

MCKOOL SMITH, P.C.

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Alan P. Block (SBN 143783)
ablock@mckoolsmithhennigan.com
MCKOOL SMITH HENNIGAN, P.C.
300 South Grand Avenue, Suite 2900
Los Angeles, California 90071
Telephone: (213) 694-1200
Facsimile: (213) 694-1234

Ryan B. McBeth (TX SBN 24078955)*
rmcbeth@mckoolsmith.com
MCKOOL SMITH, P.C.
600 Travis Street, Suite 7000
Houston, TX 77002
Telephone: (713) 485-7300
Facsimile: (713) 485-7344

Ashley N. Moore (TX SBN 24074748)*
amoore@mckoolsmith.com
MCKOOL SMITH, P.C.
300 Crescent Court, Suite 1500
Dallas, Texas 75201
Telephone: (214) 978-4000
Facsimile: (214) 978-4044

**Pro hac vice application forthcoming*

Attorneys for Plaintiff
Samesurf, Inc.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION**

Samesurf, Inc.,

Plaintiff,

vs.

Intuit, Inc.,

Defendant.

Case No. '22CV412 LL KSC

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

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1 Plaintiff Samesurf, Inc. (“Samesurf”) files this Original Complaint for patent
 2 infringement and injunctive relief against Defendant Intuit, Inc. (“Intuit”). In May of
 3 2015, Intuit contacted Samesurf to explore integrating Samesurf’s patented co-
 4 browsing (also known as synchronized browsing) technology into Intuit’s consumer
 5 products. During the discussions, Samesurf’s team of developers created a functioning
 6 prototype, showcasing Samesurf’s patented co-browsing technology as part of Intuit’s
 7 TurboTax offering in anticipation that Intuit would hire and/or otherwise enter into a
 8 business relationship with Samesurf. Instead, Intuit learned Samesurf’s methods,
 9 copied Samesurf’s ideas, disregarded Samesurf’s patents and left Samesurf with no
 10 choice but to bring this action against Intuit for patent infringement.

11 In support thereof, Samesurf respectfully alleges as follows:

12 **THE PARTIES**

13 1. Samesurf is a Delaware corporation authorized to do business in the State
 14 of California with its principal place of business at 10877 Wilshire Boulevard, Suite
 15 1407, Los Angeles, CA 90024.

16 2. On information and belief, Intuit is a Delaware corporation authorized to
 17 do business in the State of California with a corporate office and regular and established
 18 place of business at 7535 Torrey Santa Fe Rd, San Diego, CA 92129.

19 3. On information and belief, Intuit is registered with the California Secretary
 20 of State.

21 4. On information and belief, Intuit’s most current Certificate of Status with
 22 the Secretary of State of California is dated February 2, 2022 and shows that Intuit is
 23 active, in good standing, and qualified to transact intrastate business in California.

24 5. Intuit may be served through its registered agent for service of process,
 25 Corporation Service Company, which does business in California as CSC-Lawyers
 26 Incorporating Service, 2710 Gateway Oaks Drive, Suite 150N, Sacramento, CA 95833.

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JURISDICTION AND VENUE

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2 6. This is an action arising under the patent laws of the United States, 35
3 U.S.C. §§ 1, et seq. Accordingly, this Court has subject matter jurisdiction over this
4 action pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1338(a) (action
5 arising under an Act of Congress relating to patents).

6 7. This Court has personal jurisdiction over Intuit because it is a resident of
7 California and has been doing business in the state of California in a continuous and
8 systematic way as to render it at home in California. Intuit has purposefully and
9 voluntarily availed itself of the privileges of conducting business in the Unites States,
10 in the State of California, and in this District by continuously and systematically placing
11 goods and services into the stream of commerce through established distribution
12 channels with the expectation that they will be purchased by consumers in this District.
13 Intuit directly and/or through intermediaries (including distributors, sales agents, and
14 others), makes, ships, distributes, offers for sale, sells, advertises, markets, and/or uses
15 its products and services (including, but not limited to, the products and services that
16 are accused of patent infringement in this lawsuit) in the Unites States, the State of
17 California, and this District.

18 8. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400
19 because Intuit has committed, and continues to commit, acts of infringement in this
20 District and has a regular and established place of business in this District. On
21 information and belief, Intuit maintains regular and established places of business in
22 this District at 7535 Torrey Santa Fe Rd, San Diego, CA 92129.

23 9. Jurisdiction and Venue is further proper in this District pursuant to the
24 foregoing facts.

25 10. On information and belief, Intuit has been providing and continues to
26 provide services to clients throughout California, including in the Southern District of
27 California, and throughout the United States.

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1 11. On information and belief, the Accused Instrumentalities, including at
2 least Intuit's TurboTax Online, QuickBooks Online, TurboTax Live, QuickBooks Live,
3 Smartlook, and other co-browse enabled Intuit products and services are offered to
4 clients throughout California, including in this District.

5 12. On information and belief and since at least 1993, Intuit has and/or had a
6 regular and established place of business in San Diego, California.¹

7 13. On information and belief and since at least 1993, Intuit has and/or had a
8 regular and established place of business in San Diego, California at 7535 Torrey Santa
9 Fe Rd, San Diego, CA 92129. Intuit states that this office is the headquarters for the
10 TurboTax and Turbo teams.² See below photograph of Intuit Offices in San Diego,
11 California.³



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26 ¹ See <https://www.latimes.com/archives/la-xpm-1993-09-02-fi-30906-story.html>.

27 ² Source: <https://www.intuit.com/careers/locations/united-states/>.

28 ³ Source: <https://goo.gl/maps/HQZi9nnW1P8tJBq47>, also shown above.

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1 14. On information and belief, Intuit has over 1,000 employees that work for
2 Intuit in San Diego, California, including developers, managers, executives and senior
3 executives.⁴

4 15. On information and belief, Intuit currently has posted over 300 open
5 positions that may be filled in or within a 50-mile radius of San Diego, California.⁵

6 16. On information and belief, Intuit employs numerous software
7 development employees in and around San Diego, California.⁶

8 17. On information and belief, numerous Intuit employees that work out of
9 Intuit's San Diego office were essential in procuring and integrating co-browsing
10 technology into Intuit's TurboTax Online, QuickBooks Online, TurboTax Live,
11 QuickBooks Live, Smartlook, and other co-browse enabled Intuit products.

12 18. On information and belief, numerous of Intuit's employees that work out
13 of Intuit's San Diego office continue to develop and integrate co-browsing technology
14 into Intuit's TurboTax Online, QuickBooks Online, TurboTax Live, QuickBooks Live,
15 Smartlook, and other co-browse enabled Intuit products.

16 19. On information and belief, Intuit's Vice President of Design, Mike Perez,
17 works for Intuit in San Diego, California.⁷ He was the Design Director for TurboTax
18 Live, one of the Accused Instrumentalities in this case, and was the design leader that
19 took TurboTax Live from Beta through the live release. *Id.*

20 20. On information and belief, Lance Williams - Intuit's current Senior Vice
21 President, Product Management, for the TurboTax Global Platform and prior Vice
22 President of TurboTax Live Product - works for Intuit in San Diego, California where

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24 ⁴ See <https://www.sandiegouniontribune.com/business/economy/sdut-intuit-atmosphere-to-excel-2014nov09-htmlstory.html>

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

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27 ⁶ See https://www.glassdoor.com/Location/Intuit-San-Diego-Location-EI_IE2293.0,6_IL.7,16_IC1147311.htm

28 ⁷ See <https://www.linkedin.com/in/mike-perez-755247/>

1 he served as the leader of the product management organization and cross functional
2 segment team responsible for building and growing “human-enabled Live products”
3 such as TurboTax Live, one of the Accused Instrumentalities in this case.⁸

4 21. On information and belief, Intuit’s Vice President of Product Management
5 and Services at Intuit, Stacie Herring, works for Intuit in San Diego, California.⁹ Ms.
6 Herring received an internal Intuit award for Intuit’s SmartLook, one of the Accused
7 Instrumentalities in this case. *Id.* Her LinkedIn profile states that, “[u]nder her strategic
8 services leadership, TurboTax Live has grown to a multi-million dollar product line,
9 and one of the fastest growing businesses in the company's history” *Id.* TurboTax Live
10 is also one of the Accused Instrumentalities in this case.

11 22. On information and belief, Intuit’s Design Director of TurboTax Live at
12 Intuit, Ian Cameron, works for Intuit in San Diego, California.¹⁰ Mr. Cameron was
13 formerly the Head of Product Design, Group Design Manager for TurboTax Live, one
14 of the Accused Instrumentalities in this case. *Id.* Prior to that role, he was a Product
15 Design Strategist and Principal Product Designer for the TurboTax Live consumer
16 experience. *Id.*

17 23. On information and belief, Intuit’s Distinguished Architect of TurboTax
18 Live, Vinay Kumar, works for Intuit in San Diego, California and “[d]rove rapid
19 development of TurboTax's assisted offerings by leveraging Intuit technology assets
20 and extending the platform to deliver new strategic capabilities.”¹¹ Mr. Kumar likely
21 has significant knowledge of TurboTax Live, one of the Accused Instrumentalities in
22 this case, due to his role as an architect and his knowledge regarding the development,
23 function, and functionality of TurboTax Live. *Id.*

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

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

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

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

1 24. On information and belief, Intuit’s Group Design Manager, Virtual Expert
2 Platform, Juan Hernandez, works for Intuit in San Diego, California and has been
3 employed by Intuit in multiple roles designing and developing TurboTax Live, one of
4 the Accused Instrumentalities in this case. Mr. Hernandez’s roles have included:
5 Principal Product Designer, TurboTax Live from Feb 2020 to Apr 2020 and Senior
6 Product Designer, TurboTax Live from Mar 2018 to Jan 2020.¹²

7 25. On information and belief, Intuit’s Product Leader and Group Product
8 Manager at Intuit, Julia Zhuang, works for Intuit in San Diego, California and worked
9 to develop TurboTax Live as part of a three person team “that led the fastest revenue
10 growth initiative in company history.”¹³ Based on Ms. Zhuang’s LinkedIn profile, she
11 had a significant role in the early development of TurboTax Live, one of the Accused
12 Instrumentalities of this case. *Id.*

13 26. On information and belief, Intuit’s Director, Product Management Digital
14 Platforms at Intuit, Nikos Ioannou, works for Intuit in San Diego, California and as part
15 of his role, “[p]rototyped and rolled out “Smart Look,” a one-click support experience
16 with video and co-browse capabilities. These capabilities were foundational in
17 launching TurboTax Live, an assisted TurboTax offering for the first time in 2016.”¹⁴
18 Mr. Ioannou helped to develop Intuit’s Smartlook product which is one of the Accused
19 Instrumentalities in this case. *Id.*

20 27. On information and belief, Intuit’s Principal Software Architect, Paul
21 Hubbard, works for Intuit in San Diego, California.¹⁵ Paul Hubbard was the original
22 Intuit employee who contacted Samesurf about integrating Samesurf’s co-browsing
23 technology in 2015. *See* Intuit correspondence referenced *supra*.

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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/>

28 ¹⁵ *See* <https://www.linkedin.com/in/paulhubbard/>

1 28. On information and belief, Intuit's Senior Software Engineer, Matt Gage,
2 works for Intuit in San Diego, California.¹⁶ Matt Gage had direct discussions with
3 Samesurf when Intuit contacted Samesurf about integrating Samesurf's co-browsing
4 technology in 2015. See Intuit correspondence referenced supra.

5 29. On information and belief, Intuit's Principal Software Engineer, Amir
6 Eftekhari, works for Intuit in San Diego, California and developed Intuit's Smartlook
7 product, one of the Accused Instrumentalities in the case.¹⁷

8 30. On information and belief, Intuit's Group Manager, Intuit Customer
9 Success, Digital Platforms, Louis Barkley, works for Intuit in San Diego, California
10 and was involved in the design and support of Intuit's Smartlook product, one of the
11 Accused Instrumentalities in the case.¹⁸

12 31. On information and belief, Intuit's Group Product Manager, Maureen
13 Stafford, works for Intuit in San Diego, California and helped lead the launching and
14 scaling of TurboTax Live, one of the Accused Instrumentalities, as an end-to-end
15 Expert Group Product Manager.¹⁹

16 32. On information and belief, numerous Intuit tax professionals, accounting
17 professionals, and customers have used the co-browse functionality of the following
18 products and services in this District: Intuit's TurboTax Online, QuickBooks Online,
19 TurboTax Live, QuickBooks Live, Smartlook, and other co-browse enabled Intuit
20 products.

21 33. Intuit has derived substantial revenues from its infringing acts occurring
22 within the State of California and within this District.

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

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

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

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

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

4 **FACTUAL BACKGROUND**

5 **A. Samesurf**

6 35. Samesurf was established in 2009 by co-founders K. David Pirnazar, Jerry
7 A. Greenberg and Adam Flaherty with the idea to bring a simpler, more robust and
8 ultra-secure mechanism for real time collaboration to market. With this pursuit in mind,
9 K. David Pirnazar, a co-founder and CEO of Samesurf, invented and established a new
10 standard for visual communication that is highly efficient and one that protects sensitive
11 information during shared browsing sessions. This technology is now popularly known
12 as co-browsing, synchronized browsing, collaborative browsing, and/or shared web
13 browsing.

14 36. Through years of research and development, Samesurf has developed an
15 extensive background of technology in the fields of co-browsing, synchronized
16 browsing, synchronized form filling, co-form filling, co-watching, co-experience
17 sharing and other forms of remote visually oriented engagement by multiple parties
18 who require the ability to share the same online experiences in real time from remote
19 locales.

20 37. Samesurf first launched its co-browsing platform in 2011 and has
21 continued to develop and optimize it over the years.

22 38. Samesurf owns a portfolio of patents relating to the fields of co-browsing,
23 synchronized browsing, synchronized form filling, co-form filling, co-watching, co-
24 experience sharing and other forms of remote visually oriented engagement by multiple
25 parties who require the ability to share the same online experiences in real time from
26 remote locales.

27 39. Through the development and application of this technology, Samesurf
28 has enabled extensive technological growth in the aforementioned fields.

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1 40. As Samesurf has continued to grow and market the Samesurf co-browsing
2 platform, many companies have sought out and hired Samesurf to help them integrate
3 Samesurf’s co-browsing technology into their existing products and/or to deliver a co-
4 browsing solution to their customers and employees.

5 41. On information and belief, Intuit sought out Samesurf in an effort to
6 integrate Samesurf’s co-browse technology as part of Intuit’s tax preparation and
7 accounting products and services as a mutually beneficial offering.

8 42. Samesurf entered into discussions with Intuit regarding Samesurf’s co-
9 browsing technology as early as May 18, 2015 when Paul Hubbard, a software engineer
10 in Intuit’s San Diego office, initially contacted Samesurf via the “Contact Us”
11 component of the Samesurf website. See Exhibit D.

12 43. Beginning in May of 2015, Intuit began evaluating Samesurf’s co-
13 browsing technology for integration into its TurboTax and QuickBooks products.

14 44. From May of 2015 to July of 2015, Samesurf and Intuit communicated on
15 several occasions about integrating Samesurf’s co-browsing technology into its
16 TurboTax and QuickBooks products.

17 45. From May of 2015 to July of 2015, the CEO and co-founder of Samesurf,
18 K. David Pirnazar, communicated with Paul Hubbard, Matt Gage, Erik Kaasila, Joyce
19 Yeh and Loren Lacy of Intuit.

20 46. Intuit began requesting information from Samesurf about how Samesurf’s
21 co-browsing technology functioned, at least as early as May 18, 2015.

22 47. At least as early as May of 2015, Samesurf provided information to Intuit
23 regarding its co-browsing technology and how to integrate it within Intuit’s own web
24 experiences in anticipation that Intuit would hire and/or otherwise enter into a business
25 relationship with Samesurf. To this end, Samesurf’s Chief Technology Officer and
26 other engineers worked to add customized functionality to its own suite of offerings at
27 the specific request of and for the specific use of Intuit. One example of this special
28 form of functionality was the creation of an online queuing system that would enable

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

3 48. Based on specific instructions given to Intuit and after learning how
4 Samesurf's co-browsing technology functioned, Intuit proceeded to integrate
5 Samesurf's co-browsing technology into Intuit's TurboTax Online, QuickBooks
6 Online, TurboTax Live, QuickBooks Live, Smartlook, and other co-browse enabled
7 Intuit products, as well as the underlying infrastructure supporting these products,
8 without Samesurf.

9 49. Intuit has infringed Samesurf's Patents including, at least, U.S. Patent Nos.
10 9,483,448, 9,185,145, and 8,527,591 (the "Patents-in-Suit" or "Samesurf's Patents") by
11 utilizing Samesurf's patented technology as part of TurboTax Online, QuickBooks
12 Online, TurboTax Live, QuickBooks Live, Smartlook, and other co-browse enabled
13 Intuit products and/or online experiences.

14 50. On June 5, 2015, the CEO and co-founder of Samesurf, K. David Pirnazar,
15 sent Intuit employee Paul Hubbard an email stating in-part, the following:

16 Hope you're well. I wanted to reach out to you and give you
17 a status report as to progress in supporting the Turbotax
18 portion of the Intuit.com site in its current state. We are appx.
19 75% complete in terms of developing and supporting a
20 completely new iteration of ***our patented co-browsing***
21 ***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.

22 (emphasis added). *See* Exhibit D.

23 51. On June 15, 2015 and in following up with the companies' comprehensive
24 interactions on the development side, Samesurf was approached via email by Johan
25 Johansson – Intuit's Strategic Sourcing Leader – to gain further information.

26 52. On June 17, 2015 and in response to Mr. Johansson's formal inquiry,
27 Samesurf provided substantive information to Intuit, where the Samesurf cobrowse
28 feature was expressly described as "Patented Co-Browsing by Samesurf."

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

4 **Patents:** Despite any emerging collaboration technologies
5 that you hear about during your technical diligence process,
6 it's imperative to know that Samesurf is the **ONLY** company
7 in the industry that holds multiple US patents on
8 synchronized web browsing. These are patents that have
9 already been granted in addition to the multiple others that we
10 now have pending that also relate back to the original filing
11 date of May 2010. These are patents that relate to synched
12 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.

13 *See* Exhibit D.

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

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

23 (emphasis added). *See* Exhibit D.

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

1 '145 and '591 patents among others,²⁰ Samesurf.com archive dated March 10, 2016 –
 2 listing '145 and '591 patents among others,²¹ Samesurf.com archive dated June 4, 2016
 3 – listing '145 and '591 patents among others,²² Samesurf.com archive dated July 31,
 4 2016 – listing '145 and '591 patents among others,²³ Samesurf.com archive dated
 5 December 3, 2020 – listing '448, '145 and '591 patents among others.²⁴

6 56. Based on the above referenced correspondence with Intuit, the
 7 Samesurf.com website, and Intuit employees' knowledge of the Samesurf.com website,
 8 Intuit has had knowledge of Samesurf's Patents, since at least as early as June 5, 2015,
 9 including at least, U.S. Patent Nos. 9,483,448, 9,185,145, and 8,527,591.

10 57. Based on the above referenced correspondence with Intuit, the
 11 Samesurf.com website, and Intuit employees' knowledge of the Samesurf.com website,
 12 Intuit has had knowledge of Samesurf's Patent Applications, since at least as early as
 13 June 5, 2015, including, at least, Pat. App. Ser. Nos. 12/783,735, 14/830,710,
 14 13/951,789, and 12/783,743.

15 58. Co-browsing is a vast improvement over existing technologies. Among
 16 other advancements, it is ultra-secure, uses significantly less data than traditional
 17 systems, is less processor intensive than traditional systems, allows for advanced yet
 18 ultra-secure interactivity between users, has performance advantages for sharing rich
 19 media content and video, and is highly scalable in terms of supported participant counts.

20 59. For at least these reasons, Intuit approached Samesurf with a "specific"
 21 ask for co-browsing technology.

