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16 SUPERIOR COURT OF THE STATE OF CALIFORNIA

17 COUNTY OF ALAMEDA

18 CHRISTINE MARTINEZ, an Individual,  
19 Plaintiff,

20 vs.

21 PINTEREST, INC., a Delaware  
22 corporation, registered in the State of  
23 California; BEN SILBERMANN, an  
24 Individual; and PAUL SCIARRA, an  
25 Individual,

26 Defendants.

ENDORSED  
FILED  
ALAMEDA COUNTY

SEP 13 2021

CLERK OF THE SUPERIOR COURT

By GINA FU Deputy

Case No. **RG21112456**

**COMPLAINT AND JURY DEMAND**

1. **BREACH OF IMPLIED CONTRACT**
2. **BREACH OF IMPLIED CONTRACT (IDEA THEFT)**
3. **UNJUST ENRICHMENT**
4. **CONVERSION**
5. **UNFAIR BUSINESS PRACTICES (CAL. BUS. & PROF. C. § 17200, ET SEQ.)**

COPY

1 For her Complaint against Defendants, PINTEREST, INC., BEN SILBERMANN, and  
2 PAUL SCIARRA, Plaintiff Christine Martinez alleges:

3 **INTRODUCTION**

4 1. Plaintiff Christine Martinez, a creative director, digital marketing and social media  
5 trendsetter, had a vision. She conceived of a social media platform where users would create  
6 visual narratives that inspire themselves and others, where these visual expressions could be  
7 organized in ways that express each user’s individuality and style, and where users could take  
8 action—buying a product, planning a trip, renovating a home—based on the inspiration they  
9 found there. She shared these ideas with two men, Defendants Ben Silberman and Paul Sciarra,  
10 who were struggling at that time to salvage a failed shopping app, and showed them how to put  
11 her ideas into practice. Silberman and Sciarra were so grateful for Plaintiff’s co-founding  
12 contributions that they embedded Plaintiff’s name into the source code for the resulting platform,  
13 called “Pinterest.”

14 2. Once Silberman and Sciarra implemented Plaintiff’s ideas, she helped them sell  
15 the platform to others. She created a first of its kind digital marketing strategy that exploded  
16 demand for the platform by enlisting influential bloggers to sign up as early adopters and recruit  
17 the platform’s target audience, mainly women. It worked. Millions, then tens of millions, then  
18 hundreds of millions of people became “Pinner.”

19 3. The day Pinterest’s shares started trading on the New York Stock Exchange should  
20 have been an extraordinary day for Plaintiff, as well as Defendants. Pinterest generated over \$14  
21 billion in equity on that day. As one of Pinterest’s co-creators, Plaintiff should have been  
22 recognized for her accomplishment and should have participated in the extraordinary value her  
23 ideas and extensive efforts had generated.

24 4. But instead, Plaintiff received no recognition of any kind. Rather, Defendants  
25 maintained that three men—Silberman, Sciarra and computer engineer, Evan Sharp—none of  
26 whom had any prior creative or marketing experience, had developed on their own the woman-  
27 centered, design and décor focused platform that is Pinterest. They divided up among themselves  
28 \$2 billion of the \$14 billion in equity value that Pinterest generated the day it went public, and

1 never paid Plaintiff a single dollar. They erased Plaintiff from the history of Pinterest's creation.

2 5. The reason Defendants betrayed Plaintiff has since become evident. They took for  
3 themselves all the credit for creating Pinterest, and denied Plaintiff any share in the value her  
4 ideas created, simply because they thought they could. Their wrongful actions are contrary to  
5 California law. Defendants are obligated to recognize Plaintiff's role by paying her a share of the  
6 value that her ideas generated when Pinterest went public.

7 6. This case will tell the real story of how Pinterest was created. At Pinterest's  
8 inception, Plaintiff set forth its vision and value proposition, and developed and implemented a  
9 first of its kind grassroots digital marketing strategy. Plaintiff provided the creative and strategic  
10 direction that got Pinterest off the ground, and fueled the exponential user growth that made  
11 Pinterest what it is today. Defendants' failure to recognize Plaintiff's contributions, and their true  
12 motivations for not doing so, are also part of Pinterest's real story.

### 13 **PARTIES**

14 7. At all relevant times, Plaintiff Christine Martinez has been a resident of Oakland,  
15 California. There, she co-created Pinterest. Plaintiff has worked as a social media influencer  
16 partner, creative director, and storyteller for various brands and companies.

17 8. Upon information and belief, Defendant Pinterest is a Delaware corporation,  
18 registered in the State of California, whose primary place of business is the City and County of  
19 San Francisco, California.

20 9. Upon information and belief, at all times herein mentioned, Defendant Ben  
21 Silbermann (hereinafter "Silbermann") was and is a resident living in the State of California. He  
22 is a named co-founder of Pinterest and currently serves as its Chief Executive Officer. In  
23 addition, upon information and belief, at relevant times, he exercised significant voting power  
24 over the company.

25 10. Upon information and belief, at all times herein mentioned, Defendant Paul Sciarra  
26 (hereinafter "Sciarra") was and is a resident living in the State of California. He is a named co-  
27 founder of Pinterest, was Pinterest's first Chief Executive Officer and subsequently served as  
28 Pinterest's Chief Financial Officer. In addition, upon information and belief, at relevant times, he

exercised significant voting power over the company.

11. Each Defendant controlled or had the opportunity to control the allocation of shares and the distribution and use of proceeds in connection with the IPO (defined below).

### **JURISDICTION AND VENUE**

12. The Court has personal jurisdiction over the Defendants because they are residents of the State of California and/or doing business in the State of California and/or were officers or directors at all relevant times while Pinterest conducted business in the State of California.

13. Venue is proper in this judicial district pursuant to California Code of Civil Procedure § 395(a) because a substantial part of the conduct, events, and omissions giving rise to the violations of law brought with this lawsuit occurred in the County of Alameda, State of California.

### **FACTS**

#### ***Pinterest Relies Upon Plaintiff's Ideas to Go Public***

14. Pinterest is a visual bookmarking tool, social media platform and online marketplace rolled into one. Hundreds of millions of individual users, “Pinners,” create and share collections of individual images, or “Pins,” by placing them onto “Pinboards” that are organized according to individual Pinners’ tastes, interests and ideas. The Pinboards are used to inspire the Pinners and their followers to take action—like preparing a meal, planning a vacation, furnishing a room or renovating a home—making the platform a hit with advertisers as well as Pinners.

15. In its securities filings relating to its Initial Public Offering (“IPO”), Pinterest touted the same elements of the Pinterest platform that have made it a success with 250 million users. Pinterest called these elements the “Value Proposition for Pinners”:

**Visual Experience.** People often don’t have the words to describe what they want, but they know it when they see it. ***This is why we made Pinterest a visual experience. Images and video can communicate concepts that are impossible to describe with words.*** We believe that Pinterest is the best place on the web ***for people to get visual inspiration*** at scale. . . . (emphasis added)

**Human Curation and Personalization.** ***Pinterest is a curated environment.*** The vast majority of Pins have been handpicked, saved and organized over the years by hundreds of millions of Pinners creating billions of boards; they are not the result of web crawling or indexing. . . . We believe we can better predict what content will be helpful and relevant because ***Pinners tell us how they organize ideas.*** . . . Eighty-two percent of Pinners say Pinterest feels personalized to them,

1 according to a survey of weekly active users by Talk Shoppe. (emphasis added)

2 **Designed for Action.** People use Pinterest to visualize what their future could  
3 look like and make their dreams a reality. Eighty-five percent of Pinners say that  
4 they go to Pinterest to start a new project, according to a Talk Shoppe survey. Our  
5 goal is for each Pin to link back to a useful source—everything from a product to  
6 buy, ingredients for a recipe or instructions [to] build a project. We have built  
7 features that *encourage Pinners to take action on ideas they see* on Pinterest,  
8 with a special focus on making it easy for people to purchase products they  
9 discover on our service. (emphasis added)

10 16. These core organizing concepts—visual experience for inspiration, curation and  
11 personalization, and call to action—appeared again and again throughout Pinterest’s securities  
12 filings, because Pinterest knew that they are the features that make Pinterest valuable not only to  
13 Pinners and advertisers, but also to investors. They are the concepts that make Pinterest what it is.  
14 It would not exist without them. And, as the securities filings make clear, Pinterest’s core  
15 organizing concepts did not exist in any previous social media platform. Pinterest was the first to  
16 offer them.

17 17. Pinterest set the price at which shares would be sold in its initial public offering at  
18 \$19 per share. As a result of selling 75 million shares, Pinterest had raised approximately \$1.4  
19 billion and had a valuation of roughly \$12.7 billion.

