

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

AKOLOUTHEO, LLC,

Plaintiff,

v.

INTUIT INC.,

Defendant.

CIVIL ACTION NO.: 4:18-cv-_____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

1. This is an action under the patent laws of the United States, Title 35 of the United States Code, for patent infringement in which Akoloutheo, LLC (“Akoloutheo” or “Plaintiff”), makes the following allegations against Intuit Inc. (“Intuit” or “Defendant”).

PARTIES

2. Akoloutheo is a Texas limited liability company, having its primary office at 15139 Woodbluff Dr., Frisco, Texas 75035. Plaintiff’s owner and sole operator is Rochelle T. Burns.

3. Defendant is a Delaware corporation having a principal place of business at 2700 Coast Avenue, Mountain View, CA 94043. Defendant also operates a regional office complex located at 5601 Headquarters Drive, Plano, Texas 75024. Intuit’s Registered Agent for service of process in Texas is the Prentice-Hall Corporation System, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this district under 28 U.S.C. §§ 1391(c), generally, and under 1400(b), specifically. Plaintiff’s principal business location is within this district. Defendant has

a regular and established place of business in this district, and has committed acts of patent infringement in this district.

6. Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to their substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

7. Defendant operates a regional office complex at 5601 Headquarters Drive in Plano, Texas:



The office building has Intuit's name in signage outside of the building, and Intuit occupies the entire building.

8. Defendant has infringed by transacting and conducting business within the Eastern District of Texas. Operations at Defendant's Plano location include sales, marketing, development, implementation and/or operation of Intuit's ProConnect Tax Online, ProSeries and Lacerte software products.

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Product Manager, Customer Experience

00129923

Locations:

Plano, Texas

Description

Come join Intuit's ProConnect Care's Digital Innovation team as a Senior Product Manager-Customer Experience. We are an intensely passionate group with a need for action and an expectation that we all are solving for awesome End-to-End customer experiences. We're looking for a Senior Product Manager who is customer-centric, data-driven, highly communicative and excited to lead us into the next generation of personalization for self-help experiences! This is a great opportunity for someone to drive game-changing innovation, flex their data muscles and collaborate broadly to deliver results! The ideal candidates will have a strong product management background, proven innovation skills, the ability to be a catalyst for change in a matrixed environment, and experience with customer-facing products and experiences. We are looking for a high performing, creative problem solver with a passion for transformative innovation and a track record for delivering quality and timely results.

Responsibilities:

- Evaluate and bring to market personalized experiences within the self-help experience to maximize customer engagement
- Identify and test data signals (customer and product) that will enable transformation improvements
- Develop personalization roadmap and prioritize it
- Partner with key stakeholders and lead cross-functional initiatives
- Define MVP experiences and quickly learn and iterate
- Determine success metrics, and partner on dashboard
- Envision the future state for Intuit's self-help experience
- Deliver business outcomes on time with high quality with Intuit's architecture principles

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Account Manager 1, Inside Sales

00131610

Locations:

Plano, Texas

Description

Come join the ProConnect Group as a Territory Account Consultant.

The ProConnect Group (PCG) is searching for an account manager to manage our high value clients that utilize our Flagship Tax Products (Lacerte, ProSeries, ProConnect Tax Online) and Accounting solutions. You will work with multi-service accounting firms to retain their business and drive growth through adoption of new products to the existing customer's portfolio of PCG products and accounting products that they currently use.

Responsibilities

- Works directly with customers to collect information, sell additional products and services to current customers, and ensure customers' needs are met
- Achieve high penetration in contacts with consultative conversations that leverage strategic questions
- Excellent communication and presentation skills to present strategy of PCG and execution of business reviews with accounts
- Develop proficiency and knowledge of Intuit's products and solutions with the ability to clearly communicate appropriate recommendations to address customer needs
- Renew existing business and grow share of wallet with add on products
- Fully understand the client workflow and make recommendations based on the clients' needs
- Pursue sales in an Action-Oriented manner
- Close sales with risk-adverse prospects
- Share best practices for sales calls with your colleagues

