code, Section 1951(a) - Interference with Commerce by Threats

COUNTS TWO THROUGH ELEVEN: Title 18, United States Code, Section 1343 & 2 - Wire Fraud and Aiding and Abetting

A true bill.

[Signature]
Foreperson

Filed in open court this 23 day of June

A.D. 2004

Patricia V. Inman
Clerk
U.S. Magistrate Judge

Bail: \$ NO process PVT

DOCUMENT NO.	CSA's INITIALS
<i>He</i>	
DISTRICT COURT CRIMINAL CASE PROCESS	

1 KEVIN V. RYAN (CASBN 118321)
2 United States Attorney

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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CR No. 04 20108

JW
HRL

UNITED STATES OF AMERICA,
Plaintiff,
v.
MICHAEL ANTHONY BRADLEY,
a/k/a Mark Holland,
a/k/a Michael Anthony Mazzella
Bradley,
a/k/a Anthony Mazzella,
Defendant.

VIOLATIONS: 18 U.S.C. § 1951 –
Interference with Commerce By Threats; 18
U.S.C. § 1343 – Wire Fraud; 18 U.S.C. § 2
– Aiding and Abetting; 18 U.S.C. §
981(a)(1)(C), 28 U.S.C. § 2461(c) –
Criminal Forfeiture

SAN JOSE VENUE

INDICTMENT

The Grand Jury charges:

BACKGROUND

At all times relevant to this Indictment:

Google's AdSense Program

1. Google, Inc. was a California corporation engaged in the business of providing Internet-based services for Internet users worldwide. Google's headquarters were located in Mountain View, California.

2. In addition to providing a search engine for Internet users, Google offered an advertising

INDICTMENT
[United States v. Michael A. Bradley]

DOCUMENT NO.	CSA's INITIALS
DISTRICT COURT CRIMINAL CASE PROCESSING	

1 program to Web site publishers called Google AdSense. Under the AdSense program, Web site
2 publishers permitted Google to place advertisements on their Web sites based on its proprietary
3 search and page-ranking technologies. In exchange, Google paid the Web site publishers a fee
4 every instance a unique Internet user clicked on the advertisements. These placements were
5 known as “cost per click” ads.

6 3. To participate in the AdSense program, Web site publishers were required to receive
7 approval from Google after submitting an application, which included an agreement to abide by
8 AdSense’s Online Standard Terms and Conditions. These terms prohibited a participating
9 Website publisher from “generat[ing] fraudulent impressions of or fraudulent clicks on any
10 Ad(s), including but not limited to through repeated manual clicks, the use of robots or other
11 automated query tools and/or computer generated search requests, and/or the fraudulent use of
12 other search engine optimization services and/or software.” Similarly, Google’s AdSense
13 Program Policies, which were incorporated into the Terms and Conditions and accessible on its
14 Web site, provided that “[a]ny method that artificially and/or fraudulently generates clicks is
15 strictly prohibited.”

16 4. Google’s AdSense FAQ number 8, which was also incorporated into the Terms and
17 Conditions and accessible on Google’s Web site, stated that Google “monitors clicks on Google
18 AdWords ads to prevent abuse of the Google AdSense program. Google’s proprietary
19 technology analyzes clicks to determine whether they fit a pattern of fraudulent use intended to
20 artificially drive up an advertiser’s clicks or a publisher’s earnings.” To facilitate this
21 monitoring, Google analyzed the source Internet Protocol address (or “IP address”) of clicks on
22 participating Web sites. An IP address is a unique numeric address used by computers on the
23 Internet. An IP address looks like a series of four numbers, each in the range 0-255, separated by
24 periods (e.g., 121.56.97.178). Every computer attached to the Internet computer must be
25 assigned an IP address so that Internet traffic sent from and directed to that computer may be
26 directed properly from its source to its destination.

27 5. Once an AdSense application had been approved, a Web site publisher was able to copy
28 and paste AdSense HyperText Markup Language (or “HTML,” the coding language used to

1 create documents for the World Wide Web) advertisement code into its Web pages and begin
2 displaying ads. Thereafter, each legitimate click obligated Google to pay the Web site publisher
3 a fee.

4 Defendant's Web Sites in the AdSense Program

5 6. Defendant was a computer programmer residing in Oak Park, California. Defendant
6 operated two Web sites that participated in Google's AdSense Program, www.mazmed.net
7 ("mazmed.net") and www.hairreview.com ("hairreview.com"). In registering the mazmed.net
8 site in the AdSense program in or about November and December 2003, defendant provided the
9 following identifying information to Google: Pagoda Group, 723 S. Casino Center Blvd., Las
10 Vegas, Nevada 89101, 818-597-9159. In registering the hairreview.com site in the AdSense
11 program on or about February 12, 2004, defendant provided the following identifying
12 information to Google: Mike Bradley, Ken Group Inc., 5805 Oak Bend Ln., Suite 303, Oak
13 Park, California 91377, 818-597-9159. Google sent defendant emails at the time of the
14 registration of both these Web sites which reiterated the prohibition against fraudulent clicks, or
15 "click spamming," and provided links to the Google AdSense Terms and Conditions. Google
16 terminated the AdSense accounts of mazmed.net and hairreview.com on or about February 25,
17 2004.

