

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Edith Ramirez, Chairwoman**
 Julie Brill
 Maureen K. Ohlhausen
 Joshua D. Wright
 Terrell McSweeney

)	
In the Matter of)	
)	DOCKET NO.
NOMI TECHNOLOGIES, INC.,)	
a corporation.)	
)	
)	

COMPLAINT

The Federal Trade Commission, having reason to believe that Nomi Technologies, Inc., a corporation, has violated the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Nomi Technologies, Inc. (“Nomi” or “respondent”) is a Delaware corporation with its principal office or place of business at 26 West 17th Street, 2nd Floor, New York, NY 10011.
2. The acts and practices of respondent as alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act.

RESPONDENT’S BUSINESS PRACTICES

3. Nomi uses mobile device tracking technology to provide analytics services to brick and mortar retailers through its “Listen” service. Nomi has been collecting information from consumers’ mobile devices to provide the Listen service since January 2013.
4. Nomi places sensors in its clients’ retail locations that detect the media access control (“MAC”) address broadcast by a mobile device when it searches for WiFi networks. A MAC address is a 12-digit identifier that is unique to a particular device. Alternatively, in some instances Nomi collects MAC addresses through its clients’ existing WiFi access points.

5. In addition to the MAC address, Nomi also collects the following information about each mobile device that comes within range of its sensors or its clients' WiFi access points:
 - A. the mobile device's signal strength;
 - B. the mobile device's manufacturer (derived from the MAC address);
 - C. the location of the sensor or WiFi access point observing the mobile device; and
 - D. the date and time the mobile device is observed.

- 6.

THEREFORE, the Federal Trade Commission this _____ day of _____, 2015,
has issued this complaint against respondent.

By the Commission.

Donald S. Clark
Secretary

SEAL: