

Insights



Ninth Circuit Reverses Dismissal of Privacy-Related Claims Against Facebook, Adopting Arguments in Amicus Brief by Kobre & Kim

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Kobre & Kim's Steven Perlstein was recently quoted by the *Daily Journal*, commenting on the decision by the Ninth Circuit Court of Appeals to reinstate a class claim against Facebook over the social network's profiting off users' personal data – an opinion with potentially far-reaching consequences in today's data-driven economy.

The court ruled that, because California state law recognizes a legal interest in unjustly earned profits, the plaintiffs sufficiently pled a claim to the earnings Facebook receives from selling their browsing histories to third party advertisers. The court essentially agreed with the amicus brief Kobre & Kim filed on behalf of professor Douglas Laycock of the University of Virginia School of Law.

In response to the ruling, Perlstein said that the decision is an important milestone for users' rights. "A company that uses your data and benefits from it can be sued if they violate your rights." He further explains, "The court's decision confirms that it is not necessary to show that a consumer was otherwise harmed or his or her property became less valuable."

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