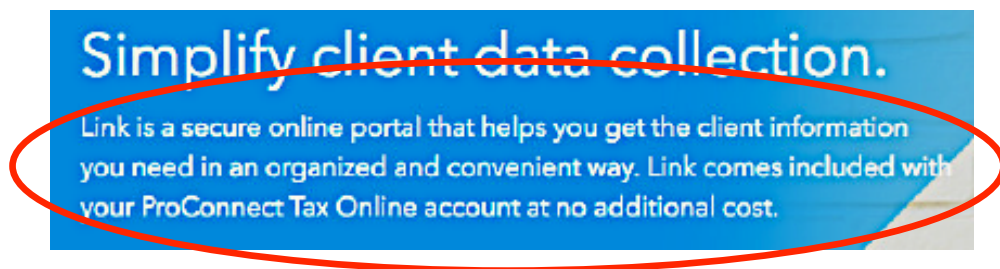
9. Defendant's regional office complex in Plano, Texas is a regular and established place of business in this District, and Defendant has committed acts of infringement (as detailed hereinafter) at that regional office complex within this District. Venue is therefore proper in this District under 28 U.S.C. § 1400(b).

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,426,730

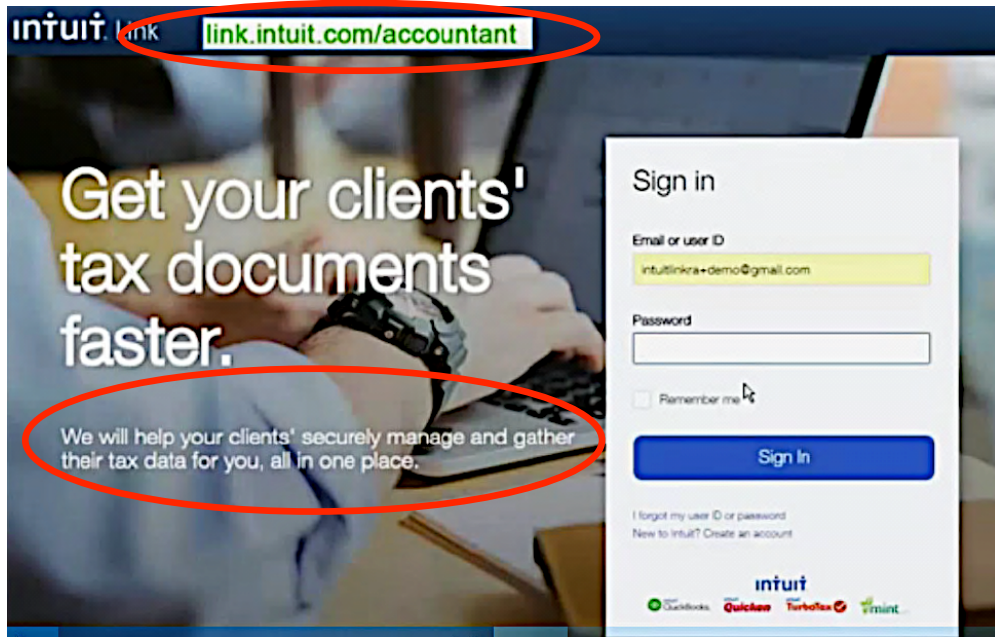
10. Plaintiff is the owner by assignment of the valid and enforceable United States Patent No. 7,426,730 ("the '730 Patent") entitled "Method and System for Generalized and Adaptive Transaction Processing Between Uniform Information Services and Applications" – including all rights to recover for past, present and future acts of infringement. The '730 Patent issued on September 16, 2008, and has a priority date of April 19, 2001. A true and correct copy of the '730 Patent is attached as Exhibit A.

11. Defendant directly – or through intermediaries including distributors, partners, contractors, employees, divisions, branches, subsidiaries, or parents – made, had made, used, operated, imported, provided, supplied, distributed, offered for sale, sold, and/or provided access to software systems, cloud-based software, and software as a service (SaaS) products and services for accounting and tax preparation including, but not limited to, Intuit's ProConnect Online, ProSeries and Lacerte Tax Software ("Intuit Software").

12. The Intuit Software incorporates a web-based software product and/or service titled "Intuit Link" (included within "Intuit Software"), which Intuit describes as a secure online portal for collecting and organizing tax return information.



13. Data and information gathered, retrieved, downloaded or otherwise collected for utilization by Intuit Software is stored on servers owned or operated for the exclusive use by – or under the exclusive control of – Intuit ("Intuit Server(s)").



