

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

In the matter of:

Intuit Inc.,
a corporation,

Respondent.

Docket No. 9408

**COMPLAINT COUNSEL'S
POST-TRIAL BRIEF**

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COMPLAINT COUNSEL'S POST-TRIAL BRIEF ¹

I. Introduction

[REDACTED]

The word “free” is a lure. It is the bait. It is a powerful magnet that draws the best of us against our will “to get something for nothing.”

FF-616 (quoting a presentation to Intuit from its advertising agency).

In re Book-of-the-Month Club, 48 F.T.C. 1297, 1312 (1952).

The Federal Trade Commission and Respondent Intuit agree on at least one thing: Advertising something as “free” is a powerful draw for consumers. Intuit aired an advertising campaign in which actors repeated the word “free” over and over in commercials—Intuit called it: “The Power of Free.” (FF-51). But the FTC has long cautioned companies to wield *the power of free* carefully. “Because the purchasing public continually searches for the best buy, and regards the offer of ‘Free’ merchandise or service to be a special bargain, all such offers must be made with extreme care so as to avoid any possibility that consumers will be misled or deceived.” 16 C.F.R. § 251.1(a)(2). In this case, Intuit did not take such care. Intuit widely disseminated ads on television, on the radio, and online that gave consumers the impression that they could use TurboTax for free, even though two-thirds of taxpayers don’t qualify for Intuit’s free TurboTax offerings. Intuit embraced the “halo effect” of its free ads, finding that *the power of free* was so strong, [REDACTED] (FF-28 & FF-29). But in the end, *the power of free* proved to be too much for Intuit to handle, and the result was consumer deception.

The evidence in the hearing record establishes that Intuit has deceptively advertised TurboTax for years through a pervasive marketing campaign that delivers an inescapable message: “consumers can file their taxes for free using TurboTax.” Compl. ¶ 119.² The evidence shows that many TurboTax advertisements include a “free” claim. (*See, e.g.*, FF-47—FF-466;

¹ Complaint Counsel’s Proposed Findings of Fact are abbreviated as “FF.”

² As used in this brief and the Complaint, “TurboTax” refers only to online products and services. For purposes of this brief, products advertised as “free” by Intuit include both TurboTax Free Edition and TurboTax Live.

see also FF-958—FF-987). The evidence shows that consumers understand that claim to mean that they can file their taxes for free using TurboTax.³ The evidence shows that claim is not true—TurboTax is not free for approximately two-thirds of taxpayers. (*See* FF-21—FF-23). The evidence shows that price is a material term to consumers. (*See, e.g.*, FF-596; FF-619; FF-621—FF-622; FF-665; FF-804—FF-806). The evidence shows that these advertisements were widely disseminated on television, radio, and online.⁴ And the evidence shows that Intuit’s purported disclaimers were insufficient to change the deceptive message conveyed by Intuit’s false “free” TurboTax claims. (*See, e.g.*, FF-491—FF-503; FF-669—FF-670). Intuit’s false and deceptive claims are textbook violations of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a). They are likely to mislead consumers acting reasonably under the circumstances, to the consumers’ detriment. *FTC Policy Statement on Deception*, 103 F.T.C. 174, 176 (1984) (*appended to In re Cliffdale Assocs., Inc.*, 103 F.T.C. 110 (1984)) (hereinafter “Deception Policy Statement”).

Knowing that about two-thirds of taxpayers cannot use TurboTax for free (FF-21—FF-23), the deception in Intuit’s ads is self-evident. “The primary evidence of what representations an advertisement conveys to reasonable consumers is the advertisement itself.” *In re Telebrands Corp.*, 140 F.T.C. 278, 290 (2005), *aff’d sub nom Telebrands Corp. v. FTC*, 457 F.3d 354 (4th Cir. 2006); *see also In re Novartis Corp.*, 127 F.T.C. 580, 680 (1999), *aff’d*, 223 F.3d 783 (D.C. Cir. 2000). And Intuit agrees that its ads “speak for themselves.” Answer ¶¶ 5, 24, 26. A few highlights of Intuit’s false and deceptive ads from over the last several years set the stage:

- GX321 (Complaint Counsel), Intuit’s 2015 Super Bowl ad ([click here to watch](#)). (*See* FF-66—FF-69; *see also* FF-958).⁵ According to AdAge, the premise is that “the American

³ (*See, e.g.*, FF-480—FF-490; FF-561—FF-566; FF-597—FF-601; FF-604—FF-616; FF-618; FF-664; FF-666—FF-668; FF-740).

⁴ (*See, e.g.*, FF-104; FF-116; FF-117; FF-127; FF-128; FF-133; FF-134; FF-141; FF-142; FF-150; FF-159; FF-160; FF-169; FF-170; FF-178; FF-179; FF-184; FF-193; FF-215—FF-320 (odd-numbered facts citing GX Summary 002 (Complaint Counsel) (summarizing GX434 (Intuit))); FF-328—FF-429 (even numbered facts citing GX Summary 002 (Complaint Counsel) (summarizing GX434 (Intuit))); FF-548—FF-557).

⁵ Discussion of TurboTax ads from the past is relevant in an adjudicative proceeding pending before the Commission which was occasioned when a “corporation has been or is using any ... deceptive act or practice in or affecting commerce.” 15 U.S.C. § 45(b). Further, “[t]he existence
(continued)

Revolution is called off because the Brits allowed for easy and free tax filing.”⁶ Amidst a recreation of the Boston Tea Party, the ad says, in part:

FIRST REVOLUTIONARY: No taxation without represent ...

FIRST BRITISH SOLDIER: Yes, yes, we hear you on the tax thing.

SECOND BRITISH SOLDIER: But what if it were free to file your taxes?

SECOND REVOLUTIONARY: Like, free free?

SECOND BRITISH SOLDIER: Yes, yes. You’d pay nothing. Not a thing. No thing.

THIRD REVOLUTIONARY: Well alright then!

[additional scenes between British soldiers and American revolutionaries saying “alright then” omitted]

VOICE OVER: Okay, so maybe that’s not exactly how it went down, but you can file on TurboTax for absolutely nothing. Intuit TurboTax. It’s amazing what you’re capable of.

(FF-67 (emphasis added)).

- GX323 (Complaint Counsel), Intuit’s 2016 Super Bowl ad ([click here to watch](#)). (See FF-70—FF-73). According to AdAge, this ad—actor Sir Anthony Hopkins’s “first appearance in a U.S. commercial”—“riffs on overbearing product placement to make a joke and simultaneously hammer the TurboTax name into every possible opening.”⁷ In a staged interview, the ad says, in part:

HOPKINS: I would never tarnish my name by selling you something.

Now, if I were to tell you to go to [turbotax.com](#), it’s because Turbo Tax Absolute Zero lets you file your taxes for free.

of past violations may give rise to an inference that there will be future violations; and the fact that the defendant is currently complying with the ... laws does not preclude an injunction.” *SEC v. Murphy*, 626 F.2d 633, 655 (9th Cir. 1980).

⁶ Ad Age Video, 2015: Super Bowl XLIX, TurboTax - Boston Tea Party, *available at* [adage.com/videos/turbotax-boston-tea-party/129](#) (last visited Aug. 22, 2022).

⁷ Ad Age Video, 2016: Super Bowl 50, TurboTax – Never a Sellout, *available at* [adage.com/videos/turbotax-never-a-sellout/733](#) (last visited Aug. 22, 2022).

INTERVIEWER: You're ... you're not selling anything.

HOPKINS: It's free. There's nothing to sell.

(FF-71).

- GX325 (Intuit), an ad that ran in 2018. (See FF-74—FF-76; see also FF-962). Three men are on the back of a boat. One man is standing up, impaled by a swordfish in his chest; another man speaks one line to him. The ad says:

[swordfish screaming]

MAN: At least your taxes are free.

[all three men laugh]

VOICE OVER: Intuit TurboTax.

(FF-75).

- GX329 (Intuit), an ad that ran in 2019. (See FF-99—FF-101; see also FF-971). A lawyer stands to give his closing statement. The ad says:

LAWYER: Free free free free free free free free free. Free free free. Free free free. Free free free free free. Free free free free free free free free free. Free free free free free!

JUROR: (applauding) Free!

OTHER JURORS: Free. Free. [gavel] Free.

UNIDENTIFIED VOICES: Free free free.

VOICEOVER: That's right. TurboTax Free is free. Free, free free free.

(FF-100).⁸

- GX202 (Complaint Counsel), an ad that ran from 2020 to 2022 ([click here to watch](#)). (See FF-164—FF-169; see also FF-979; FF-985). At a cattle auction with a crowd of grizzled cowboys, a fast-talking auctioneer sells cows. The ad says:

AUCTIONEER: And free, and free, and free, and free, and free. Now a bidder and free! Now give me another bidder and free and a free here and a free free free a free free free. Now a bidder and free! Now give me another bidder and free, and a free free free.

⁸ “Intuit admits that it has never offered a product called ‘TurboTax Free.’” Answer ¶ 32.

And free, and free here, and free there, and free free and free.
Make it Free. Free!

VOICEOVER: That's right. TurboTax Free Edition is Free. See details at TurboTax.com.

(FF-166).



Figure 1

The net impression of these ads is striking—in some cases because it is practically the only word spoken: “free.” As Intuit told the audience watching the 2015 Super Bowl, “you can file on TurboTax for absolutely nothing.” (FF-67). Intuit aired ads making “free” claims more than **97,697 times** across at least **721 television networks** from November 1, 2018, to April 18, 2022. *See infra* Part II.C.1.a. They were also available on Intuit’s YouTube channel, where they were viewed millions of times (*e.g.*, FF-170, FF-179), and displayed on social media (*e.g.*, FF-215—FF-320; FF-328—FF-429). But contrary to the ads’ explicit message, TurboTax is free for only about one-third of consumers, based on the tax forms they need. (FF-21—FF-23). Because about two-thirds of taxpayers can’t file their taxes for free using TurboTax (*see* FF-21—FF-23), Intuit’s ads are false and function as a deceptive door-opener. They get consumers to come to the TurboTax website seeking to file their taxes for free, but many of them eventually find out—often after investing time and effort gathering and inputting into TurboTax their sensitive

personal and financial information—that they’ll have to pay Intuit up to \$119 to file their taxes using a DIY (do-it-yourself) version. (FF-12 & FF-14).⁹ In light of this bait-and-switch, Intuit’s advertisements are deceptive.

The preponderance of the evidence in the hearing record shows that Intuit violated Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), by making representations that are likely to mislead consumers acting reasonably under the circumstances regarding one of the most material facts there can be about a product or service: its cost—specifically, whether TurboTax is free. Intuit disseminated many TurboTax advertisements that include a “free” claim. (*See, e.g.*, FF-47—FF-466; *see also* FF-958—FF-987). Consumers understand that claim to mean that they can file their taxes for free using TurboTax. (*See, e.g.*, FF-480—FF-490; FF-561—FF-566; FF-597—FF-601; FF-604—FF-616; FF-618; FF-664; FF-666—FF-668; FF-740). But that is false—TurboTax is not free for approximately two-thirds of taxpayers. (*See* FF-21—FF-23). And price is undeniably a material term. (*See, e.g.*, FF-596; FF-619; FF-621—FF-622; FF-665; FF-804—FF-806).

Accordingly, pursuant to Section 5(b) of the FTC Act, 15 U.S.C. § 45(b), the Court should enter the proposed cease and desist order, the provisions of which will serve to prevent Intuit from engaging in deceptive advertising practices in the future, are reasonably related to the unlawful acts or practices charged in the Complaint, and are sufficiently clear and precise.

II. Background and Facts

A. Defendant Intuit

Defendant Intuit Inc. is a Delaware corporation located in Mountain View, California. (FF-2; *see also* FF-942). Intuit is publicly traded with annual revenues of \$6.8 billion in 2019, \$7.7 billion in 2020, \$9.6 billion in 2021, and \$12.7 billion in 2022. (FF-2).

⁹ FF-12 (this past tax season (TY 2022), Self-Employed was the most expensive DIY version of TurboTax, discounted at \$89, with a regular price of \$119); *see also, e.g.*, FF-14 (citing GX342 (Complaint Counsel) ¶ 185, at CC-00006995 & GX240 (Complaint Counsel) (showing that it takes nearly quarter of an hour and pages of data entry to reach the hard stop related to student loan interest deductions)).

