

1 Michael W. Sobol (SBN 194857)
msobol@lchb.com
2 David T. Rudolph (SBN 233457)
drudolph@lchb.com
3 Jallé H. Dafa (SBN 290637)
jdafa@lchb.com
4 LIEFF CABRASER HEIMANN
& BERNSTEIN, LLP
5 275 Battery Street, 29th Floor
San Francisco, CA 94111
6 Telephone: 415.956.1000
Facsimile: 415.956.1008

7 *Attorney for Plaintiffs and the Class*

8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**
12

13 Michael Katz-Lacabe, Dr. Jennifer Golbeck
14 and Dr. Johnny Ryan, on behalf of
themselves and all others similarly situated,

15 Plaintiffs,

16 vs.

17 ORACLE AMERICA, INC., a corporation
18 organized under the laws of the State of
Delaware,

19 Defendant.
20
21
22
23
24
25
26
27
28

Case No. 3:22-cv-04792

CLASS ACTION COMPLAINT

CLASS ACTION

DEMAND FOR JURY TRIAL

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. THE PARTIES.....	1
III. JURISDICTION AND VENUE	5
IV. CHOICE OF LAW.....	5
V. INTRADISTRICT ASSIGNMENT.....	6
VI. STATEMENT OF FACTS	6
A. Oracle Employs Multiple Methods for the Collection of Personal Data from Unwitting Internet Users.	8
B. Oracle Uses The Personal Data of Internet Users To Fuel Its Personal Identification and Profiling Product “Oracle ID Graph”.	16
C. Oracle Uses the Data Marketplace to Enrich the Dossiers It Compiles on Class Members.	26
1. Oracle Audiences.	26
2. Second-party data.....	27
3. Other Data Brokers (third-party data).	28
D. Data Brokers Are a Recognized Threat to Individual Privacy.....	36
E. Class Members Have Not and Cannot Consent to Oracle’s Collection or Use of their Personal Information	40
VII. CLASS ALLEGATIONS	47
VIII. CAUSES OF ACTION	49
First Cause of Action Invasion of Privacy Under the California Constitution (on behalf of the California Sub-Class).....	49
Second Cause of Action Intrusion Upon Seclusion Under California Common Law (on behalf of all Classes).....	53
Third Cause of Action Violations of the Unfair Competition Law (“UCL”), Cal. Bus. & Prof Code § 17200, et seq. (on behalf of all Classes)	56
Fourth Cause of Action Violation of the California Invasion of Privacy Act (on behalf of the CIPA Sub-Class).....	58
Fifth Cause of Action Violation of the Federal Wiretap Act, 18 U.S.C. § 2510, et. seq. (on behalf of the ECPA Sub-Class)	60
Sixth Cause of Action Unjust Enrichment (on behalf of all Classes)	63
Seventh Cause of Action Declaratory Judgment that Oracle Wrongfully Accessed, Collected, Stored, Disclosed, Sold, and Otherwise Improperly Used Plaintiffs’ Private Data and Injunctive Relief (on behalf of all Classes)	64
IX. PRAYER FOR RELIEF.....	64

TABLE OF CONTENTS
(continued)

	Page
X. DEMAND FOR JURY TRIAL.....	65

1 **I. INTRODUCTION**

2 1. This complaint sets forth how the regularly conducted business practices of
3 defendant Oracle America, Inc. (“Oracle”) amount to a deliberate and purposeful surveillance of
4 the general population via their digital and online existence. In the course of functioning as a
5 worldwide data broker, Oracle has created a network that tracks in real-time and records
6 indefinitely the personal information of hundreds of millions of people. Oracle sells this detailed
7 personal information to third parties, either directly, or through its “ID Graph” and other related
8 products and services derived from this data. The proposed Classes herein lack a direct
9 relationship with Oracle and have no reasonable or practical basis upon which they could legally
10 consent to Oracle’s surveillance.

11 2. The named Plaintiff class representatives are informed and concerned citizens who
12 believe that the unregulated worldwide data marketplace abrogates the privacy and autonomy of
13 the people and threatens core principles essential for democratic self-rule. Plaintiffs bring this
14 action to enforce their fundamental right to privacy, seek redress and compensation for the
15 financial, dignitary, reputational, and relational harms Oracle has caused, and obtain a ruling that
16 Oracle’s conduct is unlawful and therefore must stop. The law, as alleged below, entitles Plaintiffs
17 and the proposed Classes to these remedies.

18 **II. THE PARTIES**

19 3. Plaintiff Michael Katz-Lacabe resides in San Leandro, California. Mr. Katz-
20 Lacabe is a privacy rights activist. He is the founder of the Center for Human Rights and Privacy,
21 a project dedicated to the promotion of human rights and privacy in the United States, focusing on
22 the use of surveillance technologies by local police and other government agencies.¹ Mr. Katz-
23 Lacabe is also an active member of Oakland Privacy, a grassroots citizens’ coalition that “works
24 regionally to defend the right to privacy and enhance public transparency and oversight regarding
25 the use of surveillance techniques and equipment.”² Mr. Katz-Lacabe has been frequently cited by

26 ¹ *About CEHRP*, The Center for Human Rights and Privacy (2014), [https://www.cehrp.org/about-](https://www.cehrp.org/about-cehrp/)
27 [cehrp/](https://www.cehrp.org/about-cehrp/) [https://perma.cc/9T3N-ZH5W].