Key Features	ProConnect Tax Online
Most common forms, including 1040, 1041, 1120, 1120S, 1065, 990, 709	✓
Other filings: consolidated corporate returns, kiddie link, 5500	
Primary data entry method	Input Sheet-Based
Application environment	Cloud
Operating system	PC or Mac
QuickBooks integration	QBOA

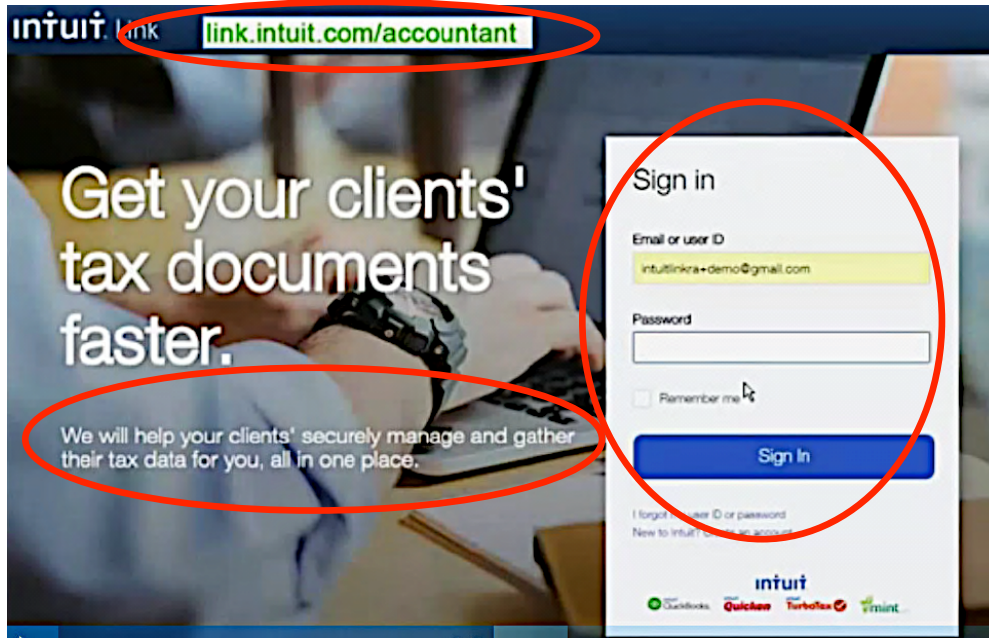
14. Users of the Intuit Software are required to create and maintain an account on Intuit Servers before they can access or take certain actions in the software.

What is an Intuit account?

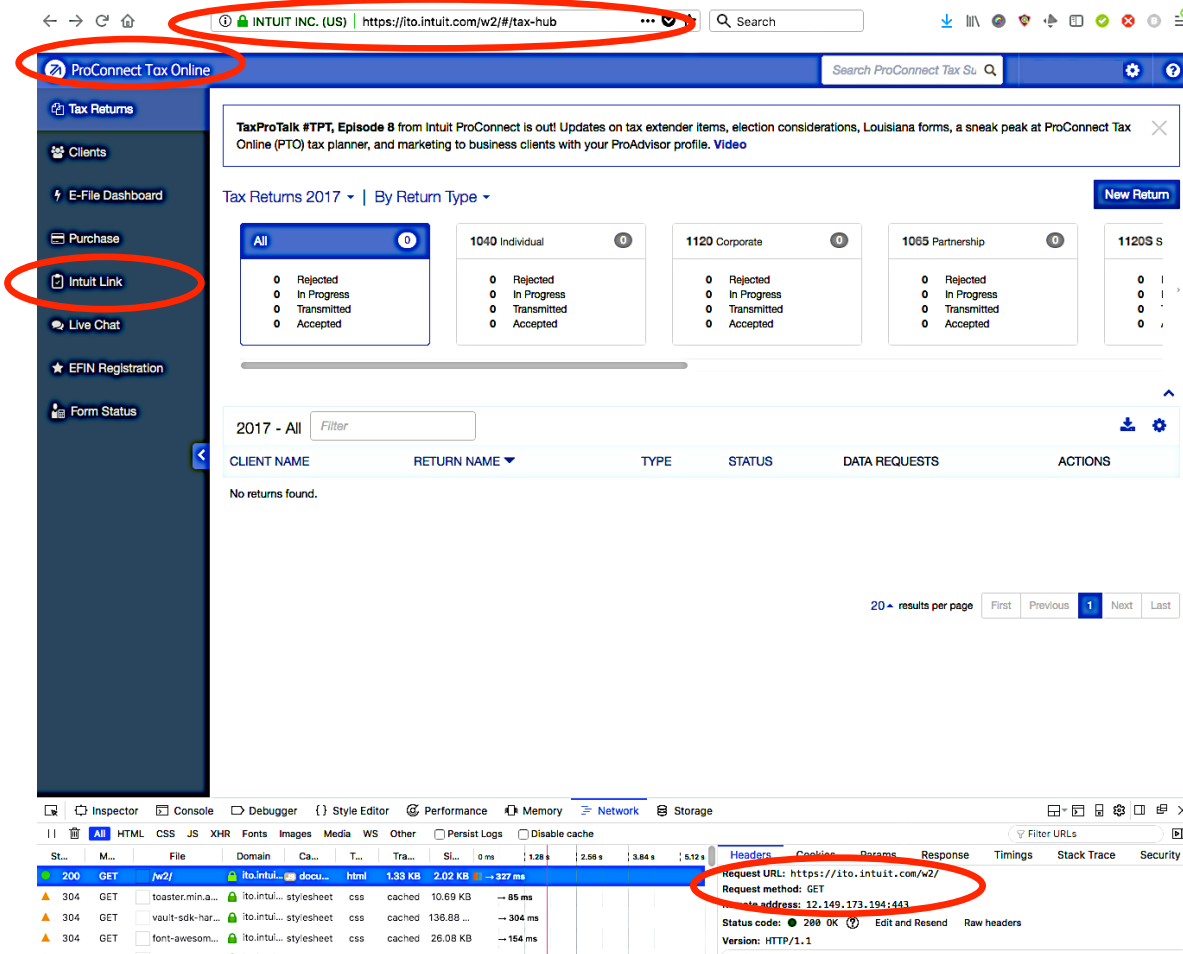
An Intuit account is the account you use to access any of Intuit's current and future products. You must have an Intuit account before you can access or take certain actions in any Intuit product. Your account includes the User ID and password you provide to sign up and sign in, as well as the email address, phone number and other contact information you provide as part of account set-up. With your Intuit account, you can use the same User ID and password for every Intuit product you choose to use. Your Intuit account information will be accessible through any Intuit product you may use.