Intuit advertises, markets, promotes, distributes, and sells TurboTax, the most widely used online tax preparation service in the country, to consumers throughout the United States. (FF-4, FF-6, & FF-7; *see also* FF-944). TurboTax enables users to prepare and file their income tax returns online. (FF-4, FF-6, & FF-24). Intuit's TurboTax dominates the market for online tax preparation services. In May 2021, TurboTax's share of sales in the United States was 73%, three percentage points higher than in July 2020 and ten points higher than in April 2019. (FF-7).

B. TurboTax's Free Offerings

1. TurboTax Free Edition and the TurboTax Live Free Promotion

[REDACTED] that involves, in part, growing Intuit's customer base by offering free services to consumers. (FF-25). The strategy further involves "brand loyalty," or retention of consumers who previously filed their taxes for free in a free version of TurboTax, returning to TurboTax in subsequent years when they are no longer eligible for a free version, and paying Intuit for a paid version of TurboTax. (FF-27).

Since 2017, Intuit has called the free version of TurboTax's do-it-yourself offering "TurboTax Free Edition." (FF-9). In 2017, Intuit called the free version of TurboTax "Federal Free Edition." (FF-9). Intuit advertises and offers TurboTax Free Edition for free, though only consumers who qualify can use it. (FF-9; FF-11). The qualification criteria to use TurboTax Free Edition for free is that consumers have a "simple" tax return, as Intuit defines it. (FF-11). Since Tax Year ("TY") 2020, Intuit has also advertised and offered TurboTax Live (a tax preparation service that offers assistance from tax professionals) for free to consumers who qualify. (FF-9; *see, e.g.*, FF-185—FF-194; FF-215—FF-216; FF-251—FF-258; FF-262—FF-284; FF-289—FF-290; FF-295—FF-298). Intuit refers to some of this advertising as its "zero-dollar any way" campaign. (*See* FF-615 (citing GX145 (Berger (Intuit) Dep.) at 104–08)). The qualification criteria to use TurboTax Live for free involves both timing (the promotion is time limited to the early end of the filing season) and that consumers have a "simple" tax return, as Intuit defines it. (FF-9; *see, e.g.*, FF-188; FF-192; FF-266; FF-298).

As noted, TurboTax Free Edition and the early-season TurboTax Live free promotion are available only to consumers with “simple” tax returns, an evolving term redefined repeatedly by Intuit since at least 2017. Other consumers are required to upgrade to paid versions of TurboTax to file their taxes using TurboTax. (FF-11—FF-13). Most U.S. taxpayers—about two-thirds of taxpayers in TY 2018 and 2019—fall into the category of consumers ineligible for TurboTax Free Edition or the TurboTax Live free promotion. (FF-21—FF-23). In 2017 and 2018, when consumers filed tax returns for TY 2016 and 2017 (*e.g.*, taxes filed in 2017 for income earned in 2016), Intuit defined a “simple” tax return as a return that could be filed using a 1040A or 1040EZ tax form. (FF-15). In 2019 and 2020, when consumers filed tax returns for TY 2018 and 2019, Intuit redefined a “simple” tax return as a return that could be filed on a Form 1040, with no attached schedules (this change came after the IRS discontinued forms 1040A and 1040EZ). (FF-16). In 2021, when consumers filed tax returns for TY 2020, Intuit redefined a “simple” tax return as a return that could be filed on a Form 1040, with no attached schedules, except to claim unemployment income. (FF-17). In 2022, when consumers filed tax returns for TY 2021, Intuit redefined a “simple” tax return as one that can be filed on a Form 1040 with limited attached schedules to cover distinct tax situations, including student loan interest paid, but excluding unemployment income. (FF-18). Consumers who receive income reported through certain types of IRS Form 1099 are not eligible to use TurboTax for free, regardless of their income. (FF-19). This includes consumers who receive independent contractor or small business income, such as consumers working in the gig economy. (FF-19). From at least TY 2018 to TY 2020, consumers who claimed student loan interest deductions were not eligible to use TurboTax for free, regardless of their income. (FF-20). In short, determining what constitutes a “simple” tax return is anything but simple. (*See* FF-14).

2. TurboTax and the IRS Free File Program

The IRS Free File Program is a public/private partnership, governed by a Memorandum of Understanding between the IRS and online tax preparation companies, that provides free tax preparation and e-filing services to up to 70% of all U.S. taxpayers based on their adjusted gross

income. (FF-31; FF-32; FF-35). Although the IRS Free File Program is designed to serve most taxpayers, few taxpayers participate in the program. (FF-33; FF-34). Part of the original agreement between private companies and the IRS precluded the IRS from entering the market to provide tax preparation products and services to the public so long as the private sector tax software industry provides some tax services for free through the Free File Program. (FF-36).

Intuit formerly participated in the IRS Free File Program, withdrawing after TY 2020. (See FF-37—FF-38). When it did participate, it also offered TurboTax Free Edition through its commercial website. (FF-37). Intuit documents indicate that participation in the IRS Free File Program was part of Intuit’s government strategy, and that Intuit sought to grow the use of its Free File Program offering without hurting its commercial business. (FF-39). Intuit referred to its participation in the IRS Free File Program as part of its strategy to prevent government “encroachment” in the tax return preparation space (FF-40), while acknowledging competition between its IRS Free File Program offering and its Free Edition, including competition for customers and for higher results in online search rankings. (FF-41). Intuit referred to potential loss of business to the IRS Free File Program as “cannibalization.” (FF-42). Intuit documents acknowledge consumer confusion between its IRS Free File Program offering and its Free Edition. (FF-43). Intuit deindexed its Free File landing page for TY 2018, meaning it was blocked from appearing in internet search engine results. (FF-44). Between 2017 and 2019, Intuit grossed more than \$1 billion from more than 17 million consumers who were eligible to file their taxes for free using the Free File version of TurboTax but used a paid TurboTax option instead. (FF-45). Between 2017 and 2019, Intuit grossed more than \$28 million from more than half a million active-duty military service members who were eligible for the Free File version of TurboTax but used a paid TurboTax option instead. (FF-46). Many of those consumers, both military and non-military, likely started their taxes at the TurboTax website thinking they could file for free based on TurboTax advertising. (See generally FF-471).

C. Intuit's Deceptive Practices

1. Intuit's Ads Misrepresent that Consumers Can File Their Taxes for Free Using TurboTax

Despite its limitations and the fact that about two-thirds of U.S. taxpayers—in recent years, more than 100 million people—are not eligible for TurboTax Free Edition or the TurboTax Live free promotion (FF-22—FF-23), Intuit has promoted TurboTax through an extensive and ongoing multichannel advertising campaign that represents that consumers can file their taxes for free using TurboTax. (FF-47). Since at least 2015, Intuit has employed these false statements and deceptive door-opener ads, including via television, radio, online search, email, YouTube, and social media. (See FF-47 & FF-49—FF-454; see also FF-952—FF-957). [REDACTED] (FF-94—FF-95), which were broadcast in heavy rotation on television and online (FF-47 & FF-49—FF-54). As a tax preparation service, TurboTax has a seasonal pattern of marketing and sales concentrated in the period from November through April. (FF-5). Intuit's TurboTax ads have included commercials during the Super Bowl that made “free” claims. (FF-66—FF-73). They have also included ad campaigns such as the “Absolute Zero,” (FF-74—FF-93), and “Free, Free, Free, Free” campaigns. (FF-50—FF-52 & FF-94—FF-211).

a. Television Ads¹⁰

As noted above, Intuit's 2015 and 2016 Super Bowl ads made “free” claims as part of Intuit's “Absolute Zero” campaign. (FF-66—FF-73). In 2015, Intuit told consumers: “[Y]ou can file on TurboTax for absolutely nothing.” (FF-67). In 2016, Intuit had Sir Anthony Hopkins tell consumers: “It's free. There's nothing to sell.” (FF-71). Before running the 2015 Super Bowl ad, Intuit conducted consumer research that was shared with Intuit's then-CEO, Brad Smith, as well as its present CEO, Sasan Goodarzi. (FF-69). Intuit's research found that: “Consumers played back a clear and single-minded message: *File/do your taxes for free; TurboTax is free[.]* There was no confusion or ambiguity in the message[.]” (FF-69). The research also found that: “While

¹⁰ For discussion of the insufficiency of Intuit's disclaimers in its video advertising, see *infra* Part III.D.1.

free came through clearly, there was little playback of the offer specifics (Absolute Zero, free State) that were mentioned at the end of the ad. However, consumers voiced very few questions or confusion about the details[.]” (FF-69).

In TY 2017, Intuit’s “Absolute Zero” campaign informed consumers “at least your taxes are free.” (*E.g.*, FF-74—FF-93). For the Absolute Zero campaign, Intuit’s goal was for consumers to believe the offering was truly free, and Intuit included the word “Guaranteed” in its Absolute Zero marketing to bolster and emphasize the claim that the offer was truly free. (FF-50). Ads that ran in the Absolute Zero campaign include:

| Ad | Fact / Video Exhibit | TY Run (at least) |
|-------------------------|-------------------------------|--------------------------|
| Boston Tea Party (0:60) | FF-66—FF-67; GX321 | 2014 |
| Never a Sell Out (0:30) | FF-70—FF-73; GX323 | 2015 |
| Fish (0:15) | FF-74—FF-75 & FF-80; GX325 | 2017 |
| Fish (0:30) | FF-77—FF-78 & FF-80; GX324 | 2017 |
| Guzman (0:15) | FF-81—FF-84; GX344 | 2017 |
| Cruise (0:30) | FF-85—FF-87; GX345 | 2017 |
| Baby (0:15) | FF-88—FF-90; GX346 | 2017 |
| Anthem Launch (0:45) | FF-91—FF-93; GX 347 | 2017 |

Until 2022, Intuit also continued to run a false and deceptive door-opener ad campaign it called “Free, Free, Free, Free” or “The Power of Free,” in which “free” is essentially the only word spoken by the actors in the commercials, until the voice over at the end of the advertisement. (FF-51—FF-52; *e.g.*, FF-96—FF-184). Intuit saw fit to begin to pull these ads only after it met with Chair Khan on March 24, 2022. (FF-54; FF-910; FF-934). In some instances, the word “free” is repeated dozens of times in an ad. (*See e.g.*, FF-119). Commercials in the “Free, Free, Free, Free” campaign have informed consumers that “TurboTax Free is free, free free free free.” (*E.g.*, FF-97).

Ads that ran in the “Free, Free, Free, Free” campaign include:

| Ad | Fact / Video Exhibit | Times Run (at least) | Nets. Run On (at least) | TY(s) Run (at least) |
|-----------------------|--|----------------------|-------------------------|----------------------|
| Lawyer (0:60) | FF-96—FF-97; GX328 | 2,115 | 124 | 2018 |
| Lawyer (0:30) | FF-99—FF-100; GX329 | FF-104 | | |
| Movie Credits (0:30) | FF-105—FF-110; GX299 & GX330 | 10,867 | 721 | 2018, 2019 |
| Movie Credits (0:15) | FF-111—FF-113; GX331 | FF-116—FF-117 | | |
| Game Show (0:30) | FF-118—FF-119; GX59 | 10,514 | 214 | 2018, 2019 |
| Game Show (0:15) | FF-120—FF-122; GX 356 | FF-127—FF-128 | | |
| Court Reporter (0:15) | FF-129—FF131; GX348 | 2,860 | 126 | 2018, 2019 |
| Crossword (0:15) | FF-135—FF-137; GX326 | 4,382 | 327 | 2018, 2019 |
| Big Kick (0:60) | FF-143 & FF-145—FF-146; GX349 | 2,811 | 139 | 2018 |
| Big Kick (0:30) | FF-144 & FF-145—FF-146; GX327 | FF-150 | | |
| Spelling Bee (0:30) | FF-151 & FF-153—FF-154; GX350 & GX351 | 7,759 | 322 | 2018, 2019 |
| Spelling Bee (0:15) | FF-152 & FF-153—FF-154; GX332 | FF-159—FF-160 | | |
| Auctioneer (0:30) | FF-161—FF-163; RX1415 & GX200 | 10,157 | 670 | 2020, 2021 |
| Auctioneer (0:15) | FF-164—FF-166; GX202 | FF-168—FF-169 | | |
| Dance Workout (0:30) | FF-171—FF-172; GX206 | 17,897 | 714 | 2020, 2021 |
| Dance Workout (0:15) | FF-174—FF-175; GX208 | FF-177—FF-178 | | |
| Dog Show (0:15) | FF-180—FF-182; GX204 | 14,994 | 685 | 2020, 2021 |
| | Total: | 84,356 | | |

Regarding the “Spelling Bee” ad, consumer testing conducted at Intuit’s request in December 2018 showed that 73% of 250 survey respondents took away from the ad the message “that i [sic] can file my taxes for free.” (FF-606). The same presentation showed that consumers shared comments about the ad that included: “Its [sic] free to file your taxes with them,” “Turbotax [sic] is free,” “Because the message was describing how turbo taxes [sic] service are [sic] free,” and “Turbo tax [sic] is free and easy to use.” (FF-608). And while consumers take away that *TurboTax is free*, only a very small fraction take away the message that *TurboTax Free Edition is free*. (See FF-609 (“Ads communicate **the parent brand**, TurboTax well, however, only about ~5% take away the sub brand (TurboTax Free, TurboTax Live).”) (emphasis in the original); *see also* FF-610).

