

Match.com Accused in Lawsuit of Misleading Consumers

By Sophia Pearson

June 9 (Bloomberg) -- **Match.com LLC** was sued by a New York resident over claims the online-dating Web site owned by **IAC/InterActiveCorp** misleads consumers about potential matches with inactive members.

Match.com lumps together profiles of current subscribers and canceled members and displays them as if they are the same, according to the complaint filed today by Sean McGinn in federal court in Manhattan. Most of the profiles are for people who canceled their memberships or never subscribed, McGinn said.

"Match defrauds the consumer of his/her time and personal investment every time a person pays Match's subscription fee and writes to a member who won't have the ability to read what they wrote or see their profile," lawyers for McGinn said in the filing.

The complaint is without merit and Match.com plans to defend it, spokesman John Walls said in an e-mailed statement.

"Match.com is the first and one of the largest global online communities for singles looking to start a meaningful relationship," Walls said. "We stand behind our product 100 percent."

Match.com, started in April 1995, has members in 24 countries and territories, the Dallas-based company said on its Web site. The site claims to give subscribers the "tools they need to help take the lottery out of love." Instead, the company "intentionally" conceals the fact that it doesn't deliver e-mails from current subscribers to a canceled member, according to the complaint.

Class Action Sought

"When a subscriber cancels their subscription, their profile continues to appear to be that of an active subscriber," according to the complaint. "Nothing indicates to the viewer their limited access to read e-mails or respond to them."

McGinn is seeking class-action, or group, status to represent all Match.com members and asking for at least \$5 million in damages. Match has had more than 100 million members since 2000 and 15 million current members, the company said on its Web site. Subscription rates range from \$34.99 for a one-month subscription to \$16.99 a month for six months.

"Sean McGinn is the perfect example of the person who is really attractive, extremely eligible and gainfully employed," McGinn's attorney Norah Hart, with Treuhaft & Zakarin LLP in New York, said today in a phone interview. "He's writing to people and hears nothing back from them. Is that because they're not interested? That's highly unlikely."

Match.com should tell subscribers their e-mails aren't being delivered, Hart said. The company should also tell members it's using their e-mails to "induce other people to subscribe," Hart said.

IAC, the New York-based Web-site owner led by Chairman and Chief Executive Officer **Barry Diller**, rose 31 cents to \$16.52 at 3:23 p.m. New York time in Nasdaq Stock Market trading. The shares have gained 5 percent this year.

The case is Sean McGinn v. Match.com LLP, 09-5328, U.S. District Court, Southern District of New York (Manhattan)

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