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 24 ²⁰<https://web.archive.org/web/20160115212654/http://www.samesurf.com/technology.html#patents>

25 ²¹<https://web.archive.org/web/20160310191255/http://www.samesurf.com:80/technology.html#patents>

26 ²²<https://web.archive.org/web/20160604120517/http://www.samesurf.com/technology.html#patents>

27 ²³<https://web.archive.org/web/20160731043532/http://www.samesurf.com/technology.html#patents>

28 ²⁴<https://web.archive.org/web/20201203164900/https://www.samesurf.com/technology.html#patents>

1 60. In contrast to legacy solutions, co-browsing is a considerably more
2 resource efficient technology in that it involves the detection and replication of web
3 browsing interactions from one device to one or more other devices through a
4 synchronization server. Samesurf’s co-browsing claimed methods and apparatuses
5 further allow for co-browsing with significantly lower latency and bandwidth, CPU and
6 GPU utilization levels. This is achieved, at least in part, by each device independently
7 fetching website elements rather than traditional methods of requiring host screen
8 video-data to be constantly uploaded, encoded and decoded through a server for
9 transmission to and receipt by one or more participating guest devices.

10 61. Samesurf’s technology further allows for enhanced network and computer
11 security which is achieved through limiting co-browsing session sharing to, for
12 example, (1) single browser tab sharing where a given users other screen elements and
13 desktop are not shared, and (2) the ability to distinguish between “shared” and “non-
14 shared” data so that certain sensitive content such as credit card numbers are not passed
15 within this process and sensitive information is thus not viewable by unauthorized
16 parties such as Intuit tax experts during shared sessions with online clients. Samesurf’s
17 co-browsing claimed methods and apparatuses further allow for the simultaneous and
18 synchronous viewing of video and rich media content by large volumes of users without
19 the latency and choppiness that are inherent by-products of traditional systems.

20 62. For companies in highly regulated industries such as finance, accounting,
21 insurance and healthcare, privacy, data, network and computer security have all become
22 increasingly important and significantly more stringent over the years. With security,
23 regulatory compliance and privacy in mind, the ability of Samesurf’s co-browsing
24 technology to safeguard sensitive customer data during shared sessions by
25 distinguishing between screen elements that are classified as “sharable web browsing
26 interactions” versus “non-sharable web browsing interactions” enables sensitive
27 content such as credit card and/or social security numbers to be “masked” or not made
28 viewable by unauthorized parties such as company agents during shared online

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

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

10 **B. Intuit**

11 64. On information and belief, Intuit provides co-browse technology and
12 software that Intuit utilizes as part of Intuit TurboTax Online, QuickBooks Online,
13 TurboTax Live, QuickBooks Live, Smartlook, and other co-browse enabled Intuit
14 products.

15 65. On information and belief, Intuit provides co-browse capabilities to Intuit
16 customers as part of Intuit TurboTax Online, QuickBooks Online, TurboTax Live,
17 QuickBooks Live, Smartlook, and other co-browse enabled Intuit products.

18 66. On information and belief, Intuit tax preparation and accounting
19 professionals co-browse with Intuit customers as part of Intuit TurboTax Online,
20 QuickBooks Online, TurboTax Live, QuickBooks Live, Smartlook, and other co-
21 browse enabled Intuit products.

22 67. On information and belief, Intuit TurboTax Online, QuickBooks Online,
23 TurboTax Live, QuickBooks Live, Smartlook, and other co-browse enabled Intuit
24 products, each utilize a synchronization server as part of providing co-browse
25 technology to Intuit’s customers.

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1 **C. Intuit is Infringing Samesurf’s ’448, ’145 and ’591 Patents (“Samesurf**
2 **Patents”)**

3 68. On November 1, 2016, the United States Patent and Trademark Office
4 duly and legally issued United States Patent No. 9,483,448 (“the ’448 Patent”), titled
5 “Method and Apparatus for the Implementation of a Real-Time Sharable Browsing
6 Experience on a Host Device.” Samesurf, Inc. is the owner of the ’448 Patent.

7 69. Samesurf holds all right, title, and interest in and to the ’448 Patent,
8 including the right to prevent infringement of and to seek and obtain any and all
9 damages and other remedies for infringement of the ’448 Patent (a copy of which is
10 attached as Exhibit A).

11 70. The ’448 Patent claims priority to U.S. Pat. App. Ser. No. 12/783,735 filed
12 on May 20, 2010.

13 71. The ’448 Patent is valid and enforceable.

14 72. On November 10, 2015, the United States Patent and Trademark Office
15 duly and legally issued United States Patent No. 9,185,145 (“the ’145 Patent”), titled
16 “Method and Apparatus for the Implementation of a Real-Time Sharable Browsing
17 Experience on a Guest Device.” Samesurf, Inc. is the owner of the ’145 Patent.

18 73. Samesurf holds all right, title, and interest in and to the ’145 Patent,
19 including the right to prevent infringement of and to seek and obtain any and all
20 damages and other remedies for infringement of the ’145 Patent (a copy of which is
21 attached as Exhibit B).

22 74. The ’145 Patent claims priority to U.S. Pat. App. Ser. No. 12/783,743 filed
23 on May 20, 2010.

24 75. The ’145 Patent is valid and enforceable.

25 76. On September 3, 2013, the United States Patent and Trademark Office
26 duly and legally issued United States Patent No. 8,527,591 (“the ’591 Patent”), titled
27 “Method and Apparatus for the Implementation of a Real-Time Sharable Browsing
28 Experience on a Guest Device.” Samesurf, Inc. is the owner of the ’591 Patent.

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1 77. Samesurf holds all right, title, and interest in and to the '591 Patent,
2 including the right to prevent infringement of and to seek and obtain any and all
3 damages and other remedies for infringement of the '591 Patent (a copy of which is
4 attached as Exhibit C).

5 78. The application for the '591 Patent was filed on May 20, 2010.

6 79. The '591 Patent is valid and enforceable.

7 80. Upon information and belief, Intuit makes, uses, licenses, sells, offers for
8 sale, or imports in the United States and in this judicial district, Intuit's TurboTax
9 Online, QuickBooks Online, TurboTax Live, QuickBooks Live, Smartlook, and other
10 co-browse enabled Intuit products, that each separately infringe the '448, '145 and '591
11 Patents.

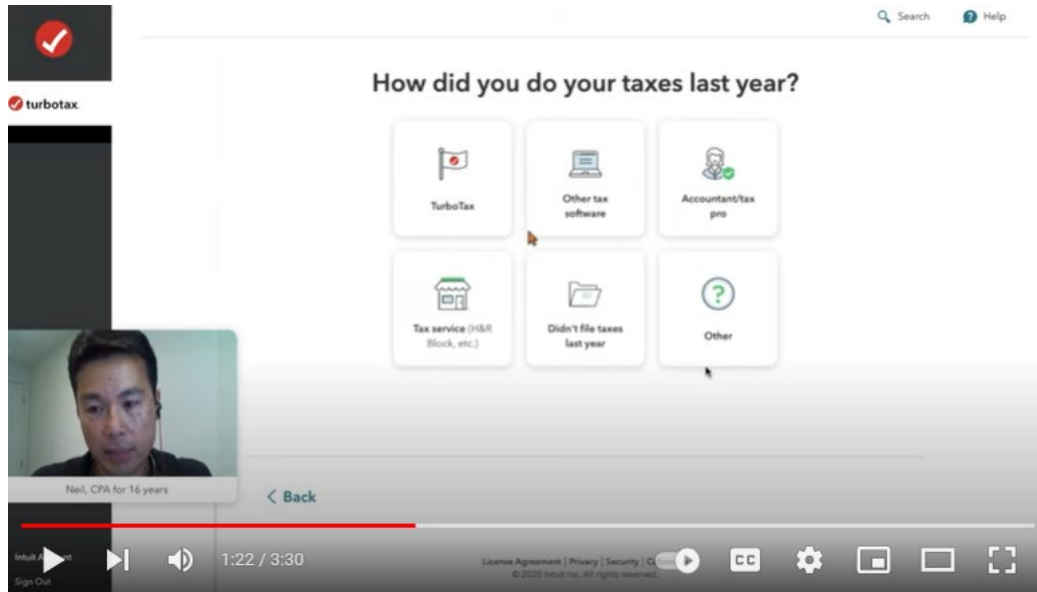
12 **D. Intuit's Accused Products and Services**

13 81. Intuit's products and services that are accused of infringing the Patents-in-
14 Suit (the "Accused Instrumentalities" or "Accused Products") include at least Intuit's
15 TurboTax Online, QuickBooks Online, TurboTax Live, QuickBooks Live, Smartlook,
16 and other co-browse enabled Intuit products, as well as the underlying infrastructure
17 supporting these products.

18 82. As described supra, Intuit began integrating Samesurf's patented co-
19 browsing technology into the Accused Products after multiple meetings, customized
20 software implementations, and technical follow-ups with Samesurf during 2015.

21 83. An example illustrating Intuit's use of Samesurf's co-browsing technology
22 can be found in a publicly available video, featured on the TurboTax YouTube channel,
23 available at <https://youtu.be/ByfnmmykRNw>; an exemplary screenshot shown below
24 illustrates an example TurboTax Live co-browsing session utilizing co-browsing with
25 a tax agent in TurboTax Live.

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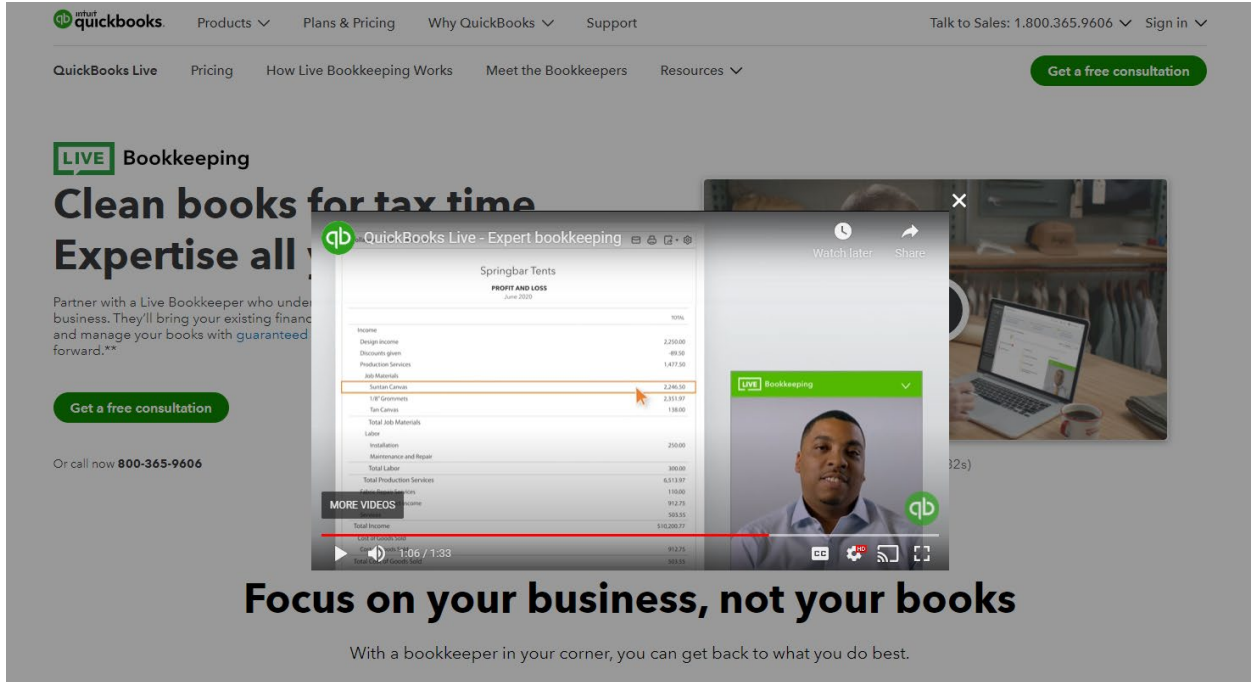


11 *Id.* See also the TurboTax Live main website, available at
 12 <https://turbotax.intuit.com/personal-taxes/online/live/>. See also Intuit’s TurboTax help
 13 website, “How do I cobrowse,” available at:
 14 [https://tlc.intuit.com/community/business-taxes/discussion/how-do-i-](https://tlc.intuit.com/community/business-taxes/discussion/how-do-i-cobrowse/00/1077567)
 15 [cobrowse/00/1077567](https://tlc.intuit.com/community/business-taxes/discussion/how-do-i-cobrowse/00/1077567).

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

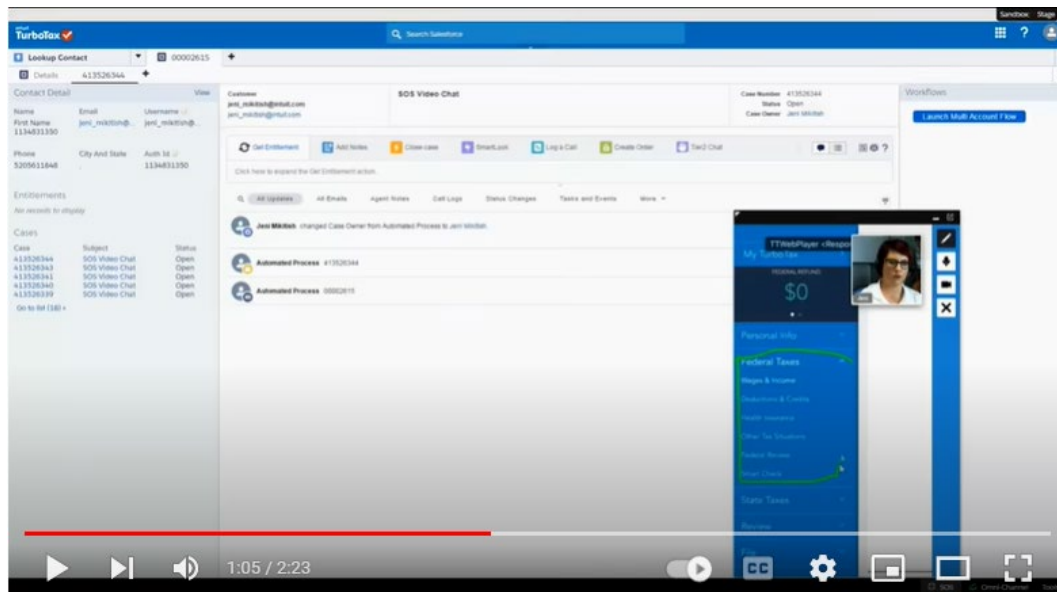
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Id.

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: <https://www.youtube.com/watch?v=YkdL7ZYAhvY>; an exemplary screenshot shown below illustrates an example Smartlook co-browse session.



1 *Id.* See also [https://ttlc.intuit.com/community/taxes/discussion/does-it-cost-money-to-](https://ttlc.intuit.com/community/taxes/discussion/does-it-cost-money-to-use-smartlook-with-turbo-tax-live/00/629826)
2 [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) (Discussing that Smartlook is included
3 with TurboTax Live).

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

7 **CAUSES OF ACTION**

8 **Count I – Infringement of U.S. Patent No. 9,483,448**

9 **(The ’448 Patent)**

10 87. Samesurf incorporates by reference each of the preceding paragraphs of
11 the Complaint as though fully set forth herein.

12 88. Claim 1 of the ’448 Patent recites: A method performed by a host device
13 for establishing a synchronized browsing session between the host device and an invitee
14 device, comprising: sending a request to establish the synchronized browsing session
15 to a synchronization server; receiving a confirmation message from the synchronization
16 server including a session identifier generated by the synchronization server, wherein
17 the session identifier is associated with the host device and the established synchronized
18 browsing session; sending an invitation to an invitee device to join the synchronized
19 browsing session, wherein the invitation includes the session identifier; recording a
20 shared web browsing interaction responsive to determining that a web browsing
21 interaction of the host device within a web browsing window is a sharable web
22 browsing interaction; sending a request for webpage content to a website server
23 independent of the synchronization server; subsequent to sending the request for
24 webpage content to the website server, transmitting information related to the shared
25 web browsing interaction to the synchronization server, wherein the information related
26 to the shared web browsing interaction is to be processed by a browser of the invitee
27 device and enables the invitee device to generate a request to retrieve substantially the
28 same webpage content as the request for the webpage content from the host device;

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1 wherein the synchronization server transmits the information related to the shared web
 2 browsing interaction to the invitee device in response to receiving the information
 3 related to the shared web browsing interaction from the host device, and wherein the
 4 invitee device retrieves data from the website server in response to receiving the
 5 information related to the shared web browsing interaction from the synchronization
 6 server, the data associated with the webpage content requested by the host device and
 7 the information related to the shared web browsing interaction; and receiving,
 8 responsive to sending the request for webpage content to the website server and after
 9 transmitting the information related to the shared web browsing interaction to the
 10 synchronization server, the requested webpage content from the website server. *See*
 11 Exhibit A.

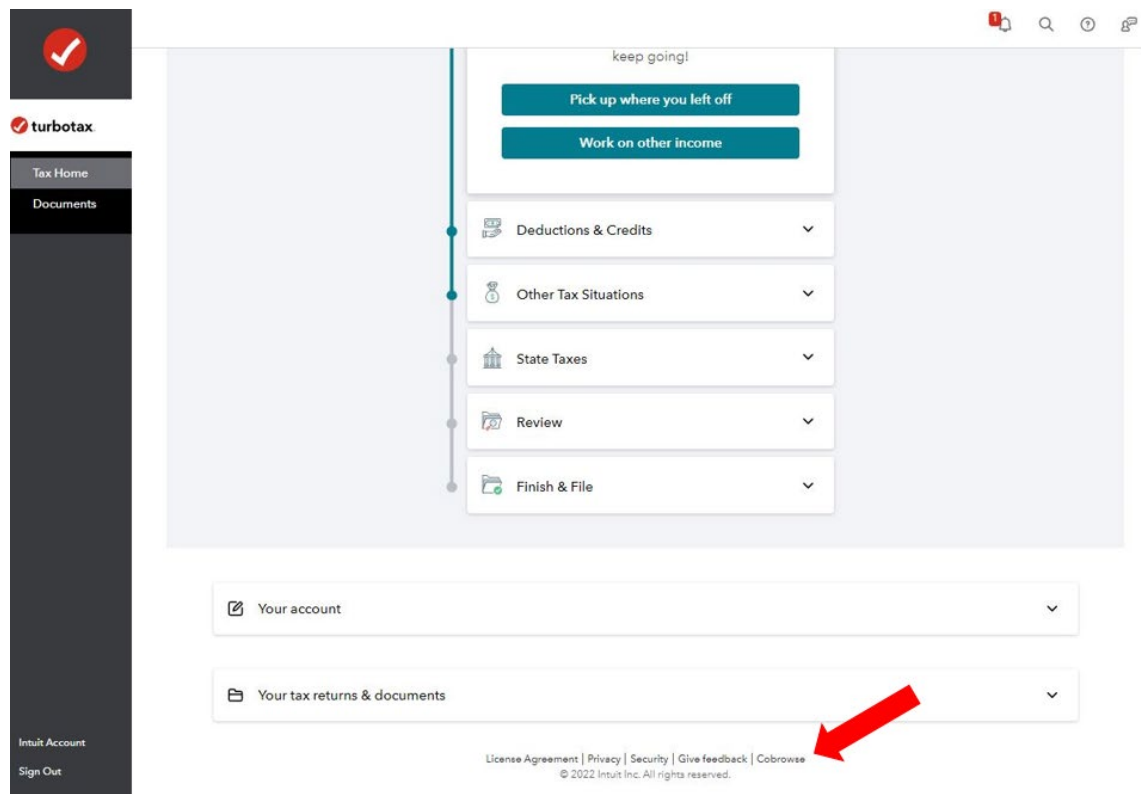
12 89. The Accused Instrumentalities that infringe at least Claim 1 of the '448
 13 Patent include at least Intuit's TurboTax Online, QuickBooks Online, TurboTax Live,
 14 QuickBooks Live, Smartlook, and other co-browse enabled Intuit products, as well as
 15 the underlying infrastructure supporting these products.

16 90. The Accused Instrumentalities each implement a method performed by a
 17 host device for establishing a synchronized browsing session between the host device
 18 and an invitee device.