Reflecting on the TurboTax “Free, Free, Free, Free” campaign on a September 20, 2019 episode of the podcast “Renegade Thinkers Unite,” Mary Ann Somers, then-SVP and Chief Growth Officer of Intuit’s consumer group, said:

[T]he key insight for us was, when you start talking about free, that’s what people hear. They hear free. You can say a lot of other things, but what they hear is free. ... We wanted to really let people know this was free, really free, free, free. That was a reflection of the innovation and the decision that we made on the product. We wanted that to show up in the campaign in a playful way, simple-minded, engaging. We measure advertising like many other people where we are tracking it during the season. ... We looked at it and it started to really do well and that’s when we started to realize we were onto something really big here.

(FF-618(b) (citing GX148 (Sommers (Intuit) Dep.) at 46-48; GX357 (Complaint Counsel) (transcript of Podcast featuring Ms. Somers); GX358 (Complaint Counsel) (audio recording of Podcast featuring Ms. Somers))).

Intuit widely disseminated the TurboTax ads in the “Free, Free, Free, Free” campaign. (FF-49; FF-51—FF54). From November 1, 2018, to April 18, 2022, Intuit aired ads in the “Free, Free, Free, Free” campaign at least **84,356 times** across at least **721 television networks**. This included networks in every state in the country. (FF-51).

Another Intuit commercial, the “Steven / Spit Take” ad, which ran through at least March 27, 2022, is notable, as it is a part of Intuit’s TurboTax Live free promotion. Like the ads in the “Free, Free, Free, Free” campaign, this ad included deceptive “free” claims, even though only one third of taxpayers with simple returns were eligible for the TurboTax Live free promotion. In the ad, a voiceover converses with a man having coffee at his breakfast table:

VOICEOVER: Steven, did you know that *TurboTax is free no matter how you want to file?*

STEVEN: I don’t believe that.

VOICEOVER: It’s true. Anyone with a simple tax return can get help from an expert, for free.

STEVEN: That can’t be true.

VOICEOVER: It is and with TurboTax Live our experts will even do your taxes for you for free.

OTHER MAN: Honestly, that sounds amazing.

VOICEOVER: For a limited time TurboTax is free for simple returns no matter how you file.

(FF-189—FF-190 (emphasis added) (citing [GX309](#) (Complaint Counsel)); *see also* FF-185—FF-186 (citing [GX307](#) (Complaint Counsel))). This ad ran at least **13,341 times** across at least **637 television networks** in 2021 and 2022, including during the live broadcast of the Oscars on March 27, 2022. (FF-193—FF-194).

b. Radio

In addition to television, Intuit’s “Free, Free, Free, Free” campaign included radio ads. In TY 2020 and 2021, Intuit marketed TurboTax Free Edition on the radio using various jingles where every word sung is “free.” (FF-195—FF-211). In TY 2020, Intuit’s TurboTax radio ads included the following claim: “That’s right, TurboTax Free is free. Free, free free free.” (FF-198 & FF-202). In TY 2021, Intuit’s TurboTax radio ads included the following claim: “That’s right, TurboTax Free Edition is free. Free, free free free.” (FF-206 & FF-210).

c. Social Media, Online, Email, and Search Ads

Intuit has also made free claims online, in social media, email, and search ads. (FF-212—FF-454).

In paid search ads, for example, Intuit placed the following ad in the Google results for the search term “free file taxes ONLINE” in TY 2019:

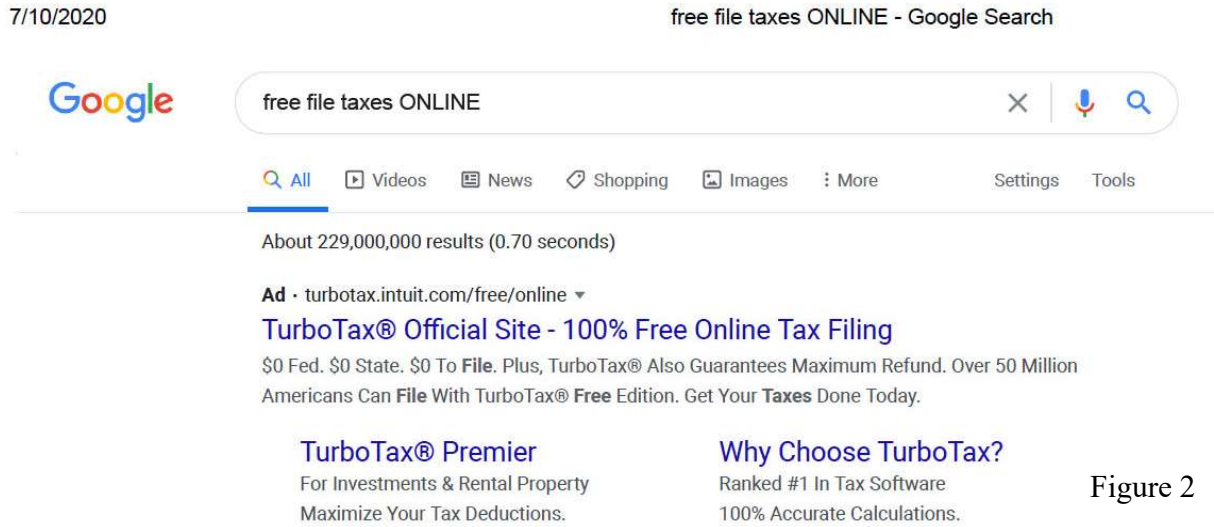


Figure 2

(FF-445). This ad, observed on July 10, 2020, touts “100% Free Online Tax Filing.” (FF-445).

In the TY 2019 ad below, placed on the Google search results for the term “free file,” Intuit boasts: “E-file Your Taxes For Free.”

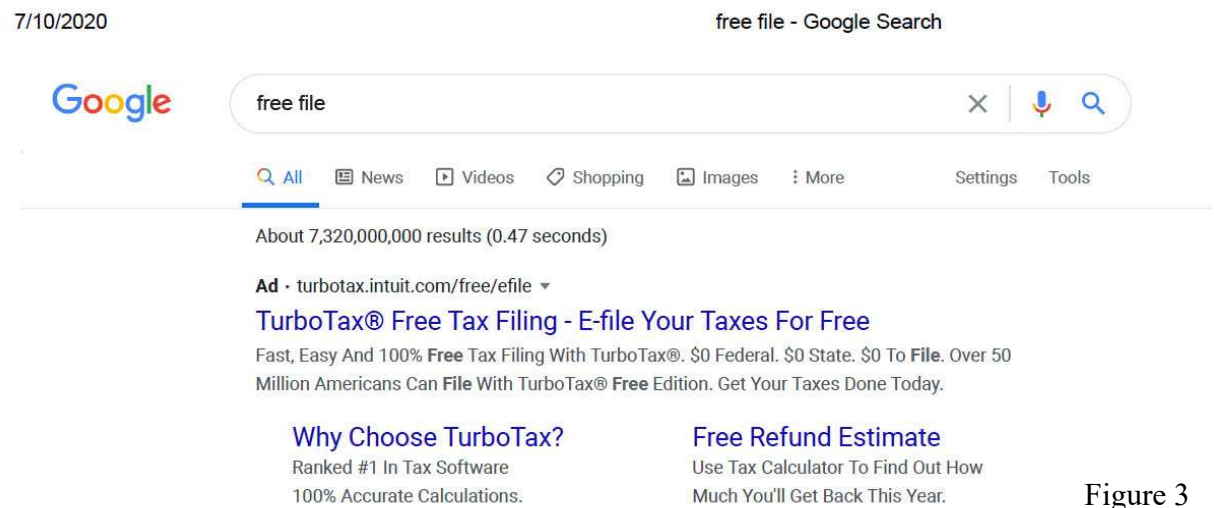


Figure 3

(FF-446).

In this ad on Bing from 2021, placed on the search results for the term “Turbo tax free file program,” Intuit offers “Free Fed. Filing With TurboTax®. Get Your Biggest Refund Guaranteed!”:

TurboTax® By Intuit® | Biggest Refund Guaranteed | Free Fed
<https://www.intuit.com/official-site> 234,700+ followers on Facebook
 Ad Free Fed. Filing With TurboTax®. Get Your Biggest Refund Guaranteed!
 For Accountants · For Individuals · For Small Businesses
 4/5 ★★★★★ (209K reviews)
 Links: Intuit QuickBooks · Quickbooks Self-Employed · QuickBooks Payroll
 TurboTax® Official Site · Downloads · Turbotax · QuickBooks® Online

Figure 4

(FF-447).

Intuit has also run ads on social media, including Facebook and TikTok. In an ad found on TikTok on January 11, 2021 (depicted below), Intuit posted a version of its Dance Workout television ad, with the caption: “What it feels like to file your taxes for free, aka the TurboTax #FreeFreeDance Free those hips!” (FF-214).

turbotax · 3d ago
 What it feels like to file your taxes for free, aka the TurboTax
 #FreeFreeDance. Free those hips!
 #FreeFreeDance - TurboTax
 7162 380
<https://www.tiktok.com/@turbotax/video/69465359348...> COPY LINK
 Login to see comments
 Login to see comments and like the video.

turbotax · 3d ago
 What it feels like to file your taxes for free, aka the TurboTax
 #FreeFreeDance. Free those hips!
 #FreeFreeDance - TurboTax
 7162 380
<https://www.tiktok.com/@turbotax/video/69465359348...> COPY LINK
 Login to see comments
 Login to see comments and like the video.

Figure 5

In this Facebook ad (depicted below), which was active through at least April 18, 2022, Intuit presented viewers with all capital, large-font, bold lettering: “FREE \$0 \$0 \$0.” (FF-321—FF-322). In smaller, fainter print underneath, the ad states “Simple tax returns only.” (FF-321).

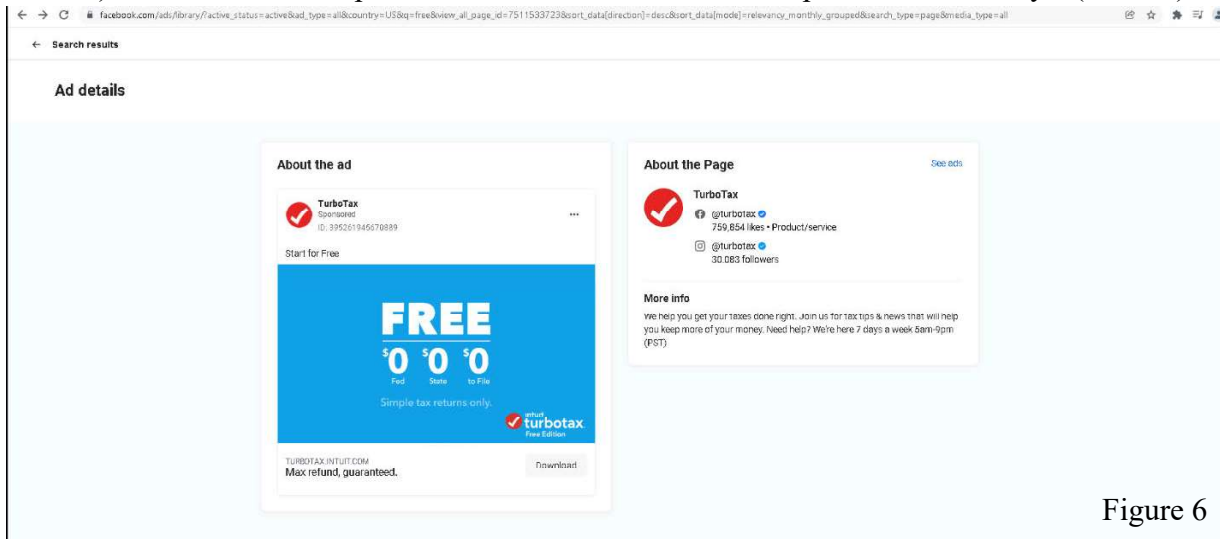


Figure 6

(See also FF-212—FF-213, FF-215—FF-320, FF-448—FF-449, FF-323—FF-429 (additional examples of TurboTax online ads containing free claims)).

