

DC-23-09157

No. _____

X CORP.,	§	IN THE DISTRICT COURT OF
	§	
	§	
Plaintiff,	§	
	§	
	§	
VS.	§	DALLAS COUNTY, TEXAS
	§	
	§	14th
JOHN DOES 1-4,	§	
	§	
Defendants.	§	____ JUDICIAL DISTRICT

PLAINTIFF X CORP.’S ORIGINAL PETITION

Plaintiff X Corp. (“X Corp.” or “Plaintiff”) files this Petition against Defendants John Does 1-4 (“John Does” or “Defendants”), and respectfully states as follows:

I. DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends to conduct discovery under Discovery Control Plan Level 2 pursuant to Rule 190.3 of the Texas Rules of Civil Procedure.

II. PARTIES

2. Plaintiff X Corp. is a privately held corporation duly organized and existing under the laws of the State of Nevada with its principal place of business in California. X Corp. owns and operates the social media platform Twitter.

3. Defendant John Doe 1 is a person or entity associated with IP address 23.239.23.31.

4. Defendant John Doe 2 is a person or entity associated with IP address 194.195.210.128.

5. Defendant John Doe 3 is a person or entity associated with IP address 23.239.17.31.

PLAINTIFF’S ORIGINAL PETITION

6. Defendant John Doe 4 is a person or entity associated with IP address 23.239.20.149.

III. JURISDICTION AND VENUE

7. The amount in controversy exceeds this Court's minimum jurisdictional limits.

8. Pursuant to Rule 47 of the Texas Rules of Civil Procedure, X Corp. states that it seeks monetary relief of more than \$1,000,000.

9. On information and belief, John Does 1-4 have committed acts which have reasonably foreseeable consequences in Texas, including by contracting with entities that maintain data processing facilities in Dallas County, Texas through which Defendants have conducted the acts alleged herein, including, on information and belief, unlawfully scraping data associated with Texas residents. A substantial part of the events or activities giving rise to X Corp.'s claims therefore occurred in or are connected with Texas. Accordingly, this court has personal jurisdiction over Defendants and venue is proper in this court.

IV. FACTUAL BACKGROUND

A. X Corp.'s Social Media Platform

10. Plaintiff X Corp. owns and operates the social media platform Twitter, accessible through www.twitter.com and various mobile and online applications.

11. Twitter allows its millions of registered users to post and share content, including written comments, images, and videos, known as "Tweets," and to share, like and comment on other users' Tweets.

B. Unlawful Data Scraping

12. Scraping is a form of unauthorized data collection that uses automation and other processes to harvest data from a website or a mobile application.

13. Scraping interferes with the legitimate operation of websites and mobile applications, including Twitter, by placing millions of requests that tax the capacity of servers and impair the experience of actual users.

14. Twitter users have no control over how data-scraping companies repackage and sell their personal information.

15. To avoid detection, data scrapers deploy software and other technology to mask their identities and penetrate networks that would otherwise be private.

16. The technology used by data scrapers to send massive numbers of requests and to circumvent detection can make online platforms less stable and harm the experience of legitimate users.

17. To improve the user experience and safeguard its data from unauthorized access, X Corp. employs several measures to detect and disrupt entities from scraping its data.

18. In addition to strictly prohibiting data scraping in its Terms of Service, X Corp. employs several technological measures designed to detect and prevent unauthorized scraping.

19. Among other measures, in response to massive demands on X Corp.'s servers from extremely aggressive data-scrapers, X Corp. has instituted limits on how many Tweets each user could view in a given day. X Corp. has also limited access to Tweets for users who are not signed in to a registered Twitter account.

20. Despite X Corp.'s efforts, data scrapers continue to aggressively target and attempt to unlawfully scrape Twitter user data.

C. Defendants' Data Scraping Activities

21. John Does 1-4 are unknown persons or entities associated with particular Internet Protocol addresses ("IP addresses") that have engaged in widespread unlawful scraping of data from Twitter.

22. Recently, X Corp. identified particular IP addresses—including those belonging to Defendants—that were flooding Twitter's sign-up page with automated requests.

23. The volume of these requests far exceeded what any single individual could send to a server in a given period and clearly indicated that these automated requests were aimed at scraping data from Twitter.

24. These requests have severely taxed X Corp.'s servers and impaired the user experience for millions of X Corp.'s customers.

25. Data scraping companies profit off the innovation of companies like X Corp. while harming X Corp. and compromising user data.

26. By unlawfully scraping data, Defendants flagrantly ignore not only X Corp.'s Terms of Service, but also the privacy preferences of Twitter users.

27. X Corp. has been unable to ascertain the identity of John Does 1-4.

V. CAUSE OF ACTION

A. Claim for Unjust Enrichment

28. X Corp. repeats and realleges the allegations set forth in the preceding paragraphs as though set forth in full herein.

29. Defendants' acts as alleged herein constitute unjust enrichment of Defendant at X Corp.'s expense.

30. Defendants used X Corp.'s service, platform, and computer network without authorization to scrape data from the Twitter platform.

31. Defendants receive benefits in the form of profits from their unauthorized scraping of Twitter data.

32. Defendants' retention of the profits derived from their unauthorized scraping of data would be unjust.

33. Defendants' conduct has damaged X Corp., including but not limited to hampering the user experience for authentic Twitter users and customers, in addition to the time and money spent investigating and mitigating Defendants' unlawful conduct.

34. X Corp. seeks actual damages from Defendants' unlawful activities, an accounting, and disgorgement of Defendants' profits in an amount to be determined at trial.

PRAYER

WHEREFORE, Plaintiff X Corp. prays as follows:

- (1) that the Court enter judgment against Defendants for compensatory damages;
- (2) that Plaintiff be awarded its court costs and attorneys' fees;
- (3) that Plaintiff be awarded pre- and post-judgment interest at the maximum rate allowed; and
- (4) that the Court award Plaintiff all such other relief, at law and in equity, to which it may be entitled.

Respectfully submitted,

HAYNES AND BOONE, L.L.P.

/s/ David H. Harper

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