

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

N.T. and L.T., minors, by and
through their guardian, Darcy
Tellone, individually and on behalf
of all other similarly situated, and

S.P., J.P., K.P., G.P., minors, by and
through their guardian, Katie
Patterman, individually and on
behalf of all other similarly situated,

Plaintiffs,

v.

TIKTOK INC. and BYTEDANCE,
INC.,

Defendants.

Case No.

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

COMPLAINT

Plaintiffs N.T., L.T., S.P., J.P., K.P., and G.P., minors, by and through their guardians, individually and on behalf of all others similarly situated, bring their complaint against Defendants TikTok Inc. (“TikTok”) (successor to Musical.ly, Inc.) and ByteDance, Inc. (“ByteDance”) (collectively, “Defendants”), and allege as follows:

I. INTRODUCTION

1. TikTok is a popular smartphone application (“app”) that allows its users to create and share short videos. TikTok offers a number of audio and visual features and effects that can be applied to users’ videos—including popular song clips, moments from TV shows, stickers, animations, face filters, and face trackers (which automatically zoom in on a user’s face when the camera lens detects it).

2. However, in connection with certain visual features and effects, Defendants

surreptitiously collect, use, and store users' facial geometry, which is private, legally protected biometric information. Defendants fail to disclose or obtain consent for this collection, use, or storage. And they further fail to disclose why they collect, use, and store Defendants' biometric data, who has access to the data, or how long the data will be retained—all of which is required by law.

3. As recognized in the Illinois Biometric Information Privacy Act (“BIPA”), 740 ILCS 14/1, *et seq*:

Biometrics are unlike other unique identifiers that are used to access finances or other sensitive information. For example, social security numbers, when compromised, can be changed. **Biometrics, however, are biologically unique to the individual; therefore, once compromised, the individual has no recourse, is at heightened risk for identity theft, and is likely to withdraw from biometric-facilitated transactions.**

740 ILCS § 14/5(c) (emphasis added).

4. Nevertheless, Defendants collect this private, biometric, identifying information even for minor children.

5. Plaintiffs bring this class action against TikTok and its owner, ByteDance, individually and on behalf of the proposed class, seeking damages and injunctive relief for Defendants' privacy violations.

II. JURISDICTION

6. This Court has subject-matter jurisdiction pursuant to the Class Action Fairness Act of 2005, 28 U.S.C. § 1332(d)(2), because this is a class action in which the matter in controversy exceeds the sum of \$5,000,000 and Defendants are citizens of a state different from that of at least one class member. This Court also has supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a) because all claims alleged herein form part of the same case or controversy.

7. This Court has personal jurisdiction over Defendants because the allegations in

this complaint arise from Defendants' misconduct occurring within this state and which harmed residents of this state. Defendants collected, stored, and used the biometric identifiers and information of class members located in this state, including Plaintiffs. Both Defendants maintain offices and conduct business in this state.

8. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to the claims occurred in this District and Defendants conduct business in this District.

III. PARTIES

A. Plaintiffs

9. Plaintiffs **N.T.** and **L.T.** are minors. Darcy Tellone is the guardian of her minor children, N.T. and L.T. Ms. Tellone and her children reside in Yorkville, Illinois. N.T. and L.T. each began using the TikTok app when it was originally known as Musical.ly and they continue to use TikTok as of the time of the filing of this complaint. N.T. and L.T. used TikTok to record personal videos, some of which were intended to be kept private and others which were to be uploaded to the platform. Neither Ms. Tellone nor her children recall seeing or reviewing the terms of service, privacy policy, or privacy policy for younger users upon creating their TikTok accounts. Nor does Ms. Tellone or either of her children recall any notifications concerning updates or changes to the terms of service, privacy policy, or privacy policy for younger users.