2. TurboTax’s Home Page Contributes to the Net Impression of Intuit’s “Free” Advertising Campaign by Misleading Consumers into Believing They Can File Their Taxes for Free Using TurboTax

The TurboTax website is a very important part of TurboTax marketing and is integrated into TurboTax’s free advertising. (FF-455; see also FF-483—FF-484; FF-487). When consumers who see Intuit’s advertisements visit the TurboTax website, the website’s home page has made additional false and deceptive “free” claims. A screen Intuit used on its website, for TY 2020, is pictured below. (FF-461).



Figure 7

Here, Intuit’s website emphasizes “FREE Guaranteed,” “\$0 Fed. \$0 State. \$0 to File.” As well as “File for \$0,” (FF-461), when in truth, about two-thirds of taxpayers (or approximately 100 million taxpayers) are not eligible to file for free using TurboTax. (FF21—FF-23).

A screen Intuit used on its website for TY 2021, is pictured below. (FF-463).

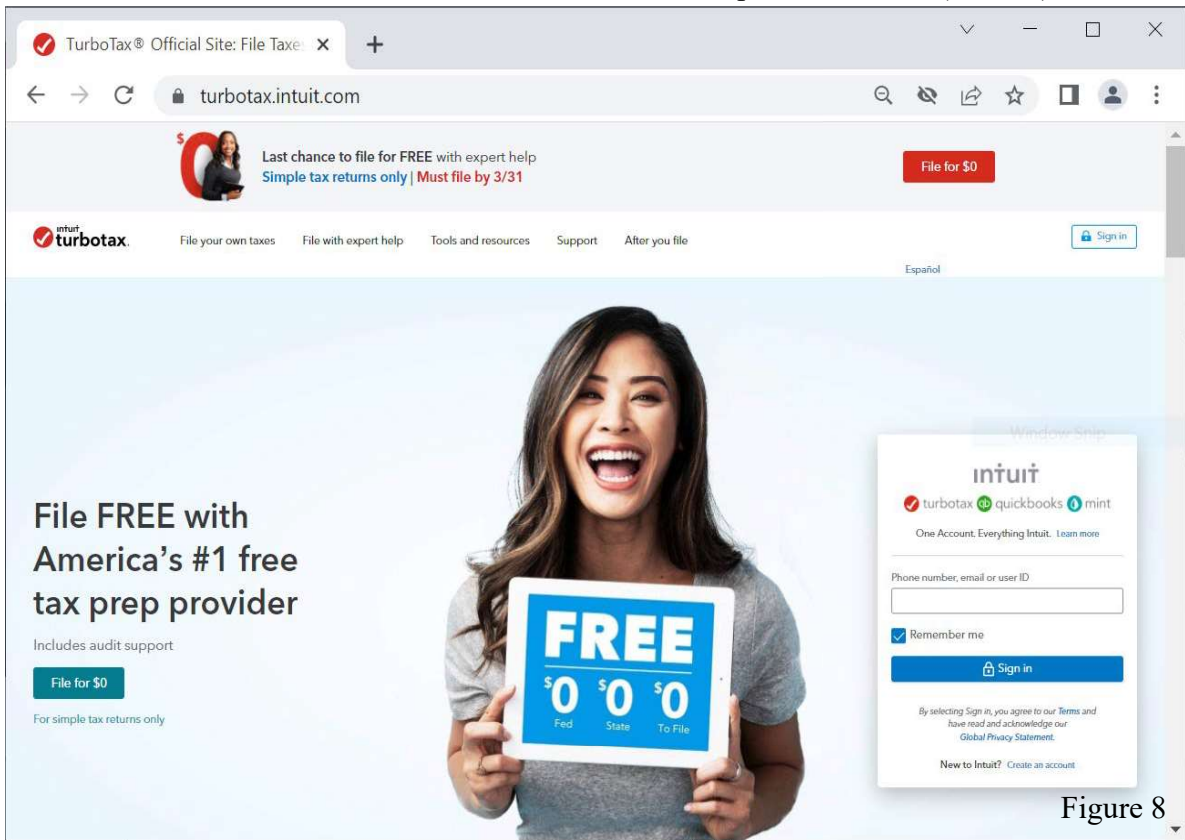


Figure 8

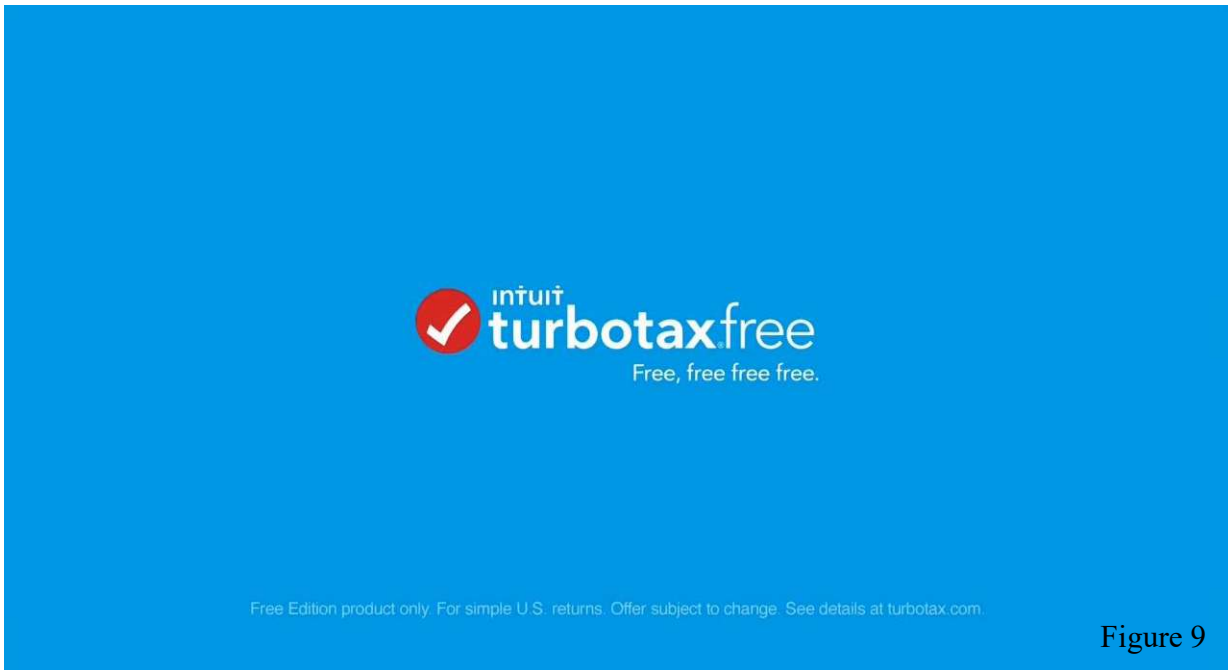
Again, Intuit’s website emphasizes “FREE,” “\$0,” and “File for \$0,” (FF-463), even though most consumers cannot prepare and file their taxes for free using TurboTax. (FF21—FF-23; *see also* FF-456—FF-458, FF-459—FF-460, FF-463—FF-466 (providing additional examples of TurboTax website advertising claims)).

Thus, Intuit bombards consumers with the message that they can file their taxes for “free.” (FF-47—FF-54 & FF-66—FF-466). Intuit baits consumers with false and deceptive ads on television, radio, social media, email, and online designed to drive traffic to the TurboTax website (FF-57—FF-65 & FF-66—FF-466), where it compounds the deception with more false claims. (FF-456—FF-458, FF-459—FF-461, FF-463—FF-466).

3. Intuit’s Purported Disclaimers

In many of its video, television, and online advertisements, Intuit uses variations of the same purported disclaimer: that TurboTax is only free for consumers with “simple tax returns.”

Intuit’s advertising disclaimers have taken the form of small, faint print shown briefly at the bottom of the screen at the end of its television commercials—which Intuit also uses online—without an accompanying audio disclaimer. (*See* FF-48 (Intuit executive Cathleen Ryan agreeing that small print disclosures appeared at the bottom of the screen in video ads). In more recent ads, Intuit also audibly directs consumers to its website for “details” or directs consumers to “see if you qualify.” Two examples of Intuit’s advertising disclaimers appear below.



This screen was displayed to consumers for just a few seconds at the end of commercials aired as part of the “Free, Free, Free, Free” campaign in TY 2018. (*E.g.*, FF-101). With a magnifying glass and screen stop, one might read this fine print disclaimer that the free offer was available only for “simple U.S. returns,” but while the screen is dominated by “**turbotaxfree**” in large print, an announcer stated: “That’s right, TurboTax Free is free. Free, free free free.” (*E.g.*, FF-100—FF-101). No audio of the short, purported disclaimer was provided. (*See, e.g.*, FF-101 (citing [GX326](#) (Complaint Counsel), [GX327](#) (Complaint Counsel), [GX332](#) (Complaint Counsel))).



Figure 10

This screen was displayed to consumers for just a few seconds at the end of commercials aired as part of the “Free, Free, Free, Free” campaign in TY 2021. (*E.g.*, FF-182). Like the ad above, this ad’s unreadable fine print was overwhelmed by “**Intuit turbotax** Free Edition” in large bold text and the announcer’s statement: “That’s right, TurboTax Free Edition is free. See details at turbotax.com.” (*E.g.*, FF-181—FF-182). The announcer did not read the fine print disclaimer regarding “simple U.S. returns only.” (*See, e.g.*, FF-181—FF-182). While some recent Intuit ads have included the phrase “simple returns” in the voiceover (*see, e.g.*, FF-186), as discussed in more detail in Part III.D.1., the term is inscrutable.

Intuit used similar disclaimers on its website and in search ads. Intuit’s purported website disclaimers have principally taken the form of a hyperlink on some permutation of the words “see why it’s free” or “simple tax returns only.” *See supra* Figures 7 & 8.¹¹ The hyperlink typically presents consumers with a pop-up that possibly sheds some light on the limitations of

¹¹ Recently, Intuit has also begun to add the phrase “see if you qualify” to its “simple tax returns” disclaimers. (*See, e.g.*, RX9 (Intuit)). However, as its own survey revealed, adding the phrase “see if you qualify” is unlikely to have a material impact on consumers. (FF-752—FF-753).