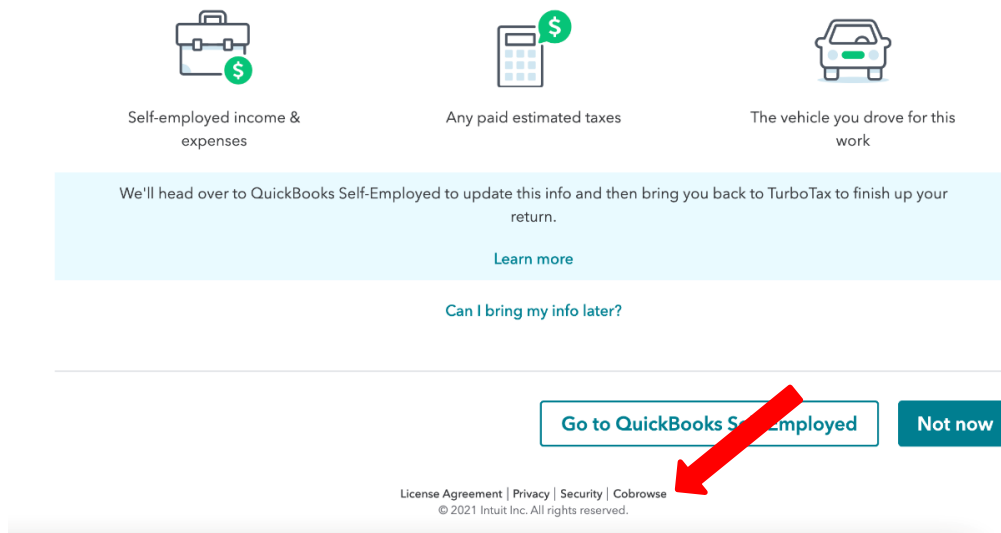
19 91. As a first example, the Accused Instrumentalities each include an agent
 20 device for establishing a cobrowsing session between the agent device and a visitor
 21 device. As a second example, the Accused Instrumentalities each include a visitor
 22 device for establishing a cobrowsing session between the visitor device and the agent
 23 device. *See, e.g.*, Glance's "Cobrowse Security Architecture" website, available at
 24 https://help.glance.net/security/security_cobrowse/.²⁵ *See, e.g.*, Glance Step-by-step
 25 Cobrowse Session Workflow, available at: [https://help.glance.net/glance-](https://help.glance.net/glance-cobrowse/integrity/session-workflow/)
 26 [cobrowse/integrity/session-workflow/](https://help.glance.net/glance-cobrowse/integrity/session-workflow/). *See also*, as applicable to TurboTax Online and

27 _____
 28 ²⁵ Note: Glance website citation, architecture citations, API citations, and other documentation citations are generally applicable to each of the Accused Instrumentalities throughout this Complaint.

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

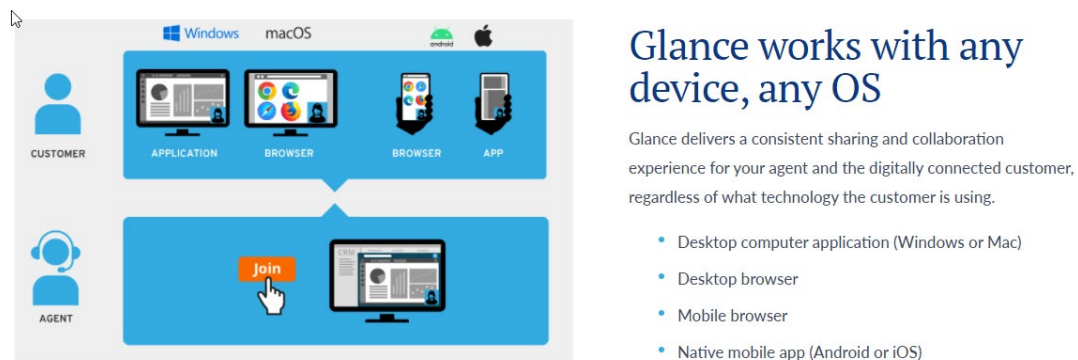


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16 See also, as applicable to QuickBooks Online and QuickBooks Live, QuickBooks
17 Login View (red arrow added to image *infra* to indicate “Cobrowse” hyperlink),
18 available at <https://quickbooks.intuit.com>.



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1 *See also*, as applicable to QuickBooks Online, QuickBooks Live, and Smartlook, the
 2 QuickBooks Help Website: Use SmartLook to share your screen with support agents,
 3 available at [https://quickbooks.intuit.com/learn-support/en-us/help-article/remote-
 4 access/use-smartlook-share-screen-support-agents/L9qN7BuTP_US_en_US](https://quickbooks.intuit.com/learn-support/en-us/help-article/remote-access/use-smartlook-share-screen-support-agents/L9qN7BuTP_US_en_US). *See also*,
 5 as applicable to TurboTax Live and Smartlook, the TurboTax Support website,
 6 available at: [https://ttlc.intuit.com/community/expert-review/help/how-do-i-connect-
 7 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). *See also*, as applicable to TurboTax Live
 8 and Smartlook, article showing TurboTax Live with mobile co-browse functionality
 9 [https://www.usatoday.com/story/tech/columnist/2019/03/03/filing-taxes-mobile-
 10 device-senior-friendly-too/2988124002/](https://www.usatoday.com/story/tech/columnist/2019/03/03/filing-taxes-mobile-device-senior-friendly-too/2988124002/). *See also*, as applicable to TurboTax Live, the
 11 TurboTax Live main website, available at [https://turbotax.intuit.com/personal-
 12 taxes/online/live/](https://turbotax.intuit.com/personal-taxes/online/live/). *See also*, as applicable to Intuit QuickBooks Live, the Intuit
 13 QuickBooks Live website, available at: <https://quickbooks.intuit.com/live/>.



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

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

7 92. The Accused Instrumentalities each send a request to establish the
8 synchronized browsing session to a synchronization server.

9 93. As a first example, the Accused Instrumentalities each include an agent
10 device which sends a StartCobrowse request to establish a cobrowsing session to a
11 cobrowse server. As a second example, the Accused Instrumentalities each include a
12 visitor device which sends a StartCobrowse request to establish a cobrowsing session
13 to a cobrowse server. *See, e.g.*, Glance’s “Cobrowse Security Architecture” website,
14 available at https://help.glance.net/security/security_cobrowse/. *See, e.g.*, Glance Step-
15 by-step Cobrowse Session Workflow, available at: [https://help.glance.net/glance-](https://help.glance.net/glance-cobrowse/integrity/session-workflow/)
16 [cobrowse/integrity/session-workflow/](https://help.glance.net/glance-cobrowse/integrity/session-workflow/). *See also*, as applicable to TurboTax Online and
17 TurboTax Live, TurboTax Login View, available at <https://turbotax.intuit.com> (image
18 shown *supra* with red arrow added to image to indicate “Cobrowse” hyperlink). *See*
19 *also*, as applicable to QuickBooks Online and QuickBooks Live, QuickBooks Login
20 View (red arrow added to image *supra* to indicate “Cobrowse” hyperlink), available at
21 <https://quickbooks.intuit.com>. *See also*, as applicable to TurboTax Live, the TurboTax
22 Live main website, available at <https://turbotax.intuit.com/personal-taxes/online/live/>.
23 *See also*, as applicable to Intuit QuickBooks Live, the Intuit QuickBooks Live website,
24 available at: <https://quickbooks.intuit.com/live/>. *See also*, as applicable to TurboTax
25 Online, TurboTax Live, and Smartlook, a video featured on the TurboTax YouTube
26 website, available at: <https://www.youtube.com/watch?v=YkdL7ZYAhvY>. In another
27 example, the “startSession()” property/method can be used to request to establish a
28 cobrowsing session to a cobrowse server. *See* Glance Agent API document from Glance

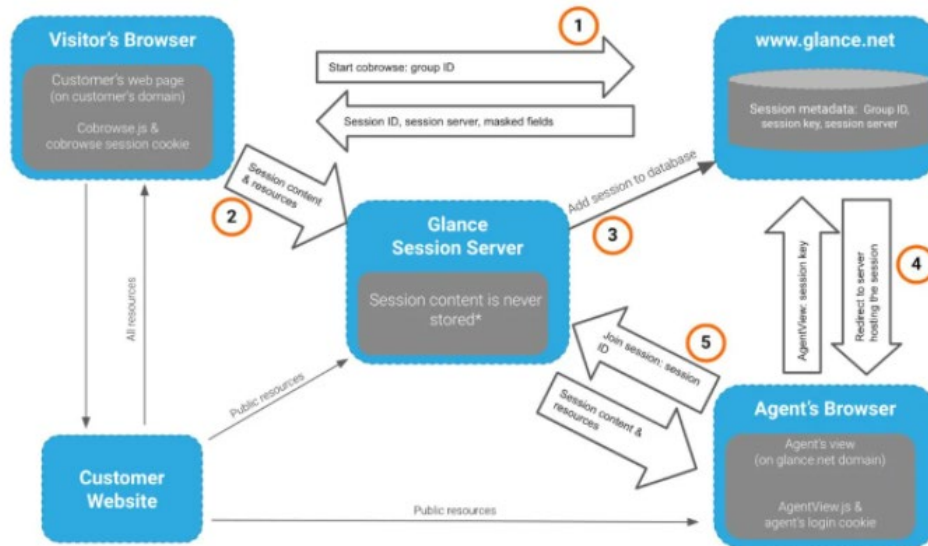
1 Website, available at: [https://help.glance.net/glance-cobrowse/glance-cobrowse-](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/agent_side/)
2 [customizing/visitor_agent/agent_side/](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/agent_side/) and Glance Visitor API document from Glance
3 Website, available at: [https://help.glance.net/glance-cobrowse/glance-cobrowse-](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/visitor/)
4 [customizing/visitor_agent/visitor/](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/visitor/). *See also*, as applicable to TurboTax, TurboTax Live,
5 and SmartLook, a video featured on the TurboTax YouTube website, available at:
6 <https://www.youtube.com/watch?v=YkdL7ZYAhvY>; illustrating an example
7 Smartlook browsing session utilizing co-browsing. *See also*, as applicable to
8 QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main
9 website, available at <https://quickbooks.intuit.com/live>; illustrating an example
10 QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in
11 QuickBooks Live. *See also*, as applicable to TurboTax Online and TurboTax Live, a
12 video featured on the TurboTax YouTube channel, available at
13 <https://youtu.be/ByfnmmykRNw>; illustrating an example TurboTax Live co-browsing
14 session utilizing co-browsing with a tax agent in TurboTax Live.

15 94. The Accused Instrumentalities each receive a confirmation message from
16 the synchronization server including a session identifier generated by the
17 synchronization server, wherein the session identifier is associated with the host device
18 and the established synchronized browsing session.

19 95. As a first example, the Accused Instrumentalities each include an agent
20 device which receives a session ID message from the cobrowse server that includes a
21 session identifier generated by the cobrowse server, where the session identifier is
22 associated with the device that initiated the cobrowsing session. As a second example,
23 the Accused Instrumentalities each include a visitor device which receives a session ID
24 message from the cobrowse server that includes a session identifier generated by the
25 cobrowse server, where the session identifier is associated with the device that initiated
26 the cobrowsing session. *See, e.g.*, Glance Step-by-step Cobrowse Session Workflow,
27 available at: <https://help.glance.net/glance-cobrowse/integrity/session-workflow/>
28 (Screenshot of website shown *infra* indicating a session ID that consists of three

1 components: your group ID, a session key, and a random number for uniqueness). *See*,
 2 e.g., Glance’s “Cobrowse Security Architecture” website, available at
 3 https://help.glance.net/security/security_cobrowse/.

4 Step-by-step Cobrowse Session Workflow ⇄



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1. 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.

18 *See* website citation *supra* to Glance Step-by-step Cobrowse Session Workflow. *See*
 19 *also*, as applicable to TurboTax, TurboTax Live, and SmartLook, a video featured on
 20 the TurboTax YouTube website, available at:
 21 <https://www.youtube.com/watch?v=YkdL7ZYAhvY>; illustrating an example
 22 Smartlook browsing session utilizing co-browsing. *See also*, as applicable to
 23 QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main
 24 website, available at <https://quickbooks.intuit.com/live>; illustrating an example
 25 QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in
 26 QuickBooks Live. *See also*, as applicable to TurboTax Online and TurboTax Live, a
 27 video featured on the TurboTax YouTube channel, available at
 28

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

3 96. The Accused Instrumentalities each send an invitation to an invitee device
4 to join the synchronized browsing session, wherein the invitation includes the session
5 identifier.

6 97. As a first example, the Accused Instrumentalities each include an agent
7 device which sends the session information to a visitor device to join the cobrowsing
8 session, where the session information includes a Session ID. As a second example, the
9 Accused Instrumentalities each include a visitor device which sends the session
10 information to an agent device to join the cobrowsing session, where the session
11 information includes a Session ID. *See, e.g.*, Glance Step-by-step Cobrowse Session
12 Workflow, available at: [https://help.glance.net/glance-cobrowse/integrity/session-
13 workflow/](https://help.glance.net/glance-cobrowse/integrity/session-workflow/) (Screenshot of website shown *supra* indicating a session ID that consists of
14 three components: your group ID, a session key, and a random number for uniqueness).
15 *See, e.g.*, Glance’s “Cobrowse Security Architecture” website, available at
16 https://help.glance.net/security/security_cobrowse/. In another example, the agent
17 device can also provide a Session ID to the visitor device, where the Session ID also
18 includes a session identifier. *See* the Glance Setting up a Cobrowse Session website,
19 available at (screenshot shown below): [https://help.glance.net/glance-
20 cobrowse/getting-started/setup_session/](https://help.glance.net/glance-cobrowse/getting-started/setup_session/).

21 To set up a standard Cobrowse session:

- 22 1. Add the Cobrowse JavaScript tag to all pages that will be used during a Cobrowse session (we
23 recommend tagging every page).
- 24 2. Add a link or button to the footer (or other desired location) that fires a `sessionStart` JavaScript event
25 to launch a session.
- 26 3. Go to www.glance.net/cbjoin, and log in with your Glance address and password.
- 27 4. On the tagged page, click the link or button to launch a session and you will see a four-digit code in the
28 corner.
5. Enter the four-digit code on the agent join page and click **Join Session**.

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

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

10 98. The Accused Instrumentalities each record a shared web browsing
 11 interaction responsive to determining that a web browsing interaction of the host device
 12 within a web browsing window is a sharable web browsing interaction.

13 99. As a first example, the Accused Instrumentalities each include an agent
 14 device which records and shares Session Data, with the visitor device, responsive to
 15 determining that the Session Data is sharable Session Data. As a second example, the
 16 Accused Instrumentalities each include a visitor device which records and shares
 17 Session Data with the agent device, responsive to determining that the Session Data is
 18 sharable Session Data. *See, e.g.*, Glance’s “Cobrowse Security Architecture” website,
 19 available at https://help.glance.net/security/security_cobrowse/ (explaining the
 20 assignment and use of “masked fields” to determine what Session Data is not to be
 21 transmitted to the cobrowsing server, the images shown below are from Glance’s
 22 “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,

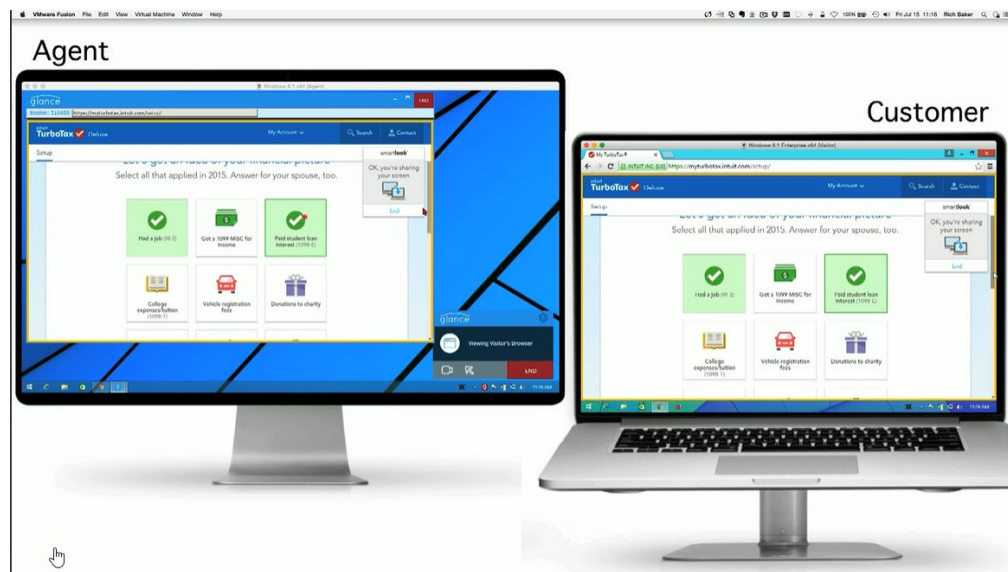
`<input type="text" id="greeting" value="hello"/>` can be masked with the ID CSS selector:

```
#greeting // [id='greeting']
```

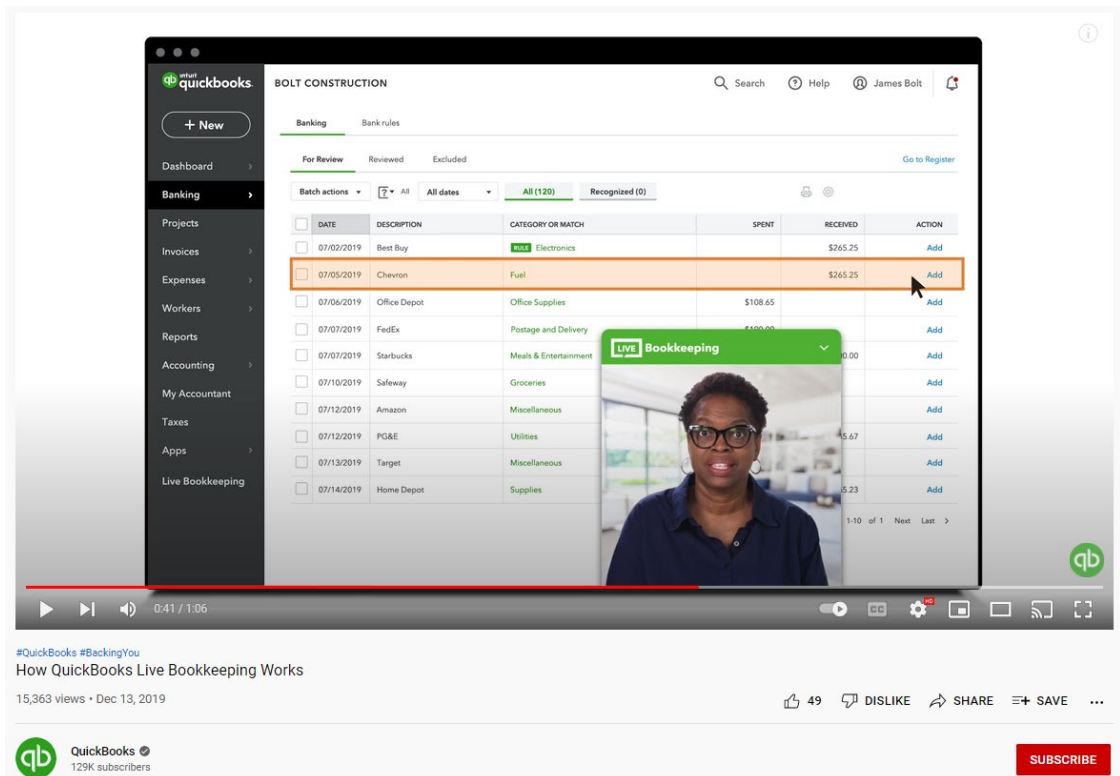
These masked field definitions cannot be compromised, as they are stored in Glance's secure database and retrieved by the visitor's browser over a secure connection to a Glance web server.

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.