20 18. Based on the price of \$19 per share, the IPO handsomely rewarded the three men  
21 whom its securities filings identified as “co-founders” of the company: Silbermann, Sciarra, and  
22 Sharp. They were awarded, respectively, 51 million shares, or over 11% of the company; 42  
23 million shares, or 9% of the company; and 9.5 million shares, or 2% of the company. This meant  
24 that at the \$19 per share IPO price, Silbermann’s, Sciarra’s and Sharp’s shares immediately  
25 became worth \$981 million, \$806 million and \$181 million, respectively.

26 19. On the company’s first day trading on the New York Stock Exchange, Pinterest’s  
27 shares (under the PINS stock symbol) opened 25% higher at \$23.75.

28 20. By the end of the first day of trading that first day, the company’s valuation arose  
to more than \$14 billion. The value of Silbermann’s, Sciarra’s and Sharp’s shares increased to  
roughly \$1.29 billion, \$1 billion and \$226 million, respectively.

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1           21.     Pinterest has been strikingly silent, at least officially, about what Silbermann,  
2     Sciarra and Sharp did to deserve their extraordinarily valuable equity interests. Beyond  
3     identifying them as “co-founders,” Pinterest’s securities filings and public statements say little  
4     about what their founding roles were. In particular, Pinterest does not attribute to any of them the  
5     creation of the core organizing concepts on which Pinterest is based.

6           22.     Pinterest’s reluctance to attribute to Silbermann, Sciarra and Sharp the elements of  
7     Pinterest that made it a runaway success is not surprising. Those elements reflect creative  
8     direction, product marketing, networking and sales insights that were not within any of their areas  
9     of expertise. Silbermann’s expertise was as a technologist; Sciarra’s was finance; Sharp’s was  
10    computer programming.

11          23.     Nor did any of them have any deep personal familiarity with the goals, motivations  
12    and preferences of Pinterest’s largest group of users: women. According to Pinterest, women  
13    represent more than two-thirds of all Pinners. Women’s interests, such as style, design and home  
14    décor, are a major driver of Pinterest’s advertising revenue.

15          24.     So how was it that the three men Pinterest credits as its “co-founders” conceived  
16    of and executed on the core organizing concepts that made Pinterest the incredible success that it  
17    is, particularly among women? The answer is, *they* didn’t. *She* did.

18    ***Christine Martinez Co-Created Pinterest with Silbermann and Sciarra***

19          25.     Plaintiff is a creative director and storyteller who has provided social media  
20    strategic direction to marquee brands, such as: Banana Republic, Cole Haan, Home Shopping  
21    Network, Uniqlo, Target, and Petco. During her career, she has served as the Creative Director of  
22    Luvocracy, a social commerce platform, and has held a number of roles with Walmart, including  
23    Principal Product Strategist for @WalmartLabs and Walmart's first ever Director of Curation and  
24    Storytelling.

25          26.     In addition, Plaintiff started and led an acclaimed e-commerce boutique, LAMA,  
26    which stood for Latin America in the Modern Age. LAMA specialized in home décor and gift  
27    items from independent Latinx designers. Plaintiff, through running LAMA and through roles  
28    earlier in her career, developed numerous connections in the female-focused marketing, social

1 media and blogging communities.

2 27. Silberman and Plaintiff's now-husband, Fred Loya, resided in the same  
3 residential college while students at Yale University. Through Loya, Plaintiff met Silberman and  
4 ultimately developed a friendship and close working relationship with him.

5 28. Familiar with Plaintiff's expertise in creative direction and women-focused social  
6 marketing, Silberman sought Plaintiff's assistance in developing what started as an e-commerce  
7 phone app. He also sought assistance in this project from Sciarra, another former Yale classmate  
8 who had gone into finance.

9 29. At Silberman's and Sciarra's request, Plaintiff agreed to help them, supplying the  
10 creative direction, product marketing and digital networking know-how that they lacked. Plaintiff  
11 considered Silberman and, later, Sciarra, to be her close friends, but nonetheless made clear at  
12 the outset of these discussions that she expected to be compensated. Aware of that expectation,  
13 Silberman and Sciarra continued to request Plaintiff's assistance in a wide variety of areas  
14 relating to the product direction and marketing of the app.

