1 Alan P. Block (SBN 143783) ablock@mckoolsmithhennigan.com 2 MCKOOL SMITH HENNIGAN, P.C. 300 South Grand Avenue, Suite 2900 3 Los Angeles, California 90071 Telephone: (213) 694-1200 Facsimile: (213) 694-1234 4 5 Ryan B. McBeth (TX SBN 24078955)\* rmcbeth@mckoolsmith.com MCKOOL SMITH, P.C. 600 Travis Street, Suite 7000 7 Houston, TX 77002 Telephone: (713) 485-7300 Facsimile: (713) 485-7344 8 9 Ashley N. Moore (TX SBN 24074748)\* amoore@mckoolsmith.com 10 MCKOOL SMITH, P.C. 300 Crescent Court, Suite 1500 11 Dallas, Texas 75201 Telephone: (214) 978-4000 Facsimile: (214) 978-4044 12 13 \*Pro hac vice application forthcoming 14 Attorneys for Plaintiff Samesurf, Inc. 15 16 UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA 17 SAN DIEGO DIVISION 18 Case No. '22CV412 LL KSC Samesurf, Inc., 19 Plaintiff, 20 COMPLAINT FOR PATENT INFRINGEMENT 21 VS. Intuit, Inc., **DEMAND FOR JURY TRIAL** 22 Defendant. 23 24 25 26 27 28

MCKOOL SMITH, P.C.

Plaintiff Samesurf, Inc. ("Samesurf") files this Original Complaint for patent infringement and injunctive relief against Defendant Intuit, Inc. ("Intuit"). In May of 2015, Intuit contacted Samesurf to explore integrating Samesurf's patented cobrowsing (also known as synchronized browsing) technology into Intuit's consumer products. During the discussions, Samesurf's team of developers created a functioning prototype, showcasing Samesurf's patented co-browsing technology as part of Intuit's TurboTax offering in anticipation that Intuit would hire and/or otherwise enter into a business relationship with Samesurf. Instead, Intuit learned Samesurf's methods, copied Samesurf's ideas, disregarded Samesurf's patents and left Samesurf with no choice but to bring this action against Intuit for patent infringement.

In support thereof, Samesurf respectfully alleges as follows:

#### **THE PARTIES**

- 1. Samesurf is a Delaware corporation authorized to do business in the State of California with its principal place of business at 10877 Wilshire Boulevard, Suite 1407, Los Angeles, CA 90024.
- 2. On information and belief, Intuit is a Delaware corporation authorized to do business in the State of California with a corporate office and regular and established place of business at 7535 Torrey Santa Fe Rd, San Diego, CA 92129.
- 3. On information and belief, Intuit is registered with the California Secretary of State.
- 4. On information and belief, Intuit's most current Certificate of Status with the Secretary of State of California is dated February 2, 2022 and shows that Intuit is active, in good standing, and qualified to transact intrastate business in California.
- 5. Intuit may be served through its registered agent for service of process, Corporation Service Company, which does business in California as CSC-Lawyers Incorporating Service, 2710 Gateway Oaks Drive, Suite 150N, Sacramento, CA 95833.

#### **JURISDICTION AND VENUE**

- 6. This is an action arising under the patent laws of the United States, 35 U.S.C. §§ 1, et seq. Accordingly, this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1338(a) (action arising under an Act of Congress relating to patents).
- 7. This Court has personal jurisdiction over Intuit because it is a resident of California and has been doing business in the state of California in a continuous and systematic way as to render it at home in California. Intuit has purposefully and voluntarily availed itself of the privileges of conducting business in the Unites States, in the State of California, and in this District by continuously and systematically placing goods and services into the stream of commerce through established distribution channels with the expectation that they will be purchased by consumers in this District. Intuit directly and/or through intermediaries (including distributors, sales agents, and others), makes, ships, distributes, offers for sale, sells, advertises, markets, and/or uses its products and services (including, but not limited to, the products and services that are accused of patent infringement in this lawsuit) in the Unites States, the State of California, and this District.
- 8. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400 because Intuit has committed, and continues to commit, acts of infringement in this District and has a regular and established place of business in this District. On information and belief, Intuit maintains regular and established places of business in this District at 7535 Torrey Santa Fe Rd, San Diego, CA 92129.
- 9. Jurisdiction and Venue is further proper in this District pursuant to the foregoing facts.
- 10. On information and belief, Intuit has been providing and continues to provide services to clients throughout California, including in the Southern District of California, and throughout the United States.

- 11. On information and belief, the Accused Instrumentalities, including at least Intuit's TurboTax Online, QuickBooks Online, TurboTax Live, QuickBooks Live, Smartlook, and other co-browse enabled Intuit products and services are offered to clients throughout California, including in this District.
- 12. On information and belief and since at least 1993, Intuit has and/or had a regular and established place of business in San Diego, California.<sup>1</sup>
- 13. On information and belief and since at least 1993, Intuit has and/or had a regular and established place of business in San Diego, California at 7535 Torrey Santa Fe Rd, San Diego, CA 92129. Intuit states that this office is the headquarters for the TurboTax and Turbo teams. See below photograph of Intuit Offices in San Diego, California.



See https://www.latimes.com/archives/la-xpm-1993-09-02-fi-30906-story.html.

<sup>&</sup>lt;sup>2</sup> Source: <a href="https://www.intuit.com/careers/locations/united-states/">https://www.intuit.com/careers/locations/united-states/</a>.

<sup>&</sup>lt;sup>3</sup> Source: <a href="https://goo.gl/maps/HQZi9nnW1P8tJBq47">https://goo.gl/maps/HQZi9nnW1P8tJBq47</a>, also shown above.

- 14. On information and belief, Intuit has over 1,000 employees that work for Intuit in San Diego, California, including developers, managers, executives and senior executives.<sup>4</sup>
- 15. On information and belief, Intuit currently has posted over 300 open positions that may be filled in or within a 50-mile radius of San Diego, California.<sup>5</sup>
- 16. On information and belief, Intuit employs numerous software development employees in and around San Diego, California.<sup>6</sup>
- 17. On information and belief, numerous Intuit employees that work out of Intuit's San Diego office were essential in procuring and integrating co-browsing technology into Intuit's TurboTax Online, QuickBooks Online, TurboTax Live, QuickBooks Live, Smartlook, and other co-browse enabled Intuit products.
- 18. On information and belief, numerous of Intuit's employees that work out of Intuit's San Diego office continue to develop and integrate co-browsing technology into Intuit's TurboTax Online, QuickBooks Online, TurboTax Live, QuickBooks Live, Smartlook, and other co-browse enabled Intuit products.
- 19. On information and belief, Intuit's Vice President of Design, Mike Perez, works for Intuit in San Diego, California.<sup>7</sup> He was the Design Director for TurboTax Live, one of the Accused Instrumentalities in this case, and was the design leader that took TurboTax Live from Beta through the live release. *Id*.
- 20. On information and belief, Lance Williams Intuit's current Senior Vice President, Product Management, for the TurboTax Global Platform and prior Vice President of TurboTax Live Product works for Intuit in San Diego, California where

*See* <u>https://www.sandiegouniontribune.com/business/economy/sdut-intuit-atmosphere-to-excel-2014nov09-htmlstory.html</u>

<sup>25 | 5 |</sup> See https://jobs.intuit.com/search-jobs/San%20Diego%2C%20CA/27595/4/6252001-5332921-5391832-5391811/32x71571/-117x16472/50/2

<sup>6</sup> See <a href="https://www.glassdoor.com/Location/Intuit-San-Diego-Location-EI\_IE2293.0,6\_IL.7,16\_IC1147311.htm">https://www.glassdoor.com/Location/Intuit-San-Diego-Location-EI\_IE2293.0,6\_IL.7,16\_IC1147311.htm</a>

<sup>&</sup>lt;sup>7</sup> See <a href="https://www.linkedin.com/in/mike-perez-755247/">https://www.linkedin.com/in/mike-perez-755247/</a>

he served as the leader of the product management organization and cross functional segment team responsible for building and growing "human-enabled Live products" such as TurboTax Live, one of the Accused Instrumentalities in this case.<sup>8</sup>

- 21. On information and belief, Intuit's Vice President of Product Management and Services at Intuit, Stacie Herring, works for Intuit in San Diego, California. Ms. Herring received an internal Intuit award for Intuit's SmartLook, one of the Accused Instrumentalities in this case. *Id.* Her LinkedIn profile states that, "[u]nder her strategic services leadership, TurboTax Live has grown to a multi-million dollar product line, and one of the fastest growing businesses in the company's history" *Id.* TurboTax Live is also one of the Accused Instrumentalities in this case.
- 22. On information and belief, Intuit's Design Director of TurboTax Live at Intuit, Ian Cameron, works for Intuit in San Diego, California. Mr. Cameron was formerly the Head of Product Design, Group Design Manager for TurboTax Live, one of the Accused Instrumentalities in this case. *Id.* Prior to that role, he was a Product Design Strategist and Principal Product Designer for the TurboTax Live consumer experience. *Id.*
- 23. On information and belief, Intuit's Distinguished Architect of TurboTax Live, Vinay Kumar, works for Intuit in San Diego, California and "[d]rove rapid development of TurboTax's assisted offerings by leveraging Intuit technology assets and extending the platform to deliver new strategic capabilities." <sup>11</sup> Mr. Kumar likely has significant knowledge of TurboTax Live, one of the Accused Instrumentalities in this case, due to his role as an architect and his knowledge regarding the development, function, and functionality of TurboTax Live. *Id*.

<sup>8</sup> See https://www.linkedin.com/in/lancewilliams/

<sup>9</sup> See https://www.linkedin.com/in/stacie-herring-5061b42/

<sup>10</sup> See https://www.linkedin.com/in/iancamerondesign/

<sup>11</sup> See https://www.linkedin.com/in/sdvinay/

25 12 See https://www.linkedin.com/in/jmhrdz/

26 13 See https://www.linkedin.com/in/jzhuang/

27 14 See https://www.linkedin.com/in/nikosioannou/

15 See https://www.linkedin.com/in/paulhubbard/

- 24. On information and belief, Intuit's Group Design Manager, Virtual Expert Platform, Juan Hernandez, works for Intuit in San Diego, California and has been employed by Intuit in multiple roles designing and developing TurboTax Live, one of the Accused Instrumentalities in this case. Mr. Hernandez's roles have included: Principal Product Designer, TurboTax Live from Feb 2020 to Apr 2020 and Senior Product Designer, TurboTax Live from Mar 2018 to Jan 2020.<sup>12</sup>
- 25. On information and belief, Intuit's Product Leader and Group Product Manager at Intuit, Julia Zhuang, works for Intuit in San Diego, California and worked to develop TurboTax Live as part of a three person team "that led the fastest revenue growth initiative in company history." Based on Ms. Zhuang's LinkedIn profile, she had a significant role in the early development of TurboTax Live, one of the Accused Instrumentalities of this case. *Id*.
- 26. On information and belief, Intuit's Director, Product Management Digital Platforms at Intuit, Nikos Ioannou, works for Intuit in San Diego, California and as part of his role, "[p]rototyped and rolled out "Smart Look," a one-click support experience with video and co-browse capabilities. These capabilities were foundational in launching TurboTax Live, an assisted TurboTax offering for the first time in 2016." Mr. Ioannou helped to develop Intuit's Smartlook product which is one of the Accused Instrumentalities in this case. *Id*.
- 27. On information and belief, Intuit's Principal Software Architect, Paul Hubbard, works for Intuit in San Diego, California. Paul Hubbard was the original Intuit employee who contacted Samesurf about integrating Samesurf's co-browsing technology in 2015. *See* Intuit correspondence referenced *supra*.

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- 28. On information and belief, Intuit's Senior Software Engineer, Matt Gage, works for Intuit in San Diego, California.<sup>16</sup> Matt Gage had direct discussions with Samesurf when Intuit contacted Samesurf about integrating Samesurf's co-browsing technology in 2015. See Intuit correspondence referenced supra.
- 29. On information and belief, Intuit's Principal Software Engineer, Amir Eftekhari, works for Intuit in San Diego, California and developed Intuit's Smartlook product, one of the Accused Instrumentalities in the case. 17
- On information and belief, Intuit's Group Manager, Intuit Customer 30. Success, Digital Platforms, Louis Barkley, works for Intuit in San Diego, California and was involved in the design and support of Intuit's Smartlook product, one of the Accused Instrumentalities in the case.<sup>18</sup>
- On information and belief, Intuit's Group Product Manager, Maureen 31. Stafford, works for Intuit in San Diego, California and helped lead the launching and scaling of TurboTax Live, one of the Accused Instrumentalities, as an end-to-end Expert Group Product Manager.<sup>19</sup>
- 32. On information and belief, numerous Intuit tax professionals, accounting professionals, and customers have used the co-browse functionality of the following products and services in this District: Intuit's TurboTax Online, QuickBooks Online, TurboTax Live, QuickBooks Live, Smartlook, and other co-browse enabled Intuit products.
- 33. Intuit has derived substantial revenues from its infringing acts occurring within the State of California and within this District.

<sup>16</sup> See https://www.linkedin.com/in/mattgage93/ 25

<sup>17</sup> See https://www.linkedin.com/in/amireftekhari/ 26

<sup>18</sup> See https://www.linkedin.com/in/louis-barkley-6601585/

<sup>19</sup> See https://www.linkedin.com/in/maureenstafford/

34. Venue is also convenient in this District. This is at least true because of this District's close ties to this case—including the technology, relevant witnesses, and sources of proof—and its ability to quickly and efficiently move this case to resolution.

## FACTUAL BACKGROUND

#### A. Samesurf

- 35. Samesurf was established in 2009 by co-founders K. David Pirnazar, Jerry A. Greenberg and Adam Flaherty with the idea to bring a simpler, more robust and ultra-secure mechanism for real time collaboration to market. With this pursuit in mind, K. David Pirnazar, a co-founder and CEO of Samesurf, invented and established a new standard for visual communication that is highly efficient and one that protects sensitive information during shared browsing sessions. This technology is now popularly known as co-browsing, synchronized browsing, collaborative browsing, and/or shared web browsing.
- 36. Through years of research and development, Samesurf has developed an extensive background of technology in the fields of co-browsing, synchronized browsing, synchronized form filling, co-form filling, co-watching, co-experience sharing and other forms of remote visually oriented engagement by multiple parties who require the ability to share the same online experiences in real time from remote locales.
- 37. Samesurf first launched its co-browsing platform in 2011 and has continued to develop and optimize it over the years.
- 38. Samesurf owns a portfolio of patents relating to the fields of co-browsing, synchronized browsing, synchronized form filling, co-form filling, co-watching, co-experience sharing and other forms of remote visually oriented engagement by multiple parties who require the ability to share the same online experiences in real time from remote locales.
- 39. Through the development and application of this technology, Samesurf has enabled extensive technological growth in the aforementioned fields.

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- 40. As Samesurf has continued to grow and market the Samesurf co-browsing platform, many companies have sought out and hired Samesurf to help them integrate Samesurf's co-browsing technology into their existing products and/or to deliver a cobrowsing solution to their customers and employees.
- 41. On information and belief, Intuit sought out Samesurf in an effort to integrate Samesurf's co-browse technology as part of Intuit's tax preparation and accounting products and services as a mutually beneficial offering.
- Samesurf entered into discussions with Intuit regarding Samesurf's co-42. browsing technology as early as May 18, 2015 when Paul Hubbard, a software engineer in Intuit's San Diego office, initially contacted Samesurf via the "Contact Us" component of the Samesurf website. See Exhibit D.
- Beginning in May of 2015, Intuit began evaluating Samesurf's co-43. browsing technology for integration into its TurboTax and QuickBooks products.
- From May of 2015 to July of 2015, Samesurf and Intuit communicated on 44. several occasions about integrating Samesurf's co-browsing technology into its TurboTax and QuickBooks products.
- 45. From May of 2015 to July of 2015, the CEO and co-founder of Samesurf, K. David Pirnazar, communicated with Paul Hubbard, Matt Gage, Erik Kaasila, Joyce Yeh and Loren Lacy of Intuit.
- Intuit began requesting information from Samesurf about how Samesurf's 46. co-browsing technology functioned, at least as early as May 18, 2015.
- At least as early as May of 2015, Samesurf provided information to Intuit regarding its co-browsing technology and how to integrate it within Intuit's own web experiences in anticipation that Intuit would hire and/or otherwise enter into a business relationship with Samesurf. To this end, Samesurf's Chief Technology Officer and other engineers worked to add customized functionality to its own suite of offerings at the specific request of and for the specific use of Intuit. One example of this special form of functionality was the creation of an online queuing system that would enable

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Intuit personnel and/or partners to seamlessly join online visitors within co-browsing sessions by clicking a single link.

