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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

KEITH CARROLL, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

MATTEL INC.; AMERICAN GIRL  
BRANDS LLC; and DOES 1 through 25,  
inclusive,

Defendants.

Case No. 3:22-cv-8954

**CLASS ACTION COMPLAINT**

## I. INTRODUCTION

Whenever someone watches a video on www.americangirl.com (the “Website”), Defendants secretly report all the details to Facebook: the visitor’s identity, the titles watched, and more. Why? So Facebook can bombard the person with *more* ads urging the person to buy products from Defendants.

As shown below, Defendants’ actions violate the Video Privacy Protection Act (“VPPA”). As such, Defendants are liable to each class member for \$2,500 and related relief.

## II. JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 because it arises under the Video Privacy Protection Act (“VPPA”), a federal law.

2. Venue is proper pursuant to 28 U.S.C. § 1391 because a substantial part of the acts and events giving rise to the claims occurred in this District.

3. Defendants are subject to personal jurisdiction because they have sufficient minimum contacts with California and do business with California residents.

## III. PARTIES

4. Plaintiff is an individual and consumer advocate.

5. Defendants are Delaware entities that own, operate, and/or control the Website.

6. The above-named Defendants, along with their affiliates and agents, are collectively referred to as “Defendants.” The true names and capacities of the Defendants sued herein as DOE DEFENDANTS 1 through 25, inclusive, are currently unknown to Plaintiff, who therefore sues such Defendants by fictitious names. Each of the Defendants designated herein as a DOE is legally responsible for the unlawful acts alleged herein. Plaintiff will seek leave of Court to amend the Complaint to reflect the true names and capacities of the DOE Defendants when such identities become known.

7. Plaintiff is informed and believes that at all relevant times, every Defendant was acting as an agent and/or employee of each of the other Defendants and was acting within the course and scope of said agency and/or employment with the full knowledge and consent of each of the other Defendants, and that each of the acts and/or omissions complained of herein was ratified by each of the other Defendants.

#### IV. FACTUAL ALLEGATIONS

##### A. THE FACEBOOK TRACKING PIXEL

8. Facebook is a social networking company where users are required to identify themselves by “the name they go by in everyday life.”<sup>1</sup> To create a Facebook account, a user must provide first name, last name, date of birth and gender.<sup>2</sup>

9. Facebook generates revenue by selling advertising space on its website based upon its ability to identify user interests.<sup>3</sup> Facebook can identify user interests by monitoring “offsite” user activity, which allows Facebook to judge user interests beyond what users freely disclose.<sup>4</sup>

10. Facebook enables advertisers to identify “people who have already shown interest in [their] business”, which Facebook calls “Custom Audiences.”<sup>5</sup> The Custom Audiences tool requires advertisers to supply user data to Facebook, and most do so via the Facebook Tracking Pixel.<sup>6</sup>

<sup>1</sup> FACEBOOK, COMMUNITY STANDARDS, PART IV INTEGRITY AND AUTHENTICITY, [https://www.facebook.com/communitystandards/integrity\\_authenticity](https://www.facebook.com/communitystandards/integrity_authenticity) (last visited December 15, 2022).

<sup>2</sup> FACEBOOK, SIGN UP, <https://www.facebook.com/> (last visited December 15, 2022).

<sup>3</sup> FACEBOOK, WHY ADVERTISE ON FACEBOOK, <https://www.facebook.com/business/help/20502906038706> (last visited December 15, 2022).

<sup>4</sup> FACEBOOK, AD TARGETING: HELP YOUR ADS FIND THE PEOPLE WHO WILL LOVE YOUR BUSINESS, <https://www.facebook.com/business/ads/ad-targeting> (last visited December 15, 2022).

<sup>5</sup> FACEBOOK, ABOUT EVENTS CUSTOM AUDIENCE, <https://www.facebook.com/business/help/366151833804507?id=300360584271273> (last visited December 15, 2022).

