

1 Mark J. Tamblyn (State Bar No. 179272)  
mjt@wexlerwallace.com

2 **WEXLER WALLACE LLP**  
333 University Avenue, Suite 200  
3 Sacramento, California 95825  
4 Telephone: (916) 565-7692  
Facsimile: (312) 346-0022

5 Kenneth A. Wexler  
kaw@wexlerwallace.com

6 Jason K. Keener  
jkk@wexlerwallace.com  
7 **WEXLER WALLACE LLP**  
55 West Monroe, Suite 3300  
8 Chicago, Illinois 60603  
9 Telephone: (312) 346-2222  
Facsimile: (312) 346-0022

10 *Additional Plaintiff's Counsel Appear*  
11 *on the Signature Page*

12  
13 **UNITED STATES DISTRICT COURT**  
14 **NORTHERN DISTRICT OF CALIFORNIA**

15 ROBERT CULLEN, individually and on  
16 behalf of all others similarly situated,

17 Plaintiff,

18  
19 v.

20 ZOOM VIDEO COMMUNICATIONS, INC.,  
21 a Delaware corporation,

22 Defendant.  
23

Civil Action No.

**COMPLAINT FOR DAMAGES**  
**AND EQUITABLE RELIEF**

**CLASS ACTION**

**DEMAND FOR JURY TRIAL**

24 Plaintiff Robert Cullen ("Plaintiff") brings this class action complaint against Defendant  
25 Zoom Video Communications, Inc. ("Zoom" or "Defendant"), on behalf of himself, and all  
26 others similarly situated, and alleges, upon personal knowledge as to his own actions and his  
27 counsel's investigations, and upon information and belief as to all other matters, as follows:  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**NATURE OF ACTION**

1. Zoom provides an overwhelmingly popular online video conferencing platform, which includes remote conferencing services, online meetings, chat, and mobile collaboration. Zoom’s chief product is “Zoom Meetings.” Its use by consumers and businesses has exploded in the face of the current COVID-19 virus pandemic that is impacting the world and while a majority of Americans are currently under “stay home” or “shelter in place” directives. Naturally, consumers have flocked to Zoom, and other web conferencing vendors, as a means to more safely maintain closeness with friends and loved ones and conduct business. Not surprisingly, Zoom’s stock price has skyrocketed, up over 115% in the last two months (since late January 2020).

2. Zoom, however, has failed to properly safeguard the personal information of the increasing millions of users of its software application (“Zoom App”) and video conferencing platform. Upon installing or upon each opening of the Zoom App, Zoom collects the personal information of its users and discloses, without adequate notice or authorization, this personal information to third parties, including Facebook, Inc. (“Facebook”), invading the privacy of millions of users.

3. By this action, Plaintiff, on behalf of himself and the members of the Class defined below, seeks damages and equitable relief to remedy Defendant’s violations of California’s Unfair Competition Law, Consumers Legal Remedies Act, and Consumer Privacy Act.

**JURISDICTION AND VENUE**

4. This Court has subject matter jurisdiction over the claims alleged in this Complaint pursuant to the Class Action Fairness Act, 28 U.S.C. §1332(d)(2)(A) because: (a) this

1 is a class action in which the matter or controversy exceeds the sum or value of \$5,000,000,  
2 exclusive of interest and costs; and (b) a significant portion of members of the proposed Class  
3 are citizens of a state that is different from the citizenship of Defendant.

4 5. The Court has personal jurisdiction over Defendant because Plaintiff's claims  
5 arise out of the business activities conducted by Defendant in California.

6 6. Venue is proper in the Northern District of California under 27 U.S.C. § 1391(b),  
7 (c), and (d) because: Defendant transacts business in this District; a substantial portion of the  
8 affected commerce described herein was carried out in this District; and because some of the  
9 members of the Class reside in this District.  
10

#### 11 **INTRADISTRICT ASSIGNMENT**

12 7. Under Local Rule 3-2, this civil action should be assigned to the San Jose  
13 Division, because a substantial part of the events or omissions which give rise to the claim  
14 occurred in Santa Clara County.  
15

#### 16 **PARTIES**

17 8. Plaintiff Robert Cullen is an individual citizen and resident of Sacramento  
18 County, California. Plaintiff Cullen has downloaded, installed, and opened the Zoom App.