When do I use my Intuit account?

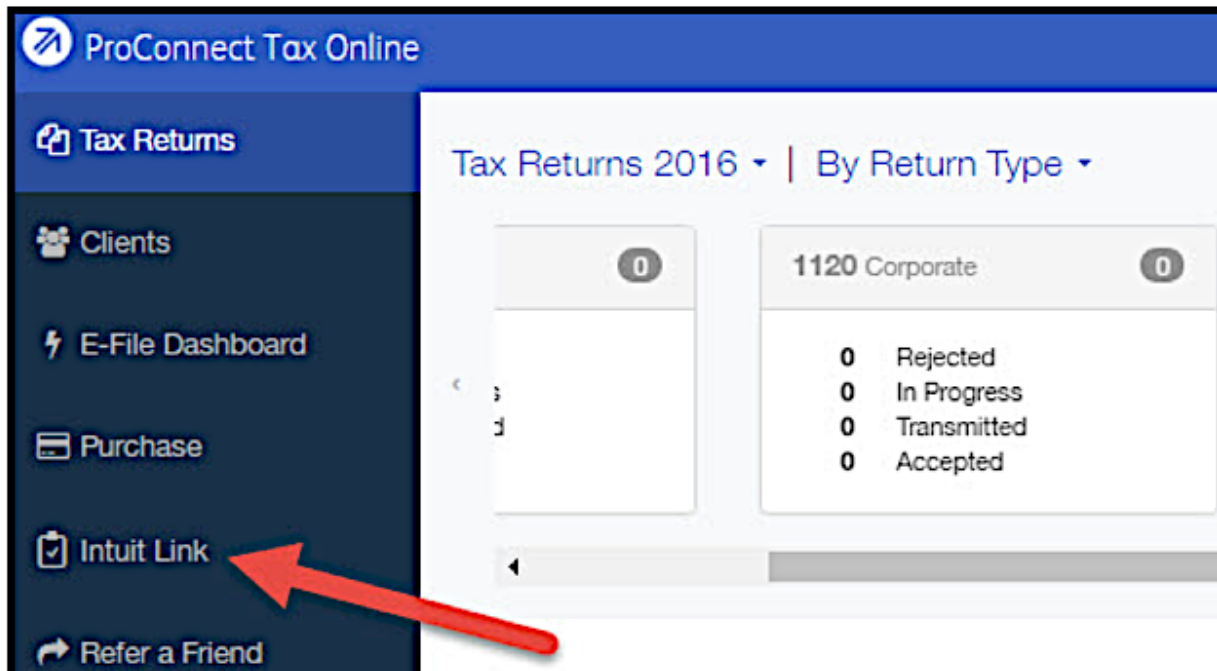
Use your Intuit account to sign up for any Intuit product and to sign in when you return. In some cases, we may ask you to enter your Intuit account User ID and password to access certain parts of our service, take certain actions in our service, or sync your account information. You'll have access to your Intuit account information from any Intuit product you use.



