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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
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9 BARBARA KNAPKE, individually and on
10 behalf of all others similarly situated,

11 Plaintiff,

12 v.

13 PEOPLECONNECT, INC., a Delaware
14 Corporation,

15 Defendant.

Case No.

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

16 Plaintiff Barbara Knapke (“Plaintiff”) brings this action on behalf of herself and all others
17 similarly situated against Defendant PeopleConnect, Inc. (“Classmates” or “Defendant”). Plaintiff
18 makes the following allegations pursuant to the investigation of her counsel and based upon
19 information and belief, except as to the allegations specifically pertaining to herself, which are
20 based on personal knowledge.

21 **NATURE OF ACTION**

22 1. Plaintiff brings this class action complaint against Defendant for willfully
23 misappropriating the photographs, likenesses, images, and names of Plaintiff and the class;
24 willfully using those photographs, likenesses, images, and names for the commercial purpose of
25 selling access to them in Classmates products and services; and willfully using those photographs,
26 likenesses, images, and names to advertise, sell, and solicit purchases of Classmates services and
27 products; without obtaining prior consent from Plaintiff and the class.
28

2. Classmates' business model relies on extracting personal information from school yearbooks, including names, photographs, schools attended, and other biographical information. Classmates aggregates the extracted information into digital records that identify specific individuals by name, photograph, and other personal information, and stores those digital records in a massive online database. Classmates provides free access to some of the personal information in its database to drive users to purchase its two paid products – reprinted yearbooks that retail for up to \$99.95, and a monthly subscription to Classmates.com that retails for approximately \$3 per month – and to get page views from non-paying users, from which Classmates profits by selling ad space on its website.

3. Defendant sells its products on its website: www.classmates.com.

4. Upon accessing Classmates' website, the public-at-large is free to enter the information of a particular school.

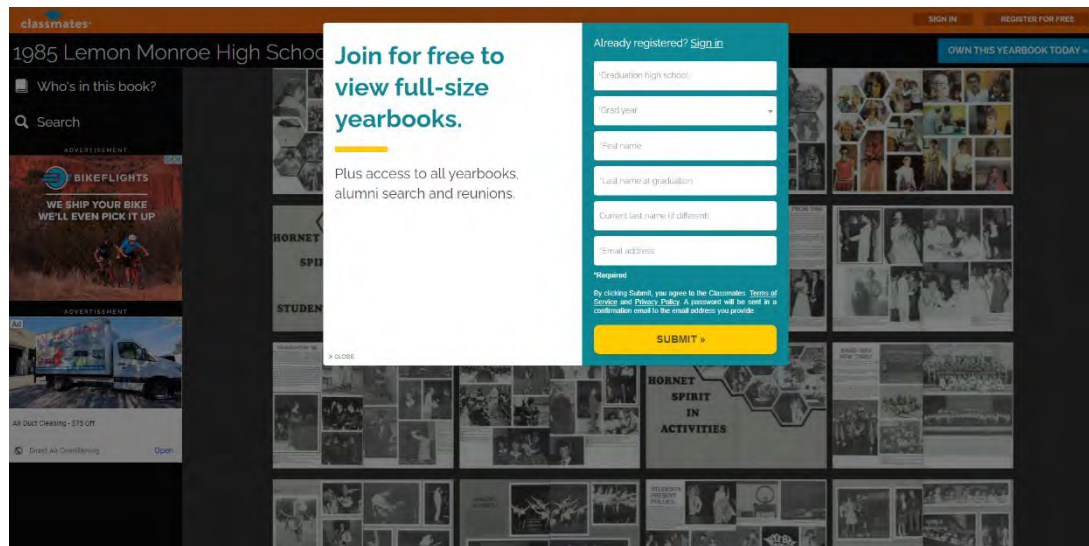
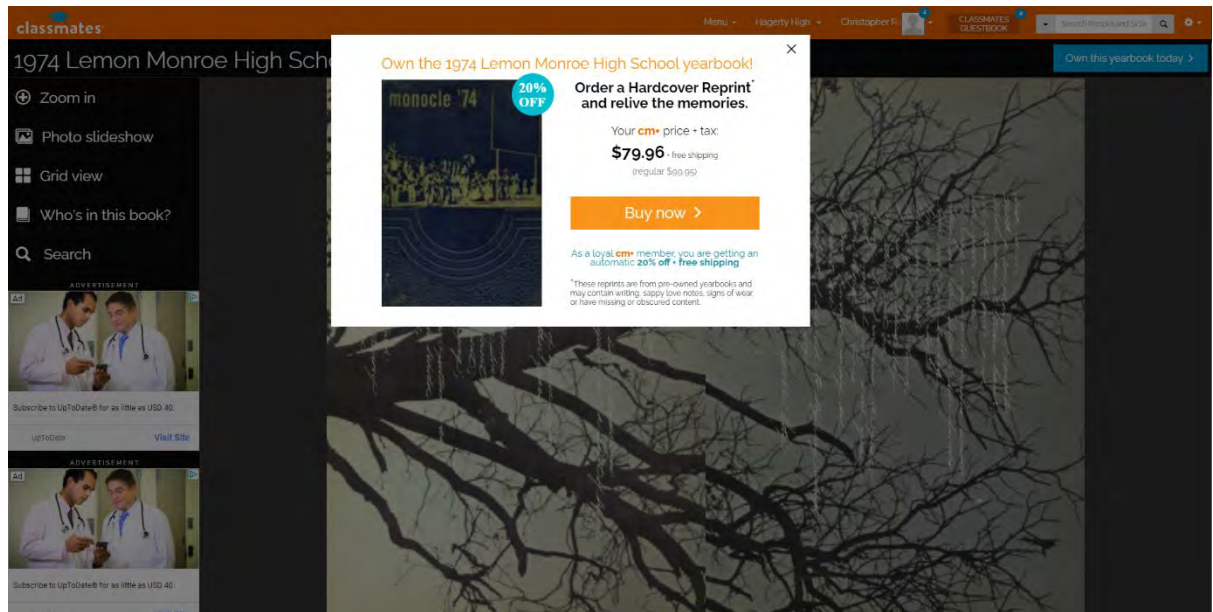
5. After entering this information, any public user of Classmates' website is provided with a listing of search results. Each search result corresponds to a school of which Classmates sells their yearbook service.