- 48. Based on specific instructions given to Intuit and after learning how Samesurf's co-browsing technology functioned, Intuit proceeded to integrate Samesurf's co-browsing technology into Intuit's TurboTax Online, QuickBooks Online, TurboTax Live, QuickBooks Live, Smartlook, and other co-browse enabled Intuit products, as well as the underlying infrastructure supporting these products, without Samesurf.
- 49. Intuit has infringed Samesurf's Patents including, at least, U.S. Patent Nos. 9,483,448, 9,185,145, and 8,527,591 (the "Patents-in-Suit" or "Samesurf's Patents") by utilizing Samesurf's patented technology as part of TurboTax Online, QuickBooks Online, TurboTax Live, QuickBooks Live, Smartlook, and other co-browse enabled Intuit products and/or online experiences.
- On June 5, 2015, the CEO and co-founder of Samesurf, K. David Pirnazar, 50. sent Intuit employee Paul Hubbard an email stating in-part, the following:

Hope you're well. I wanted to reach out to you and give you a status report as to progress in supporting the Turbotax portion of the Intuit.com site in its current state. We are appx. 75% complete in terms of developing and supporting a completely new iteration of our patented co-browsing technology that will essentially ignore the complicating coding elements that exist on this portion of your website. This approach will make the items you referenced as errors you've discovered with your own site moot.

(emphasis added). See Exhibit D.

- On June 15, 2015 and in following up with the companies' comprehensive 51. interactions on the development side, Samesurf was approached via email by Johan Johansson – Intuit's Strategic Sourcing Leader – to gain further information.
- On June 17, 2015 and in response to Mr. Johansson's formal inquiry, 52. Samesurf provided substantive information to Intuit, where the Samesurf cobrowse feature was expressly described as "Patented Co-Browsing by Samesurf."

53. On July 9, 2015, the CEO and co-founder of Samesurf, K. David Pirnazar, sent Intuit employees Joyce Yeh, Matt Gage, and Paul Hubbard an email stating inpart, the following:

Patents: Despite any emerging collaboration technologies that you hear about during your technical diligence process, it's imperative to know that Samesurf is the ONLY company in the industry that holds multiple US patents on synchronized web browsing. These are patents that have already been granted in addition to the multiple others that we now have pending that also relate back to the original filing date of May 2010. These are patents that relate to synched browsing on both desktop and mobile devices and they are quite broad. We have been focused exclusively on install-free collaboration since 2009 and our patents and innovations in this area continue to define us as the undisputed leader in the field of collaborative, install-free co-browsing.

See Exhibit D.

54. On March 21, 2016, the CEO and co-founder of Samesurf, K. David Pirnazar, sent Intuit employees Paul Hubbard and Benny Joseph, an email stating inpart, the following:

As I mentioned in my message from earlier today, we would love to make ourselves available to give you a preview of a significantly enhanced version of our install-free, cross platform co-browsing technology that has not yet been revealed to the general public. This version flows directly form **our patented technology** and "just works" without install or coding requirements on all portions of the Intuit.com family of sites.

(emphasis added). See Exhibit D.

55. Samesurf has regularly maintained a listing of each of Samesurf's patents on Samesurf's own website. *See* Samesurf.com archives from the Wayback Machine, available at: <a href="https://web.archive.org">https://web.archive.org</a> by entering the following Samesurf.com URL into the Wayback Machine: <a href="http://www.samesurf.com/technology.html#patents">http://www.samesurf.com/technology.html#patents</a>. The following archives are available: Samesurf.com archive dated January 15, 2016 – listing

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- '145 and '591 patents among others, <sup>20</sup> Samesurf.com archive dated March 10, 2016 listing '145 and '591 patents among others, <sup>21</sup> Samesurf.com archive dated June 4, 2016 - listing '145 and '591 patents among others, <sup>22</sup> Samesurf.com archive dated July 31, 2016 – listing '145 and '591 patents among others, <sup>23</sup> Samesurf.com archive dated December 3, 2020 – listing '448, '145 and '591 patents among others. 24
- Based on the above referenced correspondence with Intuit, the Samesurf.com website, and Intuit employees' knowledge of the Samesurf.com website, Intuit has had knowledge of Samesurf's Patents, since at least as early as June 5, 2015, including at least, U.S. Patent Nos. 9,483,448, 9,185,145, and 8,527,591.
- Based on the above referenced correspondence with Intuit, the 57. Samesurf.com website, and Intuit employees' knowledge of the Samesurf.com website, Intuit has had knowledge of Samesurf's Patent Applications, since at least as early as June 5, 2015, including, at least, Pat. App. Ser. Nos. 12/783,735, 14/830,710, 13/951,789, and 12/783,743.
- 58. Co-browsing is a vast improvement over existing technologies. Among other advancements, it is ultra-secure, uses significantly less data than traditional systems, is less processor intensive than traditional systems, allows for advanced yet ultra-secure interactivity between users, has performance advantages for sharing rich media content and video, and is highly scalable in terms of supported participant counts.
- For at least these reasons, Intuit approached Samesurf with a "specific" 59. ask for co-browsing technology.

 $<sup>20 \</sup>underline{\text{https://web.archive.org/web/20160115212654/http://www.samesurf.com/technology.html\#patents}}$ 

<sup>&</sup>lt;sup>21</sup>https://web.archive.org/web/20160<u>310191255/http://www.samesurf.com:80/technology.html#pate</u> nts

<sup>&</sup>lt;sup>22</sup>https://web.archive.org/web/20160604120517/http://www.samesurf.com/technology.html#patents

<sup>&</sup>lt;sup>23</sup>https://web.archive.org/web/20160731043532/http://www.samesurf.com/technology.html#patents

<sup>&</sup>lt;sup>24</sup>https://web.archive.org/web/20201203164900/https:/www.samesurf.com/technology.html#patents

- 60. In contrast to legacy solutions, co-browsing is a considerably more resource efficient technology in that it involves the detection and replication of web browsing interactions from one device to one or more other devices through a synchronization server. Samesurf's co-browsing claimed methods and apparatuses further allow for co-browsing with significantly lower latency and bandwidth, CPU and GPU utilization levels. This is achieved, at least in part, by each device independently fetching website elements rather than traditional methods of requiring host screen video-data to be constantly uploaded, encoded and decoded through a server for transmission to and receipt by one or more participating guest devices.
- 61. Samesurf's technology further allows for enhanced network and computer security which is achieved through limiting co-browsing session sharing to, for example, (1) single browser tab sharing where a given users other screen elements and desktop are not shared, and (2) the ability to distinguish between "shared" and "non-shared" data so that certain sensitive content such as credit card numbers are not passed within this process and sensitive information is thus not viewable by unauthorized parties such as Intuit tax experts during shared sessions with online clients. Samesurf's co-browsing claimed methods and apparatuses further allow for the simultaneous and synchronous viewing of video and rich media content by large volumes of users without the latency and choppiness that are inherent by-products of traditional systems.
- 62. For companies in highly regulated industries such as finance, accounting, insurance and healthcare, privacy, data, network and computer security have all become increasingly important and significantly more stringent over the years. With security, regulatory compliance and privacy in mind, the ability of Samesurf's co-browsing technology to safeguard sensitive customer data during shared sessions by distinguishing between screen elements that are classified as "sharable web browsing interactions" versus "non-sharable web browsing interactions" enables sensitive content such as credit card and/or social security numbers to be "masked" or not made viewable by unauthorized parties such as company agents during shared online

interactions. This unique option within Samesurf's co-browsing technology is a particularly sought out and desired benefit that distinguishes co-browsing from traditional systems.

63. In more general terms, the comparative advantages of co-browsing over prior technologies are enhancements to multi-way, simultaneous interactivity, sensitive data security, computing resource and bandwidth utilization level efficiencies, computer and network security, the ability for multiple users to simultaneously view and listen to rich media content without latency or choppiness, and scalability to levels that were not possible with prior technology.

#### B. Intuit

- 64. On information and belief, Intuit provides co-browse technology and software that Intuit utilizes as part of Intuit TurboTax Online, QuickBooks Online, TurboTax Live, QuickBooks Live, Smartlook, and other co-browse enabled Intuit products.
- 65. On information and belief, Intuit provides co-browse capabilities to Intuit customers as part of Intuit TurboTax Online, QuickBooks Online, TurboTax Live, QuickBooks Live, Smartlook, and other co-browse enabled Intuit products.
- 66. On information and belief, Intuit tax preparation and accounting professionals co-browse with Intuit customers as part of Intuit TurboTax Online, QuickBooks Online, TurboTax Live, QuickBooks Live, Smartlook, and other co-browse enabled Intuit products.
- 67. On information and belief, Intuit TurboTax Online, QuickBooks Online, TurboTax Live, QuickBooks Live, Smartlook, and other co-browse enabled Intuit products, each utilize a synchronization server as part of providing co-browse technology to Intuit's customers.

## C. Intuit is Infringing Samesurf's '448, '145 and '591 Patents ("Samesurf Patents")

- 68. On November 1, 2016, the United States Patent and Trademark Office duly and legally issued United States Patent No. 9,483,448 ("the '448 Patent"), titled "Method and Apparatus for the Implementation of a Real-Time Sharable Browsing Experience on a Host Device." Samesurf, Inc. is the owner of the '448 Patent.
- 69. Samesurf holds all right, title, and interest in and to the '448 Patent, including the right to prevent infringement of and to seek and obtain any and all damages and other remedies for infringement of the '448 Patent (a copy of which is attached as Exhibit A).
- 70. The '448 Patent claims priority to U.S. Pat. App. Ser. No. 12/783,735 filed on May 20, 2010.
  - 71. The '448 Patent is valid and enforceable.
- 72. On November 10, 2015, the United States Patent and Trademark Office duly and legally issued United States Patent No. 9,185,145 ("the '145 Patent"), titled "Method and Apparatus for the Implementation of a Real-Time Sharable Browsing Experience on a Guest Device." Samesurf, Inc. is the owner of the '145 Patent.
- 73. Samesurf holds all right, title, and interest in and to the '145 Patent, including the right to prevent infringement of and to seek and obtain any and all damages and other remedies for infringement of the '145 Patent (a copy of which is attached as Exhibit B).
- 74. The '145 Patent claims priority to U.S. Pat. App. Ser. No. 12/783,743 filed on May 20, 2010.
  - 75. The '145 Patent is valid and enforceable.
- 76. On September 3, 2013, the United States Patent and Trademark Office duly and legally issued United States Patent No. 8,527,591 ("the '591 Patent"), titled "Method and Apparatus for the Implementation of a Real-Time Sharable Browsing Experience on a Guest Device." Samesurf, Inc. is the owner of the '591 Patent.

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- 77. Samesurf holds all right, title, and interest in and to the '591 Patent, including the right to prevent infringement of and to seek and obtain any and all damages and other remedies for infringement of the '591 Patent (a copy of which is attached as Exhibit C).
  - 78. The application for the '591 Patent was filed on May 20, 2010.
  - 79. The '591 Patent is valid and enforceable.
- Upon information and belief, Intuit makes, uses, licenses, sells, offers for 80. sale, or imports in the United States and in this judicial district, Intuit's TurboTax Online, QuickBooks Online, TurboTax Live, QuickBooks Live, Smartlook, and other co-browse enabled Intuit products, that each separately infringe the '448, '145 and '591 Patents.

#### D. **Intuit's Accused Products and Services**

- 81. Intuit's products and services that are accused of infringing the Patents-in-Suit (the "Accused Instrumentalities" or "Accused Products") include at least Intuit's TurboTax Online, QuickBooks Online, TurboTax Live, QuickBooks Live, Smartlook, and other co-browse enabled Intuit products, as well as the underlying infrastructure supporting these products.
- 82. As described supra, Intuit began integrating Samesurf's patented cobrowsing technology into the Accused Products after multiple meetings, customized software implementations, and technical follow-ups with Samesurf during 2015.
- An example illustrating Intuit's use of Samesurf's co-browsing technology 83. can be found in a publicly available video, featured on the TurboTax YouTube channel, available at https://youtu.be/ByfnmmykRNw; an exemplary screenshot shown below illustrates an example TurboTax Live co-browsing session utilizing co-browsing with a tax agent in TurboTax Live.

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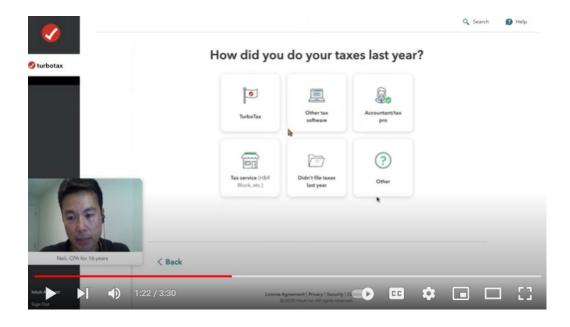
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TurboTax Id.See also the Live main website, available at https://turbotax.intuit.com/personal-taxes/online/live/. See also Intuit's TurboTax help website, "How do I cobrowse," available at: https://ttlc.intuit.com/community/business-taxes/discussion/how-do-icobrowse/00/1077567.

84. Another example illustrating Intuit's use of Samesurf's co-browsing technology can be found in a publicly available video, featured on the QuickBooks Live main website, available at <a href="https://quickbooks.intuit.com/live">https://quickbooks.intuit.com/live</a>; an exemplary screenshot shown below illustrates an example QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in QuickBooks Live.

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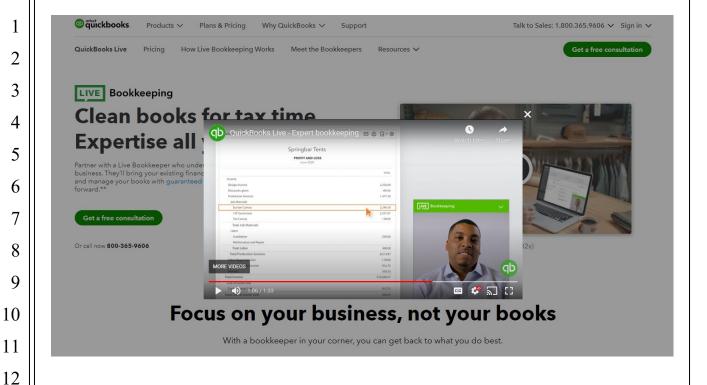
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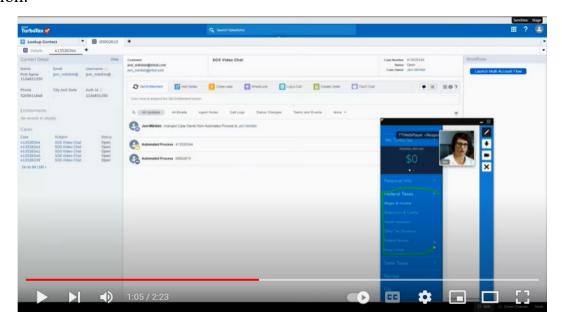
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Id.

85. Another example illustrating Intuit's use of Samesurf's co-browsing technology can be found in a publicly available video, featured on the TurboTax YouTube website, available at: <a href="https://www.youtube.com/watch?v=YkdL7ZYAhvY">https://www.youtube.com/watch?v=YkdL7ZYAhvY</a>; an exemplary screenshot shown below illustrates an example Smartlook co-browse session.



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*Id. See also* <a href="https://ttlc.intuit.com/community/taxes/discussion/does-it-cost-money-to-use-smartlook-with-turbo-tax-live/00/629826">https://ttlc.intuit.com/community/taxes/discussion/does-it-cost-money-to-use-smartlook-with-turbo-tax-live/00/629826</a> (Discussing that Smartlook is included with TurboTax Live).