1 *Id. See, e.g.*, as applicable to Intuit TurboTax, TurboTax Live, and Smartlook, Intuit
 2 Glance TurboTax video, available at: [https://ww2.glance.net/customers/intuit-is-](https://ww2.glance.net/customers/intuit-is-changing-the-tax-game/#video)
 3 [changing-the-tax-game/#video](https://ww2.glance.net/customers/intuit-is-changing-the-tax-game/#video), example screenshot shown *infra* (taken from
 4 approximately 1 minute 15 second mark), illustrating an example TurboTax Online co-
 5 browsing session showing the real-time website interaction data communicated
 6 between the agent device and the visitor device for interactions with the TurboTax
 7 Online website. *See also* Glance Agent API document from Glance Website, available
 8 at: [https://help.glance.net/glance-cobrowse/](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/agent_side/)
 9 [glance-cobrowse-](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/agent_side/)
 10 [customizing/visitor_agent/agent_side/](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/agent_side/) and Glance Visitor API document from Glance
 11 Website, available at: [https://help.glance.net/glance-cobrowse/](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/visitor/)
 12 [glance-cobrowse-](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/visitor/)
 13 [customizing/visitor_agent/visitor/](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/visitor/), describing the available programmable functions
 14 that are part of the Agent and Visitor APIs, including functions relating to Session Data
 15 and what data is masked. *See also*, as applicable to TurboTax Online, TurboTax Live,
 16 and Smartlook, “How Intuit Made Outstanding Customer Experience More Visible”
 17 article from Glance Website, available at: [https://ww2.glance.net/2017/04/intuit-made-](https://ww2.glance.net/2017/04/intuit-made-customer-experience-visible/)
 18 [customer-experience-visible/](https://ww2.glance.net/2017/04/intuit-made-customer-experience-visible/).



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



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

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

10 100. The Accused Instrumentalities each send a request for webpage content to
11 a website server independent of the synchronization server.

12 101. As a first example, the Accused Instrumentalities each include an agent
13 device which sends a request for webpage content, such as an http request, to a website
14 independent of the cobrowse server. As a second example, the Accused
15 Instrumentalities each include a visitor device which sends a request for webpage
16 content, such as an http request, to a website independent of the cobrowse server. For
17 each example, resources requested by the http request are downloaded by the agent and
18 visitor device directly from the respective website server, which is independent of the
19 CServer. *See, e.g.*, Glance Step-by-step Cobrowse Session Workflow, available at:
20 <https://help.glance.net/glance-cobrowse/integrity/session-workflow/>, which states the
21 following:

22 5. The CServer sends only HTML markup for the browsing session to the agent browser. Resources
23 referenced by the session HTML, such as images or style sheets, are downloaded by the agent directly
24 from the your website when possible.

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

27 *Id.*
28

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

3 Secured CServer

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

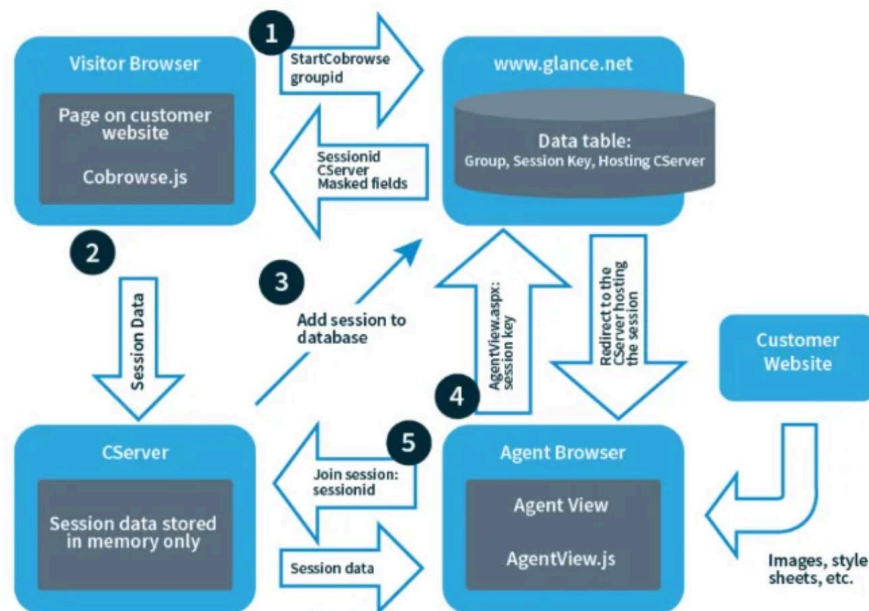
8 *See* The Glance Security Architecture website, available at:
9 https://help.glance.net/security/security_cobrowse/. *See also* Glance Agent API
10 document from Glance Website, available at: [https://help.glance.net/glance-](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/agent_side/)
11 [cobrowse/glance-cobrowse-customizing/visitor_agent/agent_side/](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/agent_side/) and Glance Visitor
12 API document from Glance Website, available at: [https://help.glance.net/glance-](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/visitor/)
13 [cobrowse/glance-cobrowse-customizing/visitor_agent/visitor/](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/visitor/). *See also*, as applicable
14 to TurboTax, TurboTax Live, and SmartLook, a video featured on the TurboTax
15 YouTube website, available at: [https://www.youtube.com/watch?v=YkdL7ZYAhvY](https://www.youtube.com/watch?v=YkdL7ZYAhvY;);
16 illustrating an example Smartlook browsing session utilizing co-browsing. *See also*, as
17 applicable to QuickBooks and QuickBooks Live, a video featured on the QuickBooks
18 Live main website, available at <https://quickbooks.intuit.com/live>; illustrating an
19 example QuickBooks Live co-browsing session utilizing co-browsing with a
20 bookkeeper in QuickBooks Live. *See also*, as applicable to TurboTax Online and
21 TurboTax Live, a video featured on the TurboTax YouTube channel, available at
22 <https://youtu.be/ByfnmmykRNw>; illustrating an example TurboTax Live co-browsing
23 session utilizing co-browsing with a tax agent in TurboTax Live.

24 102. The Accused Instrumentalities each, subsequent to sending the request for
25 webpage content to the website server, transmit information related to the shared web
26 browsing interaction to the synchronization server.

27 103. As a first example, the Accused Instrumentalities each include an agent
28 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

1 Instrumentalities each include a visitor device which, subsequent to sending the request
 2 for webpage content to a website, transmits Session Data to the cobrowse server. *See*,
 3 e.g., Glance Step-by-step Cobrowse Session Workflow, available at:
 4 <https://help.glance.net/glance-cobrowse/integrity/session-workflow/>. *See also* Intuit
 5 Glance TurboTax video, available at: [https://ww2.glance.net/customers/intuit-is-](https://ww2.glance.net/customers/intuit-is-changing-the-tax-game/#video)
 6 [changing-the-tax-game/#video](https://ww2.glance.net/customers/intuit-is-changing-the-tax-game/#video). *See, e.g.*, Glance’s “Cobrowse Security Architecture”
 7 website, available at https://help.glance.net/security/security_cobrowse/.

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Id.

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

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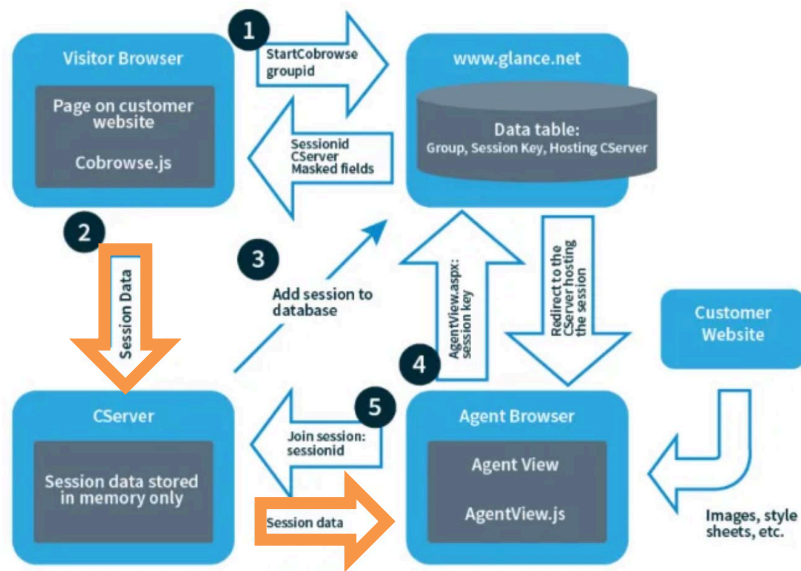
1 <https://youtu.be/ByfnmmykRNw>; illustrating an example TurboTax Live co-browsing
2 session utilizing co-browsing with a tax agent in TurboTax Live.

3
4 104. The Accused Instrumentalities each transmit information related to the
5 shared web browsing interaction to the synchronization server, wherein the information
6 related to the shared web browsing interaction is to be processed by a browser of the
7 invitee device and enables the invitee device to generate a request to retrieve
8 substantially the same webpage content as the request for the webpage content from the
9 host device.

10 105. As a first example, the Accused Instrumentalities each include an agent
11 device which sends information related to the shared web browsing interactions,
12 referred to as “Session Data,” to the cobrowse server, such that the information is
13 processed by the browser of the visitor device and the visitor device is enabled to
14 generate a request to retrieve substantially the same webpage content as requested by
15 the agent device. As a second example, the Accused Instrumentalities each include a
16 visitor device which sends information related to the shared web browsing interactions,
17 referred to as “Session Data,” to the cobrowse server, such that the information is
18 processed by the browser of the agent device and the agent device is enabled to generate
19 a request to retrieve substantially the same webpage content as requested by the visitor
20 device. As illustrated in the example below and as described on the Glance Security
21 Architecture website, the Session Data (see arrows highlighted in orange below)
22 includes at least information related to the shared web browsing interaction. In an
23 example, the information related to the shared web browsing interaction is processed
24 by a browser of the invitee device and the invitee device requests and retrieves the same
25 webpage content as the request for the webpage content from the host device.

26 ///
27 ///
28 ///

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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://tlc.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 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.

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

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

4 107. As a first example, the Accused Instrumentalities each include an agent
5 device which sends Session Data to the cobrowse server, which in response to receiving
6 the Session Data, sends the Session Data to the visitor device. As a second example,
7 the Accused Instrumentalities each include a visitor device which sends Session Data
8 to the cobrowse server, which in response to receiving the Session Data, sends the
9 Session Data to the agent device. *See* citations *supra* to “Architectural Overview”
10 graphic and the Glance Security Architecture website, available at:
11 https://help.glance.net/security/security_cobrowse/. *See, e.g.*, Glance Step-by-step
12 Cobrowse Session Workflow, available at: [https://help.glance.net/glance-](https://help.glance.net/glance-cobrowse/integrity/session-workflow/)
13 [cobrowse/integrity/session-workflow/](https://help.glance.net/glance-cobrowse/integrity/session-workflow/). *See also*, as applicable to TurboTax Online,
14 TurboTax Live, and Smartlook, Intuit Glance TurboTax video, available at:
15 <https://ww2.glance.net/customers/intuit-is-changing-the-tax-game/#video>. *See also*, as
16 applicable to TurboTax, TurboTax Live, and SmartLook, a video featured on the
17 TurboTax YouTube website, available at:
18 <https://www.youtube.com/watch?v=YkdL7ZYAhvY>; illustrating an example
19 Smartlook browsing session utilizing co-browsing. *See also*, as applicable to
20 QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main
21 website, available at <https://quickbooks.intuit.com/live>; illustrating an example
22 QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in
23 QuickBooks Live. *See also*, as applicable to TurboTax Online and TurboTax Live, a
24 video featured on the TurboTax YouTube channel, available at
25 <https://youtu.be/ByfnmmykRNw>; illustrating an example TurboTax Live co-browsing
26 session utilizing co-browsing with a tax agent in TurboTax Live.

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

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

5 109. As a first example, the Accused Instrumentalities each include an agent
6 device which sends Session Data to the cobrowse server, wherein the visitor device
7 retrieves data from the website server in response to receiving the Session Data. As a
8 second example, the Accused Instrumentalities each include a visitor device which
9 sends Session Data to the cobrowse server, wherein the agent device retrieves data from
10 the website server in response to receiving the Session Data. *See* citations *supra* to
11 “Architectural Overview” graphic and the Glance Security Architecture website,
12 available at: https://help.glance.net/security/security_cobrowse/. *See, e.g.*, Glance Step-
13 by-step Cobrowse Session Workflow, available at: [https://help.glance.net/glance-](https://help.glance.net/glance-cobrowse/integrity/session-workflow/)
14 [cobrowse/integrity/session-workflow/](https://help.glance.net/glance-cobrowse/integrity/session-workflow/). *See also* Intuit Glance TurboTax video,
15 available at: [https://ww2.glance.net/customers/intuit-is-changing-the-tax-](https://ww2.glance.net/customers/intuit-is-changing-the-tax-game/#video)
16 [game/#video](https://ww2.glance.net/customers/intuit-is-changing-the-tax-game/#video). As illustrated in the example cited *supra*, the Session Data (see arrows
17 highlighted in orange *supra*) includes at least information related to the shared web
18 browsing interaction. *See also*, as applicable to TurboTax, TurboTax Live, and
19 SmartLook, a video featured on the TurboTax YouTube website, available at:
20 <https://www.youtube.com/watch?v=YkdL7ZYAhvY>; illustrating an example
21 Smartlook browsing session utilizing co-browsing. *See also*, as applicable to
22 QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main
23 website, available at <https://quickbooks.intuit.com/live>; illustrating an example
24 QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in
25 QuickBooks Live. *See also*, as applicable to TurboTax Online and TurboTax Live, a
26 video featured on the TurboTax YouTube channel, available at
27 <https://youtu.be/ByfnmmykRNw>; illustrating an example TurboTax Live co-browsing
28 session utilizing co-browsing with a tax agent in TurboTax Live.

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

5 111. As a first example, the Accused Instrumentalities each include an agent
6 device, which will, responsive to sending the request for webpage content to the website
7 server, receive the website content from the website server after transmitting the
8 information related to the shared Session Data to the cobrowse server. As a second
9 example, the Accused Instrumentalities each include a visitor device, which will,
10 responsive to sending the request for webpage content to the website server, receive the
11 website content from the website server after transmitting the information related to the
12 shared Session Data to the cobrowse server. *See* citations *supra* to “Architectural
13 Overview” graphic and the Glance Security Architecture website, available at:
14 https://help.glance.net/security/security_cobrowse/. *See, e.g.*, Glance Step-by-step
15 Cobrowse Session Workflow, available at: [https://help.glance.net/glance-](https://help.glance.net/glance-cobrowse/integrity/session-workflow/)
16 [cobrowse/integrity/session-workflow/](https://help.glance.net/glance-cobrowse/integrity/session-workflow/). *See also* Intuit Glance TurboTax video,
17 available at: [https://ww2.glance.net/customers/intuit-is-changing-the-tax-](https://ww2.glance.net/customers/intuit-is-changing-the-tax-game/#video)
18 [game/#video](https://ww2.glance.net/customers/intuit-is-changing-the-tax-game/#video). *See also* Glance Agent API document from Glance Website, available at:
19 [https://help.glance.net/glance-cobrowse-](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/agent_side/)
20 [customizing/visitor_agent/agent_side/](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/agent_side/) and Glance Visitor API document from Glance
21 Website, available at: [https://help.glance.net/glance-cobrowse-](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/visitor/)
22 [customizing/visitor_agent/visitor/](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/visitor/). *See also*, as applicable to TurboTax, TurboTax Live,
23 and SmartLook, a video featured on the TurboTax YouTube website, available at:
24 <https://www.youtube.com/watch?v=YkdL7ZYAhvY>; illustrating an example
25 Smartlook browsing session utilizing co-browsing. *See also*, as applicable to
26 QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main
27 website, available at <https://quickbooks.intuit.com/live>; illustrating an example
28 QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in

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

5 112. Infringement of Claims 1-16 of the '448 Patent will be further detailed in
6 Infringement Contentions, which will be made available according to scheduling orders
7 entered in this case.

8 113. Intuit has been and is now directly and/or indirectly infringing,
9 individually and/or jointly, either literally or under the doctrine of equivalents, at least
10 Claims 1-4, 6-8, 11-14, and 16 of the '448 Patent in the United States by, among other
11 things, making, using, licensing, selling, offering for sale, or importing the Accused
12 Instrumentalities covered by at least Claims 1-4, 6-8, 11-14, and 16 of the '448 Patent.

13 114. Upon information and belief, pursuant to 35 U.S.C. § 271(a), Intuit has
14 been and is now infringing, individually and/or jointly, at least Claims 1-4, 6-8, 11-14,
15 and 16 of the '448 Patent by making, using, licensing, selling, offering for sale, leasing,
16 offering for lease, and/or importing into the United States without authority or license,
17 the Accused Instrumentalities covered by at least Claims 1-4, 6-8, 11-14, and 16 of the
18 '448 Patent.

19 115. Upon information and belief, pursuant to 35 U.S.C. § 271(a), in the
20 alternative and/or in certain instances of infringement, Intuit directly infringes at least
21 Claims 1-4, 6-8, 11-14, and 16 of the '448 Patent by Intuit's express direction or control
22 of Glance Networks, Inc. ("Glance") and/or by forming a joint enterprise with Glance.

23 116. On information and belief, Intuit Ventures, an entity that is entirely owned
24 and operated by Intuit, is a significant shareholder of Glance. *See*
25 <https://www.intuit.com/ventures/> (showing Glance as a portfolio company of Intuit
26 Ventures).

27 117. On information and belief, Intuit contracts with Glance to provide at least
28 portions of the co-browsing technology underlying Intuit's products. *See* website

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1 entitled “Glance Receives Innovation Award from Intuit,” available at:
2 <https://ww2.glance.net/blog/glance-receives-innovation-award-from-intuit/>.

3 118. Upon information and belief, the performance of the infringing acts by
4 Intuit and Intuit’s customers and users of the Accused Instrumentalities are directed and
5 controlled by Intuit, at least in part, by the contractual agreements that exist between
6 Intuit and those entities and/or individuals.

7 119. Upon information and belief, pursuant to 35 U.S.C. § 271(b), in the
8 alternative and/or in certain instances of infringement, Intuit specifically intended
9 Intuit’s customers and users of the Accused Instrumentalities, to directly infringe, either
10 literally or under the doctrine of equivalents, at least Claims 1-4, 6-8, 11-14, and 16 of
11 the ’448 Patent by selling, offering for sale, providing, maintaining, and/or licensing
12 the Accused Instrumentalities, with the intent that those customers use the Accused
13 Instrumentalities in the United States in an infringing manner and with knowledge that
14 the acts of Intuit’s customers and users of the Accused Instrumentalities constituted
15 infringement.

16 120. Upon information and belief, pursuant to 35 U.S.C. § 271(b), in the
17 alternative and/or in certain instances of infringement, Intuit has been, and currently is,
18 an active inducer of infringement for one or more claims of the ’448 Patent. On
19 information and belief, one or more of the Accused Instrumentalities directly and/or
20 indirectly infringe (by induced infringement) at least Claims 1-4, 6-8, 11-14, and 16 of
21 the ’448 Patent, literally and/or under the doctrine of equivalents.

22 121. Upon information and belief, Intuit intentionally encourages and aids at
23 least its agents and/or customers and/or users and/or partners to directly infringe the
24 ’448 Patent.

25 122. Upon information and belief, Intuit provides the Accused Instrumentalities
26 and instructions to its agents and/or users and/or customers and/or partners such that
27 they will each use the Accused Instrumentalities in a directly infringing manner. Intuit
28 markets the Accused Instrumentalities to its agents and/or users and/or customers

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

3 123. Upon information and belief, Intuit agents and/or customers and/or users
4 and/or partners directly infringe by using the Accused Instrumentalities in their
5 intended manner. Intuit induces such infringement by providing the Accused
6 Instrumentalities and instructions to enable and facilitate infringement. On information
7 and belief, Intuit specifically intends that its actions will result in infringement of the
8 '448 Patent or has taken deliberate actions to avoid learning of infringement.

9 124. Upon information and belief, Intuit's infringement of the '448 Patent is
10 knowing, egregious, consciously wrongful, and willful.