TurboTax Free Edition. (FF-458). For example, for TY 2018, the TurboTax home page contained the following screen, which mimicked the “Free, Free, Free, Free” ad campaign. (FF-456):

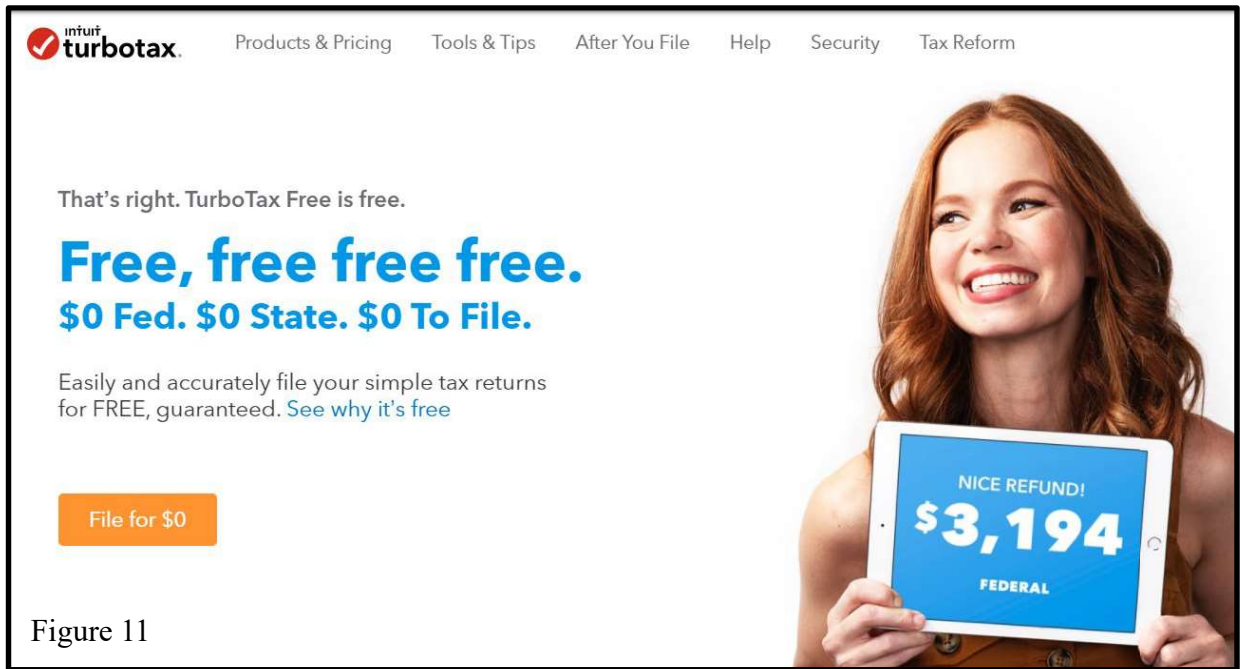


Figure 11

Recently, Intuit has begun adding disclaimers in small print at the bottom of pages, requiring consumers to scroll to find the relevant information. (*See, e.g.,* RX9 (Intuit)).¹²

In search ads, Intuit has, at times, relied on similar “simple” disclaimers, though they often do not appear in the headline of the search ad. (*See, e.g.,* FF-452; *see also* FF-443 (Intuit has creative control over headlines in search ads)). Intuit’s free TurboTax social media and online advertising, at times, similarly employs the term “simple returns.” (*See, e.g.,* FF-212—FF-429; *see also supra* Figure 6).

As discussed in detail in Part III.D, Intuit’s purported disclaimers are insufficient and do not change the misimpressions caused by Intuit’s ad campaigns.

¹² Intuit points to the “Products & Pricing” page of its website as part of the consumer journey, (*see* FF-717), but the tiles consumers can interact with on the Products & Pricing page do not cover all tax situations that are or are not eligible for Free Edition. (FF-718). In at least one scenario (for consumers who indicate that they have children or dependents), the website recommends that consumers begin in Free Edition, even though Free Edition does not cover deductions for certain child and dependent care expenses. (FF-719—FF-720). Additionally,

(FF-721).

D. Effects of TurboTax’s Marketing Communications on Consumers

1. Novemsky Survey

Complaint Counsel engaged Professor Nathan Novemsky, Ph.D., a professor of consumer psychology and marketing at Yale University, to evaluate the effects of Intuit’s “free” TurboTax claims on consumers. (FF-467). In connection with this engagement, Professor Novemsky designed and supervised an online consumer perception survey. (FF-468). In Professor Novemsky’s opinion, TurboTax advertising and marketing caused deception, giving consumers a false impression that they can file for free when that is not the case. (FF-471).

Based on his consumer perception survey and his expertise as a cognitive psychologist (*see* FF-472—FF-479), Professor Novemsky opined that consumers not eligible for the Free Edition have the misimpression that they can file their taxes for free with TurboTax (FF-480), with a vast majority of the mistaken taxpayers identifying either TurboTax ads or the TurboTax website (or both) as the two sources that played a role in forming their misimpression. (FF-482—FF-484 & FF-487).

According to Professor Novemsky’s consumer perception survey, ineligible consumers who had not used TurboTax in the previous three years believed, at a rate of 52.7%, that they could use TurboTax for free. (FF-481). Intuit marketing is the most likely source for these misimpressions (FF-482), since 72.3% of these taxpayers identify either Intuit’s TurboTax advertisements, its website, or both as playing a role in forming their misimpression.¹³ (FF-484).

In addition, though not the main group of interest for the perception survey (*see* FF-518 & FF-519), survey participants who paid to use TurboTax at any point in the last three years believed, at a rate of 24.1%, that they could use TurboTax for free when that was not the case, with 73.5% identifying either TurboTax advertisements or the TurboTax website, or both, as a source of their misimpression. (FF-486 & FF-487). The rate at which consumers with recent

¹³ Survey respondents identifying other sources, for example word of mouth, may have formed their misimpressions indirectly through TurboTax’s ads or website to the extent that the information contained in other sources is based on TurboTax advertising and the TurboTax website, and 72% is therefore a conservative measure of the number of consumers with a misimpression who formed that misimpression based on Intuit marketing. (FF-485).

experience with a paid TurboTax product were nonetheless under the misimpression that they could file for free is a testament to the power of Intuit's free advertising. (FF-488 & FF-489).

Professor Novemsky also opined that a substantial portion of the respondents have the misimpression that their returns meet TurboTax's definition of a "simple U.S. return." (FF-491). He further opined that the use of the "simple returns" language as Intuit's purported disclaimer is ineffective and fails to convey to consumers that they may not qualify for free TurboTax in a manner that is consistent with TurboTax's qualification criteria. (FF-492—FF-495 & FF-498—FF-500). The perception survey showed that 55% of consumers ineligible for Free Edition who had not used TurboTax in the previous three years had the misimpression that they had a "simple U.S. return." (FF-496). Of survey respondents who recently paid to use TurboTax, 28.6% thought they had a "simple return" even though they did not. (FF-497).

And Professor Novemsky further opined that Intuit's placement of a fuller disclaimer behind a "simple returns" hyperlink made it unlikely that consumers would reach the disclaimer. (FF-501). According to Professor Novemsky, consumers are cognitive misers and are unlikely to click on such a hyperlink or conduct further research when they think they know what a "simple return" is and are under a preexisting misimpression that they have one. (FF-502 & FF-503). Because consumers are cognitive misers, they also may assume that TurboTax's use of "simple" matches one's own understanding and may not seek out additional information. (FF-499 & FF-500).

Professor Novemsky is eminently qualified to design and supervise this survey, and to provide his opinions. (*See* FF-472—FF-479). Professor Novemsky specializes in the psychology of judgment and decision-making, an area that overlaps with behavioral economics and consumer behavior, and his research has focused on individual decision-making, including the effect of product attributes such as price on consumer behavior, and the effect marketing activities like advertising on consumers' buying decisions. (FF-475 & FF-476). Professor Novemsky has conducted, supervised, or evaluated hundreds of surveys, including many related to consumer behavior and information processing. (FF-478). Professor Novemsky's expertise in

psychology is particularly relevant in this matter, where one of the main questions at issue is what impressions consumers had about their ability to file for free with TurboTax. (FF-479 & FF-505).

Professor Novemsky relied on best practices in the design of the perception survey to minimize the possibility of bias and avoid potential demand artifacts. (FF-509). Professor Novemsky utilized a number of measures to ensure the survey results were valid and nonbiased, including using quasi-filters, pretesting questions, varying answer options to avoid “order effect,” and both instructing consumers not to guess and requiring consumers to agree not to guess. (FF-521—FF-527).

The goal of the perception survey was to measure the extent of taxpayers’ opinions and beliefs as to whether they can file their taxes for free using TurboTax online software, with a key question being whether or not, and to what extent, consumers believe they can use TurboTax for free. (FF-504 & FF-505). Professor Novemsky selected the appropriate target population for the purpose of the survey, excluding consumers who were eligible to file for free, with a representative sample allowing for generalization of survey results.¹⁴ (FF-510—FF-512). Professor Novemsky also excluded consumers who had already filed their taxes at the time the survey was fielded because those consumers likely already know for a fact whether they were able to file their taxes for free online or not. (FF-513). The survey was fielded in March of 2022, when taxes are most top of mind and consumers are most likely to be engaged with the tax filing process. (FF-514—FF-516.)

In designing the survey, Professor Novemsky determined that a perception survey, rather than a copy test, was the appropriate design to examine Intuit’s extensive advertising campaign. (FF-531). Perception surveys are routinely considered reliable. (FF-532; *see also* FF-534).

¹⁴ Professor Novemsky analyzed survey results for two subsets of respondents. (FF-517). The main group of interest of survey respondents (Group A) included only those consumers who had not used TurboTax in the last three years to file their taxes. (FF-518). Professor Novemsky also collected and analyzed results for a second group (Group B) which consisted of respondents who indicated that they have filed their income taxes using a paid online version of TurboTax within the past three years. (FF-519).

Professor Novemsky concluded that a test/control design would not accurately measure the cumulative effect of Intuit's marketing campaign, and that the wide dissemination of Intuit's false claims would make it unlikely to find an appropriate control group for a copy test design, a hypothesis that was born out in preliminary testing. (FF-533; FF-535 & FF-536; FF-539—FF-540).

Moreover, interpreting advertisements in the context of other advertisements and marketing communications (as the perception survey did)—rather than in an artificial survey setting—is representative of how consumers absorb advertising messages in the marketplace, and measures perceptions that are shaped by all the information consumers have accumulated from various sources, for example, the potentially misleading content of the TurboTax “free, free, free” advertisements, as well as any disclaimers the consumers may notice and access. (FF-537 & FF-538).

In reaching his opinions, Professor Novemsky considered a variety of materials, including the perception survey results, TurboTax “free” ads, internal Intuit documents, other data related to ad dissemination, academic literature, and his own experience. (FF-546—FF-548; FF-571). In particular, Professor Novemsky considered ad dissemination data from iSpot.tv to evaluate the percentage of “free” tax preparation software advertising that was attributable to TurboTax, compared to TurboTax competitors. (FF-550). iSpot measures impressions, which represent the total number of times an ad was played on TV devices across the U.S. (FF-549 & FF-551). Professor Novemsky found that on average between 2018 and 2022, TurboTax accounted for 72% of TV ad impressions related to “free” tax preparation messaging, reaching up to 99% of advertising in 2021. (FF-552 & FF-556). The total number of “free” TurboTax advertising impressions between 2018 and 2022 exceeded 19 billion. (FF-553—FF-557). The iSpot dissemination data support Professor Novemsky's conclusion that TurboTax advertising was the cause of consumer misimpressions that they could file their taxes for free with TurboTax because it ruled out competitor advertising as a source of beliefs related to TurboTax. (FF-558—FF-560). As Professor Novemsky opined, it would be extremely implausible that the 72% of

impressions related to free online tax software from TurboTax did not cause the substantial misimpressions measured in the perception survey. (FF-559).

Professor Novemsky also considered Intuit's internal marketing documents, including an Intuit marketing research document ("TY20 Campaign Copy Testing"). (FF-561). According to Professor Novemsky, the TY20 Campaign Copy Testing showed that when a single "free" ad was shown to consumers, it caused a statistically significant increase in consumer perception regarding being able to file taxes for free using TurboTax (compared to a control group), as well as increasing usage intent (as measured by the percentage of respondents who indicate they "[d]efinitely would consider using TT"). (FF-562; FF-564—FF-565). The TY20 Campaign Copy Testing causally links Intuit's "free" advertising messaging to the consumer perception that TurboTax would allow the consumer to file taxes for free. (FF-566). Moreover, Intuit's "free" marketing messages were reinforced over time, compounding their impact and mitigating decay of impact (*see* FF-567—FF-568). The effect of repetitive exposure to long-running advertising campaigns increases customer responses to advertising. (FF-570).

Intuit engaged expert Professor John Hauser in an attempt to attack Professor Novemsky's survey and to marshal evidence in support of its defense. (FF-572). Intuit's criticisms of Professor Novemsky's survey, however, are unfounded and unpersuasive. (FF-572). First, Professor Hauser claims that the perception survey has a sampling bias, but his claims are speculative and not supported by any evidence. (FF-573). Professor Hauser points out that consumers who had already filed their taxes were excluded from the survey, that "litigation aware" consumers were not screened out, and that consumers were permitted to opt out of the survey at the end of the questionnaire. (FF-574—FF-576). But Professor Hauser does not provide any reliable evidence that the inclusion or exclusion of these consumers would bias the survey results in any way. (FF-574—FF-576). He also ignores that, even when making conservative, unrealistic assumptions about consumers who opted out (an option they were required to have under federal law) (FF-541), the survey results would still show that 37.5% of consumers who did not use TurboTax in the last three years were under the misimpression that

they could use TurboTax for free, leaving substantive conclusions from Professor Novemsky's survey unchanged. (FF-543—FF-545; FF-577).