86. Additional examples illustrating Intuit's use of Samesurf's co-browsing technology and infringement of each of the Patents-in-Suit by each of the Accused Instrumentalities can be found *infra*.

### **CAUSES OF ACTION**

# Count I – Infringement of U.S. Patent No. 9,483,448 (The '448 Patent)

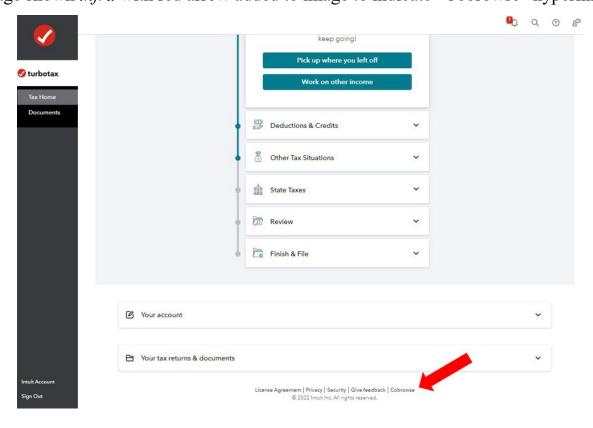
- 87. Samesurf incorporates by reference each of the preceding paragraphs of the Complaint as though fully set forth herein.
- 88. Claim 1 of the '448 Patent recites: A method performed by a host device for establishing a synchronized browsing session between the host device and an invitee device, comprising: sending a request to establish the synchronized browsing session to a synchronization server; receiving a confirmation message from the synchronization server including a session identifier generated by the synchronization server, wherein the session identifier is associated with the host device and the established synchronized browsing session; sending an invitation to an invitee device to join the synchronized browsing session, wherein the invitation includes the session identifier; recording a shared web browsing interaction responsive to determining that a web browsing interaction of the host device within a web browsing window is a sharable web browsing interaction; sending a request for webpage content to a website server independent of the synchronization server; subsequent to sending the request for webpage content to the website server, transmitting information related to the shared web browsing interaction to the synchronization server, wherein the information related to the shared web browsing interaction is to be processed by a browser of the invitee device and enables the invitee device to generate a request to retrieve substantially the same webpage content as the request for the webpage content from the host device;

wherein the synchronization server transmits the information related to the shared web browsing interaction to the invitee device in response to receiving the information related to the shared web browsing interaction from the host device, and wherein the invitee device retrieves data from the website server in response to receiving the information related to the shared web browsing interaction from the synchronization server, the data associated with the webpage content requested by the host device and the information related to the shared web browsing interaction; and receiving, responsive to sending the request for webpage content to the website server and after transmitting the information related to the shared web browsing interaction to the synchronization server, the requested webpage content from the website server. See Exhibit A.

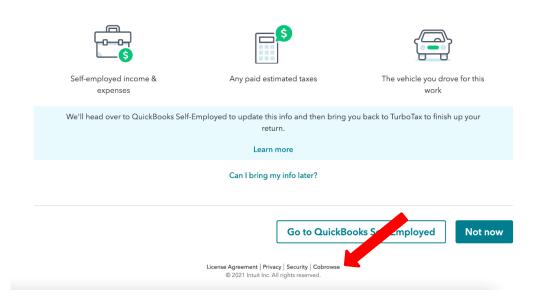
- 89. The Accused Instrumentalities that infringe at least Claim 1 of the '448 Patent include at least Intuit's TurboTax Online, QuickBooks Online, TurboTax Live, QuickBooks Live, Smartlook, and other co-browse enabled Intuit products, as well as the underlying infrastructure supporting these products.
- 90. The Accused Instrumentalities each implement a method performed by a host device for establishing a synchronized browsing session between the host device and an invitee device.
- 91. As a first example, the Accused Instrumentalities each include an agent device for establishing a cobrowsing session between the agent device and a visitor device. As a second example, the Accused Instrumentalities each include a visitor device for establishing a cobrowsing session between the visitor device and the agent device. See, e.g., Glance's "Cobrowse Security Architecture" website, available at <a href="https://help.glance.net/security/security\_cobrowse/">https://help.glance.net/security/security\_cobrowse/</a>. See, e.g., Glance Step-by-step Cobrowse Session Workflow, available at: <a href="https://help.glance.net/glance-cobrowse/integrity/session-workflow/">https://help.glance.net/glance-cobrowse/integrity/session-workflow/</a>. See also, as applicable to TurboTax Online and

<sup>&</sup>lt;sup>25</sup> Note: Glance website citation, architecture citations, API citations, and other documentation citations are generally applicable to each of the Accused Instrumentalities throughout this Complaint.

TurboTax Live, the TurboTax Login View, available at https://turbotax.intuit.com (image shown *infra* with red arrow added to image to indicate "Cobrowse" hyperlink).



See also, as applicable to QuickBooks Online and QuickBooks Live, QuickBooks Login View (red arrow added to image infra to indicate "Cobrowse" hyperlink), available at <a href="https://quickbooks.intuit.com">https://quickbooks.intuit.com</a>.



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See also, as applicable to QuickBooks Online, QuickBooks Live, and Smartlook, the QuickBooks Help Website: Use SmartLook to share your screen with support agents, available at <a href="https://quickbooks.intuit.com/learn-support/en-us/help-article/remote-access/use-smartlook-share-screen-support-agents/L9qN7BuTP\_US\_en\_US. See also, as applicable to TurboTax Live and Smartlook, the TurboTax Support website, available at: <a href="https://ttlc.intuit.com/community/expert-review/help/how-do-i-connect-with-a-tax-expert-in-turbotax-live/00/27282">https://ttlc.intuit.com/community/expert-review/help/how-do-i-connect-with-a-tax-expert-in-turbotax-live/00/27282</a>. See also, as applicable to TurboTax Live and Smartlook, article showing TurboTax Live with mobile co-browse functionality <a href="https://www.usatoday.com/story/tech/columnist/2019/03/03/filing-taxes-mobile-device-senior-friendly-too/2988124002/">https://www.usatoday.com/story/tech/columnist/2019/03/03/filing-taxes-mobile-device-senior-friendly-too/2988124002/</a>. See also, as applicable to TurboTax Live, the TurboTax Live main website, available at <a href="https://turbotax.intuit.com/personal-taxes/online/live/">https://turbotax.intuit.com/personal-taxes/online/live/</a>. See also, as applicable to Intuit QuickBooks Live, the Intuit QuickBooks Live website, available at: <a href="https://quickbooks.intuit.com/live/">https://quickbooks.intuit.com/live/</a>.



# Glance works with any device, any OS

Glance delivers a consistent sharing and collaboration experience for your agent and the digitally connected customer, regardless of what technology the customer is using.

- Desktop computer application (Windows or Mac)
- Desktop browser
- Mobile browser
- Native mobile app (Android or iOS)

See also, as applicable to each of the Accused Instrumentalities, "Glance works with device. any OS" from Glance website. available anv https://ww2.glance.net/products/glances-technology/ (graphic shown above). See also, as applicable to TurboTax, TurboTax Live, and SmartLook, a video featured on the TurboTax YouTube available website, at: https://www.youtube.com/watch?v=YkdL7ZYAhvY; illustrating example an Smartlook browsing session utilizing co-browsing. See also, as applicable to QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main

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website, available at <a href="https://quickbooks.intuit.com/live">https://quickbooks.intuit.com/live</a>; illustrating an example QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in QuickBooks Live. See also, as applicable to TurboTax Online and TurboTax Live, a video featured on the TurboTax YouTube channel, available at <a href="https://youtu.be/ByfnmmykRNw">https://youtu.be/ByfnmmykRNw</a>; illustrating an example TurboTax Live co-browsing session utilizing co-browsing with a tax agent in TurboTax Live.

- 92. The Accused Instrumentalities each send a request to establish the synchronized browsing session to a synchronization server.
- As a first example, the Accused Instrumentalities each include an agent 93. device which sends a StartCobrowse request to establish a cobrowsing session to a cobrowse server. As a second example, the Accused Instrumentalities each include a visitor device which sends a StartCobrowse request to establish a cobrowsing session to a cobrowse server. See, e.g., Glance's "Cobrowse Security Architecture" website, available at <a href="https://help.glance.net/security/security\_cobrowse/">https://help.glance.net/security/security\_cobrowse/</a>. See, e.g., Glance Stepby-step Cobrowse Session Workflow, available at: https://help.glance.net/glancecobrowse/integrity/session-workflow/. See also, as applicable to TurboTax Online and TurboTax Live, TurboTax Login View, available at https://turbotax.intuit.com (image shown supra with red arrow added to image to indicate "Cobrowse" hyperlink). See also, as applicable to QuickBooks Online and QuickBooks Live, QuickBooks Login View (red arrow added to image *supra* to indicate "Cobrowse" hyperlink), available at https://quickbooks.intuit.com. See also, as applicable to TurboTax Live, the TurboTax Live main website, available at https://turbotax.intuit.com/personal-taxes/online/live/. See also, as applicable to Intuit QuickBooks Live, the Intuit QuickBooks Live website, available at: https://quickbooks.intuit.com/live/. See also, as applicable to TurboTax Online, TurboTax Live, and Smartlook, a video featured on the TurboTax YouTube website, available at: <a href="https://www.youtube.com/watch?v=YkdL7ZYAhvY">https://www.youtube.com/watch?v=YkdL7ZYAhvY</a>. In another example, the "startSession()" property/method can be used to request to establish a cobrowsing session to a cobrowse server. See Glance Agent API document from Glance

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https://help.glance.net/glance-cobrowse/glance-cobrowse-Website, available at: customizing/visitor agent/agent side/ and Glance Visitor API document from Glance Website, available https://help.glance.net/glance-cobrowse/glance-cobrowseat: customizing/visitor agent/visitor/. See also, as applicable to TurboTax, TurboTax Live, and SmartLook, a video featured on the TurboTax YouTube website, available at: https://www.youtube.com/watch?v=YkdL7ZYAhvY; illustrating example an Smartlook browsing session utilizing co-browsing. See also, as applicable to QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main website, available at <a href="https://quickbooks.intuit.com/live">https://quickbooks.intuit.com/live</a>; illustrating an example QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in QuickBooks Live. See also, as applicable to TurboTax Online and TurboTax Live, a video featured the TurboTax YouTube channel, available on https://youtu.be/ByfnmmykRNw; illustrating an example TurboTax Live co-browsing session utilizing co-browsing with a tax agent in TurboTax Live.

- The Accused Instrumentalities each receive a confirmation message from 94. the synchronization server including a session identifier generated by the synchronization server, wherein the session identifier is associated with the host device and the established synchronized browsing session.
- As a first example, the Accused Instrumentalities each include an agent 95. device which receives a session ID message from the cobrowse server that includes a session identifier generated by the cobrowse server, where the session identifier is associated with the device that initiated the cobrowsing session. As a second example, the Accused Instrumentalities each include a visitor device which receives a session ID message from the cobrowse server that includes a session identifier generated by the cobrowse server, where the session identifier is associated with the device that initiated the cobrowsing session. See, e.g., Glance Step-by-step Cobrowse Session Workflow, available https://help.glance.net/glance-cobrowse/integrity/session-workflow/ (Screenshot of website shown infra indicating a session ID that consists of three

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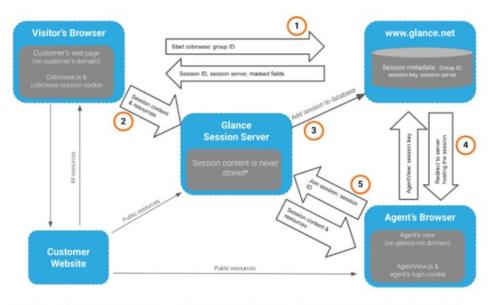
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components: your group ID, a session key, and a random number for uniqueness). *See*, *e.g.*, Glance's "Cobrowse Security Architecture" website, available at https://help.glance.net/security/security cobrowse/.

#### Step-by-step Cobrowse Session Workflow



 When a cobrowse session starts, Cobrowse.js sends a StartCobrowse request to the Glance Cloud infrastructure. Cobrowse.js passes your Glance group ID, and receives a unique session ID, a Cobrowse session server assignment, and the list of masked fields.

The session id consists of three components: 1) your group ID, 2) a session key, and 3) a random number for uniqueness.

See website citation supra to Glance Step-by-step Cobrowse Session Workflow. See also, as applicable to TurboTax, TurboTax Live, and SmartLook, a video featured on the TurboTax YouTube website. available https://www.youtube.com/watch?v=YkdL7ZYAhvY; illustrating example Smartlook browsing session utilizing co-browsing. See also, as applicable to QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main website, available at https://quickbooks.intuit.com/live; illustrating an example QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in QuickBooks Live. See also, as applicable to TurboTax Online and TurboTax Live, a video featured the TurboTax YouTube available on channel,

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https://youtu.be/ByfnmmykRNw; illustrating an example TurboTax Live co-browsing session utilizing co-browsing with a tax agent in TurboTax Live.

- 96. The Accused Instrumentalities each send an invitation to an invitee device to join the synchronized browsing session, wherein the invitation includes the session identifier.
- 97. As a first example, the Accused Instrumentalities each include an agent device which sends the session information to a visitor device to join the cobrowsing session, where the session information includes a Session ID. As a second example, the Accused Instrumentalities each include a visitor device which sends the session information to an agent device to join the cobrowsing session, where the session information includes a Session ID. See, e.g., Glance Step-by-step Cobrowse Session Workflow, available at: <a href="https://help.glance.net/glance-cobrowse/integrity/session-">https://help.glance.net/glance-cobrowse/integrity/session-</a> workflow/ (Screenshot of website shown supra indicating a session ID that consists of three components: your group ID, a session key, and a random number for uniqueness). See, e.g., Glance's "Cobrowse Security Architecture" website, available at https://help.glance.net/security/security cobrowse/. In another example, the agent device can also provide a Session ID to the visitor device, where the Session ID also includes a session identifier. See the Glance Setting up a Cobrowse Session website, https://help.glance.net/glanceavailable below): (screenshot shown at cobrowse/getting-started/setup session/.

To set up a standard Cobrowse session:

- 1. Add the Cobrowse JavaScript tag to all pages that will be used during a Cobrowse session (we recommend tagging every page).
- 2. Add a link or button to the footer (or other desired location) that fires a sessionStart JavaScript event to launch a session.
- 3. Go to www.glance.net/cbjoin, and log in with your Glance address and password.
- 4. On the tagged page, click the link or button to launch a session and you will see a four-digit code in the
- 5. Enter the four-digit code on the agent join page and click Join Session.
- Id. See also, as applicable to TurboTax, TurboTax Live, and SmartLook, a video featured TurboTax YouTube the website. available on at:

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https://www.youtube.com/watch?v=YkdL7ZYAhvY; illustrating example an Smartlook browsing session utilizing co-browsing. See also, as applicable to QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main website, available at https://quickbooks.intuit.com/live; illustrating an example QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in QuickBooks Live. See also, as applicable to TurboTax Online and TurboTax Live, a video featured the TurboTax YouTube channel, on available https://youtu.be/ByfnmmykRNw; illustrating an example TurboTax Live co-browsing session utilizing co-browsing with a tax agent in TurboTax Live.

- 98. The Accused Instrumentalities each record a shared web browsing interaction responsive to determining that a web browsing interaction of the host device within a web browsing window is a sharable web browsing interaction.
- 99. As a first example, the Accused Instrumentalities each include an agent device which records and shares Session Data, with the visitor device, responsive to determining that the Session Data is sharable Session Data. As a second example, the Accused Instrumentalities each include a visitor device which records and shares Session Data with the agent device, responsive to determining that the Session Data is sharable Session Data. *See*, *e.g.*, Glance's "Cobrowse Security Architecture" website, available at <a href="https://help.glance.net/security/security\_cobrowse/">https://help.glance.net/security/security\_cobrowse/</a> (explaining the assignment and use of "masked fields" to determine what Session Data is not to be transmitted to the cobrowsing server, the images shown below are from Glance's "Cobrowse Security Architecture" website as linked to above). For example:

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Cobrowse.js passes the customer group ID, and receives a unique session ID, a CServer assignment, and customer settings including masked fields.