15 30. Silberman's and Sciarra's initial efforts had been unsuccessful. Their product was  
16 deficient in a number of ways. Further, they had not identified the proper audience, generally  
17 lacked a marketing strategy, and were experiencing difficulty obtaining the cooperation of  
18 retailers. Plaintiff identified these problems and provided Silberman, and then Sciarra, with a  
19 strategic direction for creating a better product. Silberman, and in particular Sciarra, seriously  
20 considered abandoning the project. Plaintiff convinced them that her ideas combined with their  
21 areas of expertise would result in a game-changing product, and she facilitated continued efforts  
22 to that end.

23 31. Silberman and Sciarra increasingly turned to Plaintiff for her guidance on  
24 strategic direction, product development and digital marketing, and requested from her extensive  
25 efforts on their behalf. She delivered. Plaintiff persuaded Silberman and Sciarra to incorporate  
26 several key ideas and initiatives into a new platform.

27 32. *First*, Plaintiff set the vision for the platform as a visual bookmarking tool that  
28 enables users to create inspiration for themselves and for others. Plaintiff showed Silberman and

1 Sciarra that a visual narrative can be a more direct and honest means of communication than  
2 words. She explained that all of us, and particularly women, want to see what inspires others, and  
3 that doing so enables us to develop, recognize and become inspired by our own sense of style.  
4 Plaintiff highlighted how one of the features of Silbermann’s and Sciarra’s most recently failed  
5 effort—which allowed users to “heart” their favorite products across a variety of retailers—could  
6 be used to create this visual narrative.

7 33. *Second*, Plaintiff developed the core idea that the platform should enable users not  
8 just to display individual images but to organize multiple images into personally curated  
9 collections of images on “boards.” Her experience was that groups of images, and the way people  
10 organize groups of images, enables them to create a deeper and more personalized expression of  
11 their style and interests. To facilitate users’ exploration of images and curation of boards, Plaintiff  
12 also established Pinterest’s core image and product categories—home décor, fashion,  
13 “wordspiration”, do it yourself, pets and travel.

14 34. *Third*, Plaintiff conceived of the core concept that the platform should provide a  
15 means of enabling users to take action based on the images and styles that inspire them.  
16 Specifically, she highlighted the need to make on-line shopping available as part of the platform.  
17 She also created Pinterest’s “call to action” phrase—“Pin It”—that was the name of the  
18 “bookmarklet” that enabled users to pin products on the platform and also served as the site’s  
19 initial hover state when users opened the site.

20 35. In sum, all of Pinterest’s core organizing concepts—the very same concepts  
21 highlighted in its IPO securities filings as its “value proposition”—were based on Plaintiff’s ideas  
22 and initiatives.

23 36. Plaintiff not only conceived of those ideas, but she put them into practice. Plaintiff  
24 gave Silbermann and Sciarra hundreds if not thousands of hours of feedback from the perspective  
25 of both a creator and a “power user” of the platform, leading to detailed modifications,  
26 refinements and enhancements, and implementation of the core organizing concepts Plaintiff  
27 developed.

28 ///



1           37.     Based on Plaintiff's in-depth knowledge and understanding of the platform, she  
2 also developed Pinterest's grassroots, influencer-based marketing strategy, relying on leading  
3 female-focused design and lifestyle bloggers in her professional network, and otherwise unknown  
4 to Silbermann and Sciarra, to sign up as early adopters of Pinterest who would spread the word  
5 about the platform. The strategy worked.

6           38.     Pinterest obtained its initial financing as a direct result of those bloggers' use of  
7 and commentary about the product. The marketing strategy that Plaintiff developed is one of the  
8 earliest examples of influencer marketing to facilitate expansion of a social media platform, and  
9 was the primary reason why Pinterest became the fastest growing social media site in history.

10          39.     In furtherance of the marketing strategy, Plaintiff also personally promoted  
11 Pinterest to the market. For example, she touted the product on Good Morning America, and  
12 participated in Pinterest profile pieces in the New York Times, the Wall Street Journal, Mashable,  
13 Refinery29, InStyle Magazine, and Women's Wear Daily. Based on her knowledge and  
14 development of the platform, she wrote *The Complete Idiots Guide to Pinterest Marketing* and, in  
15 consultation with Silbermann and Sciarra, developed an in-person and digital class designed to  
16 teach brands such as Williams Sonoma and Pottery Barn Kids how to use the Pinterest platform  
17 for both visual brand storytelling efforts as well as marketing. All of these promotions benefitted  
18 Pinterest by elevating its brand and user base.