11 125. Upon information and belief, Intuit's infringement of the '448 Patent is
12 willful and deliberate, entitling Samesurf to enhanced damages and attorney's fees.

13 126. Upon information and belief, Intuit's infringement of the '448 Patent is
14 exceptional and entitles Samesurf to attorneys' fees and costs incurred in prosecuting
15 this action under 35 U.S.C. § 285.

16 127. Upon information and belief, pursuant to 35 U.S.C. § 271(c), in the
17 alternative and/or in certain instances of infringement, Intuit is liable as a contributory
18 infringer and has knowingly contributed to the direct infringement of Intuit's customers
19 and users of the Accused Instrumentalities, either literally or under the doctrine of
20 equivalents, of at least Claims 1-4, 6-8, 11-14, and 16 of the '448 Patent by importing,
21 selling, offering to sell, maintaining, licensing, and/or otherwise supplying the Accused
22 Instrumentalities to customers, which has no substantial non-infringing use, is
23 especially designed for use in the patented invention, and constitutes a material part of
24 the patented invention.

25 128. At least as early as June 5, 2015, Intuit has had knowledge of the '448
26 patent and family of patents by way of phone conversations, video conference sessions,
27 and e-mail correspondence between Samesurf's CEO, K. David Pirnazar, and Joyce
28 Yeh, Matt Gage, and/or Paul Hubbard (Intuit correspondence attached at Exhibit D),

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

5 129. Upon information and belief, Intuit's acts of infringement have been
6 willful, deliberate, and in reckless disregard of Samesurf's patent rights and will
7 continue unless enjoined by this Court.

8 130. Upon information and belief, Samesurf has suffered and will continue to
9 suffer irreparable loss and injury unless a preliminary injunction is entered that
10 prohibits Intuit from infringing the '448 Patent.

11 131. Samesurf has been damaged by Intuit's acts of infringement of the '448
12 Patent in an amount to be determined at trial, and has suffered and will continue to
13 suffer irreparable loss and injury unless Intuit is permanently enjoined from infringing
14 the '448 Patent.

15 132. Samesurf is entitled to recover all damages that Samesurf has sustained as
16 a result of Intuit's infringement of the '448 Patent, including without limitation not less
17 than a reasonable royalty.

18 **Count II – Infringement of U.S. Patent No. 9,185,145**

19 **(The '145 Patent)**

20 133. Samesurf incorporates by reference each of the preceding paragraphs of
21 the Complaint as though fully set forth herein.

22 134. Claim 1 of the '145 Patent recites: A method performed by a guest device
23 for joining a synchronized browsing session administered by a synchronization server,
24 comprising: receiving from the synchronization server a session invitation including a
25 session identifier associated with a host device; activating the session invitation to send
26 a request to join said synchronized browsing session to said synchronization server;
27 receiving web browsing interaction data from said synchronization server, wherein said
28 web browsing interaction data is associated with: a website server that is independent

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

6 135. The Accused Instrumentalities that infringe at least Claim 1 of the '145
7 Patent include at least Intuit's TurboTax Online, QuickBooks Online, TurboTax Live,
8 QuickBooks Live, Smartlook, and other co-browse enabled Intuit products, as well as
9 the underlying infrastructure supporting these products.

10 136. Claim 1 is illustrative of the Claims of the '145 Patent.

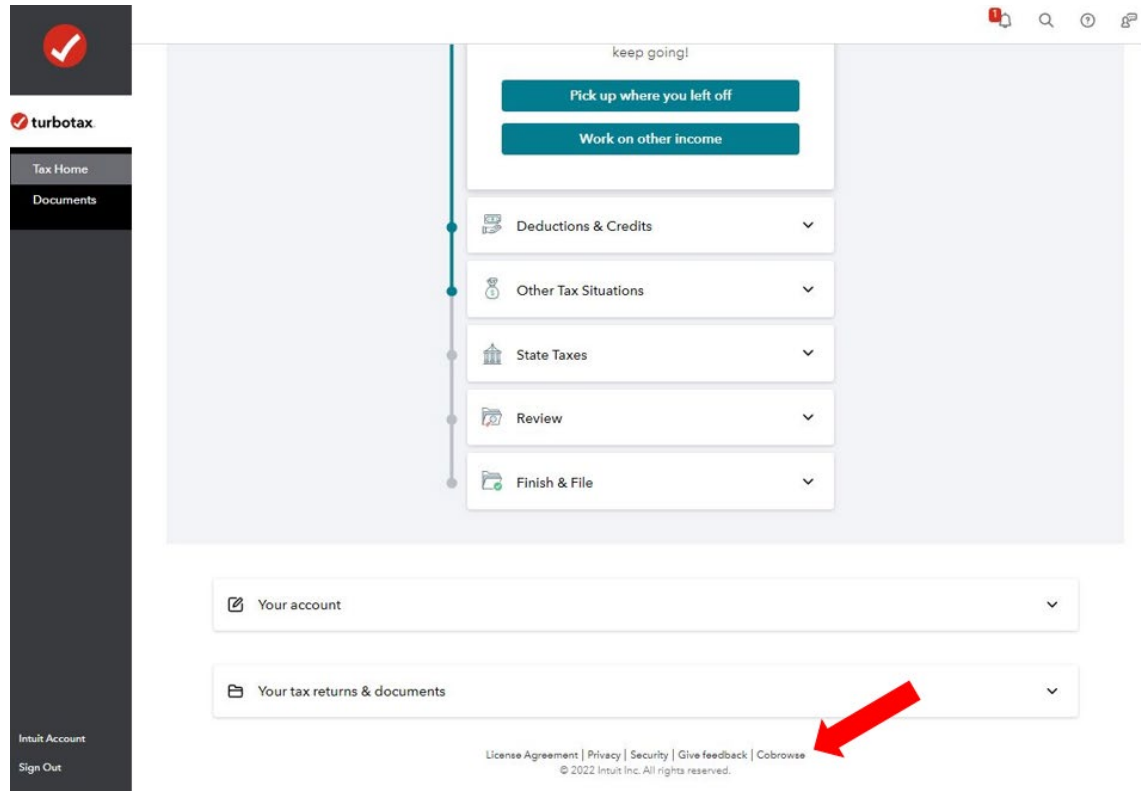
11 137. The Accused Instrumentalities practice every element of at least Claim 1
12 of the '145 Patent.

13 138. The Accused Instrumentalities each implement a method performed by a
14 guest device for joining a synchronized browsing session administered by a
15 synchronization server.

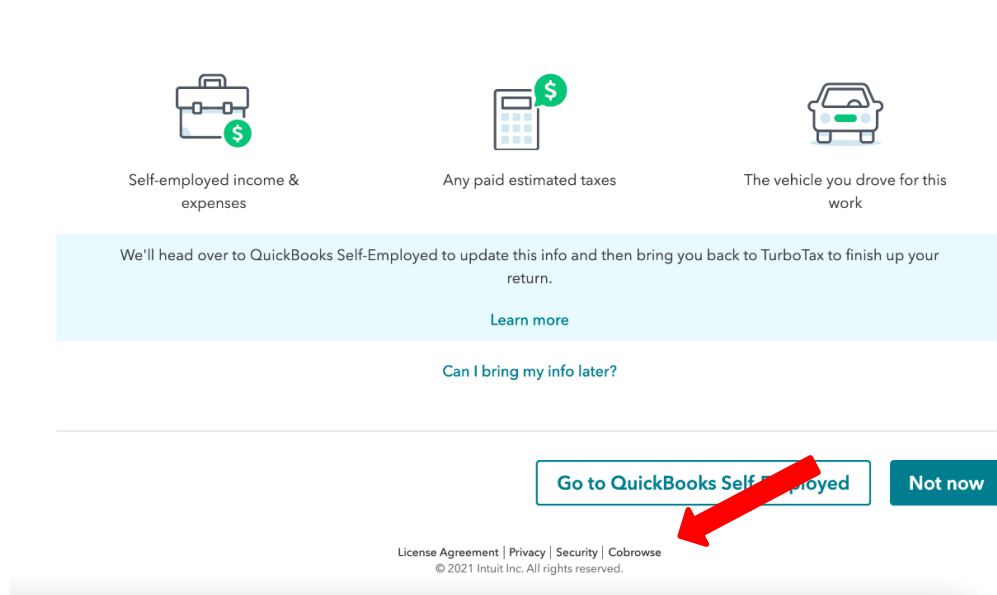
16 139. As a first example, the Accused Instrumentalities each include an agent
17 device for joining a cobrowsing session between the agent device and a visitor device
18 where the cobrowsing session is administered by a cobrowse server. As a second
19 example, the Accused Instrumentalities each include a visitor device for joining a
20 cobrowsing session between the visitor device and an agent device where the
21 cobrowsing session is administered by a cobrowse server. *See, e.g.*, Glance's
22 "Cobrowse Security Architecture" website, available at
23 https://help.glance.net/security/security_cobrowse/. *See, e.g.*, Glance Step-by-step
24 Cobrowse Session Workflow, available at: [https://help.glance.net/glance-](https://help.glance.net/glance-cobrowse/integrity/session-workflow/)
25 [cobrowse/integrity/session-workflow/](https://help.glance.net/glance-cobrowse/integrity/session-workflow/). *See also*, as applicable to TurboTax Online and
26 TurboTax Live, TurboTax Login View, available at <https://turbotax.intuit.com> (image
27 shown *infra* with red arrow added to image to indicate "Cobrowse" hyperlink).
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McKool Smith, P.C.

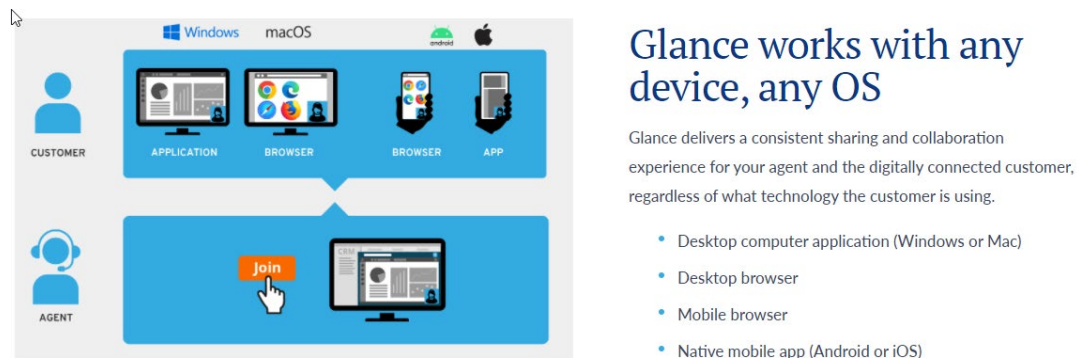
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See also, as applicable to QuickBooks Online and QuickBooks Live, QuickBooks Login View (red arrow added to image *infra* to indicate “Cobrowse” hyperlink), available at <https://quickbooks.intuit.com>.



1 *See also*, as applicable to QuickBooks Online, QuickBooks Live, and Smartlook,
 2 the QuickBooks Help Website: Use SmartLook to share your screen with support
 3 agents, available at [https://quickbooks.intuit.com/learn-support/en-us/help-](https://quickbooks.intuit.com/learn-support/en-us/help-article/remote-access/use-smartlook-share-screen-support-agents/L9qN7BuTP_US_en_US)
 4 [article/remote-access/use-smartlook-share-screen-support-agents/L9qN7BuTP_US](https://quickbooks.intuit.com/learn-support/en-us/help-article/remote-access/use-smartlook-share-screen-support-agents/L9qN7BuTP_US_en_US)
 5 [en_US](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
 6 website, available at: [https://ttlc.intuit.com/community/expert-review/help/how-do-i-](https://ttlc.intuit.com/community/expert-review/help/how-do-i-connect-with-a-tax-expert-in-turbotax-live/00/27282)
 7 [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). *See also*, as applicable to
 8 TurboTax Live and Smartlook, article showing TurboTax Live with mobile co-browse
 9 functionality [https://www.usatoday.com/story/tech/columnist/2019/03/03/filing-taxes-](https://www.usatoday.com/story/tech/columnist/2019/03/03/filing-taxes-mobile-device-senior-friendly-too/2988124002/)
 10 [mobile-device-senior-friendly-too/2988124002/](https://www.usatoday.com/story/tech/columnist/2019/03/03/filing-taxes-mobile-device-senior-friendly-too/2988124002/). *See also*, as applicable to TurboTax
 11 Live, the TurboTax Live main website, available at
 12 <https://turbotax.intuit.com/personal-taxes/online/live/>. *See also*, as applicable to Intuit
 13 QuickBooks Live, the Intuit QuickBooks Live website, available at:
 14 <https://quickbooks.intuit.com/live/>.



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

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

8 140. The Accused Instrumentalities each receive a session invitation from the
9 synchronization server that includes a session identifier associate with a host device.

10 141. As a first example, the Accused Instrumentalities each include an agent
11 device which receives session information to join a cobrowsing session from a
12 cobrowse server where the session information includes a Session ID that is associated
13 with a visitor device. As a second example, the Accused Instrumentalities each include
14 a visitor device which receives session information to join a cobrowsing session from
15 a cobrowse server where the session information includes a Session ID that associated
16 with an agent device. *See, e.g.*, Glance Step-by-step Cobrowse Session Workflow,
17 available at: <https://help.glance.net/glance-cobrowse/integrity/session-workflow/>. *See,*
18 *e.g.*, Glance’s “Cobrowse Security Architecture” website, available at
19 https://help.glance.net/security/security_cobrowse/. *See also*, as applicable to
20 TurboTax, TurboTax Live, and SmartLook, a video featured on the TurboTax YouTube
21 website, available at: <https://www.youtube.com/watch?v=YkdL7ZYAhvY>; illustrating
22 an example Smartlook browsing session utilizing co-browsing. *See also*, as applicable
23 to QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main
24 website, available at <https://quickbooks.intuit.com/live>; illustrating an example
25 QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in
26 QuickBooks Live. *See also*, as applicable to TurboTax Online and TurboTax Live, a
27 video featured on the TurboTax YouTube channel, available at
28

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

3 142. The Accused Instrumentalities each activate the session invitation to send
4 a request to join the synchronized browsing session to the synchronization server.

5 143. As a first example, the Accused Instrumentalities each include an agent
6 device which accepts the cobrowsing session hyperlink or other cobrowsing session
7 invite request and sends a request to join the cobrowsing session to the cobrowse server.
8 As a second example, the Accused Instrumentalities each include a visitor device which
9 accepts the cobrowsing session hyperlink or other cobrowsing session invite request
10 and sends a request to join the cobrowsing session to the cobrowse server. *See, e.g.,*

11 Glance Step-by-step Cobrowse Session Workflow, available at:

12 <https://help.glance.net/glance-cobrowse/integrity/session-workflow/>. *See, e.g.,*

13 Glance's "Cobrowse Security Architecture" website, available at

14 https://help.glance.net/security/security_cobrowse/. *See also,* as applicable to

15 TurboTax, TurboTax Live, and SmartLook, a video featured on the TurboTax YouTube
16 website, available at: <https://www.youtube.com/watch?v=YkdL7ZYAhvY>; illustrating

17 an example Smartlook browsing session utilizing co-browsing. *See also,* as applicable

18 to QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main

19 website, available at <https://quickbooks.intuit.com/live>; illustrating an example

20 QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in

21 QuickBooks Live. *See also,* as applicable to TurboTax Online and TurboTax Live, a

22 video featured on the TurboTax YouTube channel, available at

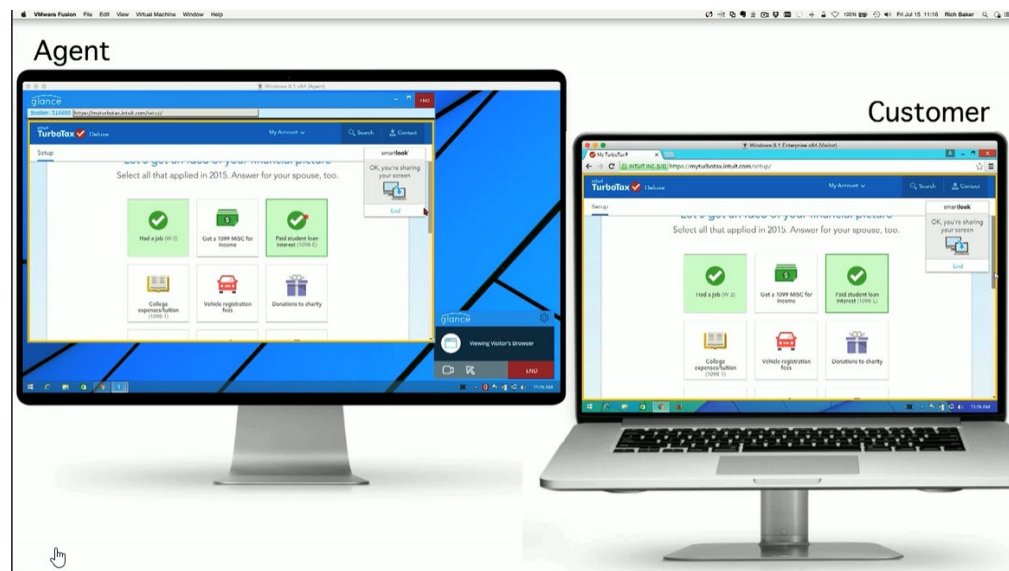
23 <https://youtu.be/ByfnmmykRNw>; illustrating an example TurboTax Live co-browsing

24 session utilizing co-browsing with a tax agent in TurboTax Live.

25 144. The Accused Instrumentalities each receive web browsing interaction data
26 from the synchronization server.

27 145. As a first example, the Accused Instrumentalities each include an agent
28 device which receives Session Data from the cobrowse server. As a second example,

1 the Accused Instrumentalities each include a visitor device which receives Session Data
 2 from the cobrowse server. *See, e.g.,* Glance Step-by-step Cobrowse Session Workflow,
 3 available at: <https://help.glance.net/glance-cobrowse/integrity/session-workflow/>. *See,*
 4 *e.g.,* Glance’s “Cobrowse Security Architecture” website, available at
 5 https://help.glance.net/security/security_cobrowse/. *See also,* as applicable to
 6 TurboTax Online, TurboTax Live, and Smartlook, Intuit Glance TurboTax video,
 7 available at: [https://ww2.glance.net/customers/intuit-is-changing-the-tax-](https://ww2.glance.net/customers/intuit-is-changing-the-tax-game/#video)
 8 [game/#video](https://ww2.glance.net/customers/intuit-is-changing-the-tax-game/#video), example screenshot shown below (taken from approximately 1:15 mark
 9 in video), illustrating an example TurboTax Online co-browsing session showing the
 10 real-time website interaction data communicated between the agent device and the
 11 visitor device for interactions with the TurboTax Online website:



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

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

5 146. The Accused Instrumentalities each receive web browsing interaction data
6 associated with a website server independent of the synchronization server.

7 147. As a first example, the Accused Instrumentalities each include an agent
8 device, which receives website content and/or other website data associated with a
9 website server independent of the cobrowse server. As a second example, the Accused
10 Instrumentalities each include a visitor device, which receives website content and/or
11 other website data associated with a website server independent of the cobrowse server.