The session ID is comprised of three components:

- · Customer group ID
- · Session key
- A randomly generated number to disambiguate that session from other sessions

Cobrowse.js stores the session ID and randomly generated number, along with the set of masked fields in a browser session cookie, and proceeds to start uploading session data to the designated CServer. The CServer, in turn, posts a message to the Glance web server to record the fact that the session has started in the database.

*Id.* Further discussion of masked fields is shown in a different section of the same "Cobrowse Security Architecture" website:

#### Masked Fields

Any HTML input field can be masked from the Agent and Glance service.

Masked fields can be identified two ways:

 Glance always masks any input field having a glance\_masked class or attribute. Example:

```
<input type="text" class="glance_masked" value="hello"/> <input
type="text" glance_masked="true" value="hello"/>
```

 A customer can configure their service to mask fields on-the-fly, without modifying their website. The fields are identified using standard CSS selectors. For example,

<input type="text" id="greeting" value="hello"/> can be masked with
the ID CSS selector:

```
#greeting // [id='greeting']
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These masked field definitions cannot be compromised, as they are stored in Glance's secure database and retrieved by the visitor's browser over a secure connection to a Glance web server.

The contents of masked fields never leave the visitor's browser, so there is no possibility of this data being intercepted in transit or accessed from the CServer – even by an agent possessing a legitimate session cookie. Effectively, Glance technology never touches the contents of a masked field.

Id. See, e.g., as applicable to Intuit TurboTax, TurboTax Live, and Smartlook, Intuit

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Glance TurboTax video, available at: https://ww2.glance.net/customers/intuit-ischanging-the-tax-game/#video, example screenshot shown infra (taken approximately 1 minute 15 second mark), illustrating an example TurboTax Online cobrowsing session showing the real-time website interaction data communicated between the agent device and the visitor device for interactions with the TurboTax Online website. See also Glance Agent API document from Glance Website, available https://help.glance.net/glance-cobrowse/glance-cobrowsecustomizing/visitor agent/agent side/ and Glance Visitor API document from Glance https://help.glance.net/glance-cobrowse/glance-cobrowse-Website, available at: customizing/visitor agent/visitor/, describing the available programmable functions that are part of the Agent and Visitor APIs, including functions relating to Session Data and what data is masked. See also, as applicable to TurboTax Online, TurboTax Live, and Smartlook, "How Intuit Made Outstanding Customer Experience More Visible" article from Glance Website, available at: https://ww2.glance.net/2017/04/intuit-madecustomer-experience-visible/.



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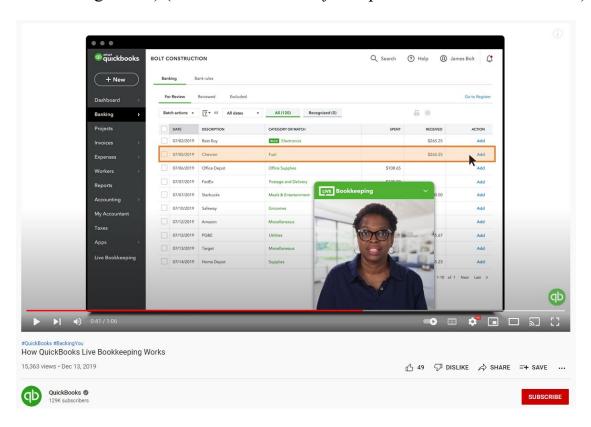
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See, as applicable to TurboTax Online, TurboTax Live, and Smartlook, website citation supra to Intuit Glance TurboTax video. See also "How Intuit Made Outstanding Customer Experience More Visible" article from Glance Website, available at: https://ww2.glance.net/2017/04/intuit-made-customer-experience-visible/, describing TurboTax SmartLook integration with TurboTax using Glance co-browsing technology. See also, as applicable to QuickBooks Live and Smartlook, "How QuickBooks Live Bookkeeping Works" video provided on Intuit's QuickBooks YouTube account, available at https://www.youtube.com/watch?v=Um-jrwvnkXI, which illustrates the Glance co-browsing technology as implemented for QuickBooks Live (video recording describes Glance's technology integrated in QuickBooks Live, stating "You can one-way video conference with your primary bookkeeper. You'll be able to see them, but they won't see you. And you can use virtual screen-share to work on your books together.") (Screenshot shown *infra* captured at 0:41 mark in video).



Id. See also, as applicable to TurboTax, TurboTax Live, and SmartLook, a video featured TurboTax YouTube available the website. on at:

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https://www.youtube.com/watch?v=YkdL7ZYAhvY; illustrating example Smartlook browsing session utilizing co-browsing. See also, as applicable to QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main website, available at <a href="https://quickbooks.intuit.com/live">https://quickbooks.intuit.com/live</a>; illustrating an example QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in QuickBooks Live. See also, as applicable to TurboTax Online and TurboTax Live, a video featured TurboTax YouTube the channel, available https://youtu.be/ByfnmmykRNw; illustrating an example TurboTax Live co-browsing session utilizing co-browsing with a tax agent in TurboTax Live.

- 100. The Accused Instrumentalities each send a request for webpage content to a website server independent of the synchronization server.
- 101. As a first example, the Accused Instrumentalities each include an agent device which sends a request for webpage content, such as an http request, to a website independent of the cobrowse server. As a second example, the Accused Instrumentalities each include a visitor device which sends a request for webpage content, such as an http request, to a website independent of the cobrowse server. For each example, resources requested by the http request are downloaded by the agent and visitor device directly from the respective website server, which is independent of the CServer. See, e.g., Glance Step-by-step Cobrowse Session Workflow, available at: https://help.glance.net/glance-cobrowse/integrity/session-workflow/, which states the following:
  - 5. The CServer sends only HTML markup for the browsing session to the agent browser. Resources referenced by the session HTML, such as images or style sheets, are downloaded by the agent directly from the your website when possible.

If downloading those resources is not possible (maybe due to CORS restrictions) AgentView.js requests them from the CServer to ensure the agent's view of your website is displayed appropriately.

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Each cobrowse server is further a standalone server as shown in the example below.

#### Secured CServer

Each Cobrowse server is a standalone hardened Linux or FreeBSD server with all superfluous services disabled. The server runs its own native firewall configured to allow incoming traffic only on secure port 443. No session data persists in any file or database on the CServer. Additionally, there are no per-agent restrictions within a group. However, roles can imply per-agent restrictions in a group.

See The Glance Security Architecture website. available at: https://help.glance.net/security/security cobrowse/. See also Glance Agent API document from Glance Website, available at: https://help.glance.net/glancecobrowse/glance-cobrowse-customizing/visitor agent/agent side/ and Glance Visitor API document from Glance Website, available at: https://help.glance.net/glancecobrowse/glance-cobrowse-customizing/visitor agent/visitor/. See also, as applicable to TurboTax, TurboTax Live, and SmartLook, a video featured on the TurboTax YouTube website, available at: https://www.youtube.com/watch?v=YkdL7ZYAhvY; illustrating an example Smartlook browsing session utilizing co-browsing. See also, as applicable to QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main website, available at https://quickbooks.intuit.com/live; illustrating an example QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in QuickBooks Live. See also, as applicable to TurboTax Online and TurboTax Live, a video featured on the TurboTax YouTube channel, available at https://youtu.be/ByfnmmykRNw; illustrating an example TurboTax Live co-browsing session utilizing co-browsing with a tax agent in TurboTax Live.

- 102. The Accused Instrumentalities each, subsequent to sending the request for webpage content to the website server, transmit information related to the shared web browsing interaction to the synchronization server.
- 103. As a first example, the Accused Instrumentalities each include an agent device which, subsequent to sending the request for webpage content to a website, transmits Session Data to the cobrowse server. As a second example, the Accused

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Instrumentalities each include a visitor device which, subsequent to sending the request for webpage content to a website, transmits Session Data to the cobrowse server. *See*, *e.g.*, Glance Step-by-step Cobrowse Session Workflow, available at: <a href="https://help.glance.net/glance-cobrowse/integrity/session-workflow/">https://help.glance.net/glance-cobrowse/integrity/session-workflow/</a>. *See also* Intuit Glance TurboTax video, available at: <a href="https://ww2.glance.net/customers/intuit-is-changing-the-tax-game/#video">https://ww2.glance.net/customers/intuit-is-changing-the-tax-game/#video</a>. *See*, *e.g.*, Glance's "Cobrowse Security Architecture" website, available at <a href="https://help.glance.net/security/security">https://help.glance.net/security/security</a> cobrowse/.

#### **Architectural Overview** StartCobrows Visitor Browser groupid Page on customer website Data table: Cobrowse.js Server Masked fields 2 Redirect to the CServer hosting the session Session Data Add session to Website Agent Browser Join session: **Agent View** Session data stored in memory only AgentView.js Images, style sheets, etc. Session data Id.

See also, as applicable to TurboTax, TurboTax Live, and SmartLook, a video featured TurboTax on the YouTube website. available at: https://www.youtube.com/watch?v=YkdL7ZYAhvY; illustrating an example Smartlook browsing session utilizing co-browsing. See also, as applicable to QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main website, available at https://quickbooks.intuit.com/live; illustrating an example QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in QuickBooks Live. See also, as applicable to TurboTax Online and TurboTax Live, a video featured the TurboTax YouTube available on channel.

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https://youtu.be/ByfnmmykRNw; illustrating an example TurboTax Live co-browsing session utilizing co-browsing with a tax agent in TurboTax Live.

- 104. The Accused Instrumentalities each transmit information related to the shared web browsing interaction to the synchronization server, wherein the information related to the shared web browsing interaction is to be processed by a browser of the invitee device and enables the invitee device to generate a request to retrieve substantially the same webpage content as the request for the webpage content from the host device.
- 105. As a first example, the Accused Instrumentalities each include an agent device which sends information related to the shared web browsing interactions, referred to as "Session Data," to the cobrowse server, such that the information is processed by the browser of the visitor device and the visitor device is enabled to generate a request to retrieve substantially the same webpage content as requested by the agent device. As a second example, the Accused Instrumentalities each include a visitor device which sends information related to the shared web browsing interactions, referred to as "Session Data," to the cobrowse server, such that the information is processed by the browser of the agent device and the agent device is enabled to generate a request to retrieve substantially the same webpage content as requested by the visitor device. As illustrated in the example below and as described on the Glance Security Architecture website, the Session Data (see arrows highlighted in orange below) includes at least information related to the shared web browsing interaction. In an example, the information related to the shared web browsing interaction is processed by a browser of the invitee device and the invitee device requests and retrieves the same webpage content as the request for the webpage content from the host device.

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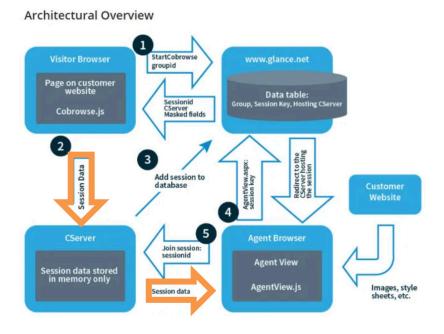
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Id. See also, as applicable to TurboTax Online, TurboTax Live, and Smartlook, TurboTax How to CoBrowse and Initiate Co-Browsing Website, available at: https://ttlc.intuit.com/community/business-taxes/discussion/how-do-i-cobrowse /00/1077567, illustrating and describing how to start a co-browsing website as part of TurboTax on a web browser or mobile phone. See also, as applicable to TurboTax, TurboTax Live, and SmartLook, a video featured on the TurboTax YouTube website, available at: https://www.youtube.com/watch?v=YkdL7ZYAhvY; illustrating an example Smartlook browsing session utilizing co-browsing. See also, as applicable to QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main website, available at https://quickbooks.intuit.com/live; illustrating an example QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in QuickBooks Live. See also, as applicable to TurboTax Online and TurboTax Live, a video featured the TurboTax YouTube available channel. on https://youtu.be/ByfnmmykRNw; illustrating an example TurboTax Live co-browsing session utilizing co-browsing with a tax agent in TurboTax Live.

106. The Accused Instrumentalities each transmit information related to the shared web browsing interaction to the synchronization server, wherein the

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synchronization server transmits the information related to the shared web browsing interaction to the invitee device in response to receiving the information related to the shared web browsing interaction from the host device.

107. As a first example, the Accused Instrumentalities each include an agent device which sends Session Data to the cobrowse server, which in response to receiving the Session Data, sends the Session Data to the visitor device. As a second example, the Accused Instrumentalities each include a visitor device which sends Session Data to the cobrowse server, which in response to receiving the Session Data, sends the Session Data to the agent device. See citations supra to "Architectural Overview" graphic and the Glance Security Architecture website, available https://help.glance.net/security/security cobrowse/. See, e.g., Glance Step-by-step Workflow, Session Cobrowse available https://help.glance.net/glanceat: cobrowse/integrity/session-workflow/. See also, as applicable to TurboTax Online, TurboTax Live, and Smartlook, Intuit Glance TurboTax video, available at: https://ww2.glance.net/customers/intuit-is-changing-the-tax-game/#video. See also, as applicable to TurboTax, TurboTax Live, and SmartLook, a video featured on the TurboTax YouTube available website, at: https://www.youtube.com/watch?v=YkdL7ZYAhvY; illustrating example an Smartlook browsing session utilizing co-browsing. See also, as applicable to QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main website, available at https://quickbooks.intuit.com/live; illustrating an example QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in QuickBooks Live. See also, as applicable to TurboTax Online and TurboTax Live, a video featured the TurboTax YouTube channel, available on https://youtu.be/ByfnmmykRNw; illustrating an example TurboTax Live co-browsing session utilizing co-browsing with a tax agent in TurboTax Live.

108. The Accused Instrumentalities each transmit information related to the shared web browsing interaction to the synchronization server, wherein the invitee

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device retrieves data from the website server in response to receiving the information related to the shared web browsing interaction from the synchronization server, the data associated with the webpage content requested by the host device and the information related to the shared web browsing interaction.

109. As a first example, the Accused Instrumentalities each include an agent device which sends Session Data to the cobrowse server, wherein the visitor device retrieves data from the website server in response to receiving the Session Data. As a second example, the Accused Instrumentalities each include a visitor device which sends Session Data to the cobrowse server, wherein the agent device retrieves data from the website server in response to receiving the Session Data. See citations supra to "Architectural Overview" graphic and the Glance Security Architecture website, available at: https://help.glance.net/security/security\_cobrowse/. See, e.g., Glance Stepby-step Cobrowse Session Workflow, available at: https://help.glance.net/glancecobrowse/integrity/session-workflow/. See also Intuit Glance TurboTax video, available https://ww2.glance.net/customers/intuit-is-changing-the-taxgame/#video. As illustrated in the example cited supra, the Session Data (see arrows highlighted in orange *supra*) includes at least information related to the shared web browsing interaction. See also, as applicable to TurboTax, TurboTax Live, and SmartLook, a video featured on the TurboTax YouTube website, available at: https://www.youtube.com/watch?v=YkdL7ZYAhvY; illustrating example an Smartlook browsing session utilizing co-browsing. See also, as applicable to QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main website, available at <a href="https://quickbooks.intuit.com/live">https://quickbooks.intuit.com/live</a>; illustrating an example QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in QuickBooks Live. See also, as applicable to TurboTax Online and TurboTax Live, a video featured TurboTax YouTube channel, available the https://youtu.be/ByfnmmykRNw; illustrating an example TurboTax Live co-browsing session utilizing co-browsing with a tax agent in TurboTax Live.