18 Defendant's Fraudulent "Google Clique" Software

19 7. Defendant claimed that he developed a computer program called "Google Clique" to
20 generate fraudulent clicks on the advertisements Google placed on Web sites under the AdSense
21 program in seemingly random patterns so as to "stay underneath the radar" of Google's
22 monitoring.

23 8. Defendant described the "Google Clique" software on another Web site he operated,
24 www.myhqy.info/cliq, as follows:

25 a. "Google Clique is an auto click software for the Google Adsense program. Clique
26 uses the Holland tunneling engine, that allows Clique to surf and click on Google . . . [from]
27 hundreds of thousands of IP's around the globe, completely untracable! [sic]"

28 b. "What kind of revenue can Google Clique generate for you? Well, from our testing it

1 is best to stay at around \$3,000/month per Google AdSense account. It is also advised that you
2 set up multiple accounts, we have been able to generate in excess of \$30,000 per month using
3 Google Clique across 10 AdSense accounts. Also, don't try and push it, stay at or below [a
4 given] click rate, this is proven, and the google engineers have told me they look for higher click
5 rates.”

6 c. “Why am I so confident this works? Because I was personally invited to visit Google
7 and demo the software for them . . . they were very nice to me and we sat down and I did the
8 demo of Google Clique . . . they found Google Clique to be a serious threat to their company.”

9 d. “Holland Engine was the originally written to allow spammers to conceal their
10 originating IP from mail servers and to keep it from appearing [sic] in email headers . . . and now
11 we bring it to you with Google Clique.”

12 e. “Google Clique has 2 surfers, Click, and Dummy. Dummy surfer, this surfer does
13 nothing but increment your ad impressions, thus keeping your click rates down low. Click surfer,
14 this surfer, will surf you [sic] pages, then click an ad. By allowing the Click and Dummy surfer
15 to actually [sic] surf, you are showing a surf, and not just clicks on an ad. Google has ways to
16 detect simple autoclick software, and by allowing Clique to surf before clicking an ad, we can
17 easily get past this. (trust me, this came up in my meeting with Google)”

18 9. In email communications and personal visits to Google's headquarters in Mountain View
19 in March 2004, defendant told Google employees that the use of “Google Clique” software could
20 cause Google to pay millions of dollars to Web site publishers based on false and fraudulent
21 clicks.

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1 COUNT ONE: (18 U.S.C. § 1951(a) – Interference with Commerce by Threats)

2 10. The allegations in paragraphs 1-9 are realleged and incorporated herein as if set forth in
3 full.

4 11. Between on or about March 1, 2004, and March 18, 2004, in the Northern District of
5 California and elsewhere the defendant

6 MICHAEL ANTHONY BRADLEY,
7 a/k/a Mark Holland,
8 a/k/a Michael Anthony Mazzella Bradley,
9 a/k/a Anthony Mazzella

10 did unlawfully obstruct, delay and affect commerce, and attempt to obstruct, delay and affect
11 commerce, as that term is defined in Title 18, United States Code, Section 1951, and the
12 movement of articles and commodities in such commerce, by extortion, as that term is defined in
13 Title 18, United States Code, Section 1951, in that the defendant did attempt to obtain the
14 property and money of Google, Inc., with its consent having been induced by the wrongful threat
15 of economic loss, in that defendant did threaten to release to "spammers" and others a computer
16 program called "Google Clique," which program was designed to cause Google to pay Web site
17 publishers for false and fraudulent "clicks" on advertisements placed on Web sites under
18 Google's AdSense program, unless Google paid defendant a sum of money of approximately
19 \$150,000.

20 All in violation of Title 18, United States Code, Section 1951(a).

21 COUNTS TWO THROUGH ^{23 June 2004} ~~TWO THROUGH~~ ELEVEN: (18 U.S.C. §§ 1343 & 2 – Wire
22 Fraud & Aiding and Abetting)

23 12. The allegations in paragraphs 1-9 are realleged and incorporated herein as if set forth in
24 full.

25 SCHEME TO DEFRAUD

26 13. Between on or about November 12, 2003, to on or about March 18, 2004, in the
27 Northern District of California and elsewhere, the defendant

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2 MICHAEL ANTHONY BRADLEY,
3 a/k/a Mark Holland,
4 a/k/a Michael Anthony Mazzella Bradley,
5 a/k/a Anthony Mazzella,

6 did knowingly devise and intend to devise a scheme and artifice to defraud and to obtain money
7 and property by means of false and fraudulent pretenses, representations and promises.

8 14. It was part of the scheme and artifice to defraud that defendant claimed to have
9 developed the "Google Clique" computer software, which was designed to cause Google to pay
10 Web site publishers for false and fraudulent "clicks" on advertisements placed on their Web sites
11 under Google's AdSense program. Defendant's "Google Clique" software generated seemingly
12 random patterns of "clicks" on advertisements placed under the AdSense program that were
13 designed to be untraceable by Google.

