

January 19, 2012

BY MAIL AND FACSIMILE

Google
Legal Department
1600 Amphitheatre Parkway
Mountain View, CA 94043
Fax: +1 650-253-0001

Dear Legal Department:

We write to follow-up on our letter of January 3, 2012 concerning the ongoing attacks and click-fraud against our client, Walter Arnstein, Inc., d/b/a The Natural Sapphire Company's, Google AdWords account. As previously stated, our client has provided Google with overwhelming evidence of malicious click fraud perpetrated through the use of proxy servers by a former IT contractor, including a number of emails where the ex-developer boasts of his attacks and the costs he is inflicting on our client. Google's response, more or less, has been that Google determines what click fraud is, and that, although there has been significant click fraud attempted on our client's account, Google's sophisticated filters have caught **all** such click fraud. We strongly disagree, and request that Google reconsider its position and grant our client's request for a credit. We have not received any response to our letter – as such, we reiterate the contents of that letter below.

Our client's Website and business has been under unrelenting, malevolent attack by an ex-developer since he was let go by The Natural Sapphire Company in January 2011. Comprehensive details about the ex-developer and his attacks on our client are available at <http://www.dontoutsource.com/#>. (See also, emails below). As part of those attacks, in or about June 2011, he began using a proxy server to generate fraudulent clicks on our client's AdWords campaign ads. In September 2011, the ex-developer boasted that he was performing click fraud on Google (see below). The attack would explain why the Natural Sapphire Company's ads increased in costs from \$250 a day in May 2011 to as much as \$650 a day in September 2011. The total increase in cost for our client's Google Adwords campaign was between \$35,000 and \$60,000 over what it should have been, compared to what the cost was in the years and months prior to the attacks.

Our client immediately called Google AdWords support to inform them of the attack, and was told that a click fraud system was in place that could catch fraudulent

clicks. On September 22, 2011, our client contacted Google support with evidence showing that the Natural Sapphire Company was under attack, and that a substantial number of fraudulent clicks were getting through Google's filters. No Google representative could explain why certain keywords, such as "sapphire engagement rings," were up 600% for roughly the same CPC last year, or why The Natural Sapphire Company's costs were fluctuating from \$500 to over \$700 per week with no change in CPC. Over the course of several weeks, Google reiterated its position that it had sophisticated filters that would stop all fraudulent clicks, including those from a proxy server that changed IP addresses every click.

Our client then tested Google's filters using a keyword that had not received any clicks from 1/1/2011 – 10/17/2011: "madagascar sapphires." The CPC bid was \$.035. On 10/19/2011, our client installed Tor, a proxy software that is freely available at <https://www.torproject.org/>. Our client then, randomly throughout the day, clicked its own adword 15 times. With every click, our client's IP address changed -- just like the ex-developer's would every time that he clicked on our client's ads. Our client performed the test to prove that a single PC could easily make fraudulent clicks over and over without being stopped -- on a keyword that never gets clicked. Out of the fifteen clicks, a total of four clicks made it past Google's filters. Google failed to remove any of the fraudulent clicks until notified by our client of the test more than a week later.

After having its claims denied again by a Google AdWords Senior Member, who first maintained that all fraudulent clicks were caught and credited within 3 days (later changed to 1 week and finally 1.5 weeks) -- our client ran another test with a larger sample size. This time, our client, using the same Tor proxy server, clicked on the keyword "natural sapphire set" 15 times on November 14, 2011, and 130 times on November 15-16. A total of 102 clicks, or 70%, of the total clicks went undetected by Google's filters. Our client waited over six weeks before reporting the test results to Google, to allow Google time to detect and credit our client's account for the fraudulent clicks. Despite waiting well more than the 3 days, one week, or 1.5 weeks that our client was told it took Google to catch and credit all fraudulent clicks, none of the fraudulent clicks that escaped initial detection were detected or removed by Google during that time. Our client was able to game Google's filters even after Google had been placed on notice that our client had complained of click fraud on its account, and after Google had notice that our client had already tested Google's filters using a proxy server. Even with notice that fraud was occurring on our client's account, Google's filters failed to catch the overwhelming majority of the fraudulent clicks in our client's test.