19          40.     Plaintiff has earned recognition as one of the most influential pinners on Pinterest  
20 with over five million followers, and has been named a top pinner by publications including  
21 Business Insider and CNN Español.

22          41.     By creating Pinterest's key organizing concepts, developing and implementing its  
23 marketing strategy, and promoting the platform publicly, Plaintiff turned Pinterest from a  
24 rudderless concept that Silbermann and Sciarra almost abandoned in its nascency into one of the  
25 most important social media platforms on the web today.

26          42.     Silbermann and Sciarra called on Plaintiff time and time again at critical points in  
27 the creation process to help them around stumbling blocks, to provide them creative direction,  
28 and to act as their chief point of contact with their "power pinners" who would then pass along

1 information to the community of bloggers whom those users follow.

2 43. And Silbermann and Sciarra repeatedly acknowledged Plaintiff as a co-creator and  
3 partner critical to the establishment of Pinterest. Compelled to assure her of this, they named an  
4 entire section of the platform's computer source code after Plaintiff. They literally hard-wired  
5 Plaintiff's name into the computer DNA that enabled the Pinterest platform to operate and to  
6 grow.

7 44. Plaintiff was not a Pinterest employee. This, too, reflected the special role she  
8 played not just in the creation and marketing of the company, but also in Silbermann's and  
9 Sciarra's personal lives. Plaintiff had not only conceived of the core ideas they needed to make  
10 Pinterest a hit, she also had helped both of them through their own personal demons and  
11 difficulties—including conflicts with one another—that could have derailed the project. As a  
12 close friend and co-creator of the platform, she was their partner.

13 45. Plaintiff would not have continued co-creating the platform or executing the  
14 growth strategy she developed if Silbermann and Sciarra had told her that they did not intend to  
15 compensate her. Plaintiff was not asked to execute any formal documentation cementing their  
16 relationship. Nor would she have been expected to. Despite her extensive experience in the world  
17 of design, digital and social media marketing, Plaintiff knew little about the business side of a  
18 well-financed tech start-up. But Plaintiff, Silbermann and Sciarra had a long-standing relationship  
19 of mutual trust and confidence. She had no doubt that they would deliver on their commitment to  
20 recognize her role in Pinterest's creation. Plaintiff knew they would treat her fairly.

21 46. Her understanding of how this worked was pretty simple, based on her layperson's  
22 sense of how it had worked with other tech social media start-ups once they finally made it big. If  
23 and when the ideas she conceived of had not only inspired the passions of millions of users, but  
24 also had passed the rigorous test of acceptance by pocketbooks of the investing public, she would  
25 share in the value that her efforts had generated, just as Silbermann and Sciarra would.  
26 Silbermann and Sciarra understood this was her expectation when they solicited and accepted  
27 Plaintiff's game-changing contributions to Pinterest's formation.

28 ///

1     ***Defendants Erase their Co-Founder***

2           47.     This was not Plaintiff's expectation alone. Close followers of Pinterest expected  
3     the same. After Pinterest announced its IPO, people knowledgeable in the industry—aware of  
4     Plaintiff's critical role in Pinterest's creation—congratulated her.

5           48.     Plaintiff was excited, too. Until that point, her extraordinary efforts on behalf of  
6     Defendants had generated only modest economic benefits. She was a creative director and digital  
7     marketing and social media expert, but, as is true of so many in these fields, her talent and hard  
8     work had yet to generate substantial income. Indeed, during the time during which Plaintiff made  
9     her co-founding contributions to Pinterest, she often relied on loans from her parents just to get  
10    by.

11          49.     Yet as time passed following the announcement of Pinterest's IPO, Plaintiff  
12    became anxious. She had not heard anything from Silbermann or Sciarra.

13          50.     On the IPO date, Plaintiff's anxiety turned to devastation. Defendants said not a  
14    single word about her role in the creation of Pinterest, and did not share with her any part of the  
15    extraordinary financial windfall Defendants realized that day as a result of her ideas and efforts.  
16    Plaintiff had been erased from the company's history.