28 ² *About*, Oakland Privacy (2022), <https://oaklandprivacy.org/about/> [https://perma.cc/N8VH-5TCH].

1 reporters for his privacy work related to the use of license plate readers by local police,³ which has
 2 been referenced by advocacy organizations in their California Supreme Court *Amicus Curiae*
 3 briefs.⁴

4 4. Mr. Katz-Lacabe, like most members of modern society, must use the Internet to
 5 conduct routine affairs of daily life. On May 4, 2022, despite taking significant steps to maintain
 6 his online and offline privacy, Mr. Katz-Lacabe received a document from Oracle indicating
 7 Oracle had tracked, compiled, and analyzed his web browsing and other activity and thereby
 8 created an electronic profile on him. On information and belief, Oracle continues to track
 9 Mr. Katz-Lacabe's internet and offline activity, enrich the profile of him as described below, and
 10 make his personal information available to third parties without his consent. On information and
 11 belief, Mr. Katz-Lacabe has visited websites where his electronic communications were
 12 intercepted by the use of Oracle JavaScript code, as described below.

13 5. Plaintiff Dr. Jennifer Golbeck resides in Sugarloaf Key, Florida. Dr. Golbeck is an
 14 associate professor at the University of Maryland in College Park and is Director of the Social
 15 Intelligence Lab. She is an expert in social networks, social media, privacy, and security on the
 16 web. As described in her Wikipedia entry, Dr. Golbeck "is known for her work on computational
 17 social network analysis. She developed methods for inferring information about relationships and
 18 people in social networks. Her models for computing trust between people in social networks are
 19 among the first in the field . . . [Dr.] Golbeck has received attention for her work on computing

21 ³ Cyrus Farivar, *Op-Ed: Technology Turns Our Cities into Spies for ICE, Whether We Like it or*
 22 *Not*, Los Angeles Times (May 2, 2018, 4:15 AM), [https://www.latimes.com/opinion/op-ed/la-oe-](https://www.latimes.com/opinion/op-ed/la-oe-farivar-surveillance-tech-20180502-story.html)
 23 [farivar-surveillance-tech-20180502-story.html](https://www.latimes.com/opinion/op-ed/la-oe-farivar-surveillance-tech-20180502-story.html) [https://perma.cc/89AL-WMA4]; Cyrus Farivar,
 24 *California cities, counties have spent \$65M on spy tech in past decade*, Ars Technica (Nov. 12,
 25 2014, 6:45 AM), [https://arstechnica.com/tech-policy/2014/11/california-cities-counties-have-](https://arstechnica.com/tech-policy/2014/11/california-cities-counties-have-spent-65m-on-spy-tech-in-past-decade/)
 26 [spent-65m-on-spy-tech-in-past-decade/](https://arstechnica.com/tech-policy/2014/11/california-cities-counties-have-spent-65m-on-spy-tech-in-past-decade/) [https://perma.cc/NA4Z-MRV9]; Andy Greenberg &
 27 Ryan Mac, *How A 'Deviant' Philosopher Built Palantir, A CIA-Funded Data-Mining Juggernaut*,
 28 Forbes (Aug. 14, 2013, 10:10 AM), [https://www.forbes.com/sites/andygreenberg/2013/08/14/agent-of-intelligence-how-a-deviant-](https://www.forbes.com/sites/andygreenberg/2013/08/14/agent-of-intelligence-how-a-deviant-philosopher-built-palantir-a-cia-funded-data-mining-juggernaut/?sh=6b9236727785)
[philosopher-built-palantir-a-cia-funded-data-mining-](https://www.forbes.com/sites/andygreenberg/2013/08/14/agent-of-intelligence-how-a-deviant-philosopher-built-palantir-a-cia-funded-data-mining-juggernaut/?sh=6b9236727785)
[juggernaut/?sh=6b9236727785](https://www.forbes.com/sites/andygreenberg/2013/08/14/agent-of-intelligence-how-a-deviant-philosopher-built-palantir-a-cia-funded-data-mining-juggernaut/?sh=6b9236727785) [https://perma.cc/25ZT-BBL6].

⁴ *Application for Leave to File Amicus Curiae Brief and Amicus Curiae Brief of Electronic*
Privacy Information Center (EPIC) in Support of Petitioners, Supreme Court of the State of
 California (May 17, 2016), [https://www.courts.ca.gov/documents/15-s227106-ac-elec-privacy-](https://www.courts.ca.gov/documents/15-s227106-ac-elec-privacy-info-ctr-051716.pdf)
[info-ctr-051716.pdf](https://www.courts.ca.gov/documents/15-s227106-ac-elec-privacy-info-ctr-051716.pdf) [https://perma.cc/PBK6-LDFJ].



Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.