Although Google's filters do catch some click fraud, they do not catch all or even most of it. Google's insistence that 100% of all willful and deliberate click fraud against our client has been detected and credited is at odds with the results that our client has achieved through its own tests, not once, but twice, using just a single Tor proxy server.

(See below). The developer may be using multiple proxy servers, making his fraud even more difficult to detect. There is no genuine dispute that our client is under attack by a malicious ex-developer, who boasts about the aggressive click fraud campaign he has unleashed against our client. Our client's AdWords costs have almost doubled from the same time a year ago. When a Google support representative suggested that our client's costs were higher because our client had raised its bids, resulting in better placement and more clicks, our client lowered its bids, but the number of clicks and overall amount spent remained inflated.

Our client is deeply concerned that its costs of advertising on Google have been inflated by 100% or more. Our client is not looking to become a lead plaintiff in a class action lawsuit, but is distressed at Google's lack of responsiveness and apparent stonewalling of its concerns. Something is clearly amiss with Google's filters. We believe that Google is fully aware of this fact, and its refusal to credit our client's account for click fraud amounts to a breach of the duty of good faith and fair dealing. Google's bad faith carries a heavy cost -- the fraudulent clicks have raised the cost of advertising so much that they threaten to drive our client out of business. Costs for fraudulent clicks continue to accrue. We request that Google issue a credit to our client's account in the amount of no less than \$47,500, in light of the above and the additional evidence that Google's filters don't work.

Google has the opportunity to use this dispute to learn from our client's tests and to improve its systems. That's what great companies do. In the alternative, should Google refuse to credit our client's account after having been presented with conclusive evidence of blatant and malicious click fraud, and test results clearly proving that Google's filter's fail to stop such fraudulent clicks, our client will be forced to commence litigation against Google. The difference in this case over other click fraud cases that have been brought against Google and failed is the overwhelming evidence of malicious click fraud, proof that Google's filters are incapable of stopping such fraud, and Google's own knowledge that it's filters cannot and do not stop anywhere near 100% of such click fraud. Our client strongly believes that, should it be necessary, it will be able to prove that, in this case, Google has crossed over the line between an exercise of discretion and bad faith. If we do not hear back from Google within 10 (ten) days of the date of this letter, we have been instructed to commence legal proceedings.

This letter is without waiver of any rights that our client may have in this matter, all of which are expressly reserved.

Sincerely,


Brett E. Lewis

CLIENT SUMMARY

First Test:

Below are the times we clicked, the countries the IP came from, and the host info..
all from the SAME pc:

- 1.) 12:30pm 93.182.132.100 Sweden anon-100-132.ipredate.net
- 2.) 1:19pm 66.18.15.35 Dallas, TX rv42120f23.sprocketnetworks.com
- 3.) 1:45pm 95.26.187.134 Europe/Russia 95-26-187-134.broadband.corbina.ru
- 4.) 2:15pm 173.254.192.36 or 80.237.226.76 (My IP changed while doing this) California manning.torserver.net or Germany tor6.anonymizer.ccc.de
- 5.) 2:55pm 88.198.107.171 Germany musashi.geonosis.org
- 6.) 4:50pm 87.225.253.174 Germany torproject.org.all.de
- 7.) 4:55 pm 209.236.66.137 Utah tor-exit-readme-2wh2.kromyon.net
- 8.) 5:57pm 91.66.185.58 Germany 91-66-185-58-dynip.superkabel.de
- 9.) 6:04pm 173.254.192.38 California hazare.torserver.net
- 10.) 6:23pm 184.107.230.50 Canada
- 11.) 7:30pm 173.254.192.38 California hazare.torserver.net
- 12.) 8:15pm 199.48.147.35 California tor-exit-router35-readme.formlessnetworking.net
- 13.) 9:16pm 89.160.83.61 Sweden c-89-160-83-61.cust.bredband2.com
- 14.) 10:00pm 199.48.147.46 California tor-exit-router46-readme.formlessnetworking.net
- 15.) 10:30pm 173.254.192.37 California saeed.torserver.net

Second Test:

From Feb 2003 till Nov 2011, "Natural Sapphire Set" had a total of seven clicks..

