

STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT

07-2-04987-8SEA

STATE OF WASHINGTON,

Plaintiff,

v.

SECURELINK NETWORKS LLC, a California Limited Liability Company; NJC SOFTWARES, LLC, a California Limited Liability Company; MANUEL CORONA, JR., CEO of SECURELINK NETWORKS LLC, individually and as part of his marital community; RUDY O. CORELLA, OFFICER OF NJC SOFTWARES LLC, individually and as a part of his marital community; FIXWINREG, a California limited liability company; HOANVINH V. NGUYENPHUOC, individually and as a part of his marital community,

Defendants.

COMPLAINT FOR INJUNCTIVE AND ADDITIONAL RELIEF UNDER THE COMPUTER SPYWARE ACT, RCW 19.270, AND THE UNFAIR BUSINESS PRACTICES-- CONSUMER PROTECTION ACT, RCW 19.86

COMES NOW PLAINTIFF, State of Washington, by and through its attorneys Rob McKenna, Attorney General and Katherine M. Tassi, Assistant Attorney General, and brings this action against Defendants named herein, alleging as follows on information and belief:

I. JURISDICTION AND VENUE

1.1 This Complaint is filed and these proceedings are instituted under the provisions of Chapter 19.270 RCW, the Computer Spyware Act; and Chapter 19.86 RCW, the

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1 Unfair Business Practices – Consumer Protection Act. Plaintiff seeks a permanent injunction
2 and other equitable relief, including damages, restitution, civil penalties, and attorneys’ costs and
3 fees, based on violations of the Computer Spyware Act and the Unfair Business Practices –
4 Consumer Protection Act.

5 1.2 The violations alleged in this Complaint have been and are being committed in
6 whole or in part in King County, Washington, by Defendants named herein. Authority of the
7 Attorney General to commence this action is conferred by RCW 19.86.080, RCW 19.86.140,
8 and RCW 19.270.060.

9 **II. DEFENDANTS**

10 2.1 Defendant SecureLink Networks LLC (“SecureLink”) is a California limited
11 liability company. Its principal place of business is located at 1162 Whittier Avenue, Brea,
12 California 92821. At all times relevant to this action, SecureLink was engaged in the
13 marketing and sale of software products over the Internet, including Registry Sweeper Pro and
14 Registry Rinse.

15 2.2 Defendant NJC Softwares LLC (“NJC”) is a California limited liability
16 company. Its principal place of business is 3360 Fir Circle, Lake Elsinore, California 92530.
17 At all times relevant to this action, NJC was engaged in the marketing and sale of software
18 products over the Internet, including Registry Doc, Registry Cleaner 32, and Registry Cleaner
19 Pro.

20 2.3 Defendant FixWinReg (“FixWin”) is a California limited liability company. Its
21 principal place of business is 503 S. Pacific Coast Hwy, Redondo Beach, California 90277. At
22 all times relevant to this action, FixWin was engaged in the marketing and sale of software
23 products over the Internet, including Registry Rinse, Registry Sweeper Pro, and Registry Doc.

24 2.4 Defendant Manuel Corona, Jr. (“Corona”) is the CEO of SecureLink, and, as
25 such, controls its policies, activities, and practices, including those alleged in the Complaint
26 herein. At all times relevant to this action, Corona, both individually and as CEO of

1 SecureLink, was directly engaged in the marketing and sale of software products over the
2 Internet, including Registry Sweeper Pro and Registry Doc. Corona resides at 1162 Whittier
3 St., Brea, California 92821-2072. Corona is married to Jane Doe Corona, Jr., and together they
4 constitute a marital community. All actions taken by Corona as alleged in the Complaint
5 herein are for the benefit of his marital community.

6 2.5 Defendant Rudy O. Corella ("Corella") is an officer of NJC, and, as such,
7 controls its policies, activities, and practices, including those alleged in the Complaint herein.
8 At all times relevant to this action, Corella, both as an officer of NJC and individually, was
9 directly engaged in the marketing and sale of software products over the Internet, including
10 Registry Doc, Registry Cleaner 32, and Registry Cleaner Pro. Corella resides at 3360 Fir
11 Circle, Lake Elsinore, California 92530-2013. Defendant is married to Jane Doe Corella, and
12 together they constitute a marital community. All actions taken by Corella as alleged in the
13 Complaint herein are for the benefit of his marital community.