19 9. Defendant Zoom Video Communications, Inc., is a Delaware corporation  
20 headquartered in San Jose, California.  
21

#### 22 **FACTUAL ALLEGATIONS**

23 10. Zoom provides video communications products and services to companies and  
24 individuals throughout California and the United States. Zoom users can host or participate in a  
25 Zoom videoconference through several means, including the use of the Zoom App for iOS  
26 (Apple) devices, an app for Android devices, an app for MacOS, or through a web browser.  
27  
28

1           11.     The Zoom App may be identified as “ZOOM Cloud Meetings” app on the iOS  
2 app store. Zoom states that the Zoom App allows users to “Stay connected wherever you go –  
3 start or join a meeting with flawless video, crystal clear audio, instant screen sharing, and cross-  
4 platform instant messaging – for free!”

5           12.     Zoom boasts its appreciation for the importance of maintaining its users’ privacy,  
6 stating on its website “You trust us to connect you to the people that matter. We value that trust  
7 more than anything else. We want you to know what data we collect and how we use it to  
8 provide our service.” (<https://zoom.us/privacy-and-legal>). Zoom’s Privacy Policy purports to  
9 identify and disclose to its users all the information Zoom automatically collects from its users  
10 when they interact with Zoom’s products.  
11

12           13.     However, Defendant’s statements regarding the inviolability of its users’ privacy  
13 and personal information are false because Defendant’s wholly inadequate program design and  
14 security measures have resulted, and will continue to result, in unauthorized disclosure of its  
15 users’ personal information to third parties, including Facebook.  
16

17           14.     Zoom represents in its Privacy Policy that it “utilize[s] a combination of industry-  
18 standard security technologies, procedures, and organizational measures to help protect your  
19 Personal Data from unauthorized access, use, or disclosure.” Despite Zoom’s representations in  
20 its posted Privacy Policy that it “utilize[s] a combination of industry-standard security  
21 technologies, procedures, and organizational measures to help protect your Personal Data from  
22 unauthorized access, use, or disclosure.” Zoom however included in the Zoom App, without any  
23 adequate disclosure to users, code that made undisclosed disclosures of users’ personal  
24 information to Facebook and possibly other third parties.  
25

26           15.     On March 26, 2020, Joseph Cox posted a report on Motherboard for the Vice  
27 Media Group documenting the behavior of the Zoom App’s unauthorized disclosure of user  
28

1 personal information to Facebook. ([https://www.vice.com/en\\_us/article/jged4x/envestnet-](https://www.vice.com/en_us/article/jged4x/envestnet-yodlee-credit-card-bank-data-not-anonymous)  
2 [yodlee-credit-card-bank-data-not-anonymous](https://www.vice.com/en_us/article/jged4x/envestnet-yodlee-credit-card-bank-data-not-anonymous)). The report states “The Zoom app notifies  
3 Facebook when the user opens the app, details on the user’s device such as the model, the time  
4 zone and city they are connecting from, which phone carrier they are using, and a unique  
5 advertiser identifier created by the user’s device which companies can use to target a user with  
6 advertisements.” As stated in the Motherboard report, the findings by Mr. Cox were verified by  
7 Will Strafach, an iOS researcher and founder of the privacy-focused iOS app Guardian.  
8

9 16. The unauthorized information is sent to Facebook when a user installs, and each  
10 time a user opens, the Zoom App. This information includes, but is not limited to, the users’  
11 mobile OS (operating system) type and version, the device time zone, the device model and the  
12 device’s unique advertising identifier. The unique advertising identifier allows companies to  
13 target the user with advertisements. This information is sent to Facebook by Zoom regardless of  
14 whether the user has an account with Facebook.  
15

16 17. The amount of money Zoom receives from Facebook, and possibly other third  
17 parties, is unknown by Plaintiff.

18 18. Had Zoom informed its users that it would use inadequate security measures and  
19 permit unauthorized third-party tracking of their personal information, users – like Plaintiff and  
20 Class members – would not have been willing to use the Zoom App. Instead, Plaintiff and Class  
21 members would have forgone using Zoom and/or chosen a different video conferencing product  
22 that did not send their personal information to Facebook, or any other third party.  
23

24 19. Zoom’s failure to implement adequate security protocols and failure to provide  
25 accurate disclosures to its users violated those users’ privacy and falls well short of Zoom’s  
26 promises.  
27  
28

# 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.