<input type="checkbox"/>	Keyword	Status ?	Max. Clicks ? CPC	Impr.	CTR ?	Avg. CPC ?	Cos	
Total - all keywords			1,011,036	109,531,762	0.92%	\$0.43	\$430,220.21	
<input type="checkbox"/>	natural sapphire set	Eligible	\$0.21	7	513	1.36%	\$0.42	\$2.91

On November 14th, as another test, we had one of our employees recreate one of Prashant's most basic of setups. Running the TOR client on our PC here at the office with the IP: 68.161.243.156 and 24.103.241.66.

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The following are the IPs that the TOR client used, and the New York time that they were clicked:

12:10 209.236.66.137
12:26 199.48.147.36
12:41 77.247.181.165
2:08 193.164.131.46
2:19 173.254.216.67
2:46 74.120.13.132
2:57 199.48.147.40
3:10 69.163.39.5
3:25 173.254.216.68
3:42 74.120.15.150
4:02 85.8.28.11
4:20 46.165.196.182
4:49 93.182.132.100
5:10 87.225.253.173
5:46 173.208.132.210

Out of the above 15 attempts, **EIGHT** got through and we were charged for them.

<input type="checkbox"/>	Keyword	Status ?	Max. CPC	Clicks ?	Impr.	CTR ?	Avg. CPC ?	Cost	Ad Pl
Total - all keywords				779	78,716	0.99%	\$0.60	\$471.00	
<input type="checkbox"/>	natural sapphire set	Eligible	\$0.21	8	16	50.00%	\$0.15	\$1.20	2

We then did another test on November 15-16th. This time, from our office in Sri Lanka, again only with the most basic of setups, after only 2 minutes of getting prepared. IP: 124.43.20. subnet, Sri Lanka time zone:

Nov 15

11.23 173.254.216.68
11.31 77.247.181.163
11.39 93.182.132.100
11.44 77.247.181.162
11.44 173.254.192.38
11.53 93.182.132.103
12.01 209.159.142.164
12.01 80.237.226.76
12.08 93.182.132.100

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12.16 77.247.181.165
12.18 173.254.216.69
12.24 87.225.253.173
12.25 173.160.45.213
12.37 173.254.216.67
12.45 173.254.216.66
12.52 88.198.100.230
1.03 80.237.226.75
1.07 46.59.9.250
1.07 87.118.101.175
1.13 87.118.101.175
1.16 46.165.196.182
1.23 199.48.147.36
1.31 46.165.196.182
1.35 81.170.234.99
1.4 93.182.132.103
1.48 77.247.181.162
2.13 77.247.181.163
2.25 77.247.181.165
2.36 77.247.181.164
2.41 173.254.216.66
2.45 93.182.132.103
2.46 173.254.216.69
2.52 199.48.147.46
3.05 89.45.202.93
3.11 80.237.226.76
3.16 93.182.132.103
3.22 199.48.147.46
3.29 80.237.226.73
3.39 31.31.36.246
3.42 77.247.181.164
3.45 124.43.20.142
3.52 77.79.7.191
3.58 93.182.132.103
4 173.254.216.68
4.04 173.254.216.69
4.06 46.165.196.182
4.12 87.225.253.174
4.13 74.120.15.150
4.19 173.254.216.68
4.2 173.254.192.37
4.33 79.143.177.201

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4.38 77.247.181.163
4.38 173.254.216.69
4.44 93.182.132.100
4.46 173.254.216.67
4.52 77.247.181.162
4.59 77.247.181.165
5.07 199.48.147.41
5.16 81.170.234.99
5.3 217.115.137.222

Nov 16

9.1 77.247.181.163
9.1 93.182.132.100
9.18 216.24.199.158
9.21 77.247.181.162
9.33 95.211.62.150
9.34 87.225.253.174
9.38 77.247.181.162
9.38 87.225.253.173
9.45 93.182.132.103
9.45 77.247.181.162
10.02 83.170.92.9
10.08 173.254.216.67
10.13 77.247.181.164
10.2 208.75.88.34
10.23 46.165.196.182
10.29 77.247.181.163
10.3 80.237.226.73
10.35 81.170.234.99
10.39 87.118.101.175
11 77.247.181.165
11.01 87.118.101.175
11.08 46.165.196.182
11.09 46.72.29.244
11.14 83.170.92.9
11.16 173.254.192.35
11.26 77.247.181.164
11.28 199.48.147.41
11.32 178.128.182.58
11.37 87.118.101.175
11.43 77.247.181.164
11.51 213.152.176.60