15. Intuit Software resides and operates upon Intuit Servers, providing users with only a web-based user interface that is accessible through Intuit Servers.



The Intuit Link program for PTO can be accessed by clicking on **"Intuit Link"** on the left side of the program screen, as illustrated below:



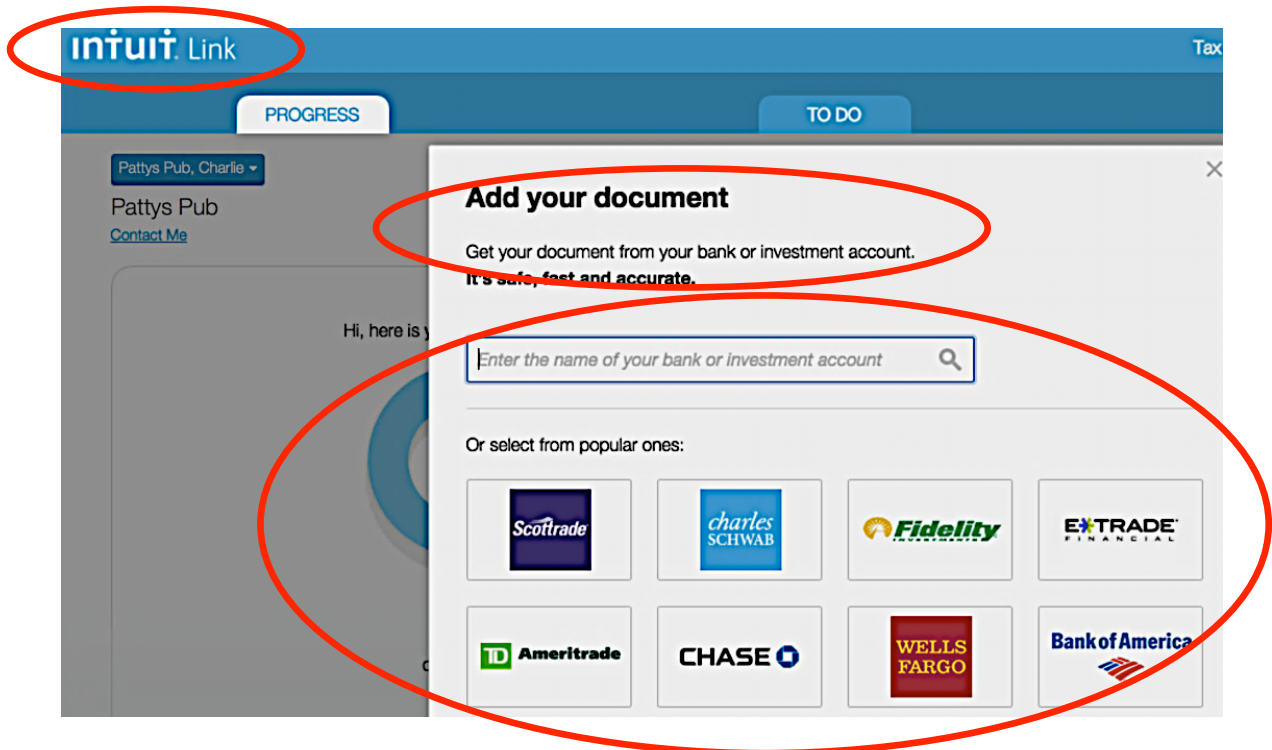
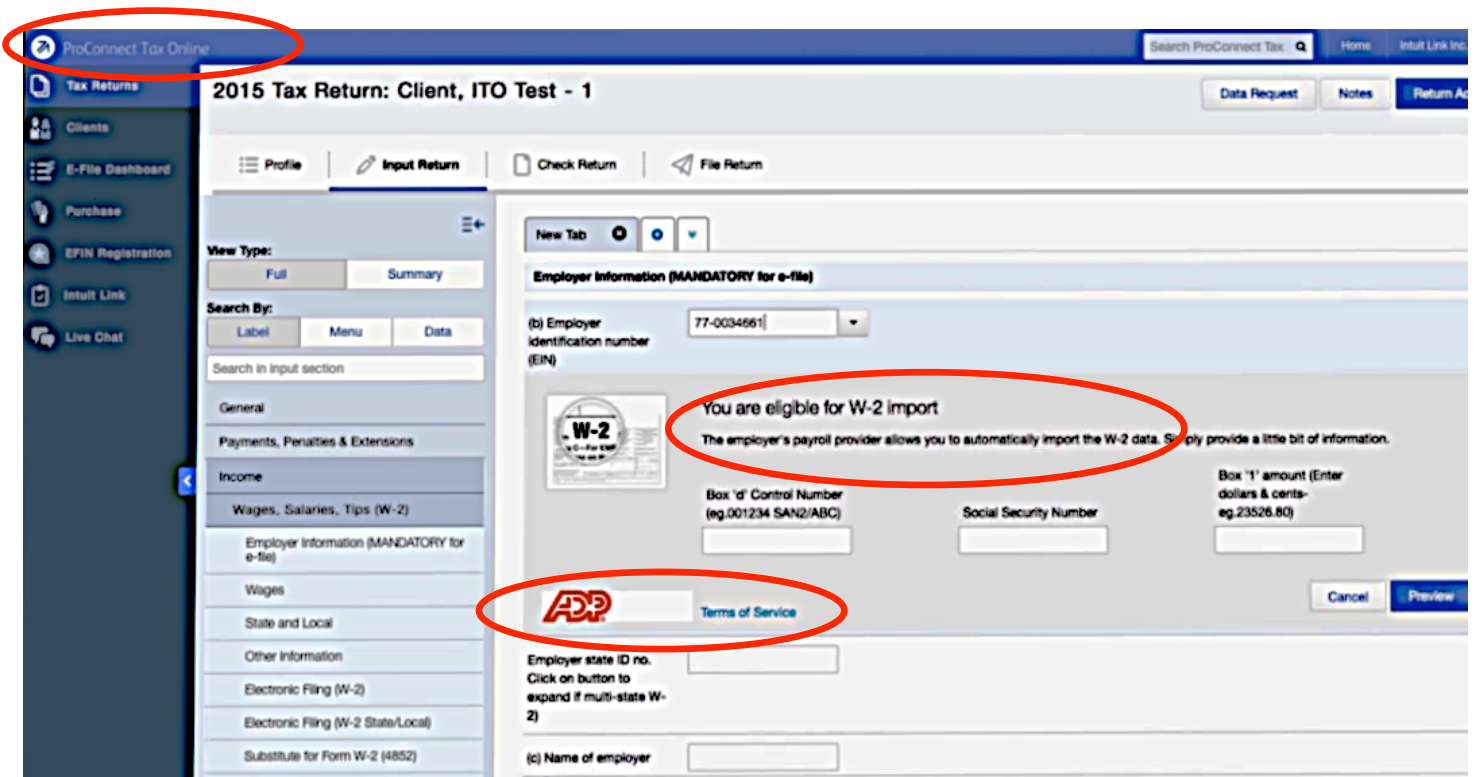
16. Users of the Intuit Software must therefore create and maintain a user account on Intuit Servers. In order to gain access to the Intuit Software, users must log into their account on Intuit Servers.