<sup>6</sup> FACEBOOK, CREATE A CUSTOMER LIST CUSTOM AUDIENCE, <https://www.facebook.com/business/help/170456843145568?id=2469097533764> (last visited December 15, 2022); FACEBOOK, CREATE A WEBSITE CUSTOM

11. The Facebook Tracking Pixel is a device included programming code that advertisers can integrate into their website. Once activated, the Facebook Tracking Pixel “tracks the people and type of actions they take.”<sup>7</sup> When the Facebook Tracking Pixel captures an action, it sends a record to Facebook, which Facebook then assimilates into the Custom Audiences dataset.

12. Advertisers control what actions—or, as Facebook calls it, “events”— the Facebook Tracking Pixel will collect, including the website’s metadata, along with what pages a visitor views.<sup>8</sup>

13. Advertisers control how the Facebook Tracking Pixel identifies visitors. The Facebook Tracking Pixel is configured to automatically collect “HTTP Headers” and “Pixel-specific Data.”<sup>9</sup> HTTP Headers collect “IP addresses, information about the web browser, page location, document, referrer and persons using the website.”<sup>10</sup> Pixel-specific Data includes “the Pixel ID and cookie.”<sup>11</sup>

## **B. AMERICANGIRL.COM AND THE FACEBOOK PIXEL**

14. Defendants’ business plan involves persuading potential customers to purchase their products via videos about American Girl dolls. As such, Defendants are “video tape service providers” under the VPPA because, as part of their business, they deliver “prerecorded video” content or other “similar audio visual materials.”

15. Americangirl.com hosts and delivers content including videos.

16. Americangirl.com hosts the Facebook tracking Pixel and transmits numerous distinct events to Facebook.<sup>12</sup>

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AUDIENCE,

<https://www.facebook.com/business/help/1474662202748341?id=2469097953376494> (last visited December 15, 2022).

<sup>7</sup> FACEBOOK, RETARGETING, [https://www.facebook.com/business/oals/reta getting](https://www.facebook.com/business/oals/reta%20getting).  
<sup>8</sup> See FACEBOOK, FACEBOOK PIXEL, ACCURATE EVENT TRACKING, ADVANCED, <https://developers.facebook.com/docs/facebook-pixel/advanced/>; see also FACEBOOK, BEST PRACTICES FOR FACEBOOK PIXEL SETUP, <https://www.facebook.com/business/help/218844828315224?id=1205376682832142> (last visited December 15, 2022).

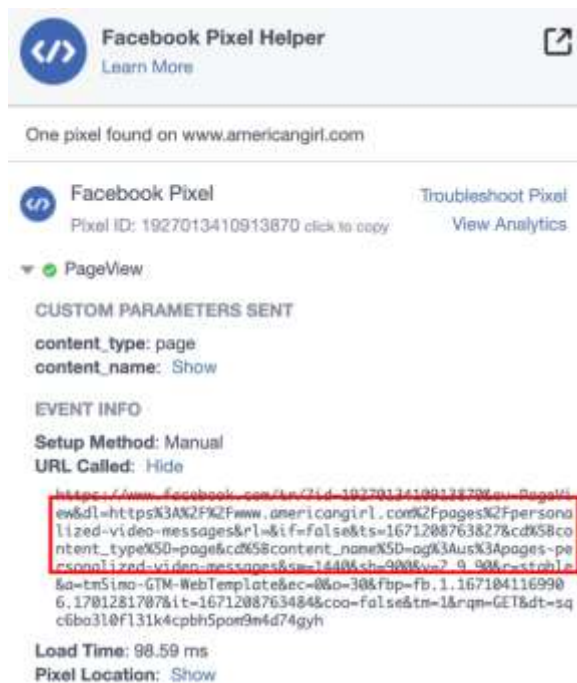
<sup>9</sup> FACEBOOK, FACEBOOK PIXEL, <https://developers.facebook.com/docs/facebook-pixel/> (last visited December 15, 2022).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

**Figure 1**

17. Defendants have configured the PageView event to transmit the URL and the category of content selected.

**Figure 2**

18. In the above figure, for example, Defendants disclose a webpage's Universal Resource Locator ("URL").

19. Microdata discloses the video's title and other descriptors.

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