6. These search results provide a limited, free preview of Defendant's service. As shown in the images below, this free preview includes Plaintiff's name and photo:



7. As shown in the above, Classmates' free preview provides enough information to identify an individual.

8. The purpose behind Classmates' free preview is singular: to entice users to purchase Defendant's services. These enticements are clear in the screenshots below:



classmates+ No Thanks

Thanks, Christopher!

Now that you have registered with us, make it easier to keep in touch with your Hagerly High School, Class of 2013 by upgrading to **Classmates+**

1 Select your plan below:

INTRODUCTORY OFFER 50% OFF!

3 MONTH PLAN	1 YEAR PLAN	2 YEAR PLAN
\$3.00/month \$9.00 for 3 month term* Was \$18	\$2.00/month \$24.00 for 1 year term* Was \$48	\$1.50/month \$36.00 for 2 year term* Was \$72
★ Lowest Commitment!		★ Best Value!

*Based on one early payment

2 Select your payment option:

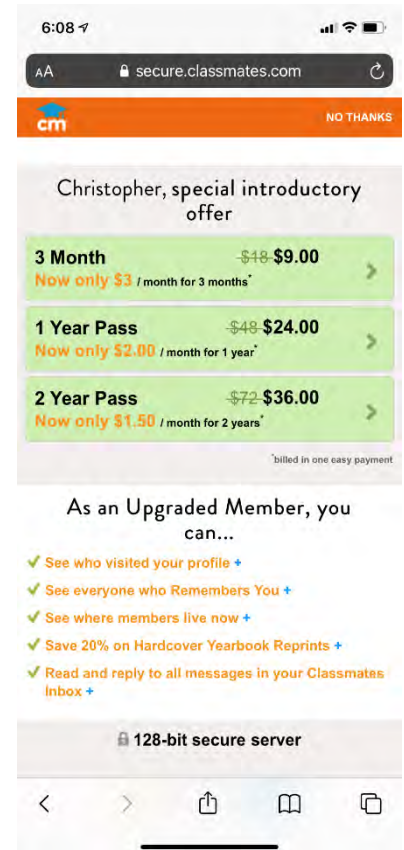
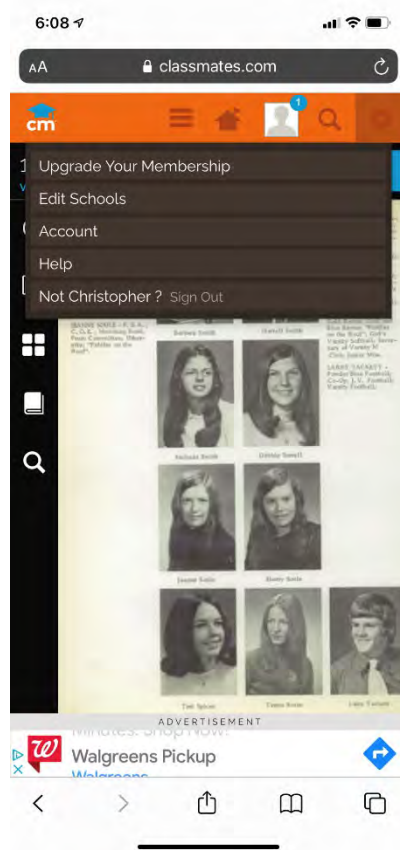
☐ VISA
 ☐ MasterCard
 ☐ American Express
 ☐ Discover
 ☐ PayPal
 ☐ pay with amazon

Benefits of a CM+ membership

- See the people who remembered you
- See all wishes for your Classbook at Classbook
- Read and reply to all messages in your Classmates Inbox
- Save 20% on all new/used Yearbook Memberships
- Find old friends on Classmates & Facebook!

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9. When a user selects “Upgrade Your Membership” in the images above (while names and photographs of Plaintiff and the putative class are prominently displayed), users are given an offer to sign up for Classmates’ monthly subscription service whereby a user is able to “keep in touch” with other classmates.

10. Classmates thus uses the identities of Plaintiff and the putative class to market its completely unrelated subscription services.

11. Classmates’ most popular monthly subscription costs \$3 per month.

12. Ohio’s Right of Publicity law states that: “a person shall not use any aspect of an individual's persona for a commercial purpose.” OH ST § 2741.02(A).

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