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16   **UNITED STATES DISTRICT COURT**

17   **CENTRAL DISTRICT OF CALIFORNIA**

18

19	Austin Recht, individually and on behalf of all others similarly situated,	Case No. 2:22-cv-8613
20	Plaintiff,	**CLASS ACTION**
21	v.	**COMPLAINT**
22		
23	TikTok Inc. (f/k/a Musical.ly, Inc.); ByteDance Inc.; Beijing Douyin Information Service Co. Ltd. a/k/a ByteDance Technology Co. Ltd.; and Douyin Ltd. a/k/a ByteDance Ltd.,	JURY TRIAL DEMANDED
24		
25		
26	Defendants.	
27		

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1   For his complaint against Defendants, Plaintiff, individually and on behalf of

2 all others similarly situated, alleges as follows:

3 **I.   NATURE OF THE ACTION**

4   1.   Plaintiff brings this proposed class action on behalf of all persons who

5 downloaded TikTok, a social media application (the "TikTok app") [1], and used

6 TikTok's in-app website browser ("in-app browser").

7   2.   This case exemplifies that the "world's most valuable resource is no

8 longer oil, but data."[2] Unbeknownst to Plaintiff and Class Members, Defendants

9 TikTok Inc., ByteDance Inc., Beijing Douyin Information Service Co. Ltd. a/k/a

10 ByteDance Technology Co. Ltd.., and ByteDance Ltd. (collectively, the

11 "Defendants") invaded the privacy of Plaintiff and Class Members by secretly

12 intercepting details and contents about Plaintiff and Class Members without their

13 consent.

14   3.   At no time did Defendants disclose to Plaintiff and Class Members that

15 TikTok users who access external websites via the TikTok app[3] use an in-app

16 browser which is a sophisticated data collection mechanism.

17   4.   As described more fully below, the in-app browser inserts JavaScript

18 code into the websites visited by TikTok users. The clear purpose of the JavaScript

19 code inserted into these websites is to track every detail about TikTok users'

20 website activity.

21   5.   Through the use of its in-app browser, TikTok has secretly amassed

22 massive amounts of highly invasive information and data about its users by tracking

23 their activities on third-party websites. Defendants have unlawfully intercepted

24 private and personally identifiable data and content from TikTok users so that

25 _____

[1] Also, at times hereinafter, "the app"

26
[2] *The World's Most Valuable Resource Is No Longer Oil, But Data*, THE

27 ECONOMIST (May 6, 2017), https://www.economist.com/leaders/2017/05/06/the-
worlds-most-valuable-resource-is-no-longeroil-but-data (emphasis added).

28
[3] At times hereinafter, "third-party website"

1 Defendants may generate revenue from use of this data. Through their clandestine

2 tracking activities, Defendants have violated wiretap laws, unlawfully intruded

3 upon users' privacy, violated their rights of privacy, and unjustly profited from their

4 unlawful activities.

5   6.   Plaintiff's class action complaint seeks to recover all available

6 remedies, including statutory penalties, and redress the wrongs imposed by

7 Defendants on Plaintiff and Class Members.

8   **II. <u>THE PARTIES</u>**

9 **A.   Plaintiff**

10   Plaintiff Austin Recht is a citizen and resident of the State of California,

11 currently residing in Culver City. Plaintiff downloaded the TikTok app and created

12 his TikTok account in 2019 on his mobile device, an Apple iPhone. While using

13 the TikTok app, Plaintiff Recht clicked on links to external, third-party websites.

14 Plaintiff Recht purchased merchandise from a website provided in an

15 advertisement. The link took him to a third-party website via the in-app browser

16 where he completed his purchase and entered his private data, including his credit

17 card information. Defendants surreptitiously collected data associated with

18 Plaintiff's use of third-party websites without his knowledge or consent, including

19 his contact and credit card information provided during Plaintiff's purchase of

20 merchandise.

21   7.   In August of 2022, Plaintiff discovered that TikTok collects data and

22 monitors what users do on third-party websites via the in-app browser after

23 reviewing an article on the internet. Prior to reviewing this article, Plaintiff did not

24 know that his activity on third-party websites was accessed via TikTok's in-app

25 browser and was being monitored by Defendants, nor did he know that his data

26 regarding that activity was being captured and recorded by Defendants.

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