12 *See, e.g.*, Glance Step-by-step Cobrowse Session Workflow, available at:
13 <https://help.glance.net/glance-cobrowse/integrity/session-workflow/>. *See, e.g.*,

14 Glance's "Cobrowse Security Architecture" website, available at
15 https://help.glance.net/security/security_cobrowse/. *See also*, as applicable to

16 TurboTax Online, TurboTax Live, and Smartlook, Intuit Glance TurboTax video,
17 available at: [https://ww2.glance.net/customers/intuit-is-changing-the-tax-](https://ww2.glance.net/customers/intuit-is-changing-the-tax-game/#video)

18 [game/#video](https://ww2.glance.net/customers/intuit-is-changing-the-tax-game/#video), example screenshot shown *supra*. *See also* Glance Agent API document
19 from Glance Website, available at: [https://help.glance.net/glance-cobrowse/glance-](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/agent_side/)

20 [cobrowse-customizing/visitor_agent/agent_side/](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/agent_side/) and Glance Visitor API document
21 from Glance Website, available at: [https://help.glance.net/glance-cobrowse/glance-](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/visitor/)

22 [cobrowse-customizing/visitor_agent/visitor/](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/visitor/), describing the available programmable
23 functions that are part of the Agent and Visitor APIs, including functions relating to

24 web browsing interaction data associated with a website server that is independent of
25 the synchronization server. *See also* "How Intuit Made Outstanding Customer

26 Experience More Visible" article from Glance Website, available at:
27 <https://ww2.glance.net/2017/04/intuit-made-customer-experience-visible/>. For

28 example, each cobrowse server is independent of the website content servers:

1 “Secured CServer

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

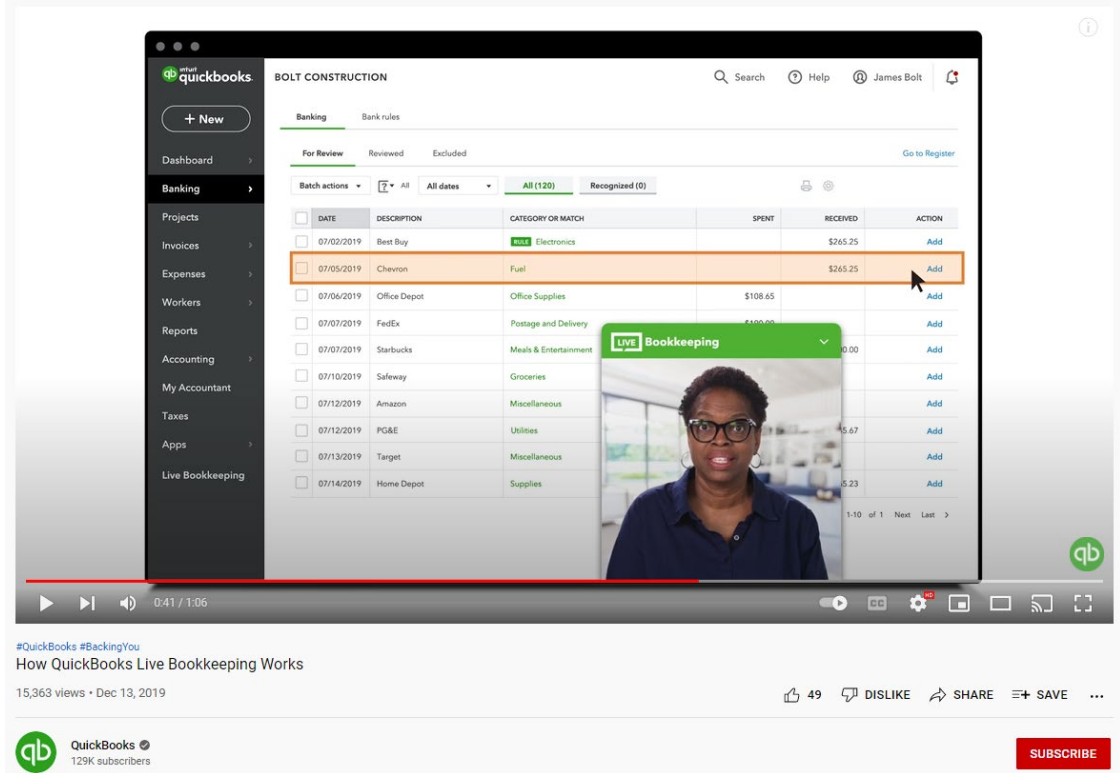
18 148. The Accused Instrumentalities each receive web browsing interaction data
19 associated with the host device that initiated the session invitation.

20 149. As a first example, the Accused Instrumentalities each include an agent
21 device which receives Session Data that is associated with the visitor device. As a
22 second example, the Accused Instrumentalities each include a visitor device which
23 receives Session Data that is associated with the agent device. See, e.g., Glance Step-
24 by-step Cobrowse Session Workflow, available at: [https://help.glance.net/glance-](https://help.glance.net/glance-cobrowse/integrity/session-workflow/)
25 [cobrowse/integrity/session-workflow/](https://help.glance.net/glance-cobrowse/integrity/session-workflow/). See, e.g., Glance’s “Cobrowse Security
26 Architecture” website, available at https://help.glance.net/security/security_cobrowse/.
27 See also, as applicable to TurboTax Online, TurboTax Live, and Smartlook, Intuit
28 Glance TurboTax video, available at: [McKool Smith, P.C.](https://ww2.glance.net/customers/intuit-is-</p></div><div data-bbox=)

McKool Smith, P.C.

1 [changing-the-tax-game/#video](#), example screenshot shown *supra*. See also the Glance
2 CoBrowse Data Sheet, available at: [https://content.glance.net/1/503841/2018-04-](https://content.glance.net/1/503841/2018-04-10/n5xh7g/503841/116899/Datasheet_Glance_Cobrowse.pdf)
3 [10/n5xh7g/503841/116899/Datasheet_Glance_Cobrowse.pdf](https://content.glance.net/1/503841/2018-04-10/n5xh7g/503841/116899/Datasheet_Glance_Cobrowse.pdf). See also, as applicable
4 to TurboTax Online, TurboTax Live, and Smartlook, What is TurboTax SmartLook
5 Website, available at: [https://ttlc.intuit.com/community/using-turbotax/help/what-is-](https://ttlc.intuit.com/community/using-turbotax/help/what-is-smartlook/00/26714)
6 [smartlook/00/26714](https://ttlc.intuit.com/community/using-turbotax/help/what-is-smartlook/00/26714), describing TurboTax SmartLook integration with TurboTax and
7 stating, “When you choose SmartLook™, we’ll connect you with a TurboTax specialist.
8 You’ll see your specialist on your screen via one-way video, but they won’t see you.
9 ***They’ll just see your TurboTax screen, and they’ll draw on it to guide you and get***
10 ***you the answers you need.***” (emphasis added). See also, as applicable to QuickBooks
11 Live, and Smartlook, “How QuickBooks Live Bookkeeping Works” video provided on
12 Intuit’s QuickBooks YouTube account, available at
13 <https://www.youtube.com/watch?v=Um-jrwwnkXI>, which illustrates the Glance co-
14 browsing technology as implemented for QuickBooks Live (video recording describes
15 Glance’s technology integrated in QuickBooks Live, stating “You can one-way video
16 conference with your primary bookkeeper. You’ll be able to see them, but they won’t
17 see you. And you can use virtual screen-share to work on your books together.”)
18 (Screenshot below captured at 0:41 mark in video).

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14 *Id.* See also, as applicable to TurboTax Live and Smartlook, article showing TurboTax
 15 Live with mobile co-browse functionality (image from article shown below with red
 16 arrow added indicating cobrowse button):
 17 [https://www.usatoday.com/story/tech/columnist/2019/03/03/filing-taxes-mobile-](https://www.usatoday.com/story/tech/columnist/2019/03/03/filing-taxes-mobile-device-senior-friendly-too/2988124002/)
 18 [device-senior-friendly-too/2988124002/](https://www.usatoday.com/story/tech/columnist/2019/03/03/filing-taxes-mobile-device-senior-friendly-too/2988124002/). See also, as applicable to TurboTax,
 19 TurboTax Live, and SmartLook, a video featured on the TurboTax YouTube website,
 20 available at: <https://www.youtube.com/watch?v=YkdL7ZYAhvY>; illustrating an
 21 example Smartlook browsing session utilizing co-browsing. See also, as applicable to
 22 QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main
 23 website, available at <https://quickbooks.intuit.com/live>; illustrating an example
 24 QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in
 25 QuickBooks Live. See also, as applicable to TurboTax Online and TurboTax Live, a
 26 video featured on the TurboTax YouTube channel, available at
 27 <https://youtu.be/ByfnmmykRNw>; illustrating an example TurboTax Live co-browsing
 28 session utilizing co-browsing with a tax agent in TurboTax Live.

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

5 151. As a first example, after the cobrowsing session has started, the agent
6 device accesses the TurboTax, QuickBooks and/or other websites, which are
7 independent of the cobrowsing server, in a web browser. As a second example, after
8 the cobrowsing session has started, the visitor device accesses the TurboTax,
9 QuickBooks and/or other websites, which are independent of the cobrowsing server, in
10 a web browser. *See, e.g.*, Glance Step-by-step Cobrowse Session Workflow, available
11 at: <https://help.glance.net/glance-cobrowse/integrity/session-workflow/>. *See, e.g.*,
12 Glance’s “Cobrowse Security Architecture” website, available at
13 https://help.glance.net/security/security_cobrowse/. *See also*, as applicable to
14 TurboTax Online, TurboTax Live, and Smartlook, Intuit Glance TurboTax video,
15 available at: [https://ww2.glance.net/customers/intuit-is-changing-the-tax-](https://ww2.glance.net/customers/intuit-is-changing-the-tax-game/#video)
16 [game/#video](https://ww2.glance.net/customers/intuit-is-changing-the-tax-game/#video), example screenshot shown *supra*. *See also* Glance Agent API document
17 from Glance Website, available at: [https://help.glance.net/glance-cobrowse/glance-](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/agent_side/)
18 [cobrowse-customizing/visitor_agent/agent_side/](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/agent_side/) and Glance Visitor API document
19 from Glance Website, available at: [https://help.glance.net/glance-cobrowse/glance-](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/visitor/)
20 [cobrowse-customizing/visitor_agent/visitor/](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/visitor/), describing the available programmable
21 functions that are part of the Agent and Visitor APIs. *See also*, as applicable to
22 TurboTax, TurboTax Live, and SmartLook, a video featured on the TurboTax YouTube
23 website, available at: <https://www.youtube.com/watch?v=YkdL7ZYAhvY>; illustrating
24 an example Smartlook browsing session utilizing co-browsing. *See also*, as applicable
25 to QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main
26 website, available at <https://quickbooks.intuit.com/live>; illustrating an example
27 QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in
28 QuickBooks Live. *See also*, as applicable to TurboTax Online and TurboTax Live, a

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

4 152. Infringement of Claims 1-18 of the '145 Patent will be further detailed in
5 Infringement Contentions, which will be made available according to scheduling orders
6 entered in this case.

7 153. Intuit has been and is now directly and/or indirectly infringing,
8 individually and/or jointly, either literally or under the doctrine of equivalents, at least
9 Claims 1-5, 7-14, and 16-17 of the '145 Patent in the United States by, among other
10 things, making, using, licensing, selling, offering for sale, or importing the Accused
11 Instrumentalities covered by at least Claims 1-5, 7-14, and 16-17 of the '145 Patent.

12 154. Upon information and belief, pursuant to 35 U.S.C. § 271(a), Intuit has
13 been and is now infringing, individually and/or jointly, at least Claims 1-5, 7-14, and
14 16-17 of the '145 Patent by making, using, licensing, selling, offering for sale, leasing,
15 offering for lease, and/or importing into the United States without authority or license,
16 the Accused Instrumentalities covered by at least Claims 1-5, 7-14, and 16-17 of the
17 '145 Patent.

18 155. Upon information and belief, pursuant to 35 U.S.C. § 271(a), in the
19 alternative and/or in certain instances of infringement, Intuit directly infringes at least
20 Claims 1-5, 7-14, and 16-17 of the '145 Patent by Intuit's express direction or control
21 of Glance Networks, Inc. ("Glance") and/or by forming a joint enterprise with Glance.

22 156. On information and belief, Intuit Ventures, an entity that is entirely owned
23 and operated by Intuit, is a significant shareholder of Glance. *See*
24 <https://www.intuit.com/ventures/> (showing Glance as a portfolio company of Intuit
25 Ventures).

26 157. On information and belief, Intuit contracts with Glance to provide at least
27 portions of the co-browsing technology underlying Intuit's products. *See* website
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1 entitled “Glance Receives Innovation Award from Intuit,” available at:
2 <https://ww2.glance.net/blog/glance-receives-innovation-award-from-intuit/>.

3 158. Upon information and belief, the performance of the infringing acts by
4 Intuit and Intuit’s customers and users of the Accused Instrumentalities are directed and
5 controlled by Intuit, at least in part, by the contractual agreements that exist between
6 Intuit and those entities and/or individuals.

7 159. Upon information and belief, pursuant to 35 U.S.C. § 271(b), in the
8 alternative and/or in certain instances of infringement, Intuit specifically intended
9 Intuit’s customers and users of the Accused Instrumentalities, to directly infringe, either
10 literally or under the doctrine of equivalents, at least Claim Claims 1-5, 7-14, and 16-
11 17 of the ’145 Patent by selling, offering for sale, providing, maintaining, and/or
12 licensing the Accused Instrumentalities, with the intent that those customers use the
13 Accused Instrumentalities in the United States in an infringing manner and with
14 knowledge that the acts of Intuit’s customers and users of the Accused Instrumentalities
15 constituted infringement.

16 160. Upon information and belief, pursuant to 35 U.S.C. § 271(b), in the
17 alternative and/or in certain instances of infringement, Intuit has been, and currently is,
18 an active inducer of infringement for one or more claims of the ’448 Patent. On
19 information and belief, one or more of the Accused Instrumentalities directly and/or
20 indirectly infringe (by induced infringement) at least Claims 1-5, 7-14, and 16-17 of
21 the ’145 Patent, literally and/or under the doctrine of equivalents.

22 161. Upon information and belief, Intuit intentionally encourages and aids at
23 least its agents and/or customers and/or users to directly infringe the ’145 Patent.

24 162. Upon information and belief, Intuit provides the Accused Instrumentalities
25 and instructions to its agents and/or users and/or customers and/or partners such that
26 they will each use the Accused Instrumentalities in a directly infringing manner. Intuit
27 markets the Accused Instrumentalities to its agents and/or users and/or customers
28

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

3 163. Upon information and belief, Intuit agents and/or customers and/or users
4 directly infringe by using the Accused Instrumentalities in their intended manner. Intuit
5 induces such infringement by providing the Accused Instrumentalities and instructions
6 to enable and facilitate infringement. On information and belief, Intuit specifically
7 intends that its actions will result in infringement of the '145 Patent or has taken
8 deliberate actions to avoid learning of infringement.

9 164. Upon information and belief, Intuit's infringement of the '145 Patent is
10 knowing, egregious, consciously wrongful, and willful.

11 165. Upon information and belief, Intuit's infringement of the '145 Patent is
12 willful and deliberate, entitling Samesurf to enhanced damages and attorney's fees.

13 166. Upon information and belief, Intuit's infringement of the '145 Patent is
14 exceptional and entitles Samesurf to attorneys' fees and costs incurred in prosecuting
15 this action under 35 U.S.C. § 285.

16 167. Upon information and belief, pursuant to 35 U.S.C. § 271(c), in the
17 alternative and/or in certain instances of infringement, Intuit is liable as a contributory
18 infringer and has knowingly contributed to the direct infringement of Intuit's customers
19 and users of the Accused Instrumentalities, either literally or under the doctrine of
20 equivalents, of at least Claims 1-5, 7-14, and 16-17 of the '145 Patent by importing,
21 selling, offering to sell, maintaining, licensing, and/or otherwise supplying the Accused
22 Instrumentalities to customers, which has no substantial non-infringing use, is
23 especially designed for use in the patented invention, and constitutes a material part of
24 the patented invention.

25 168. At least as early as June 5, 2015, Intuit has had knowledge of the '145
26 patent and family of patents by way of phone conversations, video conference sessions,
27 and e-mail correspondence between Samesurf's CEO, K. David Pirnazar, and Joyce
28 Yeh, Matt Gage, and/or Paul Hubbard (Intuit correspondence attached at Exhibit D),

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

5 169. Upon information and belief, Intuit's acts of infringement have been
6 willful, deliberate, and in reckless disregard of Samesurf's patent rights and will
7 continue unless enjoined by this Court.

8 170. Upon information and belief, Samesurf has suffered and will continue to
9 suffer irreparable loss and injury unless a preliminary injunction is entered that
10 prohibits Intuit from infringing the '145 Patent.

11 171. Samesurf has been damaged by Intuit's acts of infringement of the '145
12 Patent in an amount to be determined at trial, and has suffered and will continue to
13 suffer irreparable loss and injury unless Intuit is permanently enjoined from infringing
14 the '448 Patent.

15 172. Samesurf is entitled to recover all damages that Samesurf has sustained as
16 a result of Intuit's infringement of the '145 Patent, including without limitation not less
17 than a reasonable royalty.

18 **Count III – Infringement of U.S. Patent No. 8,527,591**

19 **(The '591 Patent)**

20 173. Samesurf incorporates by reference each of the preceding paragraphs of
21 the Complaint as though fully set forth herein.

22 174. Claim 1 of the '591 Patent recites: A method for a guest device performing
23 a synchronized browsing session administered by a synchronization server, comprising:
24 detecting an activation of a hyperlink associated with the synchronized browsing
25 session by a guest device; sending a request by the guest device to join the synchronized
26 browsing session to the synchronization server in response to the activation of the
27 hyperlink; receiving from the synchronization server a notification that guest device
28 has joined the synchronized browsing session; receiving data from the synchronization

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

5 175. The Accused Instrumentalities that infringe at least Claim 1 of the '591
6 Patent include at least Intuit's TurboTax Online, QuickBooks Online, TurboTax Live,
7 QuickBooks Live, Smartlook, and other co-browse enabled Intuit products, as well as
8 the underlying infrastructure supporting these products.

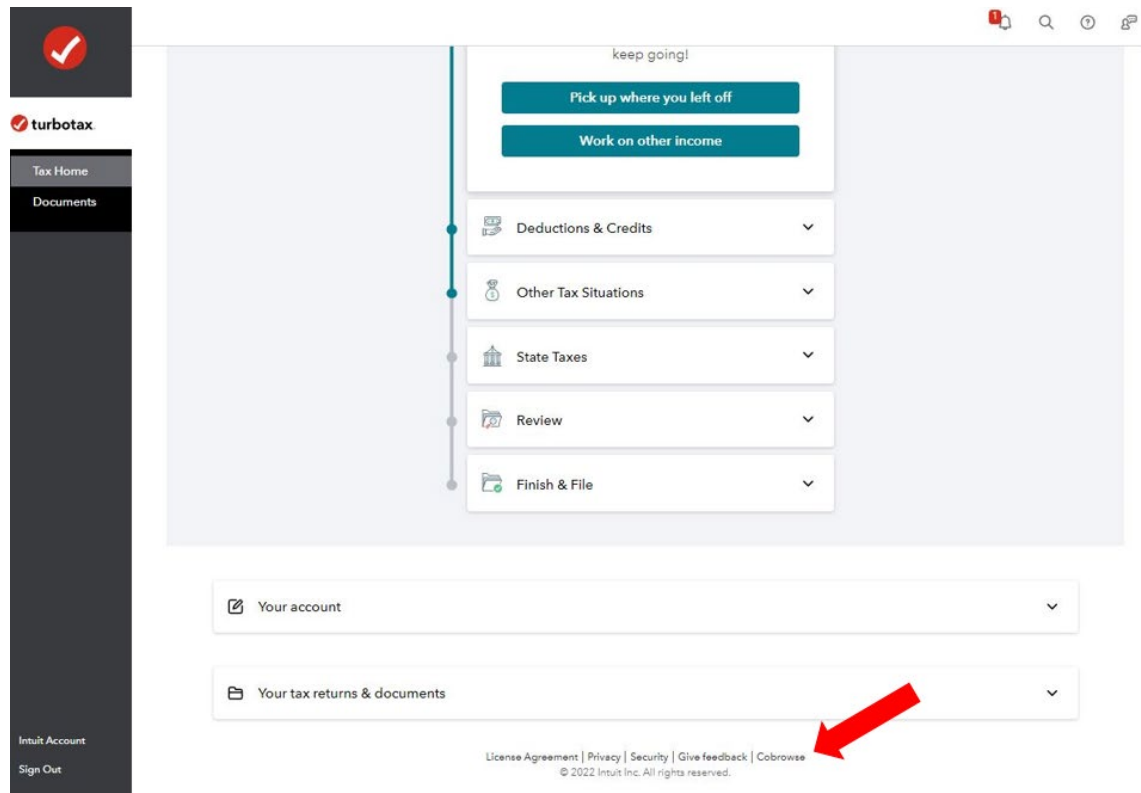
9 176. The Accused Instrumentalities each implement a method for a guest
10 device performing a synchronized browsing session administered by a synchronization
11 server.