14 15. It was further part of the scheme and artifice to defraud that defendant utilized the
15 "Google Clique" software to generate fraudulent clicks on advertisements placed on
16 www.mazmed.net and www.hairreview.com, two Web sites operated by defendant that
17 defendant registered in Google's AdSense program.

18 16. It was further part of the scheme and artifice to defraud that, on or about January 27,
19 2004, defendant caused Google to transmit Check number 52476 to defendant in the amount of
20 \$768.75 as payment for clicks on advertisements placed by Google on the mazmed.net account in
21 the AdSense program, which check was negotiated by defendant.

22 17. It was further part of the scheme and artifice to defraud that, on or about February 23,
23 2004, defendant caused Google to issue check number 60777 to defendant in the amount of
24 \$2,680.34 as payment for clicks on advertisements placed by Google on the mazmed.net account
25 in the AdSense program. Google canceled check number 60777 prior to its payment based on its
26 determination that fraudulent activity had occurred.

27 18. It was further part of the scheme and artifice to defraud that, after Google informed
28 defendant that Google had terminated his AdSense account for mazmed.net, defendant sent
29 Google an email on approximately February 27, 2004, from an account at
30 mbradley@mazmed.net which stated, among other things: "I do not understand, why can I not

1 continue to use the adsense, if I did not do anything? cant [sic] you just disable the bad clicks?
2 as [sic] a php developer, I know you can look at the source IP of the click and disable it.”

3 19. It was further part of the scheme and artifice to defraud that, after Google informed
4 defendant that Google had terminated his AdSense account for hairreview.com, defendant sent
5 Google an email on approximately February 27, 2004, from an account at info@hairreview.com
6 which stated, among other things: “I do not find this fair, so if someone is does [sic] something
7 with clicks on my site, then I have to forever pay for it? Can’t you just block the offenders?”

8 THE USE OF THE WIRES

9 20. On or about the dates and times listed below, in the Northern District of California and
10 elsewhere, for the purpose of executing the aforementioned scheme and artifice to defraud,
11 defendant did knowingly transmit and cause to be transmitted in interstate and foreign commerce,
12 by means of a wire communication, certain signs and signals, to wit: computer “clicks” on
13 advertisements placed by Google on the Web sites www.hairreview.com and www.mazmed.net
14 in connection with Google’s AdSense program, which clicks caused wire communications to be
15 initiated from a computer located in San Francisco, California, to a computer located in Virginia,
16 as set forth below:

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Count	Date	Time (PST)	IP Address of Fraudulent Click	Web Site
2	12/23/03	00:05:27	64.171.45.250	www.mazmed.net
3	01/05/04	17:05:32	64.175.86.142	www.mazmed.net
4	01/23/04	08:17:26	66.127.223.254	www.mazmed.net
5	02/06/04	07:27:56	63.195.62.94	www.mazmed.net
6	02/20/04	03:43:21	63.194.95.130	www.mazmed.net
7	02/13/04	20:33:58	64.171.45.250	www.hairreview.com
8	02/17/04	13:30:18	64.175.86.142	www.hairreview.com
9	02/22/04	09:02:31	66.127.223.254	www.hairreview.com
10	02/23/04	05:36:28	63.195.62.94	www.hairreview.com
11	02/24/04	08:49:17	64.171.45.250	www.hairreview.com

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28 All in violation of Title 18, United States Code, Sections 1343 and 2.

1 FORFEITURE ALLEGATION: (18 U.S.C. § 981(a)(1)(C) & 28 U.S.C. § 2461(c) -
2 Criminal Forfeiture)

3 21. The allegations contained in Counts One through Eleven of this Indictment are hereby
4 realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture
5 pursuant to the provisions of 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. 2461(c).

6 22. As a result of the offenses alleged in Counts One through Eleven, the defendant

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8 MICHAEL ANTHONY BRADLEY,
9 a/k/a Mark Holland,
a/k/a Michael Anthony Mazzella Bradley,
a/k/a Anthony Mazzella,

10 shall forfeit to the United States all property, real or personal, involved in the offense and any
11 property traceable thereto.

12 23. If any of the property described herein as being subject to forfeiture, as a result of any act
13 or omission of the defendant-

- 14 (A) cannot be located upon the exercise of due diligence;
15 (B) has been transferred or sold to or deposited with, a third person;
16 (C) has been placed beyond the jurisdiction of the Court;
17 (D) has been substantially diminished in value; or
18 (E) has been commingled with other property which cannot be subdivided without
19 difficulty;

20 any and all interest defendants have in other property shall be vested in the United States and
21 forfeited to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) & 28 U.S.C. § 2461(c).

22 DATED:

23 *23 June 2004.*

A TRUE BILL.

Maureen [Signature]
FOREPERSON

24 KEVIN V. RYAN
25 United States Attorney

26 *[Signature]*
MATTHEW A. PARRELLA
27 Chief, San Jose Branch

28 (Approved as to form: *[Signature]*)

AUSA SONDERBY

INDICTMENT

[United States v. Michael A. Bradley]