17          51.     It gradually became clear that what Plaintiff thought had been Silbermann's and  
18    Sciarra's recognition of her role as a co-creator of Pinterest had been something else entirely. It  
19    had been nothing more than an attempt to trade on her friendship, by exploiting her creativity and  
20    marketing and social media expertise while depriving her of the credit and financial reward that  
21    was her due once Pinterest prospered.

22          52.     But why? The returns that Plaintiff's ideas had created for Defendants left ample  
23    room for them to recognize Plaintiff. Evan Sharp, who had no role in the literal founding of  
24    Pinterest, had been granted a 2% share that translated into more than \$200 million in equity value  
25    the day of the IPO.

26          53.     The reasons Plaintiff was deprived of her rightful share in Pinterest's financial  
27    success have since become evident. Pinterest and its management have a bias problem. Their  
28    reputation for failing to credit contributions by women and minorities has generated widespread

criticism, including litigation by Pinterest’s own shareholders.

54. Defendants denied Plaintiff her share of the value she deserved for creating Pinterest simply because they thought they could. Plaintiff has filed this case to prove them wrong.

### **FIRST CAUSE OF ACTION**

#### **(Breach of Implied Contract – Against All Defendants)**

55. Plaintiff incorporates by reference and re-alleges paragraphs 1 through 54 herein as if fully set forth and alleged herein.

56. Plaintiff and Defendants entered into a contract, the existence and terms of which were manifested by the parties’ conduct.

57. Pursuant to such contract, Plaintiff provided Defendants with ideas that were core to the creation of Pinterest, including the idea of a social media platform where users could create visual narratives that inspire themselves and others, where these visual expressions could be organized in ways that express each user’s individuality and style, and where users could take action based on the inspiration they found there. Plaintiff further provided Defendants with product ideas and marketing strategy to execute her larger vision.

58. Plaintiff made clear to Defendants that in exchange for her ideas and efforts in co-creating Pinterest, they must compensate her if and when Pinterest profited from those ideas and efforts.

59. Defendants demonstrated their agreement to such contract by soliciting and accepting her ideas, and repeatedly returning to her for advice and assistance over a multi-year period.

60. Defendants further demonstrated their acceptance of Plaintiff’s offer by using her core organizing concepts—visual experience, human curation and personalization, and designed for action—that Pinterest described in its securities filings as its “value proposition,” for the purpose of selling Pinterest shares in the IPO.

61. Plaintiff performed all conditions, covenants and promises required on her part to be performed in accordance with the terms and conditions of the contract.

62. Defendants have breached the contract as described above, through their failure to pay her an appropriate share of the value that her contributions generated for Pinterest following its IPO.

63. Plaintiff detrimentally relied on the implied contract between herself and Defendants by making all of the contributions to Pinterest described above.

64. As a direct and proximate result of Defendants' breach of contract, Plaintiff suffered damages in an amount to be proven at trial.

## SECOND CAUSE OF ACTION

**(Breach of Implied Contract / Idea Theft – Against All Defendants)**

65. Plaintiff incorporates by reference and re-alleges paragraphs 1 through 64 herein as if fully set forth and alleged herein.

66. Plaintiff provided Defendants with the ideas that were core to the creation of Pinterest, including the idea of a social media platform where users could create visual narratives that inspire themselves and others, where these visual expressions could be organized in ways that express each user's individuality and style, and where users could take action based on the inspiration they found there. Plaintiff further provided Defendants with product ideas and marketing strategy to execute her larger vision.

67. Plaintiff made clear through her words and actions that Defendants must pay her for her product ideas and marketing strategy if and when Pinterest profited from those ideas, and this was a condition of her providing Defendants with her product ideas and marketing strategy.

68. Defendants' acceptance and use of Plaintiff's ideas and other contributions described above gave rise to an implied contract requiring Defendants to compensate Plaintiff for those ideas if and when Pinterest profited from them.

69. In breach of such implied contract, Defendants used Plaintiff's ideas, including for the purpose of selling Pinterest shares in the IPO, and did not provide her with compensation of any kind after Pinterest profited from them.

70. As a direct and proximate result of Defendants' breach of contract, Plaintiff suffered damages in an amount to be proven at trial.

1 **THIRD CAUSE OF ACTION**

2 **(Unjust Enrichment – Against All Defendants)**

3 71. Plaintiff incorporates by reference and re-alleges paragraphs 1 through 70 herein  
4 as if fully set forth and alleged herein.