Professor Hauser also discusses the methodology used by Professor Novemsky for the perception survey, pointing out that Professor Novemsky did not use a test / control survey design to test consumer impressions of any one ad, and that sources other than TurboTax ads could have caused consumer misimpressions. (FF-578 & FF-579). Professor Hauser ignores that the purpose of the perception survey was to measure *more* than one individual ad, and to measure Intuit's widely disseminated "free" campaign instead. (FF-578 & FF-531). The perception survey design was entirely appropriate and reliable for that purpose. (FF-578; FF-535—FF-540). Moreover, through his analysis of iSpot data, Professor Novemsky was able to analyze Intuit's share of voice in the "free" tax preparation service advertising space and determine that it was extremely implausible for consumers to get their misimpressions about "free" TurboTax from competitor advertising. (FF-558—FF-560). Professor Hauser does not provide any plausible alternatives more compelling than the survey evidence at hand, which showed that most consumers with a misimpression about being able to file for free identified TurboTax marketing (through advertising or the TurboTax website) as a source of that misimpression. (FF-579 & FF-483).

Professor Hauser also attempts to undermine the perception survey results through a methodologically flawed coding exercise of open-ended survey responses. (FF-582). The perception survey asked both open and closed-ended questions. (FF-528). The survey was designed around closed-ended questions, which are more suitable for assessing choices between well-identified options. (FF-529). The purpose of the open-ended questions was to prompt respondents to contemplate the issues relevant for answering closed-ended questions and motivate them to invest more effort into the thoughts that inform their answers to closed-ended questions. (FF-530). Professor Hauser's coding of open-ended responses attempts to map responses to two separate open-ended questions to a set of answer options for a different, closed-ended question, purportedly to show inconsistencies between survey responses. (FF-580—FF-

582). His coding exercise fails. It is unsurprising that a process that attempted to match responses of two questions to the answers of a third led to inaccurate categorizations and wholly unreliable results. (FF-583 & FF-584).

Professor Hauser also discusses the perception survey questions, claiming that the survey design leads to demand artifacts and unreliable answers, but he ignores that Professor Novemsky employed best practices to prevent demand artifacts and to ensure questions led to reliable results. (*See* FF-509; FF-521—FF-527; FF-587—FF-592). Professor Hauser also attempts to undermine the evidence provided by Intuit’s own copy test, the TY20 Campaign Copy Testing, by pointing out that the copy test merely shows the short-term effect of the “free” advertising, but he fails to present evidence refuting that an advertisement that changes impressions in the short term can change perceptions in the long term—especially when repeated both as the identical advertisement and as part of a thematically identical advertising campaign over a period of time, which reinforces the message. (FF-593 & FF-594). And while Professor Hauser claims that the results for the control group in the TY20 Campaign Copy Testing shows that only approximately one third of consumers thought TurboTax was free, which he contrasts with results from Professor Novemsky’s survey, he fails to account for the numerous differences between the perception survey and the Intuit marketing research study. (FF-595).

2. Intuit’s Marketing Research

Intuit’s own marketing research is consistent with and corroborates the results of Professor Novemsky’s consumer perception survey. (*See, e.g.*, FF-562). This marketing research shows that a significant percentage of consumers perceive they can use TurboTax for free after viewing Intuit’s TurboTax “free” video ads. (FF-600; FF-606 (for the Spelling Bee ad, 73% of respondents associated “That i can file my taxe s [sic] for free” with the ad) & FF-607 (“About half of viewers take away the ‘free’ offering in Spelling Bee ...”). In copy testing four TurboTax “free” video ads.¹⁵ for its “TY20 Campaign,” Intuit found that a single exposure to any one of

¹⁵ Each of the four ads included in Intuits “TY20 Campaign Copy Testing” was a version of Intuit’s “Free, Free, Free, Free” marketing campaign wherein nearly every word in a given commercial is “free.” (FF-601).

these ads “result[ed] in significant lifts for all ads on perceptions around ... allows you to file your taxes for free.” (FF-601). In fact, after exposure to a single ad during the TY20 Campaign Copy Testing, 45% to 57% of consumers took away the free message, even though most taxpayers can’t file for free with TurboTax. (FF-604).

Additionally, Intuit’s copy testing shows that “[t]he promise of a free offer was enticing for many viewers – and differentiated from other brands within the category – which likely contributed to the intrigue to want to trial [sic].” (FF-605). This market research indicates that Intuit understands not only that “free” messaging drives tax filers to try TurboTax, but that the messaging differentiates TurboTax from its competitors. (FF-563). Each of the “free, free, free” ads tested in the TY20 Campaign Copy Testing caused a statistically significant increase in “usage intent,” as measured by the percentage of respondents who indicate they “[d]efinitely would consider using TT,” resulting in the conclusion that the simple “free” message communicates the main idea clearly and effectively, helping to drive awareness of the TurboTax Free offer and as a result, intent to use. (FF-565).

Intuit’s research also shows that price is important to consumers shopping for tax preparation services and is highly motivating. (FF-596). Additionally, Intuit’s research shows that a significant number of consumers, between 22-49%, were confident that TurboTax was free for them (FF-597—FF-598), and that in 2018, 44% of consumers had TurboTax brand awareness related to “free.” (FF-599).

3. Intuit’s Awareness of Negative Customer Sentiment, Feedback and Complaints

Deposition testimony offered by consumers in this matter (FF-663—FF-675), consumer complaints received through the Consumer Sentinel Network (“Sentinel”).¹⁶ (FF-676—FF-678), and voluminous consumer feedback received by Intuit itself (FF-619—FF-662), all provide further evidence of deception. (FF-619—FF-678).

¹⁶ Sentinel receives reports submitted directly to the Federal Trade Commission by consumers, as well as reports submitted and shared by data contributors such as the Better Business Bureau. *See* [ftc.gov/enforcement/consumer-sentinel-network](https://www.ftc.gov/enforcement/consumer-sentinel-network) (last visited Feb. 10, 2023).

Counsel for Intuit deposed 16 consumers who complained about TurboTax.¹⁷ (FF-663). Of those deposed, 11 consumers began using TurboTax because they thought or hoped that they could use it for free. (FF-664). Ten consumers testified that the cost of the tax filing services was important to them. (FF-665). Nine consumers remembered Intuit’s free advertising (FF-666), including how “ubiquitous” the free advertising was (FF-667), with one consumer testifying that the free advertising was “the key message that brought me to TurboTax in the first place.” (FF-668). At least ten consumer deponents did not understand Intuit’s eligibility criteria for Free Edition. (FF-669). For example, when asked about who was eligible for TurboTax’s free product, one consumer testified that they “ha[d] no idea unless it told me — Unless TurboTax explicitly told me ‘You qualify for free,’ I would have no idea ... So I am putting my trust in them to do that”; they further testified that the phrase “simple tax returns” “has no connotation to me because I don’t understand what is and is not a simple tax return.” (FF-670).

One consumer testified that they spent between 30 and 45 minutes entering their tax information on TurboTax before learning they could not file for free (FF-671), while others testified that, by the time they realized they would have to pay to file their taxes, they did not want to switch providers. (FF-672). One consumer described it the following ways:

I’d already spent the time. It’s like if you were – Let’s say you ordered something from IKEA and you were building, like, a wardrobe, and you spent four hours on the wardrobe, and then you realize that you have to go buy another piece to do it -- to complete it. You’re going to go buy that piece. You’re not just going to, like, throw it in the dumpster. Like, it has to be done now. ...

It would be like if you bought a plane ticket, you got on an airplane, they flew you across the country, and then to leave the airplane, they were like, “Actually, it’s \$100 to leave the airplane. Otherwise we’re just going to fly you back.” And you’re like, “But I already paid for my vacation, like for my hotel and stuff,” and they’re like, “You’re going to have to pay the \$100 to get out of the airplane.” So that’s the way that I would phrase that.

(FF-673).

¹⁷ Though Intuit only took 16 consumer depositions, Intuit issued deposition testimony subpoenas to 66 consumers. Six consumers did not appear for their depositions, and Intuit withdrew 42 subpoenas. Two depositions were canceled and never rescheduled. (FF-663).

PLU Verbatims From PRS

Required Upgrades

.....

it was very predatory. i came for a free file, but needed to upgrade to the delux edition, after refusing to upgrade 5 times before. My "particular" situation required the delux. so i have to shell out 35 for that. then, since i want to pay the 35 out of my tax return, you're charging 35 to take 35 out of my refund! 100% mark up. I signed in for free and ended up paying 70 bucks.

Because it wasn't until I was nearly finished with my filling that I was told I couldn't file without paying fees that amounted to 111. I find this absolutely ridiculous considering there wasn't anything special about my filling status. everything was nearly the same as last year and last year I was able to file for free. To make matters worse the explanation for why my tax situation required me to pay was cryptic at best basically saying there was an additional medicare form that magically caused me to have to pay all these fees. I would have tried another service if I hadn't been so far along with this service. I will only use turbo tax next year as an absolute last resort.

ever thing i needed to do required upgradinge to the next level costing me 110 dollars


it gets more expensive every year. I should be required to pay just because i have a 1099-MISC form. Additionally, it's not mentioned up front that there is a \$34.99 charge if you want the fees deducted from refund, that's extremely misleading because most people would likely click right past that considering you have to scroll to clearly see the charge. Luckily, I caught it and wasn't gouged the extra charge. Just put it on the page where you select method of payment.

I was required to pay extra unexpected fees that totaled around \$100 after constantly reading and hearing that I would be able to file for free.

Because the site required me to upgrade my account, then it didn't make a difference in how I filed. Then charged me for an additional \$70 to file, and somehow 1380 - 106 = 1080 in TurboTax land and I lost \$300 in your fees that don't actually add up.

The pricing seems sketchy and devious. I understand the need for marketing and upselling, but this year Turbo Tax seemed even worse with the required "upgrades" to the next higher service offering. I don't even think the price I paid is unreasonable, but the way I got to that price made me feel cheated and deceived. I will not be using TurboTax next year even though I have used it the last several years in a row.

Figure 12



3 Intuit Proprietary & Confidential

(FF-619).

In 2019, when TurboTax changed its Free Edition eligibility criteria, many consumers complained about being required to upgrade to a paid product when they were previously eligible to file for free. (FF-620 (*citing* GX415 (Intuit) at CC-00007582 to -00007583) (showing that, by January 21, there were around 500 posts about new upgrade requirements, 69% of which were negative)). Additionally, a 2019 Intuit study showed that [REDACTED]. (FF-621). Intuit determined that, in 2019, [REDACTED]. (FF-622). In a different 2019 study [REDACTED] (FF-623).

4. Intuit’s Internal Marketing Strategy Reveals a Recognition of the Effect of its TurboTax Free Campaign on Consumers

Intuit’s internal marketing strategy documents reflect a recognition of the impression its “free” TurboTax ads leave with consumers. (FF-611—FF-615). Intuit’s FY’19 GTM (“Go-To-Market”) White Paper (GX428 (Intuit)) [REDACTED]. As Intuit Director of Marketing Elizabeth Berger explained during her deposition, “every team cross-functionally provides some input” on the FY’19 GTM White Paper and it is designed to provide a detailed view of Intuit’s “go-to-market plans for fiscal year 2019.” (FF-611). The FY’19 GTM White Paper admits that:

- [REDACTED] (FF-612).
- [REDACTED] (FF-613) (emphasis in the original).
- [REDACTED] (FF-614).