17. Once users have logged into their account on Intuit Servers, their web browser interacts with the Intuit Software via a user interface operating on Intuit Servers. The web-based user interface functions merely as a graphical data entry input into the Intuit Software (which is processing and executing on Intuit Servers).

18. The Intuit Software pre-formats the user interface, and any operation or action that a user may choose within the interface is limited in a manner predefined by the Intuit Software. Aside from user-specific data entries and text formatting, there is no user ability to customize the Intuit Software or its operation in a manner that is not predefined or controlled by Intuit.

19. The Intuit Software's data and command processing functions are performed on Intuit Servers, and any commands or operations that require transaction with non-Intuit sources are formatted, initiated and controlled by Intuit Software.

20. Intuit Software is communicatively coupled – via Intuit Servers and network connections thereof – to various third party payroll processing companies and financial institutions.





ProConnect™ Tax Online

How you'll skip the stress and the slowdowns

Make it simple from the start.

No installation or maintenance
It's cloud-based, you'll be all set up in just a few minutes.



Quick data collection



W-2 data importing

You'll have a built-in portal that makes the process faster and more organized.

Save time and prevent errors with data that comes straight from the source and goes right into your workflow.

- **Automated data import:** Reduce data entry and save time by automatically importing client information into ProConnect Tax Online. Intuit uses intelligent mapping, optical character recognition technology, direct connections with financial institutions and payroll providers, and document uploads so that 40 percent of tax data can be automatically and seamlessly imported into a client's current year tax return.