5 72. To the extent that any Defendant contends that no valid and enforceable contract  
6 exists, Plaintiff seeks, in the alternative, recovery in quantum meruit.

7 73. Plaintiff provided Defendants with the ideas that were core to the creation of  
8 Pinterest, including the idea of a social media platform where users could create visual narratives  
9 that inspire themselves and others, where these visual expressions could be organized in ways that  
10 express each user's individuality and style, and where users could take action based on the  
11 inspiration they found there. Plaintiff further provided Defendants with product ideas and  
12 marketing strategy to execute her larger vision.

13 74. Defendants have received enormous economic benefits from Plaintiff's ideas and  
14 co-founding contributions, including by using them to create billions of dollars in equity value  
15 through Pinterest's IPO.

16 75. Defendants knew or reasonably should have known that Plaintiff expected to be  
17 compensated for these ideas and co-creating contributions if and when Pinterest profited from  
18 them.

19 76. Despite profiting from Plaintiff's ideas and contributions by using them to sell  
20 Pinterest's stock in the IPO, Defendants failed to provide Plaintiff compensation of any kind.

21 77. Defendants have unjustly retained the value of Plaintiff's ideas and performance  
22 through false promises made to Plaintiff. Plaintiff reasonably relied on these promises made by  
23 Defendants.

24 78. Defendants would be unjustly enriched if Defendants were and are allowed to  
25 avoid payment to Plaintiff for her ideas and other contributions to the creation of Pinterest that  
26 made it profitable.

27 79. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered  
28 damages and requests damages and/or restitution of all monies and profits to be disgorged from

1 Defendants in an amount according to proof at time of trial.

2 **FOURTH CAUSE OF ACTION**

3 **(Conversion – Against All Defendants)**

4 80. Plaintiff incorporates by reference and re-alleges paragraphs 1 through 79 herein  
5 as if fully set forth and alleged herein.

6 81. Plaintiff had an ownership interest in Pinterest.

7 82. Defendants unlawfully converted Plaintiff's ownership interest by conducting the  
8 IPO without Plaintiff's knowledge or consent and/or without awarding her shares commensurate  
9 with her co-creator role.

10 83. As a direct and proximate result of Defendants' conduct, Plaintiff has actually  
11 suffered and will continue to suffer damages in an amount to be proven at trial.

12 84. The aforementioned acts were willful, wanton, malicious, and oppressive and were  
13 undertaken with the intent to injure Plaintiff, and justify the awarding to Plaintiff of exemplary or  
14 punitive damages.

15 85. Plaintiff is entitled to an award of punitive and exemplary damages in a sum  
16 according to proof because of Defendants' malice and by reason of their fraud as alleged herein  
17 by incorporation.

18 **FIFTH CAUSE OF ACTION**

19 **(Unfair Business Practices – Against All Defendants)**

20 86. Plaintiff incorporates by reference and re-alleges paragraphs 1 through 85 herein  
21 as if fully set forth and alleged herein.

22 87. California Business and Professions Code §§ 1700, et seq. (the "Unfair  
23 Competition Law") prohibits business practices that are unfair, unlawful and/or fraudulent.

24 88. Defendants violated California's Unfair Competition Law by breaching their  
25 contract, converting Plaintiff's property, and engaging in the otherwise unlawful and unfair  
26 conduct toward Plaintiff described above.

27 89. Defendants should be compelled to restore to Plaintiff all monies that they have  
28 obtained in violation of Cal. Bus. & Prof. Code sections 17200, et seq. where, as here, "the

necessity and financial burden of private enforcement . . . are such as to make the reward appropriate.” Code Civ. Proc. §1021.5

**JURY DEMAND AND PRAYER FOR RELIEF**

Plaintiff hereby requests a trial by jury on all triable issues.

WHEREFORE, Plaintiff prays judgment as follows:

1. For judgment against Defendants on all claims asserted herein;
2. For compensatory and punitive damages against Defendants according to proof;
3. For an accounting of funds owed by Defendants to Plaintiff;
4. For disgorgement of the benefits unjustly retained by Defendants;
5. For costs of suit, including such attorneys’ fees as may be allowed by law; and
6. For such other, further, or different relief as the Court may deem proper.

Dated: September 13, 2021

Respectfully,

HOGAN LOVELLS US LLP

By: 

Paul B. Salvaty  
Courtney Devon Taylor

*Attorneys for Plaintiff*  
Christine Martinez