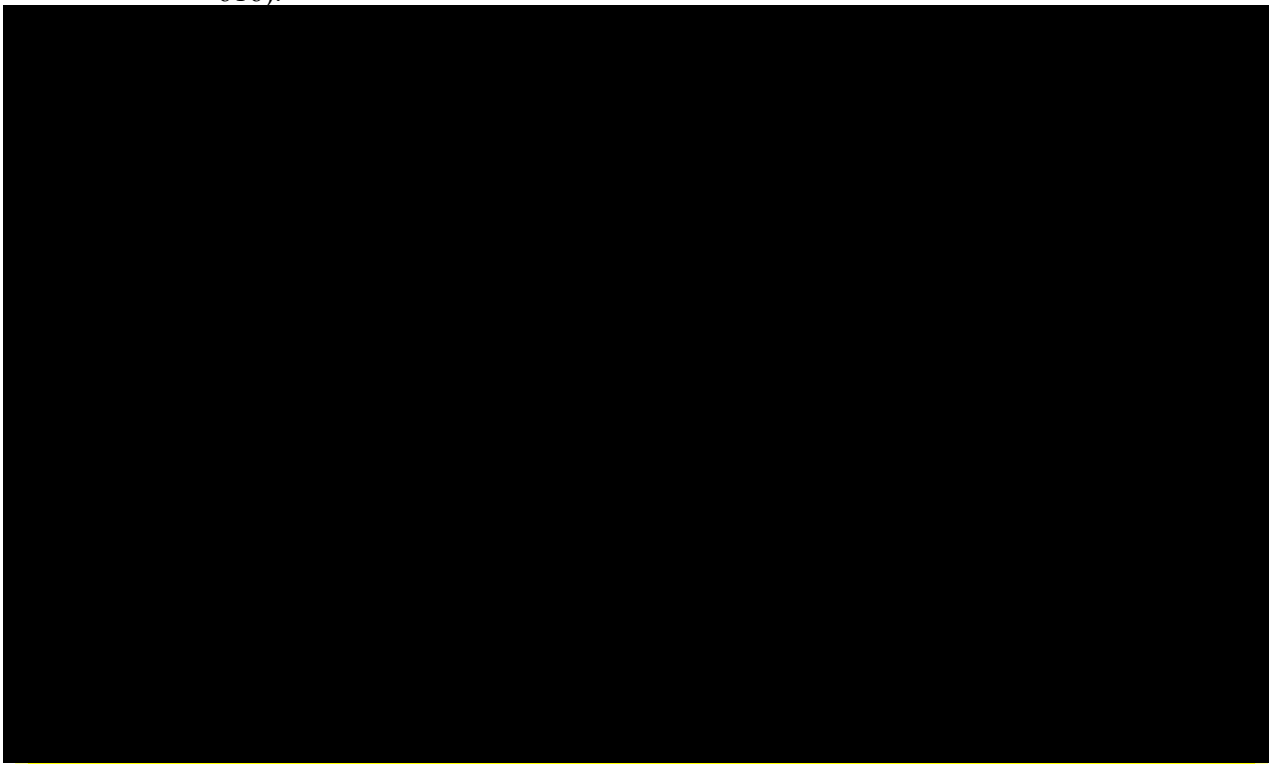
The fact that “free” is compelling and attracts customers is not new to Intuit. (FF-615 (citing *e.g.*, GX57 (Intuit) at CC-00000646 (2014 marketing strategy document finding that “Free/Free offer is compelling enough to drive considerable (1.2M) incremental customer growth”); GX403 (Intuit) at CC-00007485 ([REDACTED]) & GX144 (Soukas (Intuit) Dep.) at 125-127; GX410 (Intuit) at p. 1 & GX145 (Berger (Intuit) Dep.) at 97, 104–08 (discussing, in part, the “zero-dollar any way” campaign); GX457 (Intuit) at CC-00009340 (“[REDACTED]”) & GX148 (Somers (Intuit) Dep.) at 84-85)).

Similarly, creative briefs, presentations and other advertising strategy documents prepared for Intuit by advertising agency Wieden+Kennedy also show the impression the TurboTax “free” ads would leave with consumers. (FF-616). For example, a March 18, 2020

presentation developed by Wieden+Kennedy for Intuit titled [REDACTED]

[REDACTED] contains slides recognizing that:

- [REDACTED] (FF-616).



- [REDACTED] (FF-616) (see above for image of presentation slide found at CC-00000285).

- [REDACTED] (FF-616).

- [REDACTED] (FF-616).

- [REDACTED] (FF-616).

While Intuit and several of its executives, including Cathleen Ryan, Senior Vice President Marketing, claim that they only intended to target simple filers, much of Intuit’s TurboTax advertising was not at all targeted. (FF-617). Instead, Intuit engaged in mass marketing of TurboTax via television and other channels. (FF-617). While this approach certainly reached simple filers, it predictably reached a much broader audience including millions of consumers ineligible for TurboTax Free Edition or the TurboTax Live free promotion. (*See* FF-47—FF-466). And when Intuit tested its TurboTax “free” ads, the target audience was *not* limited to only those with a “simple” return. (FF-602—FF-603).

E. Intuit’s Experts

Intuit’s experts provide no direct evidence that consumers were not deceived by its advertising, relying instead on a collection of unreliable and irrelevant evidence, speculation, and logical fallacies. (FF-680). None of Intuit’s experts undertook a survey that directly addresses the central question in this matter: whether, and to what extent, consumers believe they can use TurboTax for free. (FF-681).

1. Intuit Expert Professor Peter Golder

Professor Peter Golder (who is not a psychologist) did not conduct any surveys or ask any consumers about their beliefs or understanding regarding TurboTax or purported TurboTax disclaimers. (FF-683—FF-685; FF-687; FF-693—FF-694). Instead, Professor Golder relies on his own opinions regarding Intuit’s marketing (FF-689), and speculative and unsupported opinions about Intuit’s purported disclaimers based on an uninformative comparative benchmarking exercise which compares Intuit’s disclaimers to disclaimers used by other advertisers. (FF-690—FF-704; FF-706; FF-710). A comparative study is irrelevant to determining whether Intuit’s ads were misleading, and Professor Golder made no effort to determine whether consumers saw or understood Intuit’s purported disclaimers. (FF-693; FF-702; FF-704). Professor Golder’s opinions about the TurboTax website are similarly uninformative. In fact, while Professor Golder studied Intuit’s purported disclaimers (including information contained behind a hyperlink on the TurboTax website) (FF-712), he concluded that

even the pop-up that appeared behind the hyperlink on TurboTax's homepage did not contain information about all tax situations that did or did not qualify for Free Edition, and one would need to consult yet another page on the TurboTax website for complete details. (FF-712—FF-715).

Professor Golder also reviewed a narrow set of complaints about Intuit and TurboTax made to the Better Business Bureau or through Consumer Sentinel (FF-722), even though the absence of complaints is not a reliable measure of an absence or presence of deception. (FF-725). Moreover, outside of an aggregate review of customer reviews that itself misses the point, Professor Golder did not consider complaints made directly to Intuit, though that is likely the most reliable and likely place consumers may complain. (FF-723 & FF-724). Professor Golder's complaint analysis also fails to account for the various psychological factors that may prevent consumers from complaining, including: attribution (whether consumers attribute the deception to TurboTax or to themselves), the time and effort it takes to complain, and being unaware of the deception in the first place. (FF-726—FF-732).¹⁸ Professor Golder's comparative analysis is uninformative for the same reasons and includes methodological flaws. (FF-734 & FF-735).¹⁹ Finally, Professor Golder opined that tax preparation is a high-involvement buying process in which consumers may seek out additional information, but he provides no support that this is the case for tax preparation services, and indeed, many high-value transactions, like saving for retirement, are not high-involvement transactions in which consumers seek much additional information. (FF-738 & FF-739).

¹⁸ That not all consumers who are deceived by TurboTax are unhappy (and therefore may not complain) is corroborated by a [REDACTED]

[REDACTED] (FF-733). Intuit's own customer review data further demonstrates that consumers may rate their experience with TurboTax highly (5 out of 5), while at the same time including in their review sentiments consistent with those consumers having been deceived. (E.g., FF-657; FF-658).

¹⁹ In a comparative study of keywords contained in Better Business Bureau complaints, Professor Golder determined that Intuit had the highest complaint rates across all but one category as compared to its competitors. (FF-736).

2. Intuit Expert Professor John Hauser

Professor John Hauser (who is not a psychologist) conducted two surveys, neither of which studied consumer perceptions regarding the price of TurboTax or consumer comprehension of Intuit's purported disclaimers. (FF-744—FF-746). Professor Hauser's Disclosure Efficacy Study did not measure the effects of a multiyear, multichannel, multi-ad advertising and marketing campaign, and cannot show whether either of Professor Hauser's original or revised stimuli deceived respondents. (FF-749—FF-750; FF-764). The Disclosure Efficacy Survey, which suffers from several demand artifacts (FF-770—FF-777), merely measured the difference between the test and control stimuli (FF-751), and shows that the changes to disclosures related to Free Edition eligibility tested are unlikely to have a material impact on consumers' consideration of using TurboTax to start their tax return. (FF-752 & FF-753).²⁰ If anything, the Disclosure Efficacy Survey results illustrate the persuasive power of the TurboTax's free-themed ads in getting the consumers to start trying the advertised product, and are consistent with the interpretation that both the original and the revised stimuli used in the survey are equally ineffective in curing the deceptive impression left by the "free" claims remaining in both stimuli. (FF-768 & FF-769).

Professor Hauser's Purchase Driver Survey, rather than showing an absence of deception, supports Complaint Counsel's theory, showing that price is the most cited factor important to consumers in choosing a tax provider, and that few (only 11%) of consumers switch tax preparation services year over year. (FF-785, FF-804—FF-806). Methodological and design flaws and demand artifacts make the survey results unreliable and inflated (FF-786—FF-792; FF-794—FF-797), and Professor Hauser's conclusions are not supported by the survey results. (*See* FF-798—FF-803). For example, Professor Hauser cannot reliably conclude that respondents

²⁰ Professor Hauser did not test whether and to what extent the changes he made to the original stimuli in his survey had any effect on consumers' misimpression that they could file their taxes for free when that was not the case, and the revised stimuli do not account for numerous aspects of TurboTax marketing materials identified as contributing to their deceptive nature. (FF-754—FF-761; FF-763).

made trade-offs between factors when deciding which tax preparation method or service to use because he does not ask them about the relative importance of any one factor. (FF-807).

3. Intuit Expert Bruce Deal

Intuit also retained career expert Mr. Bruce Deal (who is not a psychologist) (*see* FF-809—FF-815), who cannot answer the fundamental inquiry: whether consumers were deceived. (*See* FF-821 —FF-822, FF-855—FF-856). While Mr. Deal recognizes that the question of whether Intuit deceived consumers through its free advertisements for TurboTax depends on the expectation that the ads themselves create for consumers (FF-823), Mr. Deal does not survey consumers to find out what expectations consumers formed from Intuit’s advertisements, nor does he have a Ph.D. or any background in consumer psychology on which to draw in determining what expectations consumers might have formed from Intuit’s ads. (FF-810—FF-811, FF-821—FF-822; FF-838; FF-857). Instead, Mr. Deal infers from indirect evidence, and often unsubstantiated (and un-substantiable) assumptions, conclusions about whether deception was consistent with Intuit’s economic best interest or was consistent with the customer level data he had access to. (*See generally* FF-824—FF-889).

Of course, deception can occur whether or not it is consistent with Intuit’s economic best interest and, in fact, deception can be in the economic best interest of a firm like Intuit (which Mr. Deal ignores). (FF-825—FF-828, FF-836). Instead, Mr. Deal’s purported economic analysis is little more than supposition. For example, key to Mr. Deal’s opinion is that consumers who are deceived by TurboTax will abandon and file elsewhere upon learning they were deceived, something that he fails to prove empirically, which isn’t borne out by literature, and which ignores the valid reasons consumers would, and do, stay and use TurboTax. (FF-832—FF-843; *see also* FF-642—FF-662 (enumerating customer reviews from consumers who filed their taxes with TurboTax but nonetheless expressed feedback consistent with having been deceived by Intuit’s advertisements)).