14 2.6 Defendant HoanVinh V. Nguyenphuoc ("Nguyenphuoc") is the president of
15 FixWin, and, as such, controls its policies, activities, and practices, including those alleged in
16 the Complaint herein. Nguyenphuoc, both as president of FixWin and individually, has been
17 and is an advertiser and marketer for various software products. At all times relevant to this
18 action, Nguyenphuoc was directly engaged in the marketing and sale of software products over
19 the Internet, including Registry Rinse, Registry Sweeper Pro, and Registry Doc. Nguyenphuoc
20 resides at 503 S. Pacific Coast Hwy, Redondo Beach, California 90277. Nguyenphuoc is
21 married to Jane Doe Nguyenphuoc, and together they constitute a marital community. All
22 actions taken by Nguyenphuoc as alleged in the Complaint herein are for the benefit of his
23 marital community.

24 III. NATURE OF TRADE OR COMMERCE

25 3.1 At all times material to this action, Defendants SecureLink, NJC, Corona, and
26 Corella (for this paragraph, together, "Defendants") have advertised, marketed, and offered

1 for sale software products purportedly capable of detecting "errors" in a computer's registry
2 and fixing them. The software products include Registry Sweeper Pro, Registry Rinse,
3 Registry Doc, and Registry Cleaner 32. These products have been marketed and sold to
4 consumers all over the world via the Internet. Defendants have advertised all of these
5 products, both directly and through an affiliate network, using Net Send messages, which are
6 pop-ups sent to users' computers through Windows Messenger Service. Each of the Net Send
7 messages tells the user to go to a Web site that automatically re-directs the user to the Web
8 site for one of the products. The Registry Doc Web site is located at www.registrydoc.com.
9 Registry Rinse is located at www.registryrinse.com. When consumers go to these sites, they
10 are offered a free scan of their computer for registry errors. The consumer has to download
11 the free scan software. After the scan, the consumer is offered the full commercial product for
12 sale in order to clean their computers of the errors discovered by the scan. Defendants
13 advertise, market, promote, and sell their products to consumers in Washington State and
14 across the United States. Hundred of consumers in Washington State have received
15 Defendants' advertisements and have purchased Defendants' products. Defendants are in
16 competition with others engaged in the sale and marketing of these products in and from
17 Washington.

18 3.2 At all times material to this action, Nguyenphuoc and FixWin advertised,
19 marketed, and promoted Registry Sweeper Pro, Registry Rinse, and Registry Doc through Net
20 Send messages sent to users' computers. The Net Send messages tell the user to go various
21 domains, including www.guardregistry.com and www.fixpcregistry.com, domains owned and
22 operated by Nguyenphuoc, in order to download a registry cleaner. These sites automatically
23 re-direct the user to the Registry Doc or Registry Rinse Web sites. Nguyenphuoc and FixWin
24 advertise, market, and promote Registry Doc and Registry Rinse (and formerly advertised,
25 marketed and promoted Registry Sweeper Pro) directly to users' computers in Washington
26

1 State and across the United States. Nguyenphuoc and FixWin are in competition with others
2 engaged in the sale and marketing of similar products in and from Washington.

3 **IV. FIRST CAUSE OF ACTION – PREVENTING USER’S ABILITY TO DECLINE**
4 **INSTALLATION OF SOFTWARE IN VIOLATION OF THE COMPUTER**
5 **SPYWARE ACT**

(Defendants NJC Softwares and Corella)

6 4.1 Plaintiff realleges paragraphs 1.1 through 3.2 above and incorporates them as
7 though fully set forth herein.

8 4.2 After the download of the Registry Doc freescan software is completed, but
9 prior to the installation of the software, the user is given the option to decline installation of
10 additional, unrelated software called Twikibar, a purported search toolbar.

11 4.3 When the user attempts to decline installation of the TwikiBar software by un-
12 checking the pre-checked box, NJC Softwares and Corella nevertheless transmit, via the
13 freescan software, the Twikbar software, which is installed on the user’s computer.

14 4.4 The conduct described in paragraphs 4.2 and 4.3 violates the Washington
15 Computer Spyware Act, RCW 19.270.030, which prohibits transmitting software to a user’s
16 computer and using the software to present the owner of the computer with an option to
17 decline installation of software with knowledge that, when the option is selected, the
18 installation nevertheless proceeds.

19 **V. SECOND CAUSE OF ACTION – MODIFYING COMPUTER SETTINGS IN**
20 **VIOLATION OF THE COMPUTER SPYWARE ACT**

(Defendants NJC Softwares and Corella)

21 5.1 Plaintiff realleges paragraphs 1.1 through 4.4 above and incorporates them as
22 though fully set forth herein.