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110. The Accused Instrumentalities each receive, responsive to sending the request for webpage content to the website server and after transmitting the information related to the shared web browsing interaction to the synchronization server, the requested webpage content from the website server.

111. As a first example, the Accused Instrumentalities each include an agent device, which will, responsive to sending the request for webpage content to the website

server, receive the website content from the website server after transmitting the information related to the shared Session Data to the cobrowse server. As a second example, the Accused Instrumentalities each include a visitor device, which will, responsive to sending the request for webpage content to the website server, receive the website content from the website server after transmitting the information related to the shared Session Data to the cobrowse server. See citations supra to "Architectural Overview" graphic and the Glance Security Architecture website, available at: https://help.glance.net/security/security cobrowse/. See, e.g., Glance Step-by-step https://help.glance.net/glance-Cobrowse Session Workflow, available at: cobrowse/integrity/session-workflow/. See also Intuit Glance TurboTax video, https://ww2.glance.net/customers/intuit-is-changing-the-taxavailable at: game/#video. See also Glance Agent API document from Glance Website, available at: https://help.glance.net/glance-cobrowse/glance-cobrowsecustomizing/visitor agent/agent side/ and Glance Visitor API document from Glance https://help.glance.net/glance-cobrowse/glance-cobrowse-Website, available at: customizing/visitor agent/visitor/. See also, as applicable to TurboTax, TurboTax Live, and SmartLook, a video featured on the TurboTax YouTube website, available at: https://www.youtube.com/watch?v=YkdL7ZYAhvY; illustrating example an Smartlook browsing session utilizing co-browsing. See also, as applicable to QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main website, available at https://quickbooks.intuit.com/live; illustrating an example QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in

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QuickBooks Live. See also, as applicable to TurboTax Online and TurboTax Live, a video featured the TurboTax YouTube channel, available on https://youtu.be/ByfnmmykRNw; illustrating an example TurboTax Live co-browsing session utilizing co-browsing with a tax agent in TurboTax Live.

- 112. Infringement of Claims 1-16 of the '448 Patent will be further detailed in Infringement Contentions, which will be made available according to scheduling orders entered in this case.
- 113. Intuit has been and is now directly and/or indirectly infringing, individually and/or jointly, either literally or under the doctrine of equivalents, at least Claims 1-4, 6-8, 11-14, and 16 of the '448 Patent in the United States by, among other things, making, using, licensing, selling, offering for sale, or importing the Accused Instrumentalities covered by at least Claims 1-4, 6-8, 11-14, and 16 of the '448 Patent.
- 114. Upon information and belief, pursuant to 35 U.S.C. § 271(a), Intuit has been and is now infringing, individually and/or jointly, at least Claims 1-4, 6-8, 11-14, and 16 of the '448 Patent by making, using, licensing, selling, offering for sale, leasing, offering for lease, and/or importing into the United States without authority or license, the Accused Instrumentalities covered by at least Claims 1-4, 6-8, 11-14, and 16 of the '448 Patent.
- 115. Upon information and belief, pursuant to 35 U.S.C. § 271(a), in the alternative and/or in certain instances of infringement, Intuit directly infringes at least Claims 1-4, 6-8, 11-14, and 16 of the '448 Patent by Intuit's express direction or control of Glance Networks, Inc. ("Glance") and/or by forming a joint enterprise with Glance.
- 116. On information and belief, Intuit Ventures, an entity that is entirely owned significant of operated by Intuit, is a shareholder Glance. and https://www.intuit.com/ventures/ (showing Glance as a portfolio company of Intuit Ventures).
- On information and belief, Intuit contracts with Glance to provide at least portions of the co-browsing technology underlying Intuit's products. See website

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Receives Innovation Award from Intuit," entitled "Glance available at: https://ww2.glance.net/blog/glance-receives-innovation-award-from-intuit/.

- 118. Upon information and belief, the performance of the infringing acts by Intuit and Intuit's customers and users of the Accused Instrumentalities are directed and controlled by Intuit, at least in part, by the contractual agreements that exist between Intuit and those entities and/or individuals.
- 119. Upon information and belief, pursuant to 35 U.S.C. § 271(b), in the alternative and/or in certain instances of infringement, Intuit specifically intended Intuit's customers and users of the Accused Instrumentalities, to directly infringe, either literally or under the doctrine of equivalents, at least Claims 1-4, 6-8, 11-14, and 16 of the '448 Patent by selling, offering for sale, providing, maintaining, and/or licensing the Accused Instrumentalities, with the intent that those customers use the Accused Instrumentalities in the United States in an infringing manner and with knowledge that the acts of Intuit's customers and users of the Accused Instrumentalities constituted infringement.
- 120. Upon information and belief, pursuant to 35 U.S.C. § 271(b), in the alternative and/or in certain instances of infringement, Intuit has been, and currently is, an active inducer of infringement for one or more claims of the '448 Patent. On information and belief, one or more of the Accused Instrumentalities directly and/or indirectly infringe (by induced infringement) at least Claims 1-4, 6-8, 11-14, and 16 of the '448 Patent, literally and/or under the doctrine of equivalents.
- 121. Upon information and belief, Intuit intentionally encourages and aids at least its agents and/or customers and/or users and/or partners to directly infringe the '448 Patent.
- 122. Upon information and belief, Intuit provides the Accused Instrumentalities and instructions to its agents and/or users and/or customers and/or partners such that they will each use the Accused Instrumentalities in a directly infringing manner. Intuit markets the Accused Instrumentalities to its agents and/or users and/or customers

and/or partners and provides instructions on how to use the functionality of the '448 Patent on its website and elsewhere.

- 123. Upon information and belief, Intuit agents and/or customers and/or users and/or partners directly infringe by using the Accused Instrumentalities in their intended manner. Intuit induces such infringement by providing the Accused Instrumentalities and instructions to enable and facilitate infringement. On information and belief, Intuit specifically intends that its actions will result in infringement of the '448 Patent or has taken deliberate actions to avoid learning of infringement.
- 124. Upon information and belief, Intuit's infringement of the '448 Patent is knowing, egregious, consciously wrongful, and willful.
- 125. Upon information and belief, Intuit's infringement of the '448 Patent is willful and deliberate, entitling Samesurf to enhanced damages and attorney's fees.
- 126. Upon information and belief, Intuit's infringement of the '448 Patent is exceptional and entitles Samesurf to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.
- 127. Upon information and belief, pursuant to 35 U.S.C. § 271(c), in the alternative and/or in certain instances of infringement, Intuit is liable as a contributory infringer and has knowingly contributed to the direct infringement of Intuit's customers and users of the Accused Instrumentalities, either literally or under the doctrine of equivalents, of at least Claims 1-4, 6-8, 11-14, and 16 of the '448 Patent by importing, selling, offering to sell, maintaining, licensing, and/or otherwise supplying the Accused Instrumentalities to customers, which has no substantial non-infringing use, is especially designed for use in the patented invention, and constitutes a material part of the patented invention.
- 128. At least as early as June 5, 2015, Intuit has had knowledge of the '448 patent and family of patents by way of phone conversations, video conference sessions, and e-mail correspondence between Samesurf's CEO, K. David Pirnazar, and Joyce Yeh, Matt Gage, and/or Paul Hubbard (Intuit correspondence attached at Exhibit D),

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and Intuit has intended to infringe the '448 Patent by its use of the Accused Instrumentalities by continuing to sell, offer for sale, provide, maintain, and/or license the Accused Instrumentalities to its customers in the United States. Despite such knowledge, Intuit continues to infringe the '448 Patent. See Exhibit D.

- 129. Upon information and belief, Intuit's acts of infringement have been willful, deliberate, and in reckless disregard of Samesurf's patent rights and will continue unless enjoined by this Court.
- 130. Upon information and belief, Samesurf has suffered and will continue to suffer irreparable loss and injury unless a preliminary injunction is entered that prohibits Intuit from infringing the '448 Patent.
- 131. Samesurf has been damaged by Intuit's acts of infringement of the '448 Patent in an amount to be determined at trial, and has suffered and will continue to suffer irreparable loss and injury unless Intuit is permanently enjoined from infringing the '448 Patent.
- 132. Samesurf is entitled to recover all damages that Samesurf has sustained as a result of Intuit's infringement of the '448 Patent, including without limitation not less than a reasonable royalty.

### Count II – Infringement of U.S. Patent No. 9,185,145 (The '145 Patent)

- Samesurf incorporates by reference each of the preceding paragraphs of the Complaint as though fully set forth herein.
- 134. Claim 1 of the '145 Patent recites: A method performed by a guest device for joining a synchronized browsing session administered by a synchronization server, comprising: receiving from the synchronization server a session invitation including a session identifier associated with a host device; activating the session invitation to send a request to join said synchronized browsing session to said synchronization server; receiving web browsing interaction data from said synchronization server, wherein said web browsing interaction data is associated with: a website server that is independent

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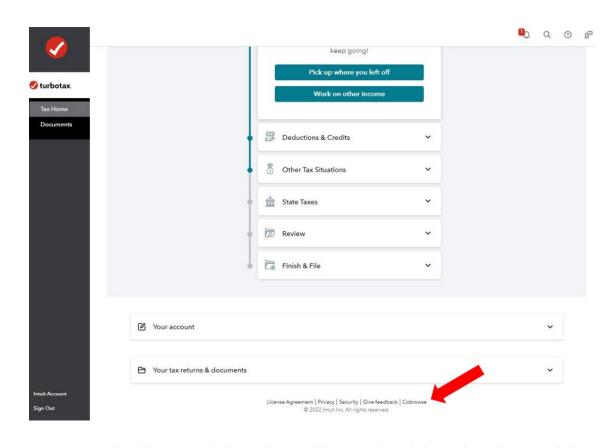
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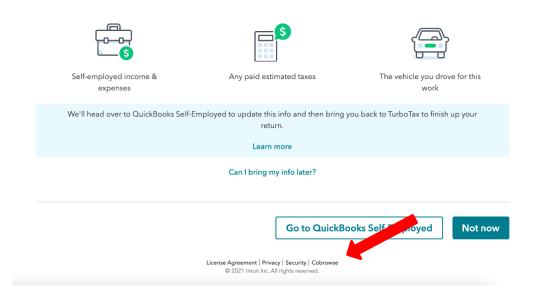
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of the synchronization server, and the host device that has initiated the session invitation; and operating an application based on said web browsing interaction data received from said synchronization server to access a website server independent of the synchronization server subsequent to the activation of the session invitation. See Exhibit B.

- 135. The Accused Instrumentalities that infringe at least Claim 1 of the '145 Patent include at least Intuit's TurboTax Online, QuickBooks Online, TurboTax Live, QuickBooks Live, Smartlook, and other co-browse enabled Intuit products, as well as the underlying infrastructure supporting these products.
  - 136. Claim 1 is illustrative of the Claims of the '145 Patent.
- 137. The Accused Instrumentalities practice every element of at least Claim 1 of the '145 Patent.
- 138. The Accused Instrumentalities each implement a method performed by a guest device for joining a synchronized browsing session administered by a synchronization server.
- 139. As a first example, the Accused Instrumentalities each include an agent device for joining a cobrowsing session between the agent device and a visitor device where the cobrowsing session is administered by a cobrowse server. As a second example, the Accused Instrumentalities each include a visitor device for joining a cobrowsing session between the visitor device and an agent device where the cobrowsing session is administered by a cobrowse server. See, e.g., Glance's "Cobrowse Architecture" Security website. available https://help.glance.net/security/security cobrowse/. See, e.g., Glance Step-by-step https://help.glance.net/glance-Cobrowse Session Workflow, available at: cobrowse/integrity/session-workflow/. See also, as applicable to TurboTax Online and TurboTax Live, TurboTax Login View, available at <a href="https://turbotax.intuit.com">https://turbotax.intuit.com</a> (image shown *infra* with red arrow added to image to indicate "Cobrowse" hyperlink).



See also, as applicable to QuickBooks Online and QuickBooks Live, QuickBooks Login View (red arrow added to image infra to indicate "Cobrowse" hyperlink), available at <a href="https://quickbooks.intuit.com">https://quickbooks.intuit.com</a>.



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See also, as applicable to QuickBooks Online, QuickBooks Live, and Smartlook, the QuickBooks Help Website: Use SmartLook to share your screen with support available https://quickbooks.intuit.com/learn-support/en-us/helpagents, at article/remote-access/use-smartlook-share-screen-support-agents/L9qN7BuTP US en US. See also, as applicable to TurboTax Live and Smartlook, the TurboTax Support website, available at: https://ttlc.intuit.com/community/expert-review/help/how-do-iconnect-with-a-tax-expert-in-turbotax-live/00/27282. See also, as applicable to TurboTax Live and Smartlook, article showing TurboTax Live with mobile co-browse functionality https://www.usatoday.com/story/tech/columnist/2019/03/03/filing-taxesmobile-device-senior-friendly-too/2988124002/. See also, as applicable to TurboTax TurboTax Live Live, the main website, available at https://turbotax.intuit.com/personal-taxes/online/live/. See also, as applicable to Intuit **OuickBooks** Live, the Intuit **QuickBooks** Live website, available at: https://quickbooks.intuit.com/live/.



### Glance works with any device, any OS

Glance delivers a consistent sharing and collaboration experience for your agent and the digitally connected customer, regardless of what technology the customer is using

- Desktop computer application (Windows or Mac)
- Desktop browser
- Mobile browser
- Native mobile app (Android or iOS)

See, as applicable to each of the Accused Instrumentalities, "Glance works with any OS" from Glance website. available device, any at: https://ww2.glance.net/products/glances-technology/ (graphic from website shown above). See also, as applicable to TurboTax, TurboTax Live, and SmartLook, a video featured TurboTax YouTube website, available on the at: https://www.youtube.com/watch?v=YkdL7ZYAhvY; illustrating an example Smartlook browsing session utilizing co-browsing. See also, as applicable to

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QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main website, available at <a href="https://quickbooks.intuit.com/live">https://quickbooks.intuit.com/live</a>; illustrating an example QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in QuickBooks Live. See also, as applicable to TurboTax Online and TurboTax Live, a video featured on the TurboTax YouTube channel, available at <a href="https://youtu.be/ByfnmmykRNw">https://youtu.be/ByfnmmykRNw</a>; illustrating an example TurboTax Live co-browsing session utilizing co-browsing with a tax agent in TurboTax Live.

- 140. The Accused Instrumentalities each receive a session invitation from the synchronization server that includes a session identifier associate with a host device.
- 141. As a first example, the Accused Instrumentalities each include an agent device which receives session information to join a cobrowsing session from a cobrowse server where the session information includes a Session ID that is associated with a visitor device. As a second example, the Accused Instrumentalities each include a visitor device which receives session information to join a cobrowsing session from a cobrowse server where the session information includes a Session ID that associated with an agent device. See, e.g., Glance Step-by-step Cobrowse Session Workflow, available at: https://help.glance.net/glance-cobrowse/integrity/session-workflow/. See, "Cobrowse Security Architecture" available e.g., Glance's website, at https://help.glance.net/security/security\_cobrowse/. See also, applicable TurboTax, TurboTax Live, and SmartLook, a video featured on the TurboTax YouTube website, available at: https://www.youtube.com/watch?v=YkdL7ZYAhvY; illustrating an example Smartlook browsing session utilizing co-browsing. See also, as applicable to QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main website, available at https://quickbooks.intuit.com/live; illustrating an example QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in QuickBooks Live. See also, as applicable to TurboTax Online and TurboTax Live, a video featured TurboTax YouTube available the channel, on at