12 177. As a first example, the Accused Instrumentalities each include an agent
13 device for performing a cobrowsing session where the cobrowsing session is
14 administered by a cobrowse server. As a second example, the Accused Instrumentalities
15 each include a visitor device for performing a cobrowsing session where the
16 cobrowsing session is administered by a cobrowse server. *See, e.g.,* Glance's
17 "Cobrowse Security Architecture" website, available at
18 https://help.glance.net/security/security_cobrowse/. *See, e.g.,* Glance Step-by-step
19 Cobrowse Session Workflow, available at: [https://help.glance.net/glance-](https://help.glance.net/glance-cobrowse/integrity/session-workflow/)
20 [cobrowse/integrity/session-workflow/](https://help.glance.net/glance-cobrowse/integrity/session-workflow/). *See also,* as applicable to TurboTax Online and
21 TurboTax Live, TurboTax Login View, available at <https://turbotax.intuit.com> (image
22 shown *infra* with red arrow added to image to indicate "Cobrowse" hyperlink).

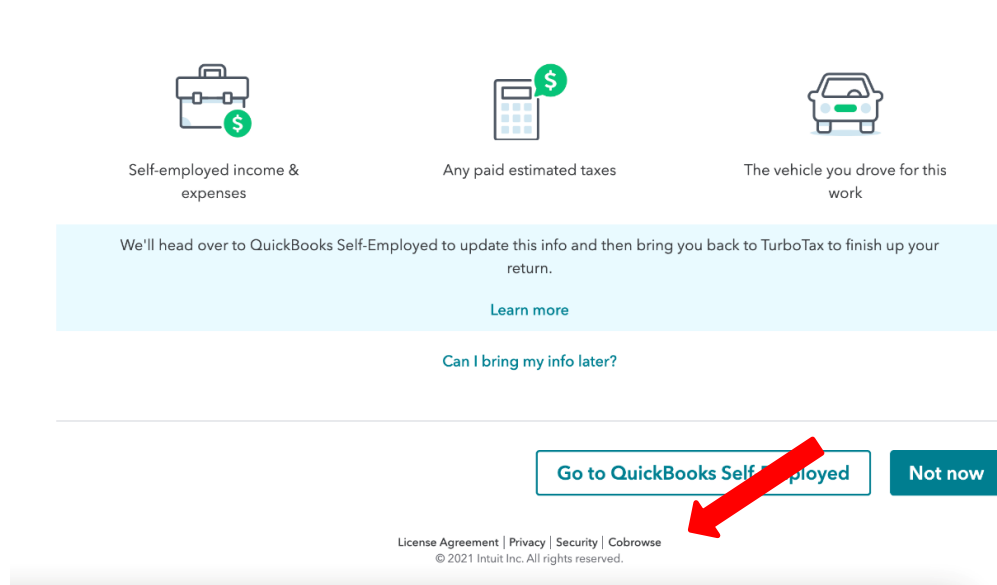
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McKool Smith, P.C.

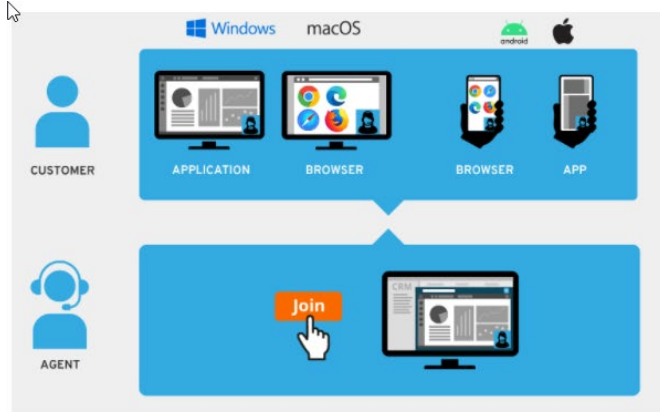
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See also, as applicable to QuickBooks Online and QuickBooks Live, QuickBooks Login View (red arrow added to image *infra* to indicate “Cobrowse” hyperlink), available at <https://quickbooks.intuit.com>.



1 See also, as applicable to QuickBooks Online, QuickBooks Live, and Smartlook,
 2 the QuickBooks Help Website: Use SmartLook to share your screen with support
 3 agents, available at [https://quickbooks.intuit.com/learn-support/en-us/help-](https://quickbooks.intuit.com/learn-support/en-us/help-article/remote-access/use-smartlook-share-screen-support-agents/L9qN7BuTP_US_en_US)
 4 [article/remote-access/use-smartlook-share-screen-support-](https://quickbooks.intuit.com/learn-support/en-us/help-article/remote-access/use-smartlook-share-screen-support-agents/L9qN7BuTP_US_en_US)
 5 [agents/L9qN7BuTP_US_en_US](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
 6 Smartlook, the TurboTax Support website, available at:
 7 [https://ttlc.intuit.com/community/expert-review/help/how-do-i-connect-with-a-tax-](https://ttlc.intuit.com/community/expert-review/help/how-do-i-connect-with-a-tax-expert-in-turbotax-live/00/27282)
 8 [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). See also, as applicable to TurboTax Live and
 9 Smartlook, article showing TurboTax Live with mobile co-browse functionality
 10 [https://www.usatoday.com/story/tech/columnist/2019/03/03/filing-taxes-mobile-](https://www.usatoday.com/story/tech/columnist/2019/03/03/filing-taxes-mobile-device-senior-friendly-too/2988124002/)
 11 [device-senior-friendly-too/2988124002/](https://www.usatoday.com/story/tech/columnist/2019/03/03/filing-taxes-mobile-device-senior-friendly-too/2988124002/). See also, as applicable to TurboTax Live, the
 12 TurboTax Live main website, available at [https://turbotax.intuit.com/personal-](https://turbotax.intuit.com/personal-taxes/online/live/)
 13 [taxes/online/live/](https://turbotax.intuit.com/personal-taxes/online/live/). See also, as applicable to Intuit QuickBooks Live, the Intuit
 14 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)

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

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

9 178. The Accused Instrumentalities each detect an activation of a hyperlink
10 associated with the synchronized browsing session by a guest device.

11 179. As a first example, the Accused Instrumentalities each include an agent
12 device which detects an activation of a hyperlink associated with the cobrowsing
13 session. As a second example, the Accused Instrumentalities each include a visitor
14 device which detects an activation of a hyperlink associated with the cobrowsing
15 session. *See, e.g.*, Glance’s “Cobrowse Security Architecture” website, available at
16 https://help.glance.net/security/security_cobrowse/. *See, e.g.*, Glance Step-by-step
17 Cobrowse Session Workflow, available at: [https://help.glance.net/glance-](https://help.glance.net/glance-cobrowse/integrity/session-workflow/)
18 [cobrowse/integrity/session-workflow/](https://help.glance.net/glance-cobrowse/integrity/session-workflow/). In the example illustrated below, the visitor
19 initiates the cobrowse session by activating a hyperlink that sends a StartCobrowse
20 request (shown in green outline below) to a cobrowse server to start the cobrowsing
21 session.

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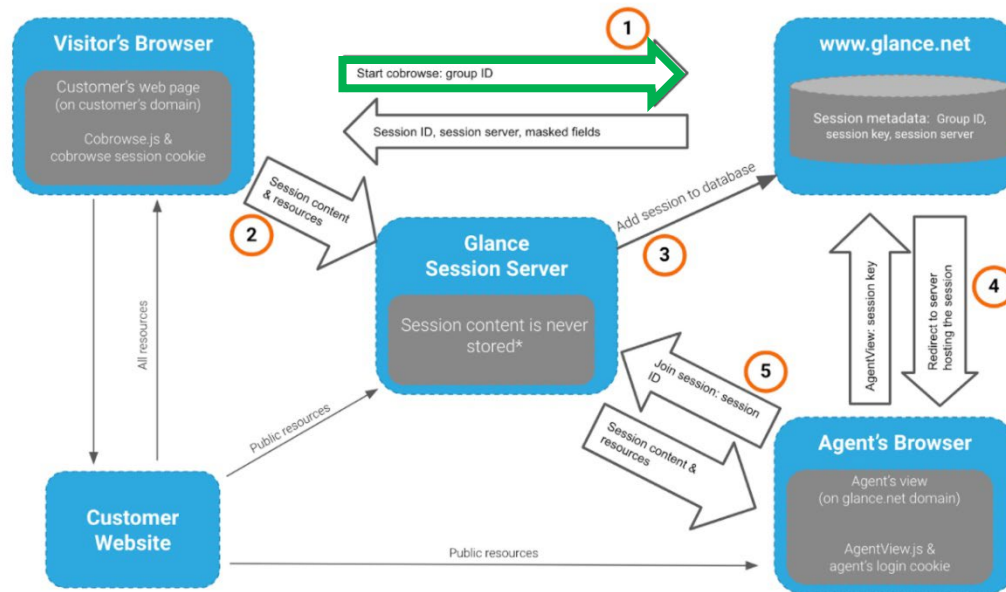
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See Glance Step-by-step Cobrowse Session Workflow, available at: <https://help.glance.net/glance-cobrowse/integrity/session-workflow/>. See also Glance Agent API document from Glance Website, available at: https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/agent_side/ and Glance Visitor API document from Glance Website, available at: https://help.glance.net/glance-cobrowse/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 to share your screen with support agents, available at 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, TurboTax Support website, available at: <https://tlc.intuit.com/community/expert-review/help/how-do-i-connect-with-a-tax-expert-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 an example Smartlook browsing session utilizing co-browsing. See also, as applicable to

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

8 180. The Accused Instrumentalities each send a request by the guest device to
9 join the synchronized browsing session to the synchronization server in response to the
10 activation of the hyperlink.

11 181. In a first example, the agent device sends a request to join the cobrowsing
12 session in response to the activation of the hyperlink. In a second example, the visitor
13 device sends a request to join the cobrowsing session in response to the activation of
14 the hyperlink. *See, e.g.*, Glance Step-by-step Cobrowse Session Workflow, available
15 at: <https://help.glance.net/glance-cobrowse/integrity/session-workflow/>. *See also*, as
16 applicable to QuickBooks Online, QuickBooks Live, and Smartlook, QuickBooks Help
17 Website: Use SmartLook to share your screen with support agents, available at
18 [https://quickbooks.intuit.com/learn-support/en-us/help-article/remote-access/use-](https://quickbooks.intuit.com/learn-support/en-us/help-article/remote-access/use-smartlook-share-screen-support-agents/L9qN7BuTP_US_en_US)
19 [smartlook-share-screen-support-agents/L9qN7BuTP_US_en_US](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
20 applicable to TurboTax Live and Smartlook, TurboTax Support website, available at:
21 [https://ttlc.intuit.com/community/expert-review/help/how-do-i-connect-with-a-tax-](https://ttlc.intuit.com/community/expert-review/help/how-do-i-connect-with-a-tax-expert-in-turbotax-live/00/27282)
22 [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). *See also*, as applicable to TurboTax, TurboTax Live,
23 and SmartLook, a video featured on the TurboTax YouTube website, available at:
24 <https://www.youtube.com/watch?v=YkdL7ZYAhvY>; illustrating an example
25 Smartlook browsing session utilizing co-browsing. *See also*, as applicable to
26 QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main
27 website, available at <https://quickbooks.intuit.com/live>; illustrating an example
28 QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in

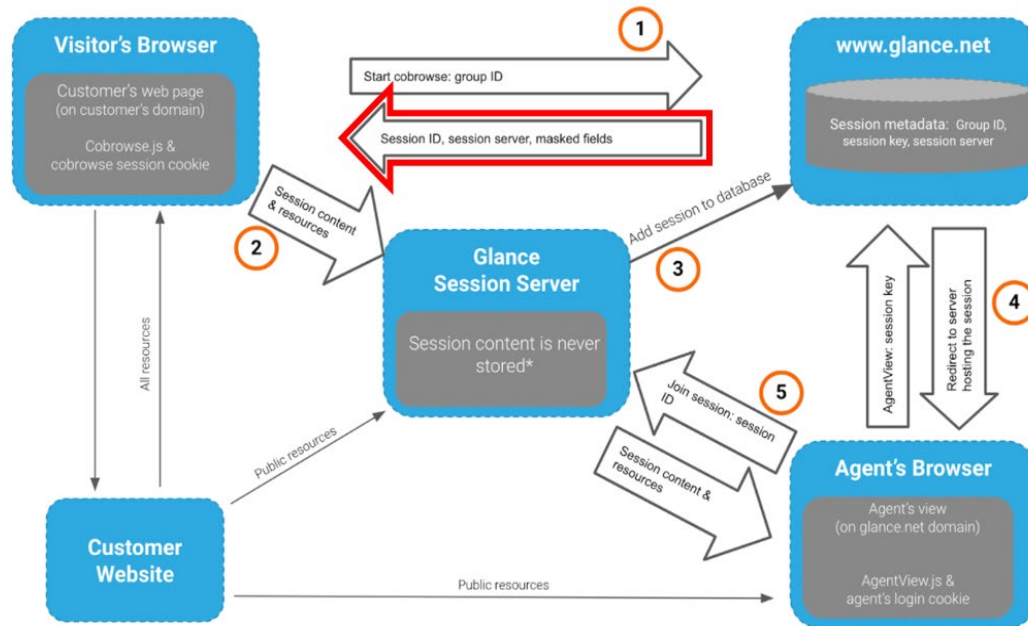
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1 QuickBooks Live. *See also*, as applicable to TurboTax Online and TurboTax Live, a
2 video featured on the TurboTax YouTube channel, available at
3 <https://youtu.be/ByfnmmykRNw>; illustrating an example TurboTax Live co-browsing
4 session utilizing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

5 182. The Accused Instrumentalities each receive a notification that guest device
6 has joined the synchronized browsing session from the synchronization server.

7 183. As a first example, the agent’s device receives an indication from the
8 cobrowse server that a visitor device has joined the cobrowsing session. As a second
9 example, the visitor’s device receives an indication from the cobrowse server that an
10 agent device has joined the cobrowsing session. In the example illustrated below, the
11 visitor’s device that initiated the cobrowse session receives a confirmation message
12 (shown in red outline below) from the cobrowse server. This message includes a
13 Session ID which includes three components: (1) a group ID, (2) a session key, and (3)
14 a random number for uniqueness (see below). *See, e.g.*, Glance’s “Cobrowse Security
15 Architecture” website, available at https://help.glance.net/security/security_cobrowse/.
16 *See, e.g.*, Glance Step-by-step Cobrowse Session Workflow, available at:
17 <https://help.glance.net/glance-cobrowse/integrity/session-workflow/>. *See also*,
18 citations and images cited *supra*.

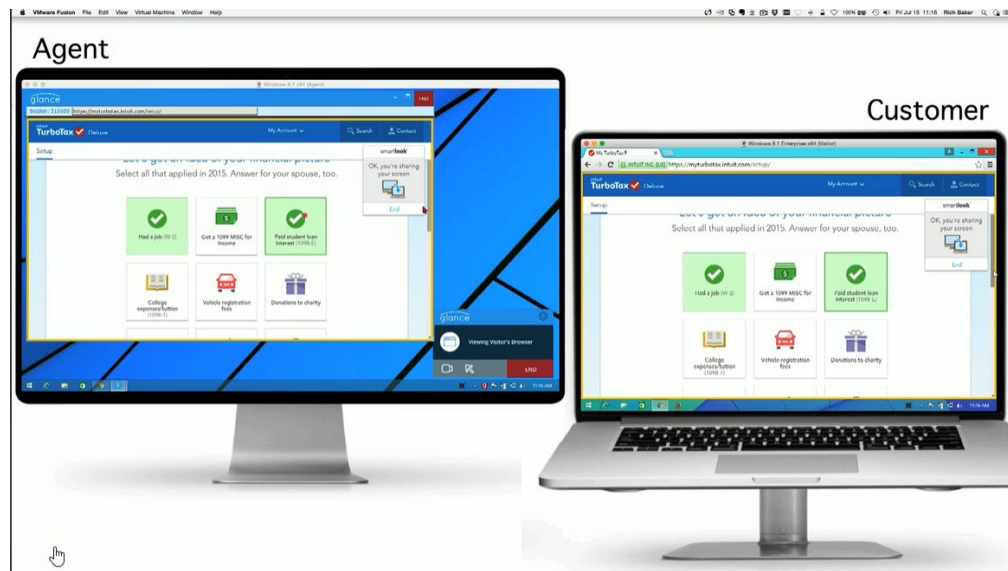
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See Glance Step-by-step Cobrowse Session Workflow, available at: <https://help.glance.net/glance-cobrowse/integrity/session-workflow/>. See also, as applicable to TurboTax, TurboTax Live, and SmartLook, a video featured on the TurboTax YouTube website, 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.

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.

1 185. In a first example, the agent's device receives Session Data from the
 2 cobrowse server, where the Session Data relates to a website being accessed by the host
 3 device and the data includes the website URL and cookie information associated with
 4 the website and the host device. In a second example, the visitor's device receives
 5 Session Data from the cobrowse server, where the Session Data relates to a website
 6 being accessed by the host device and the data includes the website URL and cookie
 7 information associated with the website and the host device. *See, e.g.*, Glance Step-by-
 8 step Cobrowse Session Workflow, available at: [https://help.glance.net/glance-](https://help.glance.net/glance-cobrowse/integrity/session-workflow/)
 9 [cobrowse/integrity/session-workflow/](https://help.glance.net/glance-cobrowse/integrity/session-workflow/). *See, e.g.*, Glance's "Cobrowse Security
 10 Architecture" website, available at https://help.glance.net/security/security_cobrowse/.
 11 *See also*, as applicable to TurboTax Online, TurboTax Live, and Smartlook, Intuit
 12 Glance TurboTax video, available at: [https://ww2.glance.net/customers/intuit-is-](https://ww2.glance.net/customers/intuit-is-changing-the-tax-game/#video)
 13 [changing-the-tax-game/#video](https://ww2.glance.net/customers/intuit-is-changing-the-tax-game/#video), example screenshot shown below (taken from
 14 approximately 1:15 mark in video), illustrating an example TurboTax Online co-
 15 browsing session showing the real-time website interaction data communicated
 16 between the agent device and the visitor device for interactions with the TurboTax
 17 Online website:

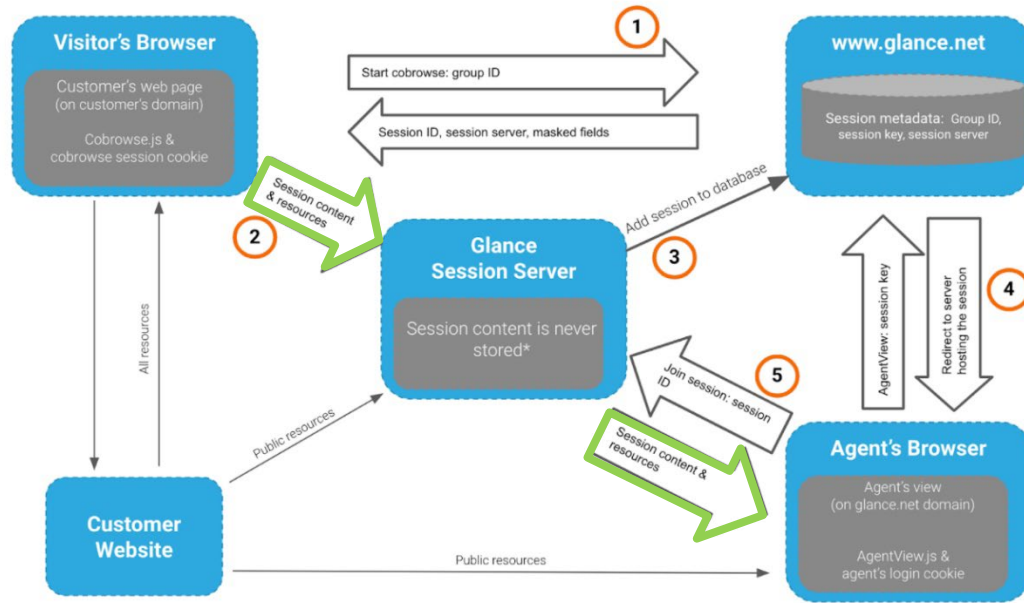


1 *Id.* at 1:15 mark. *See also* Glance Agent API document from Glance Website, available
2 at: [https://help.glance.net/glance-cobrowse/glance-cobrowse-](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/agent_side/)
3 [customizing/visitor_agent/agent_side/](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/agent_side/) and Glance Visitor API document from Glance
4 Website, available at: [https://help.glance.net/glance-cobrowse/glance-cobrowse-](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/visitor/)
5 [customizing/visitor_agent/visitor/](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/visitor/), describing the available programmable functions
6 that are part of the Agent and Visitor APIs, including functions relating to web browsing
7 interaction data associated with a website server that is independent of the
8 synchronization server. *See also* “How Intuit Made Outstanding Customer Experience
9 More Visible” article from Glance Website, available at:
10 <https://ww2.glance.net/2017/04/intuit-made-customer-experience-visible/>. *See also*, as
11 applicable to TurboTax, TurboTax Live, and SmartLook, a video featured on the
12 TurboTax YouTube website, available at:
13 <https://www.youtube.com/watch?v=YkdL7ZYAhvY>; illustrating an example
14 Smartlook browsing session utilizing co-browsing. *See also*, as applicable to
15 QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main
16 website, available at <https://quickbooks.intuit.com/live>; illustrating an example
17 QuickBooks Live co-browsing session utilizing co-browsing with a bookkeeper in
18 QuickBooks Live. *See also*, as applicable to TurboTax Online and TurboTax Live, a
19 video featured on the TurboTax YouTube channel, available at
20 <https://youtu.be/ByfnmmykRNw>; illustrating an example TurboTax Live co-browsing
21 session utilizing co-browsing with a tax agent in TurboTax Live.

