

09-20-2010 10:11:00
U.S. DEPARTMENT OF JUSTICE
OFFICE OF CONSUMER LITIGATION

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1 Attorney General by the Federal Trade Commission (“FTC” or “Commission”), for its
2 Complaint alleges that:

3 1. Plaintiff brings this action under Sections 1303(c) and 1306(d) of the Children’s Online
4 Privacy Protection Act of 1998 (“COPPA”), 15 U.S.C. §§ 6501-6506, 6502(c), and
5 6505(d), and Sections 5(a)(1), 5(m)(1)(A), 13(b), 16(a), and 19 of the Federal Trade
6 Commission Act (“FTC Act”), 15 U.S.C. §§ 41-58, 45(a)(1), 45(m)(1)(A), 53(b), 56(a),
7 and 57b, to obtain monetary civil penalties, a permanent injunction, and other equitable
8 relief for the defendants’ violations of the Commission’s Children’s Online Privacy
9 Protection Rule (the “Rule”), 16 C.F.R. Part 312.

10 **JURISDICTION AND VENUE**

11 2. This Court has jurisdiction over this matter under 28 U.S.C. §§ 1331, 1337(a), 1345, and
12 1355, and under 15 U.S.C. §§ 45(m)(1)(A), 53(b), 56(a), and 57b. This action arises
13 under 15 U.S.C. §§ 45(a)(1) and 6502(c).
14 3. Venue in this District is proper under 15 U.S.C. § 53(b) and 28 U.S.C. §§ 1391(b)-(c) and
15 1395(a).
16

17 **INTRADISTRICT ASSIGNMENT**

4 The events giving rise to the United States’ claims occurred in substantial part in

1 consists of periodic online postings containing text, images, and links to other files and/or
2 web pages.

3 7. For the purpose of this Complaint, the term "blog hosting service" means a website or
4 online service that hosts blogs and often provides the software to use as a template for
5 creating blogs.

6 **THE CHILDREN'S ONLINE PRIVACY PROTECTION RULE**

7 8. Congress enacted the Children's Online Privacy Protection Act, 15 U.S.C. §§ 6501-6506,
8 in 1998 to protect the safety and privacy of children online by prohibiting the
9 unauthorized or unnecessary collection of children's personal information online by
10 operators of Internet websites or online services. The Act directed the Federal Trade
11 Commission to promulgate a rule implementing COPPA. The Commission promulgated
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such information, its disclosure practices for such information and other

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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that is transmitted and accessible worldwide on the Internet. Industrious Kid, Inc. resides and/or transacts business in the Northern District of California.

13. Defendant Jeanette Symons is the President, Chief Executive Officer, and a shareholder of Industrious Kid. Individually or in concert with others, she has formulated, directed,

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information from children, including first and last name, date of birth, child's email address, parent's email address, gender, and a user name and password. (See Exhibit A.)

20. After providing personal information through the kid registration form, children were able to create and post text photographs and other user-generated content as their

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information practices, provided that the hyperlink is clear and prominent and the direct notice to parents contains other information that the Rule requires to be stated in the direct notice and not in the privacy policy. Thus, the defendants' direct notice to parents

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defendants have violated the Rule, as described above, constitutes a concrete violation for

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(4) Award the plaintiff such additional relief as the Court may deem just, proper, or necessary to redress injury to consumers resulting from the defendants' violations of the Rule.

DATED: January 28, 2008

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OF COUNSEL:

FOR THE UNITED STATES OF AMERICA:

JEFFREY S. BUCHOLTZ



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: "imbee.com" <imbee@imbee.com>

To:

Subject: Your child wants to join imbee!

Date: Thursday, March 08, 2007 3:23:09 PM

Dear _____,

You are receiving this e-mail because your kid, _____, has created an account on imbee.com.

Click on the link below to complete registration: _____

The imbee Team



imbe

by



What's New

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Kids

Parents

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Oakland, CA

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