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- https://youtu.be/ByfnmmykRNw; illustrating an example TurboTax Live co-browsing session utilizing co-browsing with a tax agent in TurboTax Live.
- The Accused Instrumentalities each activate the session invitation to send a request to join the synchronized browsing session to the synchronization server.
- 143. As a first example, the Accused Instrumentalities each include an agent device which accepts the cobrowsing session hyperlink or other cobrowsing session invite request and sends a request to join the cobrowsing session to the cobrowse server. As a second example, the Accused Instrumentalities each include a visitor device which accepts the cobrowsing session hyperlink or other cobrowsing session invite request and sends a request to join the cobrowsing session to the cobrowse server. See, e.g., Glance Step-by-step Cobrowse Session Workflow, available at: https://help.glance.net/glance-cobrowse/integrity/session-workflow/. See. e.g., Glance's "Cobrowse Security Architecture" website, available https://help.glance.net/security/security\_cobrowse/. See also, applicable TurboTax, TurboTax Live, and SmartLook, a video featured on the TurboTax YouTube website, available at: https://www.youtube.com/watch?v=YkdL7ZYAhvY; illustrating an example Smartlook browsing session utilizing co-browsing. See also, as applicable to QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main website, available at <a href="https://quickbooks.intuit.com/live">https://quickbooks.intuit.com/live</a>; illustrating an example QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in QuickBooks Live. See also, as applicable to TurboTax Online and TurboTax Live, a video featured the TurboTax YouTube channel. available on https://youtu.be/ByfnmmykRNw; illustrating an example TurboTax Live co-browsing session utilizing co-browsing with a tax agent in TurboTax Live.
- The Accused Instrumentalities each receive web browsing interaction data from the synchronization server.
- 145. As a first example, the Accused Instrumentalities each include an agent device which receives Session Data from the cobrowse server. As a second example,

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the Accused Instrumentalities each include a visitor device which receives Session Data from the cobrowse server. See, e.g., Glance Step-by-step Cobrowse Session Workflow, available at: https://help.glance.net/glance-cobrowse/integrity/session-workflow/. See, "Cobrowse Glance's Security Architecture" website, available e.g., https://help.glance.net/security/security\_cobrowse/. See also, applicable TurboTax Online, TurboTax Live, and Smartlook, Intuit Glance TurboTax video, available https://ww2.glance.net/customers/intuit-is-changing-the-taxat: game/#video, example screenshot shown below (taken from approximately 1:15 mark in video), illustrating an example TurboTax Online co-browsing session showing the real-time website interaction data communicated between the agent device and the visitor device for interactions with the TurboTax Online website:



Id. at 1:15 mark. See also, as applicable to TurboTax, TurboTax Live, and SmartLook, a video featured on the TurboTax YouTube website, available at: https://www.youtube.com/watch?v=YkdL7ZYAhvY; illustrating an example Smartlook browsing session utilizing co-browsing. See also, as applicable to QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main website, available at https://quickbooks.intuit.com/live; illustrating an example QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in

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QuickBooks Live. *See also*, as applicable to TurboTax Online and TurboTax Live, a video featured on the TurboTax YouTube channel, available at <a href="https://youtu.be/ByfnmmykRNw">https://youtu.be/ByfnmmykRNw</a>; illustrating an example TurboTax Live co-browsing session utilizing co-browsing with a tax agent in TurboTax Live.

- 146. The Accused Instrumentalities each receive web browsing interaction data associated with a website server independent of the synchronization server.
- 147. As a first example, the Accused Instrumentalities each include an agent device, which receives website content and/or other website data associated with a website server independent of the cobrowse server. As a second example, the Accused Instrumentalities each include a visitor device, which receives website content and/or other website data associated with a website server independent of the cobrowse server. See, e.g., Glance Step-by-step Cobrowse Session Workflow, available https://help.glance.net/glance-cobrowse/integrity/session-workflow/. See. e.g., Security Glance's "Cobrowse available Architecture" website. at https://help.glance.net/security/security\_cobrowse/. See also, applicable TurboTax Online, TurboTax Live, and Smartlook, Intuit Glance TurboTax video, available at: https://ww2.glance.net/customers/intuit-is-changing-the-taxgame/#video, example screenshot shown supra. See also Glance Agent API document from Glance Website, available at: https://help.glance.net/glance-cobrowse/glancecobrowse-customizing/visitor agent/agent side/ and Glance Visitor API document from Glance Website, available at: https://help.glance.net/glance-cobrowse/glancecobrowse-customizing/visitor agent/visitor/, describing the available programmable functions that are part of the Agent and Visitor APIs, including functions relating to web browsing interaction data associated with a website server that is independent of the synchronization server. See also "How Intuit Made Outstanding Customer Experience More Visible" article from Glance Website, available at: https://ww2.glance.net/2017/04/intuit-made-customer-experience-visible/. For example, each cobrowse server is independent of the website content servers:

#### "Secured CServer

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Each Cobrowse server is a standalone hardened Linux or FreeBSD server with all superfluous services disabled. The server runs its own native firewall configured to allow incoming traffic only on secure port 443. No session data persists in any file or database on the CServer. Additionally, there are no per-agent restrictions within a group. However, roles can imply per-agent restrictions in a group." (emphasis added). See The Architecture website, available Glance Security at: https://help.glance.net/security/security cobrowse/. See also, applicable TurboTax, TurboTax Live, and SmartLook, a video featured on the TurboTax YouTube website, available at: https://www.youtube.com/watch?v=YkdL7ZYAhvY; illustrating an example Smartlook browsing session utilizing co-browsing. See also, as applicable to QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main website, available at <a href="https://quickbooks.intuit.com/live">https://quickbooks.intuit.com/live</a>; illustrating an example QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in QuickBooks Live. See also, as applicable to TurboTax Online and TurboTax Live, a video featured the TurboTax YouTube channel, available https://youtu.be/ByfnmmykRNw; illustrating an example TurboTax Live co-browsing session utilizing co-browsing with a tax agent in TurboTax Live.

- 148. The Accused Instrumentalities each receive web browsing interaction data associated with the host device that initiated the session invitation.
- 149. As a first example, the Accused Instrumentalities each include an agent device which receives Session Data that is associated with the visitor device. As a second example, the Accused Instrumentalities each include a visitor device which receives Session Data that is associated with the agent device. See, e.g., Glance Stepby-step Cobrowse Session Workflow, available at: <a href="https://help.glance.net/glance-cobrowse/integrity/session-workflow/">https://help.glance.net/glance-net/glance-cobrowse/integrity/session-workflow/</a>. See, e.g., Glance's "Cobrowse Security Architecture" website, available at <a href="https://help.glance.net/security/security\_cobrowse/">https://help.glance.net/security\_security\_cobrowse/</a>. See also, as applicable to TurboTax Online, TurboTax Live, and Smartlook, Intuit Glance TurboTax video, available at: <a href="https://www2.glance.net/customers/intuit-is-">https://www2.glance.net/customers/intuit-is-</a>

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changing-the-tax-game/#video, example screenshot shown supra. See also the Glance CoBrowse Data Sheet, available at: https://content.glance.net/1/503841/2018-04-10/n5xh7g/503841/116899/Datasheet Glance Cobrowse.pdf. See also, as applicable to TurboTax Online, TurboTax Live, and Smartlook, What is TurboTax SmartLook Website, available at: https://ttlc.intuit.com/community/using-turbotax/help/what-issmartlook/00/26714, describing TurboTax SmartLook integration with TurboTax and stating, "When you choose SmartLook<sup>TM</sup>, we'll connect you with a TurboTax specialist. You'll see your specialist on your screen via one-way video, but they won't see you. They'll just see your TurboTax screen, and they'll draw on it to guide you and get you the answers you need." (emphasis added). See also, as applicable to QuickBooks Live, and Smartlook, "How QuickBooks Live Bookkeeping Works" video provided on Intuit's YouTube available QuickBooks account, at https://www.youtube.com/watch?v=Um-jrwvnkXI, which illustrates the Glance cobrowsing technology as implemented for QuickBooks Live (video recording describes Glance's technology integrated in QuickBooks Live, stating "You can one-way video conference with your primary bookkeeper. You'll be able to see them, but they won't see you. And you can use virtual screen-share to work on your books together.") (Screenshot below captured at 0:41 mark in video). /// /// /// /// /// ///

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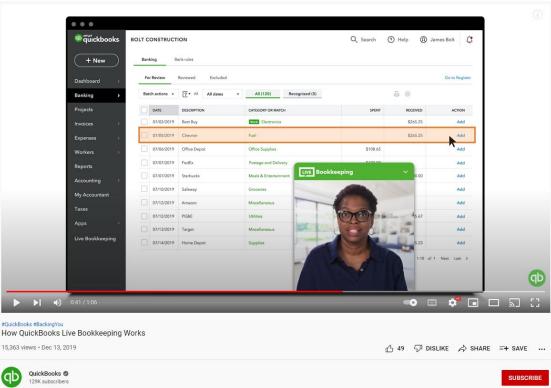
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also, as applicable to TurboTax Live and Smartlook, article showing TurboTax th mobile co-browse functionality (image from article shown below with red added indicating cobrowse button): vww.usatoday.com/story/tech/columnist/2019/03/03/filing-taxes-mobilesenior-friendly-too/2988124002/. See also, as applicable to TurboTax, ax Live, and SmartLook, a video featured on the TurboTax YouTube website, https://www.youtube.com/watch?v=YkdL7ZYAhvY; illustrating an e Smartlook browsing session utilizing co-browsing. See also, as applicable to ooks and QuickBooks Live, a video featured on the QuickBooks Live main website, available at https://quickbooks.intuit.com/live; illustrating an example QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in QuickBooks Live. See also, as applicable to TurboTax Online and TurboTax Live, a video featured the TurboTax YouTube channel. available on at https://youtu.be/ByfnmmykRNw; illustrating an example TurboTax Live co-browsing session utilizing co-browsing with a tax agent in TurboTax Live.

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150. The Accused Instrumentalities each operate an application based on web browsing interaction data received from the synchronization server to access a website independent of the synchronization server subsequent to the activation of the session invitation.

151. As a first example, after the cobrowsing session has started, the agent device accesses the TurboTax, QuickBooks and/or other websites, which are independent of the cobrowsing server, in a web browser. As a second example, after the cobrowsing session has started, the visitor device accesses the TurboTax, QuickBooks and/or other websites, which are independent of the cobrowsing server, in a web browser. See, e.g., Glance Step-by-step Cobrowse Session Workflow, available https://help.glance.net/glance-cobrowse/integrity/session-workflow/. See, e.g., Architecture" Glance's "Cobrowse Security website, available at https://help.glance.net/security/security\_cobrowse/. See also, applicable TurboTax Online, TurboTax Live, and Smartlook, Intuit Glance TurboTax video, available https://ww2.glance.net/customers/intuit-is-changing-the-taxgame/#video, example screenshot shown supra. See also Glance Agent API document from Glance Website, available at: https://help.glance.net/glance-cobrowse/glancecobrowse-customizing/visitor agent/agent side/ and Glance Visitor API document from Glance Website, available at: https://help.glance.net/glance-cobrowse/glancecobrowse-customizing/visitor agent/visitor/, describing the available programmable functions that are part of the Agent and Visitor APIs. See also, as applicable to TurboTax, TurboTax Live, and SmartLook, a video featured on the TurboTax YouTube website, available at: <a href="https://www.youtube.com/watch?v=YkdL7ZYAhvY">https://www.youtube.com/watch?v=YkdL7ZYAhvY</a>; illustrating an example Smartlook browsing session utilizing co-browsing. See also, as applicable to QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main website, available at <a href="https://quickbooks.intuit.com/live">https://quickbooks.intuit.com/live</a>; illustrating an example QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in QuickBooks Live. See also, as applicable to TurboTax Online and TurboTax Live, a

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video featured TurboTax YouTube available the channel, on at https://youtu.be/ByfnmmykRNw; illustrating an example TurboTax Live co-browsing session utilizing co-browsing with a tax agent in TurboTax Live.

- Infringement of Claims 1-18 of the '145 Patent will be further detailed in Infringement Contentions, which will be made available according to scheduling orders entered in this case.
- 153. Intuit has been and is now directly and/or indirectly infringing, individually and/or jointly, either literally or under the doctrine of equivalents, at least Claims 1-5, 7-14, and 16-17 of the '145 Patent in the United States by, among other things, making, using, licensing, selling, offering for sale, or importing the Accused Instrumentalities covered by at least Claims 1-5, 7-14, and 16-17 of the '145 Patent.
- Upon information and belief, pursuant to 35 U.S.C. § 271(a), Intuit has been and is now infringing, individually and/or jointly, at least Claims 1-5, 7-14, and 16-17 of the '145 Patent by making, using, licensing, selling, offering for sale, leasing, offering for lease, and/or importing into the United States without authority or license, the Accused Instrumentalities covered by at least Claims 1-5, 7-14, and 16-17 of the '145 Patent.
- 155. Upon information and belief, pursuant to 35 U.S.C. § 271(a), in the alternative and/or in certain instances of infringement, Intuit directly infringes at least Claims 1-5, 7-14, and 16-17 of the '145 Patent by Intuit's express direction or control of Glance Networks, Inc. ("Glance") and/or by forming a joint enterprise with Glance.
- 156. On information and belief, Intuit Ventures, an entity that is entirely owned Intuit, is significant shareholder of Glance. and operated by a https://www.intuit.com/ventures/ (showing Glance as a portfolio company of Intuit Ventures).
- On information and belief, Intuit contracts with Glance to provide at least portions of the co-browsing technology underlying Intuit's products. See website

entitled "Glance Receives Innovation Award from Intuit," available at: <a href="https://ww2.glance.net/blog/glance-receives-innovation-award-from-intuit/">https://ww2.glance.net/blog/glance-receives-innovation-award-from-intuit/</a>.

- 158. Upon information and belief, the performance of the infringing acts by Intuit and Intuit's customers and users of the Accused Instrumentalities are directed and controlled by Intuit, at least in part, by the contractual agreements that exist between Intuit and those entities and/or individuals.
- 159. Upon information and belief, pursuant to 35 U.S.C. § 271(b), in the alternative and/or in certain instances of infringement, Intuit specifically intended Intuit's customers and users of the Accused Instrumentalities, to directly infringe, either literally or under the doctrine of equivalents, at least Claim Claims 1-5, 7-14, and 16-17 of the '145 Patent by selling, offering for sale, providing, maintaining, and/or licensing the Accused Instrumentalities, with the intent that those customers use the Accused Instrumentalities in the United States in an infringing manner and with knowledge that the acts of Intuit's customers and users of the Accused Instrumentalities constituted infringement.
- 160. Upon information and belief, pursuant to 35 U.S.C. § 271(b), in the alternative and/or in certain instances of infringement, Intuit has been, and currently is, an active inducer of infringement for one or more claims of the '448 Patent. On information and belief, one or more of the Accused Instrumentalities directly and/or indirectly infringe (by induced infringement) at least Claims 1-5, 7-14, and 16-17 of the '145 Patent, literally and/or under the doctrine of equivalents.
- 161. Upon information and belief, Intuit intentionally encourages and aids at least its agents and/or customers and/or users to directly infringe the '145 Patent.
- 162. Upon information and belief, Intuit provides the Accused Instrumentalities and instructions to its agents and/or users and/or customers and/or partners such that they will each use the Accused Instrumentalities in a directly infringing manner. Intuit markets the Accused Instrumentalities to its agents and/or users and/or customers

and/or partners and provides instructions on how to use the functionality of the '145 Patent on its website and elsewhere.

