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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON**

BARBARA KNAPKE, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

PEOPLECONNECT, INC., a Delaware  
Corporation,

Defendant.

Case No.

**CLASS ACTION COMPLAINT**

**JURY TRIAL DEMANDED**

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

**NATURE OF ACTION**

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

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

10           3.       Defendant sells its products on its website: [www.classmates.com](http://www.classmates.com).

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

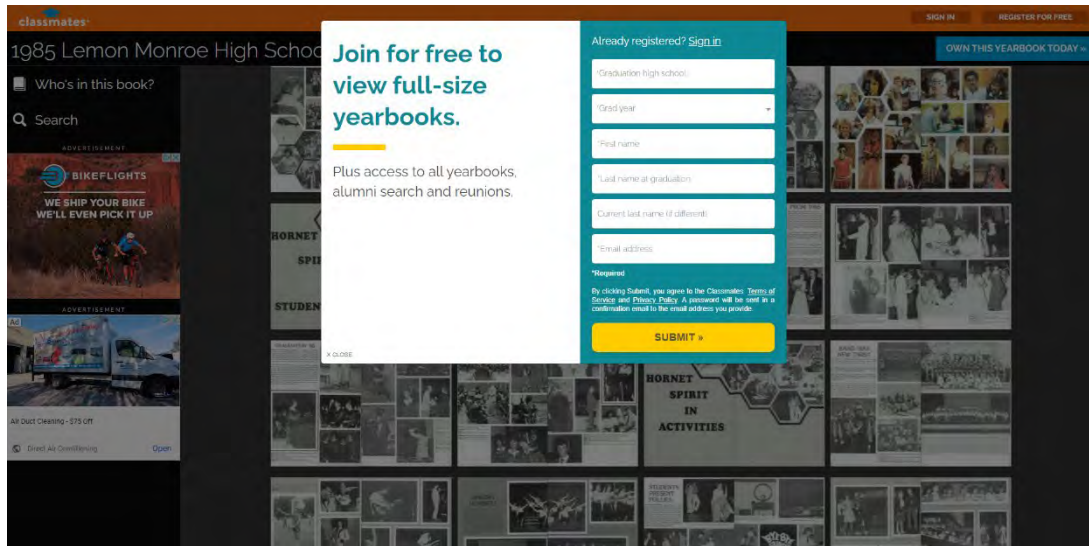
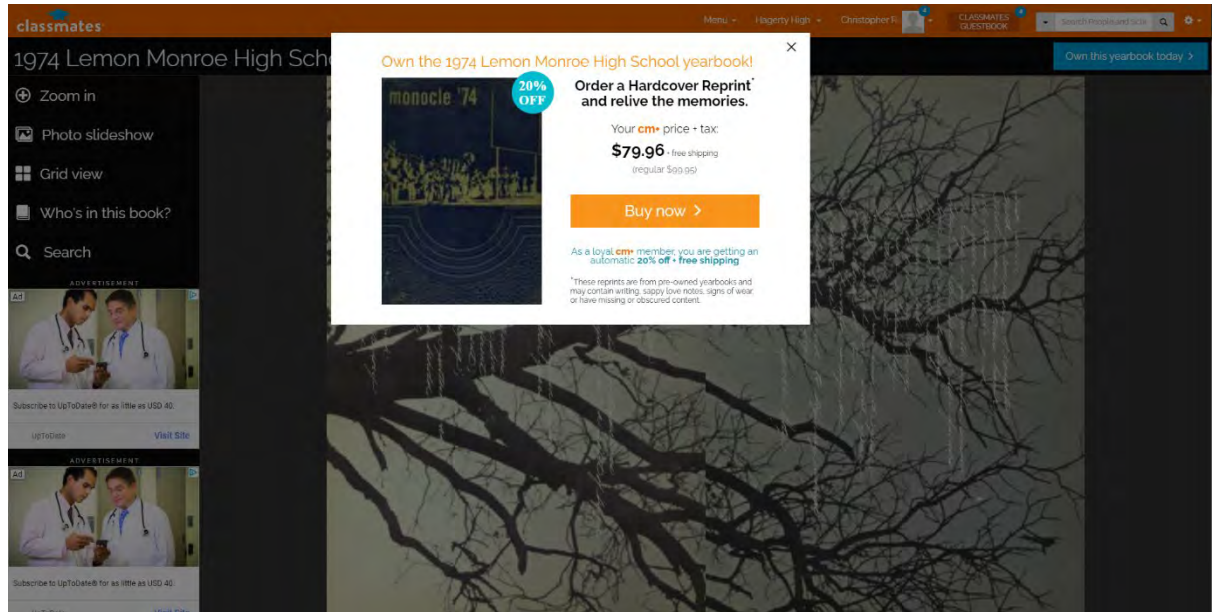
13           5.       After entering this information, any public user of Classmates’ website is provided  
14 with a listing of search results. Each search result corresponds to a school of which Classmates  
15 sells their yearbook service.

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



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

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



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The screenshot shows the Classmates+ website interface. At the top, it says 'classmates+' and 'No Items'. The main heading is 'Thanks, Christopher!' with a sub-message: '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+'. A lock icon is visible in the top right.

Section 1: 'Select your plan below:'. A banner above the plans says 'INTRODUCTORY OFFER 50% OFF!'. There are three plan options:

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

\*Based on one easy payment.

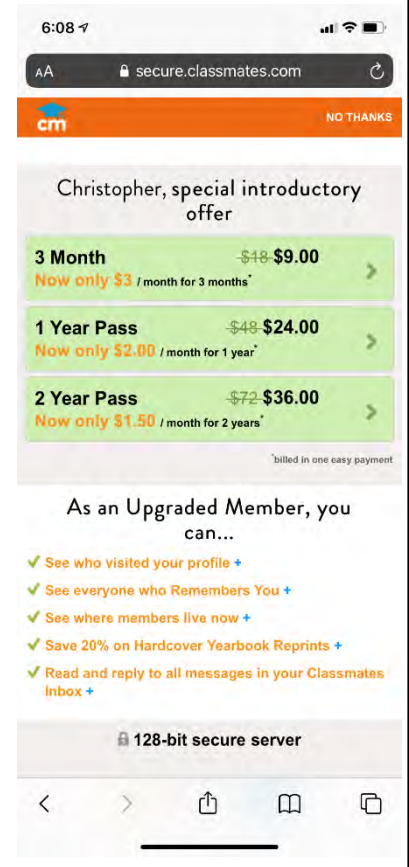
Section 2: 'Select your payment option:'. It lists several payment methods: VISA, MasterCard, American Express, Discover, PayPal, and pay with amazon.

Section 3: 'Benefits of a CM+ membership'. It lists five benefits:

- See the people who remembered you.
- See all wishes for your Classmate's @ QuizBook.
- Read and reply to all messages in your Classmate's Inbox.
- Save 20% on all merchandise. Your book, HWERS.
- Find old friends on Classmates & Facebook!

At the bottom, it says 'ABOUT BAL CERTIFICATES' and 'We are firmly committed to your security & privacy. See our Privacy Policy for details.'

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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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