22 186. The Accused Instrumentalities each operate a browser by the guest device
23 based on the data received from the synchronization server.

24 187. In a first example, the agent device manipulates a browser based on data
25 received from the cobrowse server. In a second example, the visitor device manipulates
26 a browser based on data received from the cobrowse server. In an example, after the
27 cobrowsing session has started, each of the visitor device and agent device use a web
28 browser to access the TurboTax and/or QuickBooks and/or other websites. The

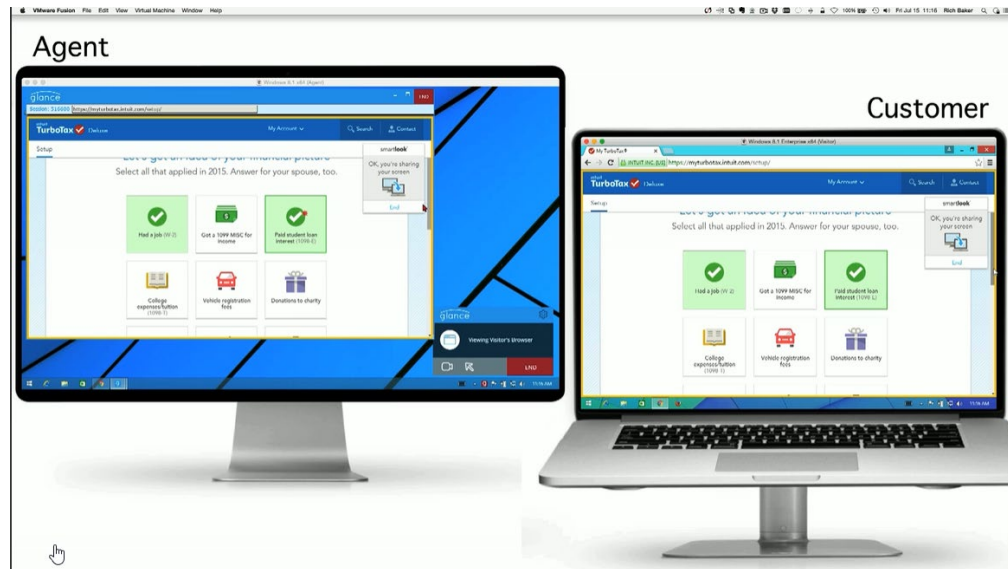
1 cobrowse server, receives Session Data from either the visitor device or the agent
 2 device and transmits the Session Data on to the corresponding other device (see lime
 3 green arrows below showing “session content and resources” being transmitted).



15 See, e.g., Glance’s “Cobrowse Security Architecture” website, available at
 16 https://help.glance.net/security/security_cobrowse/. See also Glance Agent API
 17 document from Glance Website, available at: [https://help.glance.net/glance-](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/agent_side/)
 18 [cobrowse/glance-cobrowse-customizing/visitor_agent/agent_side/](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/agent_side/) and Glance Visitor
 19 API document from Glance Website, available at: [https://help.glance.net/glance-](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/visitor/)
 20 [cobrowse/glance-cobrowse-customizing/visitor_agent/visitor/](https://help.glance.net/glance-cobrowse/glance-cobrowse-customizing/visitor_agent/visitor/), describing the available
 21 programmable functions that are part of the Agent and Visitor APIs, including functions
 22 relating to web browsing interaction data. See also “How Intuit Made Outstanding
 23 Customer Experience More Visible” article from Glance Website, available at:
 24 <https://ww2.glance.net/2017/04/intuit-made-customer-experience-visible/>.

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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-jrwnkXI>, 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).

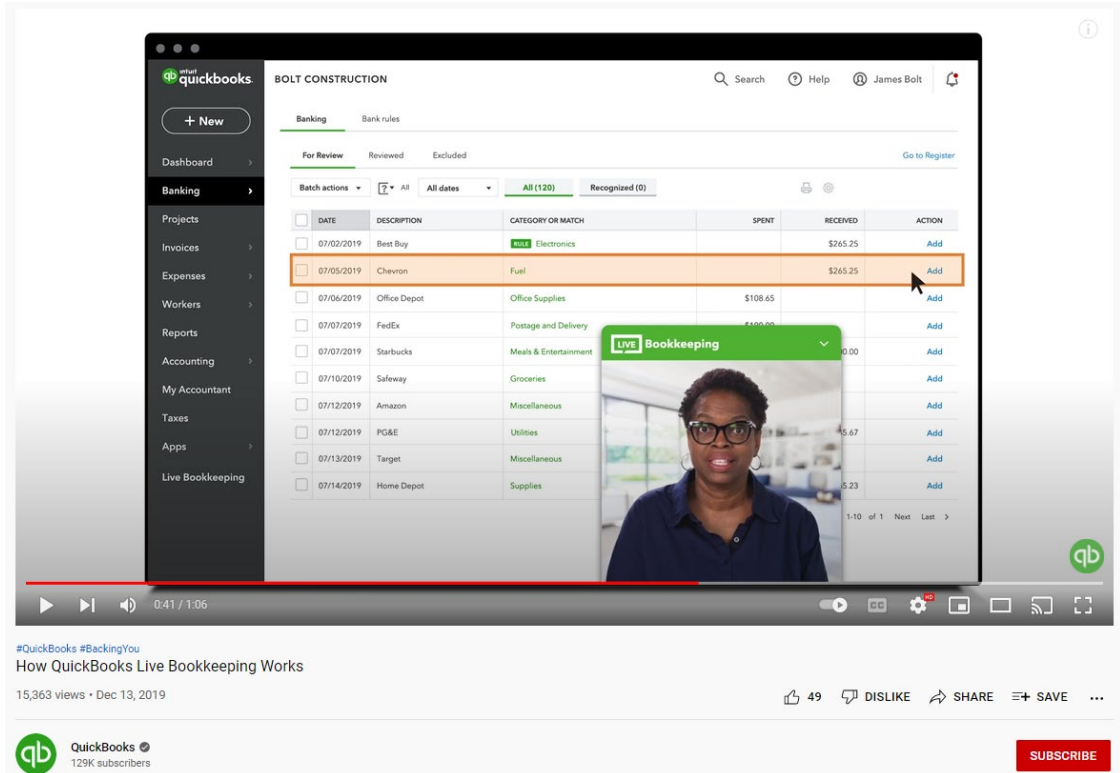
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Id. See also, as applicable to QuickBooks and QuickBooks Live, a video featured on the QuickBooks Live main website, available at <https://quickbooks.intuit.com/live>; illustrating an example QuickBooks Live co-browsing session utilizing co-browsing 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.

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.

1 190. Upon information and belief, pursuant to 35 U.S.C. § 271(a), Intuit has
2 been and is now infringing, individually and/or jointly, at least Claim 1 and Claim 10
3 of the '591 Patent by making, using, licensing, selling, offering for sale, leasing,
4 offering for lease, and/or importing into the United States without authority or license,
5 the Accused Instrumentalities covered by at least Claims 1-6, 10-12, and 14-16 of the
6 '591 Patent.

7 191. Upon information and belief, pursuant to 35 U.S.C. § 271(a), in the
8 alternative and/or in certain instances of infringement, Intuit directly infringes at least
9 Claims 1-6, 10-12, and 14-16 of the '591 Patent by Intuit's express direction or control
10 of Glance Networks, Inc. ("Glance") and/or by forming a joint enterprise with Glance.

11 192. On information and belief, Intuit Ventures, an entity that is entirely owned
12 and operated by Intuit, is a significant shareholder of Glance. *See*
13 <https://www.intuit.com/ventures/> (showing Glance as a portfolio company of Intuit
14 Ventures).

15 193. On information and belief, Intuit contracts with Glance to provide at least
16 portions of the co-browsing technology underlying Intuit's products. *See* website
17 entitled "Glance Receives Innovation Award from Intuit," available at:
18 <https://ww2.glance.net/blog/glance-receives-innovation-award-from-intuit/>.

19 194. Upon information and belief, the performance of the infringing acts by
20 Intuit and Intuit's customers and users of the Accused Instrumentalities are directed and
21 controlled by Intuit, at least in part, by the contractual agreements that exist between
22 Intuit and those entities and/or individuals.

23 195. Upon information and belief, pursuant to 35 U.S.C. § 271(b), in the
24 alternative and/or in certain instances of infringement, Intuit specifically intended
25 Intuit's customers and users of the Accused Instrumentalities, to directly infringe, either
26 literally or under the doctrine of equivalents, at least Claims 1-6, 10-12, and 14-16 of
27 the '591 Patent by selling, offering for sale, providing, maintaining, and/or licensing
28 the Accused Instrumentalities, with the intent that those customers use the Accused

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

4 196. Upon information and belief, pursuant to 35 U.S.C. § 271(b), in the
5 alternative and/or in certain instances of infringement, Intuit has been, and currently is,
6 an active inducer of infringement for one or more claims of the ’591 Patent. On
7 information and belief, one or more of the Accused Instrumentalities directly and/or
8 indirectly infringe (by induced infringement) at least Claims 1-6, 10-12, and 14-16 of
9 the ’591 Patent, literally and/or under the doctrine of equivalents.

10 197. Upon information and belief, Intuit intentionally encourages and aids at
11 least its agents and/or customers and/or users and/or partners to directly infringe the
12 ’591 Patent.

13 198. Upon information and belief, Intuit provides the Accused Instrumentalities
14 and instructions to its agents and/or users and/or customers and/or partners such that
15 they will each use the Accused Instrumentalities in a directly infringing manner. Intuit
16 markets the Accused Instrumentalities to its agents and/or users and/or customers
17 and/or partners and provides instructions on how to use the functionality of the ’591
18 Patent on its website and elsewhere.

19 199. Upon information and belief, Intuit agents and/or customers and/or users
20 and/or partners directly infringe by using the Accused Instrumentalities in their
21 intended manner. Intuit induces such infringement by providing the Accused
22 Instrumentalities and instructions to enable and facilitate infringement. On information
23 and belief, Intuit specifically intends that its actions will result in infringement of the
24 ’591 Patent or has taken deliberate actions to avoid learning of infringement.

25 200. Upon information and belief, Intuit’s infringement of the ’591 Patent is
26 knowing, egregious, consciously wrongful, and willful.

27 201. Upon information and belief, Intuit’s infringement of the ’591 Patent is
28 willful and deliberate, entitling Samesurf to enhanced damages and attorney’s fees.

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1 202. Upon information and belief, Intuit’s infringement of the ’591 Patent is
2 exceptional and entitles Samesurf to attorneys’ fees and costs incurred in prosecuting
3 this action under 35 U.S.C. § 285.

4 203. Upon information and belief, pursuant to 35 U.S.C. § 271(c), in the
5 alternative and/or in certain instances of infringement, Intuit is liable as a contributory
6 infringer and has knowingly contributed to the direct infringement of Intuit’s customers
7 and users of the Accused Instrumentalities, either literally or under the doctrine of
8 equivalents, of at least Claims 1-6, 10-12, and 14-16 of the ’591 Patent by importing,
9 selling, offering to sell, maintaining, licensing, and/or otherwise supplying the Accused
10 Instrumentalities to customers, which has no substantial non-infringing use, is
11 especially designed for use in the patented invention, and constitutes a material part of
12 the patented invention.

13 204. At least as early as June 5, 2015, Intuit has had knowledge of the ’591
14 patent and family of patents by way of phone conversations, video conference sessions,
15 and e-mail correspondence between Samesurf’s CEO, K. David Pirnazar, and Joyce
16 Yeh, Matt Gage, and/or Paul Hubbard (Intuit correspondence attached at Exhibit D),
17 and Intuit has intended to infringe the ’591 Patent by its use of the Accused
18 Instrumentalities by continuing to sell, offer for sale, provide, maintain, and/or license
19 the Accused Instrumentalities to its customers in the United States. Despite such
20 knowledge, Intuit continues to infringe the ’591 Patent. See Exhibit D.

21 205. Upon information and belief, Intuit’s acts of infringement have been
22 willful, deliberate, and in reckless disregard of Samesurf’s patent rights and will
23 continue unless enjoined by this Court.

24 206. Upon information and belief, Samesurf has suffered and will continue to
25 suffer irreparable loss and injury unless a preliminary injunction is entered that
26 prohibits Intuit from infringing the ’591 Patent.

27 207. Samesurf has been damaged by Intuit’s acts of infringement of the ’591
28 Patent in an amount to be determined at trial, and has suffered and will continue to

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

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

6 **REQUEST FOR INJUNCTIVE RELIEF**

7 209. Samesurf incorporates by reference each of the preceding paragraphs of
8 the Complaint as though fully set forth herein

9 210. Intuit's infringement of Samesurf's Patents has caused and continues to
10 cause Samesurf to suffer irreparable injury and remedies at law are inadequate to
11 compensate Samesurf for that irreparable injury. Further, a balancing of hardships
12 between Samesurf and Intuit favors a grant of injunction and the public interest would
13 not be disserved by the grant of a preliminary injunction.

14 211. To preserve the status quo until trial in this cause, Samesurf requests the
15 Court enter a preliminary injunction to enjoin and restrain Intuit and its officers,
16 directors, agents, servants, employees, consultants, contractors, suppliers, distributors,
17 affiliates, divisions, subsidiaries, parents, partners, and others acting in privity with
18 Intuit from: (i) infringing Samesurf's Patents; (ii) selling, licensing or otherwise
19 providing the Accused Instrumentalities in the United States; and (iii) operating the
20 Accused Instrumentalities in the United States. Unless Intuit is enjoined from engaging
21 in additional misconduct, Samesurf will continue to be irreparably harmed. Such
22 misconduct has resulted in loss already, which is unascertainable at this point in time,
23 and will result in future economic loss. Further, the balance of hardships warrants that
24 an injunction be entered.

25 212. Samesurf has no adequate remedy at law for Intuit's misconduct, as money
26 damages are not adequate to compensate for the ongoing harm caused by its
27 misconduct.

28

1 213. Samesurf further requests that this court enter a permanent injunction upon
2 entry of judgment, thereby preventing Intuit of further acts of infringement.

3 214. Samesurf has a clear legal right to the requested relief.

4 215. The public interest favors entry of an injunction to uphold the importance
5 of patent protection and to protect the legitimate business interests of patent owners.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiff prays for judgment as follows:

8 1. That the Court enter a preliminary injunction, pursuant to 35 U.S.C. § 283,
9 enjoining Intuit and its officers, directors, agents, servants, employees, consultants,
10 contractors, suppliers, distributors, affiliates, divisions, subsidiaries, parents, partners
11 and others acting in privity with Intuit, from infringing, inducing the infringement of,
12 or contributing to the infringement of Samesurf’s ’448, ’145, and ’591 Patents;

13 2. That the Court enter judgment in favor of Samesurf that Intuit has
14 infringed and continues to infringe, one or more claims of each of Samesurf’s ’448,
15 ’145, and ’591 Patents pursuant to 35 U.S.C. §§ 271(a), 271(b), and/or 271(c);

16 3. That the Court enter a judgment requiring Intuit to make an accounting of
17 damages resulting from its infringement of Samesurf’s ’448, ’145, and ’591 Patents;

18 4. That the Court enter a permanent injunction, pursuant to 35 U.S.C. § 283,
19 enjoining Intuit and its officers, directors, agents, servants, employees, consultants,
20 contractors, suppliers, distributors, affiliates, divisions, subsidiaries, parents, partners,
21 and others acting in privity with Intuit, from infringing, inducing the infringement of,
22 or contributing to the infringement of Samesurf’s ’448, ’145, and ’591 Patents;

23 5. That the Court enter a judgment and order requiring Intuit to pay Samesurf
24 damages for Intuit’s infringement of Samesurf’s ’448, ’145, and ’591 Patents, together
25 with interest (both pre and post-judgment), costs, and disbursements as fixed by this
26 Court under 35 U.S.C. § 284;

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

4 7. That the Court enter a judgment finding this case exceptional and order
5 awarding Samesurf its reasonable attorney’s fees, pursuant to 35 U.S.C. § 285 or as
6 otherwise permitted by law;

7 8. That the Court enter a judgment and order awarding Samesurf pre- and
8 post-judgment interest at the highest rate allowable by law;

9 9. That the Court enter a judgment and order awarding Samesurf any costs
10 of court; and

11 10. That the Court enter a judgment and order awarding all such further and
12 additional relief to which Samesurf may be entitled.

13
14 DATED: March 29, 2022

Respectfully submitted,

MCKOOL SMITH HENNIGAN, P.C.

By: s/ Alan P. Block
Alan P. Block (SBN 143783)
ablock@mckoolsmithhennigan.com
300 South Grand Avenue, Suite 2900
Los Angeles, California 90071
Telephone: (213) 694-1200
Facsimile: (213) 694-1234

Ryan B. McBeth (TX SBN 24078955)*
rmcbeth@mckoolsmith.com
MCKOOL SMITH, P.C.
600 Travis Street, Suite 7000
Houston, TX 77002
Telephone: (713) 485-7300
Facsimile: (713) 485-7344

MCKOOL SMITH, P.C.

McKool Smith, P.C.

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Ashley N. Moore (TX SBN 24074748)*
amoore@mckoolsmith.com
MCKOOL SMITH, P.C.
300 Crescent Court, Suite 1500
Dallas, Texas 75201
Telephone: (214) 978-4000
Facsimile: (214) 978-4044

**Pro hac vice application forthcoming*

Attorneys for Plaintiff
Samesurf, Inc.

DEMAND FOR JURY TRIAL

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.

DATED: March 29, 2022

Respectfully submitted,

MCKOOL SMITH HENNIGAN, P.C.

By: s/ Alan P. Block
Alan P. Block (SBN 143783)
ablock@mckoolsmithhennigan.com

Ryan B. McBeth (TX SBN 24078955)*
rmcbeth@mckoolsmith.com
MCKOOL SMITH, P.C.

Ashley N. Moore (TX SBN 24074748)*
amoore@mckoolsmith.com
MCKOOL SMITH, P.C.

**Pro hac vice application forthcoming*
Attorneys for Plaintiff
Samesurf, Inc.

MCKOOL SMITH, P.C.

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