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11.51 193.138.216.101
11.55 83.170.92.9
11.59 173.254.192.35
12.03 173.254.216.69
12.08 80.237.226.74
12.1 173.254.192.35
12.13 93.182.132.103
12.18 173.254.216.67
12.39 77.247.181.164
12.57 77.247.181.165
1.12 173.254.192.37
2.12 87.225.253.174
2.17 77.247.181.165
2.24 173.254.192.38
2.33 64.27.17.140
2.4 77.247.181.164
2.45 173.254.192.37
2.54 173.254.216.66
2.58 87.225.253.173
3.23 209.15.226.42
3.33 85.8.28.11
3.36 83.91.86.26
3.4 85.113.141.247
3.46 87.118.101.175
3.46 199.48.147.36
4.04 79.143.177.207
4.1 217.115.137.222
4.15 62.141.53.224
4.16 178.74.1.21
4.19 217.115.137.222
4.2 74.3.165.39
4.24 77.247.181.163
4.29 77.247.181.164
4.31 204.8.156.142
4.36 173.254.216.66
4.38 173.254.192.37
4.41 199.48.147.35
4.46 213.209.195.144
4.5 89.188.9.62

So, a total of 130 clicks were made. Out of those, we were charged for ninety four of these tests! That's over a 72% failure by Google Adwords of filtering those clicks!

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<input type="checkbox"/>	Keyword	Status ?	Max. CPC	Clicks ?	Impr.	CTR ?	Avg. CPC ?	Cost
Total - all keywords				2,350	225,155	1.04%	\$0.60	\$1,412.36
<input type="checkbox"/>	natural sapphire set	Eligible	\$0.21	94	140	67.14%	\$0.14	\$13.55

Without any preparation, and with surprising ease, we were able to trick Google into charging us over **one hundred** times for a keyword that has only been clicked **seven** times in eight years. There was no filter that suppressed the clicks because they keyword was being clicked in a suspicious behavior, no filter that suppressed the clicks since we were behind a TOR proxy, no filter that suppressed the clicks since we were using the same PC over and over. It's been almost seven weeks, and the charges are still there.

Prashant is using MUCH more advanced methods than this. He has dedicated his every waking hour to driving us out of business. We slashed our main keywords by HALF the usual cost last week. Yesterday, we were STILL charged for \$518 worth of clicks. We have taken tens of thousands of dollars of losses since he has begun.

Here are sample emails that we received from our ex developer boasting of performing click fraud on us:

9/13/11:

Question Off late are you guys getting hirer billi on PPC ads ha ha ha

10/15/11:

Subject	I have just one point goal -Crush NSC
Message	Michael Amstein You funcking asshole you thought you can get away with all the hush hush conspiracy You I not stop till I shut down your company I have lost thousands of dollars because of your criminal acts No I don't have anything except a single point goal CRUSH NSC AND PUNISH YOU FOR YOUR DEEDS

10/21/11:

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Message	<p>Are your PPC costs going up??? looks like our advanced system working good which has automated clicks with greased up to dodges the detection system I am not an evil person. But I am a obsessively stubborn. Will avenge conspiracy you hatched against me. I have each and every details on your e-mails to Dan(David) and Bob so as j courts I never ever took any financial advantage of your; worked sincerely towards your company growth. Did l ...and then you back stabbed Evan was the person who kept spewing venom against me and you kept on absorb now see the result ; it's a matter of few days before your company is shut Sorry guys I need to crush NSC. Oh E is in really really bad shape...needs wires or will give statement against you</p>
---------	---

10/22/11:

Message	<p>This is how it is done: For last 3 months we are working on a spider bot which is hooking into a cluster of 700-servers and try to click into your paid ad Daily about 4k-5K attempts are made but mostly blocked due to PPC firewalls . Still we are able to achieve about positive clicks of 90-200/daily depending on various factors . I am this as you will first hand experience the pain which you tried to inflict on me by trying to break up my compai</p>
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Here is a very revealing boast my ex developer had today 10/25/11 with my sales person about "Sapphire Engagement Rings"

Bold Software

Bold Software View Go Search Tools Setup Help

Chats

Operator Sessi...