- 163. Upon information and belief, Intuit agents and/or customers and/or users directly infringe by using the Accused Instrumentalities in their intended manner. Intuit induces such infringement by providing the Accused Instrumentalities and instructions to enable and facilitate infringement. On information and belief, Intuit specifically intends that its actions will result in infringement of the '145 Patent or has taken deliberate actions to avoid learning of infringement.
- 164. Upon information and belief, Intuit's infringement of the '145 Patent is knowing, egregious, consciously wrongful, and willful.
- 165. Upon information and belief, Intuit's infringement of the '145 Patent is willful and deliberate, entitling Samesurf to enhanced damages and attorney's fees.
- 166. Upon information and belief, Intuit's infringement of the '145 Patent is exceptional and entitles Samesurf to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.
- 167. Upon information and belief, pursuant to 35 U.S.C. § 271(c), in the alternative and/or in certain instances of infringement, Intuit is liable as a contributory infringer and has knowingly contributed to the direct infringement of Intuit's customers and users of the Accused Instrumentalities, either literally or under the doctrine of equivalents, of at least Claims 1-5, 7-14, and 16-17 of the '145 Patent by importing, selling, offering to sell, maintaining, licensing, and/or otherwise supplying the Accused Instrumentalities to customers, which has no substantial non-infringing use, is especially designed for use in the patented invention, and constitutes a material part of the patented invention.
- 168. At least as early as June 5, 2015, Intuit has had knowledge of the '145 patent and family of patents by way of phone conversations, video conference sessions, and e-mail correspondence between Samesurf's CEO, K. David Pirnazar, and Joyce Yeh, Matt Gage, and/or Paul Hubbard (Intuit correspondence attached at Exhibit D),

and Intuit has intended to infringe the '145 Patent by its use of the Accused Instrumentalities by continuing to sell, offer for sale, provide, maintain, and/or license the Accused Instrumentalities to its customers in the United States. Despite such knowledge, Intuit continues to infringe the '145 Patent. See Exhibit D.

- 169. Upon information and belief, Intuit's acts of infringement have been willful, deliberate, and in reckless disregard of Samesurf's patent rights and will continue unless enjoined by this Court.
- 170. Upon information and belief, Samesurf has suffered and will continue to suffer irreparable loss and injury unless a preliminary injunction is entered that prohibits Intuit from infringing the '145 Patent.
- 171. Samesurf has been damaged by Intuit's acts of infringement of the '145 Patent in an amount to be determined at trial, and has suffered and will continue to suffer irreparable loss and injury unless Intuit is permanently enjoined from infringing the '448 Patent.
- 172. Samesurf is entitled to recover all damages that Samesurf has sustained as a result of Intuit's infringement of the '145 Patent, including without limitation not less than a reasonable royalty.

# Count III – Infringement of U.S. Patent No. 8,527,591 (The '591 Patent)

- 173. Samesurf incorporates by reference each of the preceding paragraphs of the Complaint as though fully set forth herein.
- 174. Claim 1 of the '591 Patent recites: A method for a guest device performing a synchronized browsing session administered by a synchronization server, comprising: detecting an activation of a hyperlink associated with the synchronized browsing session by a guest device; sending a request by the guest device to join the synchronized browsing session to the synchronization server in response to the activation of the hyperlink; receiving from the synchronization server a notification that guest device has joined the synchronized browsing session; receiving data from the synchronization

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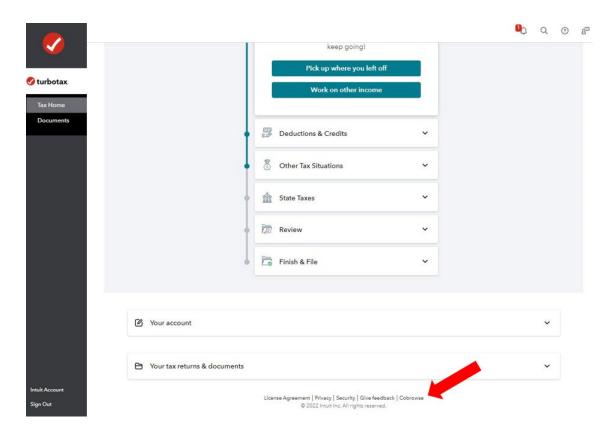
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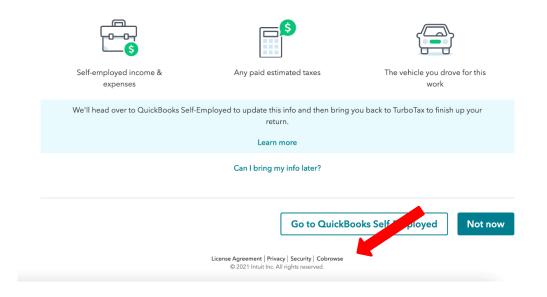
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server, where the data relates to a website being accessed in real-time by a host device; and wherein the data comprises a URL of the website and cookie information associated with the website and the host device; and operating a browser by the guest device based on the data received from the synchronization server. See Exhibit C.

- 175. The Accused Instrumentalities that infringe at least Claim 1 of the '591 Patent include at least Intuit's TurboTax Online, QuickBooks Online, TurboTax Live, QuickBooks Live, Smartlook, and other co-browse enabled Intuit products, as well as the underlying infrastructure supporting these products.
- 176. The Accused Instrumentalities each implement a method for a guest device performing a synchronized browsing session administered by a synchronization server.
- 177. As a first example, the Accused Instrumentalities each include an agent device for performing a cobrowsing session where the cobrowsing session is administered by a cobrowse server. As a second example, the Accused Instrumentalities each include a visitor device for performing a cobrowsing session where the cobrowsing session is administered by a cobrowse server. See, e.g., Glance's "Cobrowse website, Architecture" available Security at https://help.glance.net/security/security cobrowse/. See, e.g., Glance Step-by-step https://help.glance.net/glance-Cobrowse Session Workflow, available at: cobrowse/integrity/session-workflow/. See also, as applicable to TurboTax Online and TurboTax Live, TurboTax Login View, available at https://turbotax.intuit.com (image shown *infra* with red arrow added to image to indicate "Cobrowse" hyperlink).



*See also*, as applicable to QuickBooks Online and QuickBooks Live, QuickBooks Login View (red arrow added to image *infra* to indicate "Cobrowse" hyperlink), available at <a href="https://quickbooks.intuit.com">https://quickbooks.intuit.com</a>.



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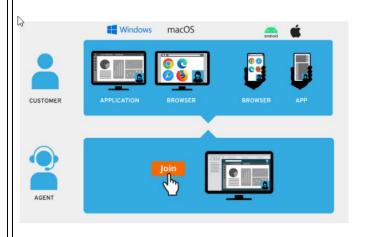
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See also, as applicable to QuickBooks Online, QuickBooks Live, and Smartlook, the QuickBooks Help Website: Use SmartLook to share your screen with support available https://quickbooks.intuit.com/learn-support/en-us/helpagents, at article/remote-access/use-smartlook-share-screen-supportagents/L9qN7BuTP US en US. See also, as applicable to TurboTax Live and Smartlook, the TurboTax Support website. available at: https://ttlc.intuit.com/community/expert-review/help/how-do-i-connect-with-a-taxexpert-in-turbotax-live/00/27282. See also, as applicable to TurboTax Live and Smartlook, article showing TurboTax Live with mobile co-browse functionality https://www.usatoday.com/story/tech/columnist/2019/03/03/filing-taxes-mobiledevice-senior-friendly-too/2988124002/. See also, as applicable to TurboTax Live, the TurboTax Live main website, available at https://turbotax.intuit.com/personaltaxes/online/live/. See also, as applicable to Intuit QuickBooks Live, the Intuit QuickBooks Live website, available at: https://quickbooks.intuit.com/live/.



## Glance works with any device, any OS

Glance delivers a consistent sharing and collaboration experience for your agent and the digitally connected customer, regardless of what technology the customer is using.

- Desktop computer application (Windows or Mac)
- Desktop browser
- Mobile browser
- · Native mobile app (Android or iOS)

See, as applicable to each of the Accused Instrumentalities, "Glance works with any device, OS" from Glance website, available any https://ww2.glance.net/products/glances-technology/ (graphic from website shown above). See also, as applicable to TurboTax, TurboTax Live, and SmartLook, a video featured TurboTax YouTube website. available the on at: https://www.youtube.com/watch?v=YkdL7ZYAhvY; illustrating an example

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McKool Smith, P.C.

Smartlook browsing session utilizing co-browsing. *See also*, as applicable to QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main website, available at <a href="https://quickbooks.intuit.com/live">https://quickbooks.intuit.com/live</a>; illustrating an example QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in QuickBooks Live. *See also*, as applicable to TurboTax Online and TurboTax Live, a video featured on the TurboTax YouTube channel, available at <a href="https://youtu.be/ByfnmmykRNw">https://youtu.be/ByfnmmykRNw</a>; illustrating an example TurboTax Live co-browsing session utilizing co-browsing with a tax agent in TurboTax Live.

- 178. The Accused Instrumentalities each detect an activation of a hyperlink associated with the synchronized browsing session by a guest device.
- 179. As a first example, the Accused Instrumentalities each include an agent device which detects an activation of a hyperlink associated with the cobrowsing session. As a second example, the Accused Instrumentalities each include a visitor device which detects an activation of a hyperlink associated with the cobrowsing session. See, e.g., Glance's "Cobrowse Security Architecture" website, available at https://help.glance.net/security/security cobrowse/. See, e.g., Glance Step-by-step Workflow, available Cobrowse Session at: https://help.glance.net/glancecobrowse/integrity/session-workflow/. In the example illustrated below, the visitor initiates the cobrowse session by activating a hyperlink that sends a StartCobrowse request (shown in green outline below) to a cobrowse server to start the cobrowsing session.

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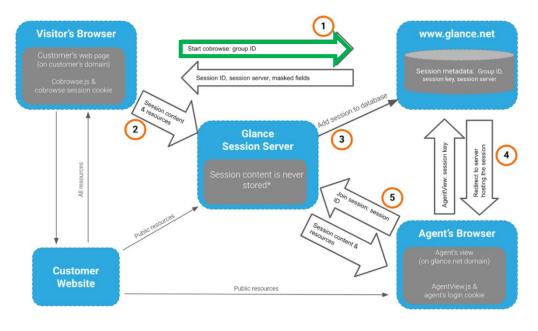
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Step-by-step Cobrowse Session Workflow, available Glance See https://help.glance.net/glance-cobrowse/integrity/session-workflow/. See also Glance Agent API document from Glance Website, available at: https://help.glance.net/glancecobrowse/glance-cobrowse-customizing/visitor agent/agent side/ and Glance Visitor API document from Glance Website, available at: https://help.glance.net/glancecobrowse/glance-cobrowse-customizing/visitor agent/visitor/, describing the available programmable functions that are part of the Agent and Visitor APIs, including functions relating to initiating cobrowsing sessions. See also QuickBooks Help Website: Use SmartLook available to share with support agents, your screen at https://quickbooks.intuit.com/learn-support/en-us/help-article/remote-access/usesmartlook-share-screen-support-agents/L9qN7BuTP US en US. also. as applicable to TurboTax Live and Smartlook, TurboTax Support website, available at: https://ttlc.intuit.com/community/expert-review/help/how-do-i-connect-with-a-taxexpert-in-turbotax-live/00/27282. See also, as applicable to TurboTax, TurboTax Live, and SmartLook, a video featured on the TurboTax YouTube website, available at: https://www.youtube.com/watch?v=YkdL7ZYAhvY; illustrating example an Smartlook browsing session utilizing co-browsing. See also, as applicable to

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QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main website, available at <a href="https://quickbooks.intuit.com/live">https://quickbooks.intuit.com/live</a>; illustrating an example QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in QuickBooks Live. See also, as applicable to TurboTax Online and TurboTax Live, a video featured on the TurboTax YouTube channel, available at <a href="https://youtu.be/ByfnmmykRNw">https://youtu.be/ByfnmmykRNw</a>; illustrating an example TurboTax Live co-browsing session utilizing co-browsing with a tax agent in TurboTax Live.

- 180. The Accused Instrumentalities each send a request by the guest device to join the synchronized browsing session to the synchronization server in response to the activation of the hyperlink.
- 181. In a first example, the agent device sends a request to join the cobrowsing session in response to the activation of the hyperlink. In a second example, the visitor device sends a request to join the cobrowsing session in response to the activation of the hyperlink. See, e.g., Glance Step-by-step Cobrowse Session Workflow, available at: https://help.glance.net/glance-cobrowse/integrity/session-workflow/. See also, as applicable to QuickBooks Online, QuickBooks Live, and Smartlook, QuickBooks Help Website: Use SmartLook to share your screen with support agents, available at https://quickbooks.intuit.com/learn-support/en-us/help-article/remote-access/usesmartlook-share-screen-support-agents/L9qN7BuTP US en US. See also. as applicable to TurboTax Live and Smartlook, TurboTax Support website, available at: https://ttlc.intuit.com/community/expert-review/help/how-do-i-connect-with-a-taxexpert-in-turbotax-live/00/27282. See also, as applicable to TurboTax, TurboTax Live, and SmartLook, a video featured on the TurboTax YouTube website, available at: https://www.youtube.com/watch?v=YkdL7ZYAhvY; illustrating example an Smartlook browsing session utilizing co-browsing. See also, as applicable to QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main website, available at https://quickbooks.intuit.com/live; illustrating an example QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in

QuickBooks Live. *See also*, as applicable to TurboTax Online and TurboTax Live, a video featured on the TurboTax YouTube channel, available at <a href="https://youtu.be/ByfnmmykRNw">https://youtu.be/ByfnmmykRNw</a>; illustrating an example TurboTax Live co-browsing session utilizing co-browsing with a tax agent in TurboTax Live.

- 182. The Accused Instrumentalities each receive a notification that guest device has joined the synchronized browsing session from the synchronization server.
- 183. As a first example, the agent's device receives an indication from the cobrowse server that a visitor device has joined the cobrowsing session. As a second example, the visitor's device receives an indication from the cobrowse server that an agent device has joined the cobrowsing session. In the example illustrated below, the visitor's device that initiated the cobrowse session receives a confirmation message (shown in red outline below) from the cobrowse server. This message includes a Session ID which includes three components: (1) a group ID, (2) a session key, and (3) a random number for uniqueness (see below). See, e.g., Glance's "Cobrowse Security Architecture" website, available at <a href="https://help.glance.net/security/security\_cobrowse/">https://help.glance.net/gla

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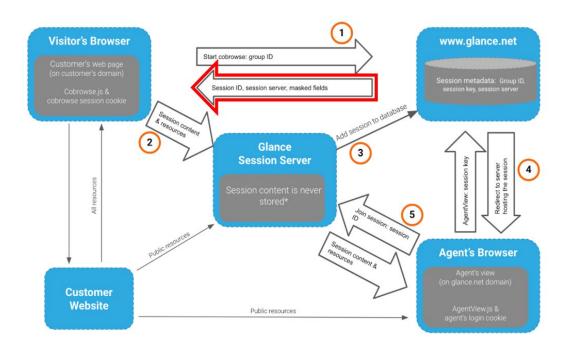
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Glance Step-by-step Cobrowse Session Workflow, available https://help.glance.net/glance-cobrowse/integrity/session-workflow/. See also, applicable to TurboTax, TurboTax Live, and SmartLook, a video featured on the TurboTax YouTube website. available at: https://www.youtube.com/watch?v=YkdL7ZYAhvY; illustrating an example Smartlook browsing session utilizing co-browsing. See also, as applicable to QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main website, available at https://quickbooks.intuit.com/live; illustrating an example QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in QuickBooks Live. See also, as applicable to TurboTax Online and TurboTax Live, a video featured the TurboTax YouTube channel. on available https://youtu.be/ByfnmmykRNw; illustrating an example TurboTax Live co-browsing session utilizing co-browsing with a tax agent in TurboTax Live.

184. The Accused Instrumentalities each receive data from the synchronization server, where the data relates to a website being accessed in real-time by a host device; and wherein the data comprises a URL of the website and cookie information associated with the website and the host device.

185. In a first example, the agent's device receives Session Data from the

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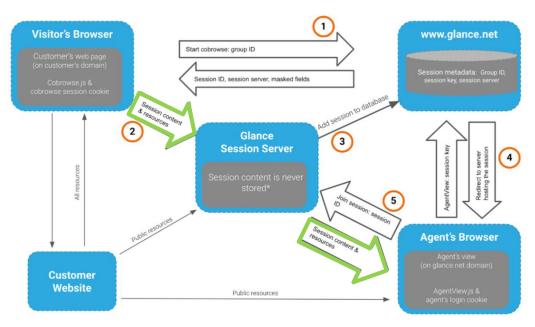
cobrowse server, where the Session Data relates to a website being accessed by the host device and the data includes the website URL and cookie information associated with the website and the host device. In a second example, the visitor's device receives Session Data from the cobrowse server, where the Session Data relates to a website being accessed by the host device and the data includes the website URL and cookie information associated with the website and the host device. See, e.g., Glance Step-bystep Cobrowse Session Workflow, available at: https://help.glance.net/glancecobrowse/integrity/session-workflow/. See, e.g., Glance's "Cobrowse Security Architecture" website, available at https://help.glance.net/security/security/cobrowse/. See also, as applicable to TurboTax Online, TurboTax Live, and Smartlook, Intuit Glance TurboTax video, available at: https://ww2.glance.net/customers/intuit-ischanging-the-tax-game/#video, example screenshot shown below (taken from approximately 1:15 mark in video), illustrating an example TurboTax Online cobrowsing session showing the real-time website interaction data communicated between the agent device and the visitor device for interactions with the TurboTax Online website:



Id. at 1:15 mark. See also Glance Agent API document from Glance Website, available
at: <a glance-cobrowse="" glance-cobrowse-glance<="" help.glance.net="" href="https://help.glance.net/glance-cobrowse/glance-co&lt;/td&gt;&lt;/tr&gt;&lt;tr&gt;&lt;td&gt;customizing/visitor_agent/agent_side/ and Glance Visitor API document from Glance&lt;/td&gt;&lt;/tr&gt;&lt;tr&gt;&lt;td&gt;Website, available at: &lt;a href=" https:="" td=""></a>