21. Intuit Software defines the transactions that may be performed to communicate with and/or retrieve information directly from third party network resources via Intuit Servers, as well as the types of information.

Included with your ProSeries Fast Path License

- Download Data Directly from Financial Institutions
- Download your client's 1099-B, 1099-INT and 1099-DIV data directly from participating financial institutions by way of a website that is easy for you and your clients to use and access
- Use a Transaction Data Reviewer for checking and editing documents in Microsoft Excel before importing, for improved accuracy
- Download W-2 statements from leading industry payroll processors such as ADP

We support the following Financial Institutions:

- American Funds
- Bank of America
- Charles Schwab
- E*Trade
- Edward Jones
- Fidelity
- First Clearing, LLC
- LPL Financial
- Merrill Lynch
- Morgan Stanley

22. Data and information that is entered through, and collected by, Intuit Software is stored on Intuit Servers.

Description

Intuit Link is a secure web-based portal that accountants can use to gather tax data from their clients.

Intuit Link provides the following features to tax payers:

- Clarity on what their accountant needs to prepare for their tax returns
- Flexibility to collect & share tax data year-round from any device, including:
 - Document uploads
 - Snapping pictures from a mobile device
 - Download documents from their financial institutions
- Ability to keep track of their progress to help get everything faster to their accountant
- Bank level encryption, so you will feel secure knowing that your data is protected.

23. The Intuit Software maintains a registry of the financial institutions and payroll processing companies it connects with, and the types of data or information available from each.

Included with your Lacerte Fast Path License

- Download Data Directly from Financial Institutions
- Download your client's 1099-B, 1099-INT and 1099-DIV data directly from participating financial institutions by way of a website that is easy for you and your clients to use and access
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- LPL Financial
- Merrill Lynch
- Morgan Stanley

24. Responsive to a user request for specific information, the Intuit Software formats and processes the request, and obtains or retrieves the requested information.

6. Intuit Link will detect the document you are wanting to download and any related documents.

Documents from Bank of NC

The following documents have been added to Intuit Link

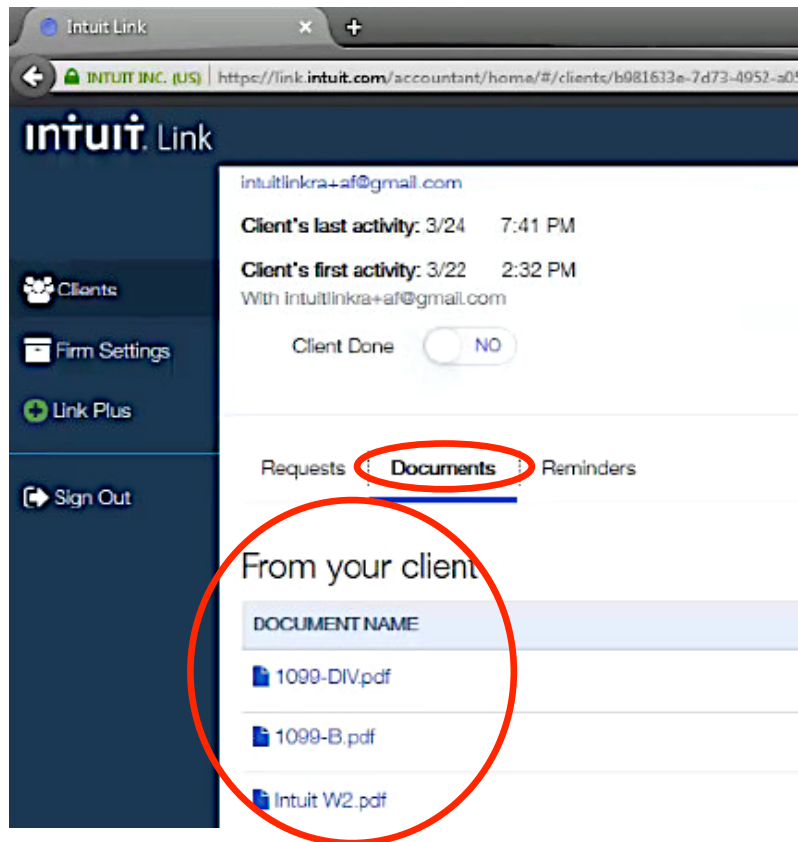
- ✓ 2014 1099-INT Bank of NC

We also found and added these related documents

- ✓ 2014 1099-DIV Bank of NC
- ✓ 2014 1099-MISC Bank of NC

25. After the Intuit Software processes the request and retrieves the requested specific information, it generates an output format for that information.