Chat Name

Kevin F

Livia

Chats

Answer Next Chat - Assign to View

Visitor Name	Elapsed	Region	City	Ope...	Chat Launch URL	IP
Visitor	0:02:28	California	Los Angeles	Kevin F	http://www.thenaturalsapphirecompan	173.254.192.38

Chat Chat History Visit History Auto Browser

Answer - Join Block Unblock Find Canned Response

Chat Message History

11:29:49 AM [Kevin F] Hello, my name is Kevin F. Thank you for visiting The Natural Sapphire Company. How

11:30:30 AM [Visitor] are you bleeding on PPC ads

11:30:47 AM [Visitor] we made more then 100 successful hits

11:30:55 AM [Visitor] a day

11:32:02 AM [Kevin F] Well our ads haven't so obviously you're not doing something right

11:32:13 AM [Kevin F] They havent changed

11:32:34 AM [Visitor] I guess you dont understand ppc

11:32:53 AM [Kevin F] Just telling you what Evan said buddy and I am pretty sure he understands

11:33:28 AM [Visitor] ok thanks for your input

11:33:34 AM [Visitor] we will do some changes

11:34:13 AM [Visitor] Dhananjay has gone crazy

11:34:31 AM [Visitor] I love the way cops and court are harassing him

11:35:16 AM [Visitor] Oh did I tell 4 days back he has given a statement against Michael Arnstein

11:35:45 AM [Visitor] I will get that bastard Michael arrested

11:35:52 AM [Kevin F] Sounds good

Folders

Chats

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Bold Software

Bold Software View Go Search Tools Setup Help

Chats

Operator Session: Kevin F, Livia

Answer Next Chat - Assign to - View

Visitor Name	Elapsed	Region	City	Operator	Chat Launch URL	IP
Visitor	0:11:56	Skaneateles	Trelleborg	Kevin F	http://www.thenaturalsapphirecompany.com	81.170.234.99

Chat Chat History Visit History Auto Browser

Answer - Join Block Unblock Find Canned Response

Chat Message History

1:46:53 PM [Kevin F] Hello, my name is Kevin F. Thank you for visiting The Natural Sapphire Company. How many engagement rings are you looking for?

1:47:15 PM [Visitor] BTW we are using keyword "sapphire engagement rings" to get into your ad

1:47:26 PM [Visitor] bidding on this keyword is most expensive

1:47:41 PM [Visitor] I want to first hand make Michael experience the pain

1:59:57 PM [Visitor] oops I clicked another 12-15 times

2:02:06 PM [Visitor] another keyword we are hitting "sapphire rings"

As you can see, the ex developer easily changed countries between both conversations. But we had been focusing on the increased cost of just "sapphire rings." So, we investigated "Sapphire Engagement Rings"... Google has maintained that the cause of our bid increases was the cause of the higher cost. Let's look at the change of costs for this adword:

01/01/10 - 05/01/11 \$0.82
05/02/11 - 10/17/11 \$1.00
10/18/11 - 10/25/11 \$0.90

So, not a huge variation. For the last week, the price of the keyword has only had an 8 cent difference from last year's cost of the same week:

10/18/10 - 10/25/10 \$0.82 per click. 55 total clicks. Total cost: \$38.54
10/18/11 - 10/25/11 \$0.90 per click. 342 total clicks. Total cost: \$258.56

That's more than 600%! This CANNOT be explained because of an 8 cent difference. Our website has not changed. There was no sudden sale on sapphire engagement rings.

The total cost of this keyword last year and this year:

1/1/10 – 10/25/10 Sapphire Engagement Rings 4,148 clicks \$3,012.37

1/1/11 – 10/25/11 Sapphire Engagement Rings 7,334 clicks \$5,739.92

The funny thing is that this year (until last month), our organic ranking of Sapphire Engagement Rings was not only on the first page, but in the TOP FIVE listings of Google search. So customers would have clicked LESS on our ads. Not almost double! So, how do you explain such a huge variation in less than \$0.18 and a higher organic keyword showing? How do you explain the 600% difference in just a \$0.08 price compared to this week and this week last year?