23 5.2 When the user attempts to decline installation of the TwikiBar software, which
24 is bundled with NJC and Corella’s product Registry Doc, the Twikbar software is nevertheless
25 installed on the user’s computer.

1 5.3 Once installed, the TwikiBar software automatically changes the computer's
2 Internet browser homepage, which is the page that appears when the user launches an Internet
3 browser, from its default location to <http://search.twikibar.com/searchie.php>.

4 5.4 Even if the user uninstalls the trial version (freescan software) of Registry Doc,
5 with which the TwikiBar software is bundled, the homepage remains modified. There is no
6 obvious way for the user to uninstall or disable the TwikiBar toolbar because it does not appear
7 in the "Add/Remove Programs" feature of the user's operating system.

8 5.5 The conduct described in paragraphs 5.2 through 5.4 violates the Washington
9 Computer Spyware Act, RCW 19.270.020, which prohibits transmitting software to a user's
10 computer to modify settings that control the page that appears when a computer owner
11 launches Internet browser.
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14 **VI. THIRD CAUSE OF ACTION – INTENTIONAL MISREPRESENTATION OF**
15 **THE NECESSITY OF SOFTWARE FOR SECURITY PURPOSES IN**
16 **VIOLATION OF THE COMPUTER SPYWARE ACT**

17 6.1 Plaintiff realleges paragraphs 1.1 through 5.5 above and incorporates them as
18 though fully set forth herein.

19 6.2 Many of Defendants' Net send messages represent that they are "security" alerts
20 coming from the user's operating system. Some of these messages state: "Important Security
21 Bulletin." Some of the messages represent that they are coming from "Windows." Others
22 represent that they are coming from "Subsystem" and others from "Security_Monito" (sic).
23 The messages then warn the user that the computer contains or may contain "critical" errors
24 and advise the user to download their registry repair product to fix the errors. Many of the
25 messages state that failure to download their product and rid the computer of these "critical"
26 errors may result in data loss, data corruption, or system failure.

1 6.3 Defendants knowingly advertise a commercial product through the operating
2 system of the user's computer so that the advertisement appears as an internal alert and
3 represent that the alert is a "security" alert. Defendants knowingly misrepresent to the user that
4 the software they are promoting is necessary for security purposes; in fact, the messages are
5 advertisements and the product does not remedy security problems in a user's computer.

6 6.4 The conduct of Defendants described in paragraphs 6.2 and 6.3 violates the
7 Computer Spyware Act, RCW 19.270.040(1), which makes it unlawful for a person who is not
8 an owner or operator of a user's computer to induce an owner or operator to install a computer
9 software component onto the computer by intentionally misrepresenting the extent to which
10 installing the software is necessary for security purposes.

11 **VII. FOURTH CAUSE OF ACTION – MISREPRESENTATION OF CRITICAL**
12 **ERRORS THROUGH NET SEND MESSAGES IN VIOLATION OF THE**
13 **CONSUMER PROTECTION ACT**

14 7.1 Plaintiff realleges paragraphs 1.1 through 6.4 above and incorporates them as
15 though fully set forth herein.

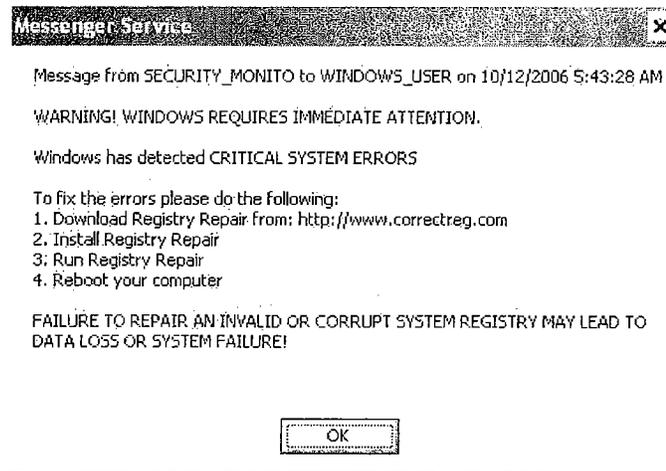
16 7.2 Defendants advertise and market, or have advertised and marketed, purported
17 registry-cleaning programs called Registry Sweeper Pro, Registry Cleaner, Registry Doc, and
18 Registry Rinse through Net Send messages sent to consumers' computers through Windows
19 Messenger Service.