customizing/visitor_agent/visitor/, describing the available programmable functions
that are part of the Agent and Visitor APIs, including functions relating to web browsing
interaction data associated with a website server that is independent of the
synchronization server. See also "How Intuit Made Outstanding Customer Experience
More Visible" article from Glance Website, available at:
https://ww2.glance.net/2017/04/intuit-made-customer-experience-visible/. See also, as
applicable to TurboTax, TurboTax Live, and SmartLook, a video featured on the
TurboTax YouTube website, available at:
https://www.youtube.com/watch?v=YkdL7ZYAhvY; illustrating an example
Smartlook browsing session utilizing co-browsing. See also, as applicable to
QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main
website, available at <a href="https://quickbooks.intuit.com/live">https://quickbooks.intuit.com/live</a> ; illustrating an example
QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in
QuickBooks Live. See also, as applicable to TurboTax Online and TurboTax Live, a
video featured on the TurboTax YouTube channel, available at
https://youtu.be/ByfnmmykRNw; illustrating an example TurboTax Live co-browsing
session utilizing co-browsing with a tax agent in TurboTax Live.

- 186. The Accused Instrumentalities each operate a browser by the guest device based on the data received from the synchronization server.
- 187. In a first example, the agent device manipulates a browser based on data received from the cobrowse server. In a second example, the visitor device manipulates a browser based on data received from the cobrowse server. In an example, after the cobrowsing session has started, each of the visitor device and agent device use a web browser to access the TurboTax and/or QuickBooks and/or other websites. The

cobrowse server, receives Session Data from either the visitor device or the agent device and transmits the Session Data on to the corresponding other device (see lime green arrows below showing "session content and resources" being transmitted).



See, e.g., Glance's "Cobrowse Security Architecture" website, available at <a href="https://help.glance.net/security/security\_cobrowse/">https://help.glance.net/security/security\_cobrowse/</a>. See also Glance Agent API document from Glance Website, available at: <a href="https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor\_agent/agent\_side/">https://help.glance.net/glance-cobrowse-customizing/visitor\_agent/agent\_side/</a> and Glance Visitor API document from Glance Website, available at: <a href="https://help.glance.net/glance-cobrowse-customizing/visitor\_agent/visitor/">https://help.glance.net/glance-net/glance-cobrowse-customizing/visitor\_agent/visitor/</a>, describing the available programmable functions that are part of the Agent and Visitor APIs, including functions relating to web browsing interaction data. See also "How Intuit Made Outstanding Customer Experience More Visible" article from Glance Website, available at: <a href="https://ww2.glance.net/2017/04/intuit-made-customer-experience-visible/">https://ww2.glance.net/2017/04/intuit-made-customer-experience-visible/</a>.

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See, as applicable to TurboTax Online, TurboTax Live, and Smartlook, website citation supra to Intuit Glance TurboTax video. See also "How Intuit Made Outstanding Customer Experience More Visible" article from Glance Website, available at: https://ww2.glance.net/2017/04/intuit-made-customer-experience-visible/, describing TurboTax SmartLook integration with TurboTax using Glance co-browsing technology. See also, as applicable to QuickBooks Live and Smartlook, "How QuickBooks Live Bookkeeping Works" video provided on Intuit's QuickBooks YouTube account, available at https://www.youtube.com/watch?v=Um-jrwvnkXI, which illustrates the Glance co-browsing technology as implemented for QuickBooks Live (video recording describes Glance's technology integrated in QuickBooks Live, stating "You can one-way video conference with your primary bookkeeper. You'll be able to see them, but they won't see you. And you can use virtual screen-share to work on your books together.") (Screenshot shown infra captured at 0:41 mark in video).

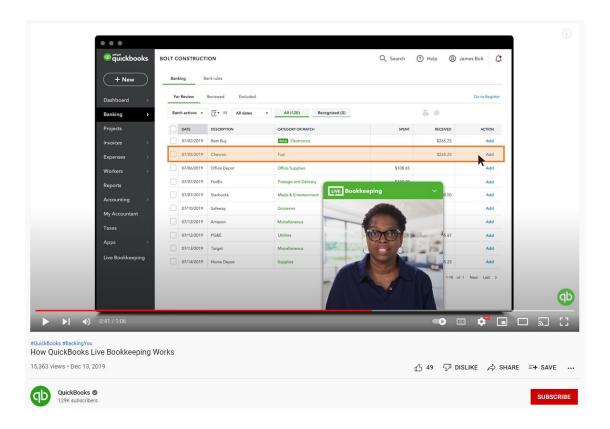
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*Id. See also*, as applicable to QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main website, available at <a href="https://quickbooks.intuit.com/live">https://quickbooks.intuit.com/live</a>; illustrating an example QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in QuickBooks Live. *See also*, as applicable to TurboTax Online and TurboTax Live, a video featured on the TurboTax YouTube channel, available at <a href="https://youtu.be/ByfnmmykRNw">https://youtu.be/ByfnmmykRNw</a>; illustrating an example TurboTax Live co-browsing session utilizing co-browsing with a tax agent in TurboTax Live.

- 188. Infringement of Claims 1-18 of the '591 Patent will be further detailed in Infringement Contentions, which will be made available according to scheduling orders entered in this case.
- 189. Intuit has been and is now directly and/or indirectly infringing, individually and/or jointly, either literally or under the doctrine of equivalents, at least Claims 1-6, 10-12, and 14-16 of the '591 Patent in the United States by, among other things, making, using, licensing, selling, offering for sale, or importing the Accused Instrumentalities covered by at least Claims 1-6, 10-12, and 14-16 of the '591 Patent.

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- 190. Upon information and belief, pursuant to 35 U.S.C. § 271(a), Intuit has been and is now infringing, individually and/or jointly, at least Claim 1 and Claim 10 of the '591 Patent by making, using, licensing, selling, offering for sale, leasing, offering for lease, and/or importing into the United States without authority or license, the Accused Instrumentalities covered by at least Claims 1-6, 10-12, and 14-16 of the '591 Patent.
- 191. Upon information and belief, pursuant to 35 U.S.C. § 271(a), in the alternative and/or in certain instances of infringement, Intuit directly infringes at least Claims 1-6, 10-12, and 14-16 of the '591 Patent by Intuit's express direction or control of Glance Networks, Inc. ("Glance") and/or by forming a joint enterprise with Glance.
- 192. On information and belief, Intuit Ventures, an entity that is entirely owned of Intuit, is significant shareholder Glance. and operated by a See https://www.intuit.com/ventures/ (showing Glance as a portfolio company of Intuit Ventures).
- 193. On information and belief, Intuit contracts with Glance to provide at least portions of the co-browsing technology underlying Intuit's products. See website Innovation Award "Glance Receives from Intuit," available https://ww2.glance.net/blog/glance-receives-innovation-award-from-intuit/.
- 194. Upon information and belief, the performance of the infringing acts by Intuit and Intuit's customers and users of the Accused Instrumentalities are directed and controlled by Intuit, at least in part, by the contractual agreements that exist between Intuit and those entities and/or individuals.
- 195. Upon information and belief, pursuant to 35 U.S.C. § 271(b), in the alternative and/or in certain instances of infringement, Intuit specifically intended Intuit's customers and users of the Accused Instrumentalities, to directly infringe, either literally or under the doctrine of equivalents, at least Claims 1-6, 10-12, and 14-16 of the '591 Patent by selling, offering for sale, providing, maintaining, and/or licensing the Accused Instrumentalities, with the intent that those customers use the Accused

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Instrumentalities in the United States in an infringing manner and with knowledge that the acts of Intuit's customers and users of the Accused Instrumentalities constituted infringement.

- 196. Upon information and belief, pursuant to 35 U.S.C. § 271(b), in the alternative and/or in certain instances of infringement, Intuit has been, and currently is, an active inducer of infringement for one or more claims of the '591 Patent. On information and belief, one or more of the Accused Instrumentalities directly and/or indirectly infringe (by induced infringement) at least Claims 1-6, 10-12, and 14-16 of the '591 Patent, literally and/or under the doctrine of equivalents.
- 197. Upon information and belief, Intuit intentionally encourages and aids at least its agents and/or customers and/or users and/or partners to directly infringe the '591 Patent.
- Upon information and belief, Intuit provides the Accused Instrumentalities and instructions to its agents and/or users and/or customers and/or partners such that they will each use the Accused Instrumentalities in a directly infringing manner. Intuit markets the Accused Instrumentalities to its agents and/or users and/or customers and/or partners and provides instructions on how to use the functionality of the '591 Patent on its website and elsewhere.
- 199. Upon information and belief, Intuit agents and/or customers and/or users and/or partners directly infringe by using the Accused Instrumentalities in their intended manner. Intuit induces such infringement by providing the Accused Instrumentalities and instructions to enable and facilitate infringement. On information and belief, Intuit specifically intends that its actions will result in infringement of the '591 Patent or has taken deliberate actions to avoid learning of infringement.
- 200. Upon information and belief, Intuit's infringement of the '591 Patent is knowing, egregious, consciously wrongful, and willful.
- 201. Upon information and belief, Intuit's infringement of the '591 Patent is willful and deliberate, entitling Samesurf to enhanced damages and attorney's fees.

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- 202. Upon information and belief, Intuit's infringement of the '591 Patent is exceptional and entitles Samesurf to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.
- 203. Upon information and belief, pursuant to 35 U.S.C. § 271(c), in the alternative and/or in certain instances of infringement, Intuit is liable as a contributory infringer and has knowingly contributed to the direct infringement of Intuit's customers and users of the Accused Instrumentalities, either literally or under the doctrine of equivalents, of at least Claims 1-6, 10-12, and 14-16 of the '591 Patent by importing, selling, offering to sell, maintaining, licensing, and/or otherwise supplying the Accused Instrumentalities to customers, which has no substantial non-infringing use, is especially designed for use in the patented invention, and constitutes a material part of the patented invention.
- 204. At least as early as June 5, 2015, Intuit has had knowledge of the '591 patent and family of patents by way of phone conversations, video conference sessions, and e-mail correspondence between Samesurf's CEO, K. David Pirnazar, and Joyce Yeh, Matt Gage, and/or Paul Hubbard (Intuit correspondence attached at Exhibit D), and Intuit has intended to infringe the '591 Patent by its use of the Accused Instrumentalities by continuing to sell, offer for sale, provide, maintain, and/or license the Accused Instrumentalities to its customers in the United States. Despite such knowledge, Intuit continues to infringe the '591 Patent. See Exhibit D.
- 205. Upon information and belief, Intuit's acts of infringement have been willful, deliberate, and in reckless disregard of Samesurf's patent rights and will continue unless enjoined by this Court.
- 206. Upon information and belief, Samesurf has suffered and will continue to suffer irreparable loss and injury unless a preliminary injunction is entered that prohibits Intuit from infringing the '591 Patent.
- Samesurf has been damaged by Intuit's acts of infringement of the '591 Patent in an amount to be determined at trial, and has suffered and will continue to

suffer irreparable loss and injury unless Intuit is permanently enjoined from infringing the '448 Patent.

208. Samesurf is entitled to recover all damages that Samesurf has sustained as a result of Intuit's infringement of the '591 Patent, including without limitation not less than a reasonable royalty.

#### REQUEST FOR INJUNCTIVE RELIEF

- 209. Samesurf incorporates by reference each of the preceding paragraphs of the Complaint as though fully set forth herein
- 210. Intuit's infringement of Samesurf's Patents has caused and continues to cause Samesurf to suffer irreparable injury and remedies at law are inadequate to compensate Samesurf for that irreparable injury. Further, a balancing of hardships between Samesurf and Intuit favors a grant of injunction and the public interest would not be disserved by the grant of a preliminary injunction.
- 211. To preserve the status quo until trial in this cause, Samesurf requests the Court enter a preliminary injunction to enjoin and restrain Intuit and its officers, directors, agents, servants, employees, consultants, contractors, suppliers, distributors, affiliates, divisions, subsidiaries, parents, partners, and others acting in privity with Intuit from: (i) infringing Samesurf's Patents; (ii) selling, licensing or otherwise providing the Accused Instrumentalities in the United States; and (iii) operating the Accused Instrumentalities in the United States. Unless Intuit is enjoined from engaging in additional misconduct, Samesurf will continue to be irreparably harmed. Such misconduct has resulted in loss already, which is unascertainable at this point in time, and will result in future economic loss. Further, the balance of hardships warrants that an injunction be entered.
- 212. Samesurf has no adequate remedy at law for Intuit's misconduct, as money damages are not adequate to compensate for the ongoing harm caused by its misconduct.

- 213. Samesurf further requests that this court enter a permanent injunction upon entry of judgment, thereby preventing Intuit of further acts of infringement.
  - 214. Samesurf has a clear legal right to the requested relief.
- 215. The public interest favors entry of an injunction to uphold the importance of patent protection and to protect the legitimate business interests of patent owners.

### PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

- 1. That the Court enter a preliminary injunction, pursuant to 35 U.S.C. § 283, enjoining Intuit and its officers, directors, agents, servants, employees, consultants, contractors, suppliers, distributors, affiliates, divisions, subsidiaries, parents, partners and others acting in privity with Intuit, from infringing, inducing the infringement of, or contributing to the infringement of Samesurf's '448, '145, and '591 Patents;
- 2. That the Court enter judgment in favor of Samesurf that Intuit has infringed and continues to infringe, one or more claims of each of Samesurf's '448, '145, and '591 Patents pursuant to 35 U.S.C. §§ 271(a), 271(b), and/or 271(c);
- 3. That the Court enter a judgment requiring Intuit to make an accounting of damages resulting from its infringement of Samesurf's '448, '145, and '591 Patents;
- 4. That the Court enter a permanent injunction, pursuant to 35 U.S.C. § 283, enjoining Intuit and its officers, directors, agents, servants, employees, consultants, contractors, suppliers, distributors, affiliates, divisions, subsidiaries, parents, partners, and others acting in privity with Intuit, from infringing, inducing the infringement of, or contributing to the infringement of Samesurf's '448, '145, and '591 Patents;
- 5. That the Court enter a judgment and order requiring Intuit to pay Samesurf damages for Intuit's infringement of Samesurf's '448, '145, and '591 Patents, together with interest (both pre and post-judgment), costs, and disbursements as fixed by this Court under 35 U.S.C. § 284;

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6.	That the Court enter a judgment and order finding Intuit's infringement of
Samesurf's	'448, '145, and '591 Patents willful and increasing such damages pursuant
to 35 U.S.C.	§ 284 because of the willful and deliberate nature of Intuit's conduct;

- 7. That the Court enter a judgment finding this case exceptional and order awarding Samesurf its reasonable attorney's fees, pursuant to 35 U.S.C. § 285 or as otherwise permitted by law;
- 8. That the Court enter a judgment and order awarding Samesurf pre- and post-judgment interest at the highest rate allowable by law;
- 9. That the Court enter a judgment and order awarding Samesurf any costs of court; and
- 10. That the Court enter a judgment and order awarding all such further and additional relief to which Samesurf may be entitled.

DATED: March 29, 2022

Respectfully submitted,

### MCKOOL SMITH HENNIGAN, P.C.

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Attorneys for Plaintiff Samesurf, Inc.

<sup>\*</sup>Pro hac vice application forthcoming

**DEMAND FOR JURY TRIAL** 1 2 3 In accordance with Rule 38 of the Federal Rules of Civil Procedure and Local Rule 38-1, Plaintiff respectfully demands a jury trial of all issues triable to a jury. 4 5 DATED: March 29, 2022 Respectfully submitted, 6 MCKOOL SMITH HENNIGAN, P.C. 7 8 By: s/ Alan P. Block 9 Alan P. Block (SBN 143783) ablock@mckoolsmithhennigan.com 10 Ryan B. McBeth (TX SBN 24078955)\* 11 rmcbeth@mckoolsmith.com 12 MCKOOL SMITH, P.C. 13 MCKOOL SMITH, P.C. Ashley N. Moore (TX SBN 24074748)\* 14 amoore@mckoolsmith.com MCKOOL SMITH, P.C. 15 16 \*Pro hac vice application forthcoming 17 Attorneys for Plaintiff Samesurf, Inc. 18 19 20 21 22 23 24 25 26 27 28