10. Plaintiffs **S.P.**, **J.P.**, **K.P.**, and **G.P.** are minors. Katie Patterman is the guardian of her minor children, S.P., J.P., K.P., and G.P. Ms. Patterman and her children reside in Yorkville, Illinois. J.P. began using the TikTok app when it was originally known as Musical.ly; S.P., K.P., and G.P. signed up in approximately 2020; and all four children continue to use TikTok as of the time of the filing of this complaint. S.P., J.P., K.P., and G.P. used TikTok to record personal videos, some of which were intended to be kept private and others which were to

be uploaded to the platform. Neither Ms. Patterman nor her children recall seeing or reviewing the terms of service, privacy policy, or privacy policy for younger users upon creating their TikTok accounts. Nor does Ms. Patterman or her children recall any notifications concerning updates or changes to the terms of service, privacy policy, or privacy policy for younger users.

11. None of the Plaintiffs or their guardians received notice from Defendants: that Defendants would collect, store, or use their biometric identifiers or biometric information; regarding the time that Defendants would retain such information; or of the purpose of Defendants' collection of such information. Neither the Plaintiffs, nor their guardians, gave consent for Defendants to collect, store, or use Plaintiffs' biometric identifiers or biometric information. Moreover, Plaintiffs, as minors, could not legally consent to Defendants' collection, storage, or use of their biometric identifiers or biometric information.

B. Defendants

12. **Defendant TikTok, Inc.** f/k/a Musical.ly, Inc. ("TikTok") is a California corporation with its principal place of business in Culver City, California. Defendant TikTok maintains offices throughout the United States, including in Chicago, Illinois. In August 2018, Musical.ly, Inc. merged into TikTok, and in May 2019, Musical.ly, Inc. changed its name to TikTok, Inc.¹ TikTok is a wholly owned subsidiary of TikTok, LLC, which in turn is a wholly owned subsidiary of TikTok, Ltd. And TikTok, Ltd. – like Defendant ByteDance, Inc. – is a wholly owned subsidiary of ByteDance, Ltd.

13. **Defendant ByteDance, Inc.** is a Delaware corporation with its principal place of business in Palo Alto, California. ByteDance, Inc. maintains a corporate office and conducts

¹ Unless stated otherwise, Plaintiffs reference the TikTok app collectively with the Musical.ly app in this complaint.

business in Chicago, Illinois. Defendant ByteDance, Inc. is a wholly owned subsidiary of ByteDance, Ltd.

IV. FACTUAL ALLEGATIONS

A. ByteDance Is One of the Most Influential Tech Companies in the World

14. ByteDance Ltd. was founded in 2012 by Zhang Yiming based upon the notion that “smartphones would replace newspapers to become the most important medium of information distribution” and artificial intelligence (“AI”) would be the driving force behind this evolution.² “ByteDance regards its platforms as part of an artificial intelligence company powered by algorithms that ‘learn’ each user’s interests and preferences through repeat interaction.”³

15. ByteDance released its first app in 2012, called Neihan Duanzi. Neihan Duanzi was a platform where users shared jokes in the form of short videos, memes, and written posts.

16. ByteDance’s next app was a news aggregator called Jinri Toutiao, which uses Mr. Zhang’s AI algorithm to create personal lists of articles and videos tailored to each user based upon their reading habits.⁴ The AI at the heart of Toutiao has been such a success that the app is used by over 250 million people in China each month.⁵

17. In September 2016, ByteDance release a new video-sharing and social-network

² <https://asia.nikkei.com/Spotlight/Cover-Story/Inside-ByteDance-the-75bn-unicorn-behind-TikTok>

³ Letter from Senators Charles Schumer and Tom Cotton to Joseph Maguire, Acting Director of National Intelligence, dated October 23, 2019. *Available at* <https://www.democrats.senate.gov/imo/media/doc/10232019%20TikTok%20Letter%20-%20FINAL%20PDF.pdf>.

⁴ <https://asia.nikkei.com/Spotlight/Cover-Story/Inside-ByteDance-the-75bn-unicorn-behind-TikTok>

⁵ <https://www.cnn.com/2019/05/30/tiktok-owner-bytedance-what-to-know-about-the-chinese-tech-giant.html#:~:text=What%20is%20ByteDance%3F,by%20Chinese%20censors%20in%202018.>

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.