20 7.3 Each of the Net Send messages appears or appeared as an internal security alert
21 message or a Windows operating system message, warning consumers that they have or may
22 have critical system errors that could result in data loss or corruption or system failure unless
23 they fix the errors by downloading a registry repair product. The messages appear whether or
24 not the computer's Internet browser is open.

25 7.4 Each of the Net Send messages tells or told the user to go to a specific Web site
26 to download, install, and run a registry repair. One of Defendants owns each of the specific
URLs to which the user is or was directed.

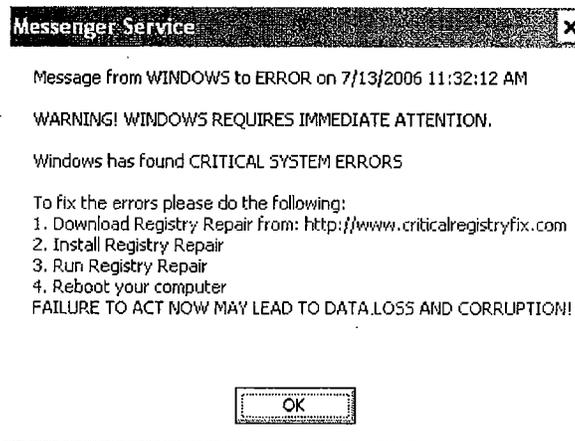
1 7.5 Figure 1 below depicts a Net Send message directing the user to go to
2 www.correctreg.com, a Web site owned by Defendant Corella. When this URL is typed in,
3 the user's browser is automatically re-directed to www.registrydoc.com.

4 Figure 1.



13 7.6 Figure 2 depicts a Net Send message directing the user to go to
14 www.criticalregistryfix.com, a Web site also owned by Defendant Corella. When this URL is
15 typed in, the user's browser is automatically re-directed to www.registrydoc.com.

16 Figure 2.



1 7.7 Figure 3 depicts a Net Send message directing the user to go to
2 www.guardregistry.com, a Web site owned by Defendant Nguyenphuoc. When this URL is
3 typed in, the user's browser is automatically re-directed to www.registrydoc.com.

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6 Figure 3.



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16 7.8 Defendants have advertised Registry Sweeper Pro, Registry Cleaner, Registry
17 Doc, and Registry Rinse through Net Send messages.

18 7.9 Although many of the Net Send messages represent that critical registry errors
19 have been detected, in fact, Defendants have not detected – and did not detect – any errors of
20 any nature on any user's computer at the time the Net Send message appears.

21 7.10 The misrepresentation in Net Send messages of the presence of critical errors
22 on the user's computer has the capacity to deceive a substantial number of consumers and
23 induce them to purchase Defendants' products.

24 7.11 The misrepresentation of critical errors on the user's computer as described in
25 Section VII constitutes unfair and deceptive acts or practices in trade or commerce and unfair
26 methods of competition in violation of the Consumer Protection Act, RCW 19.86.020

1 **VIII. FIFTH CAUSE OF ACTION – MISREPRESENTATION OF CRITICAL**
2 **ERRORS THROUGH “FREE SCAN” IN VIOLATION OF THE CONSUMER**
3 **PROTECTION ACT**

(Defendants SecureLink, Corona, NJC and Corella)

4 8.1 Plaintiff realleges paragraphs 1.1 through 7.11 above and incorporates them as
5 though fully set forth herein.

6 8.2 Defendants SecureLink and Corona own, advertises, and sell the software
7 product Registry Rinse. Defendants NJC and Corella (for this Section VIII, SecureLink,
8 Corona, NJC, and Corella, collectively, “Defendants”) own, advertise, and sell the software
9 product Registry Doc.
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11 8.3 As part of Defendants’ marketing of these products, they offer computer users a
12 “free scan” of their computers to test for “registry errors.” The scan results always identify
13 “critical errors”. In many instances, the so-called errors are not, in fact, “critical,” but are
14 instead harmless.