- **Automated data import:** Reduce data entry and save time by automatically importing client information into ProConnect Tax Online. Intuit uses intelligent mapping, optical character recognition technology, direct connections with financial institutions and payroll providers, and document uploads so that 40 percent of tax data can be automatically and seamlessly imported into a client's current year tax return.



26. Plaintiff herein restates and incorporates by reference paragraphs 11-25, above.

27. Intuit Software resides and operates on Intuit Servers – connecting over the Internet with users via a preformatted web-based user interface, and with third party financial institutions and payroll processors (“Third Party Resource Providers”).

28. Intuit Software maintains a registry of Third Party Resource Providers, including information characterizing the types of data or resources available from each.

29. Intuit Software requires that a user create and maintain an account on Intuit Servers in order to access and/or operate Intuit Software.

30. Intuit Software stores all user account data, as well as all data generated or retrieved during the use of Intuit Software, on Intuit Servers.

31. A user, via the web-based user interface, logs into Intuit Servers in order to access the Intuit Software. From the user interface, a user enters a transaction request into the Intuit Software for a specific information resource from a Third Party Resource Provider. That transaction request comprises one or more contextual elements related to the scope or nature of the information requested.

32. The Intuit Software, operating on Intuit Servers, processes the transaction request and the contextual elements in order to identify a Third Party Resource Provider satisfying the request, and to format the request for transmitting to the Third Party Resource Provider.

33. The Intuit Software, operating on Intuit Servers, transmits the request to the Third Party Resource Provider, and selects, receives, or retrieves the requested specific information resource from the Third Party Resource Provider in accordance with the contextual elements related to the scope or nature of the request.

34. The Intuit Software, operating on Intuit Servers, processes the retrieved specific information resource in accordance with the contextual elements of the original transaction request, and generates an output information resource stored upon Intuit Servers.

35. The Intuit Software, operating on Intuit Servers, provides access to the output information resource to the user via the web-based user interface.

36. Plaintiff herein restates and incorporates by reference paragraphs 11-35, above.

37. All recited elements of the claims of the '730 Patent are present within, and performed on or by, Intuit Software.

38. Intuit Software infringes the claims of the '730 Patent.

39. Intuit Software literally and directly infringes the claims of the '730 Patent.

40. In the alternative, Intuit Software infringes the claims of the '730 Patent under the doctrine of equivalents. Intuit Software performs substantially the same functions in substantially the same manner, obtaining substantially the same results, as the required elements of the claims

of the '730 Patent. Any differences between the Intuit Software and the claims of the '730 Patent are insubstantial.

41. End users are required to operate Intuit Software in a manner prescribed and controlled by Intuit, via Intuit Servers. Intuit so exercises control and/or direction over the performance of every action performed on or by Intuit Software, including those that are initiated by an end user via the Intuit Software user interface, that Intuit is liable for any indirect infringement.

42. All recited elements of the claims of the '730 Patent are present within, or performed by, Intuit Software. In the alternative, all recited elements of the claims of the '730 Patent are present within, or performed by, Intuit Software end user systems under the direction and control of Intuit – and are therefore attributable to Intuit.

43. Intuit Software, when used and/or operated in its intended manner or as designed, infringes one or more claims of the '730 Patent, and Defendant is therefore liable for infringement of the '730 Patent.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

- a. A judgment in favor of Plaintiff that Defendant has infringed the '730 Patent;
- b. A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement of the '730 Patent;
- c. A judgment and order requiring Defendant to pay Plaintiff its damages, costs, expenses, and pre-judgment and post-judgment interest for Defendant's infringement of the '730 Patent as provided under 35 U.S.C. § 284;
- d. An award to Plaintiff for enhanced damages resulting from the knowing and deliberate nature of Defendant's prohibited conduct with notice being made at least as early as the service date of this complaint, as provided under 35 U.S.C. § 284;

e. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees; and

f. Any and all other relief to which Plaintiff may show itself to be entitled.

Dated: March 7, 2018

Respectfully Submitted,

By: /s/ Kenneth Thomas Emanuelson

Kenneth Thomas Emanuelson
Texas Bar No. 24012591
ROSS IP GROUP, PLLC
5050 Quorum Drive, Suite 700
Dallas, Texas 75254
Phone: 972-661-9400
Facsimile: 972-661-9401
ken@emanuelson.us

**ATTORNEY FOR PLAINTIFF
AKOLOURTHEO, LLC**