Here are a sample of the websites that my ex developer has created and posted on to attack our company:

<http://www.scaminformer.com/scam-report/the-natural-sapphire-company-michael-arnstein-natural-c47046.html>

<http://www.scaminformer.com/scam-report/the-natural-sapphire-company-the-naturalsapphirecompany-com-c22150.html>

<http://www.scaminformer.com/scam-report/the-natural-sapphire-company-credit-card-info-is-unsafe-c38737.html>

<http://www.scaminformer.com/scam-report/the-natural-sapphire-company-walter-arnstein-caution-the-c56989.html>

<http://the-natural-sapphire-company.pissedconsumer.com/the-natural-sapphire-company-credit-card-20110824257445.html>

<http://the-natural-sapphire-company.pissedconsumer.com/he-natural-sapphire-company-www-the-naturalsapphirecompany-com-are-fraudsters-20110514237589.html>

<http://the-natural-sapphire-company.pissedconsumer.com/the-natural-sapphire-company-tricks-consumers-by-pitching-their-sapphires-as-investment-grade-in-re-20111028271158.html>

<http://www.ripoffreport.com/jewelers/the-natural-sapphire/the-natural-sapphire-company-w-2c541.htm>

<http://www.ripoffreport.com/jewelry-stores/the-natural-sapphire/the-natural-sapphire-company-m-8b50f.htm>

<http://www.ripoffreport.com/jewelry-stores/the-natural-sapphire/the-natural-sapphire-company-n-6a662.htm>

<http://www.ripoffreport.com/jewelry-stores/the-natural-sapphire/the-natural-sapphire-company-ac56f.htm>

<http://www.ripoffreport.com/jewelry-stores/the-natural-sapphire/the-natural-sapphire-company-ebe3b.htm>

<http://www.ripoffreport.com/jewelry-stores/the-natural-sapphire/the-natural-sapphire-company-w-e88f1.htm>

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<http://creditcardforum.com/credit-card-fraud/2592-natural-sapphire-company-credit-card-not-masked.html>
<http://www.scampond.com/the-natural-sapphire-company-www.thenaturalsapphirecompany.com-are-fraudsters-/1233>
<http://www.scampond.com/?id=805&scam=The+Natural+sapphire+Company+Credit+card+confidentiality+issue>
<http://www.complaintsboard.com/complaints/the-natural-sapphire-company-c492073.html>
<http://www.complaintsboard.com/panel.php?action=groups&subaction=viewdiscussions&id=2936>
<http://www.complaintsboard.com/complaints/natural-blue-sapphire-for-engagement-ring-c495482.html>
<http://www.complaintsboard.com/complaints/the-natural-sapphire-company-new-york-c559958.html>
<http://www.scamchasers.com/reviews/the-natural-sapphire-the-natural-sapphire-company-michael-arnstein-natural-c47046.html>
<http://www.complaintnow.com/The-Natural-Sapphire-Company/complaint/complaints/thread/print/158127/169323>
<http://www.facebook.com/#!/pages/The-Natural-Sapphire-Company-product-review/211049605606258>
<http://www.facebook.com/pages/The-Natural-Sapphire-Company-Ripped-of-f-consumers-Speak-up/211049605606258>
<https://plus.google.com/114346244658060191008/buzz>
<http://www.scam.com/showthread.php?t=141289>
<http://twitter.com/#!/nscripoff> (got it deleted)
<http://twitter.com/#!/buyingsapphire>
<http://NaturalSapphireReview.wordpress.com/>
<http://SapphireEngagementRings.blogspot.com/>
<http://www.sapphirecompanyengagementrings.com/>
<http://NaturalSapphire.tumblr.com/> (got it deleted)
<http://www.NaturalSapphireCompany.com> (got it temporarily taken off line)
<http://www.NaturalSapphireCompany.us/> (got it deleted)
<http://www.NaturalSapphireCompany.net/>
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