15 8.4 The misrepresentation of critical errors on the user’s computer has the capacity
16 to deceive a substantial number of consumers and induce them to purchase Defendants’
17 products.
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19 8.5 The misrepresentation of critical errors on the user’s computer as described in
20 Section VIII constitutes unfair and deceptive acts or practices in trade or commerce and unfair
21 methods of competition in violation of the Consumer Protection Act, RCW 19.86.020.
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23 **IX. SIXTH CAUSE OF ACTION – MISREPRESENTATION OF**
24 **ADVERTISEMENT AS INTERNAL OPERATING SYSTEM SECURITY ALERT**
25 **IN VIOLATION OF THE CONSUMER PROTECTION ACT**

26 9.1 Plaintiff realleges paragraphs 1.1 through 8.5 above and incorporates them as
though fully set forth herein.

1 9.2 Many of Defendants' Net Send advertisements misrepresent that they are
2 internal messages from "Security" or from "Windows"; in fact, they are advertisements for
3 commercial products.

4 9.3 Defendants' Net Send messages are broadcast over the Internet. The messages
5 appear on computers running Windows operating systems with the Windows Messenger
6 Service enabled. The messages that pop up appear as if they are internal operating system
7 messages. However, the messages, as used by Defendants, are in fact advertisements for
8 commercial products, not security messages from the user's operating system.

9 9.4 The conduct described in paragraphs 9.2 and 9.3 has the capacity to deceive a
10 substantial number of persons and constitutes misrepresentations and unfair and deceptive acts
11 or practices in trade or commerce and unfair methods of competition in violation of the Consumer
12 Protection Act, RCW 19.86.020.

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15 **X. SEVENTH CAUSE OF ACTION – MISREPRESENTATION THAT PRODUCT**
16 **HAS DELETED CRITICAL REGISTRY ERRORS**
(Defendants NJC and Corella)

17 10.1 Plaintiff realleges paragraphs 1.1 through 9.4 above and incorporates them as
18 though fully set forth herein.

19 10.2 If the user purchases Defendants' [NJC and Corella] Registry Doc program and
20 utilizes the function to clean the computer's registry of its "critical errors" identified by the
21 freescan, Defendants then misrepresent that the program has removed critical errors; in fact,
22 the program does not remove some of the files that it claims to remove.

23 10.3 The conduct described in paragraph 10.2 has the capacity to deceive a
24 substantial number of persons regarding the effectiveness of the program and constitutes
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1 misrepresentations and unfair and deceptive acts or practices in trade or commerce and unfair
2 methods of competition in violation of the Consumer Protection Act, RCW 19.86.020.

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5 **XI. PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiff, State of Washington, prays for relief as follows:

7 11.1 That the Court adjudge and decree that Defendants have engaged in the
8 conduct complained of herein.

9 11.2 That the Court adjudge and decree that the conduct complained of in
10 paragraphs 4.1 through 6.4 constitutes violations of the Computer Spyware Act, RCW 19.270,
11 et seq.

12 11.3 That the Court adjudge and decree that the conduct complained of in paragraphs
13 7.1 through 10.2 constitutes unfair or deceptive acts and practices and unfair methods of
14 competition in violation of the Consumer Protection Act, Chapter 19.86 RCW.

15 11.4 That the Court issue a permanent injunction enjoining and restraining
16 Defendants, and their representatives, successors and assigns, officers, agents, servants,
17 employees and all other persons acting or claiming to act for, or on behalf of, or in active
18 concert or participation with Defendants, from continuing or engaging in unlawful conduct
19 complained of herein.

20 11.5 That the Court assess a civil penalty, pursuant to RCW 19.86.140, of up to
21 \$2,000 per violation against each of the Defendants for each violation of RCW 19.86.020
22 caused by the conduct complained of herein.

23 11.6 That the Court make such orders pursuant to RCW 19.86.020 as it deems
24 appropriate to provide for restitution to consumers for money or property acquired by
25 Defendants as a result of the conduct complained of herein.

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1 11.7 That the Court make such orders pursuant to RCW 19.270.060 as it deems
2 appropriate to provide recovery for damages for each violation of RCW 19.270.

3 11.8 That the Court make such orders pursuant to RCW 19.86.020 and RCW
4 19.270.060 to provide that Plaintiff, State of Washington, have and recover from Defendants
5 the costs of this action, including reasonable attorneys' fees.

6 11.9 That the Court order such other relief as it may deem just and proper to fully
7 and effectively dissipate the effects of the conduct complained of herein, or which may
8 otherwise seem proper to the Court.

9 DATED this 23rd day of January, 2007.

10 ROB MCKENNA
11 Attorney General

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13 KATHERINE M. TASSI, WSBA #32908
14 Assistant Attorney General
15 Attorneys for Plaintiff
16 State of Washington
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