Regarding his data analysis, Mr. Deal admits that for each bucket of consumers that he blithely asks the Court to disregard, he cannot rule out that those consumers were deceived. (FF-

855—FF-856; FF-861; FF-871). This makes sense, since Mr. Deal’s analysis relies on sweeping assumptions and fallacies (*see* FF-851 to FF-889). For example, consumers are excluded from Mr. Deal’s various “counts” of deceived customers include: anyone who saw an Intuit advertisement, went to the TurboTax website, but left the website before logging into an account (FF-851—FF-853); anyone who saw an Intuit advertisement, logged into an account, but did not complete filing their taxes with TurboTax (FF-858—FF-869); and anyone who saw an Intuit advertisement, logged in or created an account, finished filing their taxes with TurboTax, but had arrived at the TurboTax website via some means other than an clickable ad (FF-885). Mr. Deal also excludes consumers based on their past experience using TurboTax going back as far as 7 years, even though Mr. Deal does not know (and didn’t survey consumers to find out) what consumers remember or whether consumers experienced changes in tax filing status in the intervening years that would impact their expectation about whether filing with TurboTax would be free for them. (FF-872—FF-883). This process of eliminating consumers based on characteristics that show nothing about whether consumers were deceived defies logic. (*See, e.g.*, FF-859). As a result, Mr. Deal vastly undercounts the total number of potentially deceived customers. (FF-889).

4. Intuit Expert Rebecca Kirk Fair

Ms. Rebecca Kirk Fair (who is also not a psychologist), conducted a survey that was not designed to assess deception resulting from TurboTax marketing, the main issue addressed by Professor Novemsky’s survey and report. (FF-891 & FF-892). Ms. Kirk Fair’s survey, which suffers from significant design and methodological flaws (FF-893—FF-894; FF-896—FF-897; FF-903), provides no insight into whether respondents believed they could file their taxes for free using TurboTax, including whether they may have been under that misimpression upon arriving at the TurboTax website or starting their tax returns with TurboTax. (FF-895; FF-902). Ms. Kirk Fair, in opining about survey respondents who, according to her, indicated that they were aware of options other than TurboTax when encountering a hard stop screen (FF-898), fails to account for psychological reasons that consumers might stay with a tax preparation provider

after learning it will not be free, for example status quo bias or switching costs. (FF-899—FF-901).

* * *

Overall, Intuit’s experts provide irrelevant and unpersuasive evidence that does not directly address the question at issue in this matter: whether consumers were under the misimpression that they could file their taxes for free with TurboTax when that was not the case. This is particularly astonishing considering that Intuit received Professor Novemsky’s survey results at the same time that the complaint was filed in this matter (FF-470), and still failed to provide any evidence that would directly contradict his survey results.

F. Investigation and Litigation History

1. This Matter

The Commission voted to issue the Complaint in this matter on March 28, 2022. (FF-905).²¹ The Complaint in this matter was the culmination of a detailed investigation into Intuit’s acts and practices by Bureau of Consumer Protection (“BCP”) staff along with several state Attorneys General’s offices beginning in May 2019. (FF-906). The Complaint also followed lengthy compromise negotiations between Intuit, BCP, and the States. (FF-908). Throughout the course of the investigation and settlement negotiations that led to the issuance of this Complaint, Intuit continued making “free” claims in its advertising for TurboTax, including continuing to air ads in its “Free, Free, Free, Free” campaign until just after its meeting with FTC Chair Lina Khan on March 24, 2022. (FF-909—FF-910).

At the same time the Commission voted to issue the Complaint in this matter, it also authorized BCP staff to seek a Temporary Restraining Order and Preliminary Injunction in the United States District Court for the Northern District of California. (FF-911). On April 22, 2022, Judge Charles R. Breyer of the Northern District of California denied the FTC’s request for a TRO, stating:

²¹ Complaint Counsel and Intuit executed a tolling agreement as of January 6, 2022, which was subsequently extended by agreement of the parties. (FF-907).

The Court denies the FTC’s motion for emergency relief for three reasons. First, Tax Day, which was April 18, 2022, has passed. Most taxpayers have already filed their taxes. Intuit represented in its briefing and at oral argument that its advertising is largely done for this tax season. See Opp. (dkt. 45) at vi. Any prospective harm is therefore attenuated. Second, even before Tax Day, Intuit had removed several of the most plausibly deceptive advertisements—that is, three videos that repeated the word “free” a dozen or more times over 30 seconds before a very brief disclaimer. See Shiller decl. (dkt. 7-13, GX 301) ¶¶ 16-31 (describing these ads); Ryan decl. (dkt. 45-3) ¶¶ 16-26 (noting their removal). Third, to the extent other advertisements might violate the FTC Act, the Court notes that the FTC has brought an administrative proceeding against Intuit, with a hearing set for September 14, 2022. See 15 U.S.C. § 45(b); AMG Cap. Mgmt., LLC v. Fed. Trade Comm’n, 141 S. Ct. 1341, 1346 (2021) (detailing the administrative process). An Administrative Law Judge (ALJ) with expertise in these matters will hear (and likely rule) before Intuit resumes its advertising campaign in the lead-up to Tax Day 2023.

(FF-912).

In light of Judge Breyer’s order, on May 4, 2022, Intuit filed a Motion to Withdraw Matter from Adjudication pursuant to Commission Rule 3.26(c). (FF-913). By operation of Rule 3.26(c), on May 6, 2022, the Commission issued an Order Withdrawing Matter from Adjudication Pursuant to Rule 3.26(c) of the Commission Rules of Practice. (FF-914). On August 19, 2022, the Commission issued an Order Returning the Matter to Adjudication and Setting a New Evidentiary Hearing Date, stating: “The Commission has deliberated and determined that the public interest warrants further litigation.” (FF-915).

On January 31, 2023, the Commission, acting on Complaint Counsel’s Motion for Summary Decision, issued an Opinion and Order Denying Summary Decision, stating in part:

To summarize, although we find that Complaint Counsel have presented a strong case for summary decision with respect to at least some of the video ads, we are denying summary decision at this time. Deferring the ruling until after trial will allow the Commission to have the benefit of a full factual record, including any relevant and admissible extrinsic evidence, and will facilitate a cohesive decision that addresses all of the relevant ads at once. Our denial of summary decision, however, should not be taken as an indication that the evidence presented is necessarily insufficient and that liability cannot attach unless Complaint Counsel produce additional evidence of deception at trial. Evidence that may not be sufficient for liability when the Commission must resolve all ambiguities and draw all justifiable inferences in Respondent’s

favor may nevertheless be sufficient to support a liability finding when Respondent is not entitled to such deference.

(FF-916).

2. Related Matters

On May 6, 2019, the People of the State of California, by and through the Los Angeles City Attorney, filed a Complaint for Injunctive Relief, Restitution, and Civil Penalties for Violations of the Unfair Competition Law (Bus. & Prof. Code §§ 17200 et seq.) (“L.A. City Complaint”) against Intuit. (FF-917). Among other averments, the L.A. City Complaint alleged Intuit engaged in unfair, fraudulent, and deceptive business acts and practices by: “advertising ‘FREE Guaranteed’ tax filing services when in fact only a small percentage of consumers are able to complete their tax returns for free on the TurboTax Main Website.” (FF-918).

On September 6, 2019, the People of the State of California, by and through the Santa Clara County Counsel, filed a Complaint for Violations of California False Advertising Law, Seeking Restitution, Civil Penalties, and Injunctive Relief (“Santa Clara County Complaint”) against Intuit. (FF-919). Among other averments, the Santa Clara County Complaint alleged: “Intuit deliberately implemented a scheme to draw taxpayers to TurboTax’s revenue-producing URL with false representations that they could file their taxes for free using TurboTax and then to charge taxpayers significant sums to file through additional false and misleading statements.” (FF-920). The Santa Clara County Complaint also alleged: “Intuit made and disseminated myriad statements that are likely to deceive members of the public on its website and in advertisements.” (FF-921). The Santa Clara County Complaint further alleged “Examples of Intuit’s false or misleading statements include ... Falsely representing in numerous television advertisements that if taxpayers used TurboTax Free Edition they would be able to file for free, including in an ad campaign using the tagline: ‘Free, free free free,’” and “Falsely representing in extensive online advertisements that if taxpayers used the TurboTax Free Edition they would be able to file for free.” (FF-922).

On September 13, 2019, a Consolidated Class Action Complaint was filed against Intuit in the matter captioned *In re Intuit Free File Litigation*, in the United States District Court for the

Northern District of California (“Consolidated Class Action Complaint”). (FF-923). Among other averments, the Consolidated Class Action Complaint alleged that: “Intuit implemented a pervasive, nationwide marketing and advertising campaign during the 2018 tax filing season promoting its offering of ‘free’ tax filing services, even though the vast majority of users would actually be charged to file their returns.” (FF-924). Count II of the Consolidated Class Action Complaint alleged fraudulent business acts and practices and deceptive advertising in violation of California Business & Professions Code § 17200, *et seq.*; specifically, the Complaint plead that:

Intuit’s deceptive advertising and fraudulent conduct included affirmative misrepresentations, active concealment of material facts, and partial representations paired with suppression of material facts. Intuit’s conduct violative of the fraudulent prong includes at least the following acts and omissions: ... In a pervasive nationwide advertising campaign, Intuit falsely advertised its TurboTax commercial website as being free, causing confusion and deceiving Class members, eligible for free tax filing, into paying Intuit for tax-filing services.

(FF-925).

Between October 1, 2019, and October 23, 2020, approximately 127,000 current and former Intuit customers filed demands for individual arbitration against Intuit with the American Arbitration Association (AAA) through counsel with the firm Keller Lenkner LLC. (FF-926). Each arbitration claimant alleged “that while Intuit created a free tax filing service for low- and middle income taxpayers, it also steered these consumers away from the free option and toward its paid products.” (FF-927). These consumers further alleged they “were lured to Intuit’s website with promises of its Free Edition, only to learn later that they were ineligible for that free product and would have to pay to use TurboTax.” (FF-928).

On March 5, 2021, Judge Charles R. Breyer of the United States District Court for the Northern District of California denied a Motion for Preliminary Approval of Class Action Settlement in the *In re Intuit Free File Litigation*, Case No. 19-cv-02546 (N.D. Cal. Mar. 5, 2021). (FF-929). Among other reasons, Judge Breyer denied preliminary class settlement because “the proposed settlement provides class members with inadequate compensation.” (FF-

930). Judge Breyer noted that, because the plaintiffs had not provided an estimate of Intuit's potential exposure in the matter, "[t]he Court is left to do a back-of-the envelope calculation: for a projected class of 19 million people, who paid an average of \$100 per-year for at least one year, a conservative estimate of Intuit's potential liability is \$1.9 billion." (FF-931). Judge Breyer further noted:

Strangely, the proposed settlement provides for the same award regardless whether a class member paid fees for more than one year. Plaintiffs' argument that "eligible free-filers who paid a TurboTax fee in more than one year . . . arguably should have known they would be charged in the subsequent year," Mot. for Preliminary Approval at 14, hardly resolves the matter. Plaintiffs have characterized this action as "a bait-and-switch case." Hearing Tr. at 32. A person induced into paying for services that the person initially expected to get for free, and who continues to pay for those services annually, can trace the cumulative harm suffered back to the initial deception. Without that deception, the person would have known they could file for free from the start, and presumably would have done so each year.

(FF-932).

Throughout the course of the litigations and arbitrations instigated by the L.A. City Complaint, the Santa Clara County Complaint, the Consolidated Class Action Complaint, and the demands for individual arbitration against Intuit discussed above, Intuit continued making "free" claims in its advertising for TurboTax, including continuing to air ads in its "Free, Free, Free, Free" campaign until just after its meeting with FTC Chair Lina Khan on March 24, 2022. (FF-933—FF-934).

On April 28, 2022, Intuit entered into a settlement agreement with the attorneys general of each state and the District of Columbia "to resolve an investigation of the Attorneys General into Intuit's marketing, advertising, promotion, and sale of certain online tax preparation products and whether Intuit's conduct constituted deceptive or unfair business acts or practices in violation of the States' consumer protection laws." (FF-935). In the settlement with Intuit, the states and DC made findings including:

- 1) “Since at least 2017, Intuit has called its ‘freemium’ product ‘TurboTax Free Edition.’ In 2016, Intuit called its ‘freemium’ product ‘Federal Free Edition.’”
- 2) “This TurboTax ‘freemium’ product is only available to consumers with ‘simple’ tax returns, as defined by Intuit; other consumers are required to upgrade to paid products to file through Intuit.”
- 3) “Many of Intuit’s ads contain a fine print disclaimer at the end of the commercial informing consumers that the offer is limited to consumers with ‘simple tax returns’ or ‘simple U.S. returns only.’ This fine print disclaimer was not conveyed audibly.”
- 4) “The disclaimers are inadequate to cure the express representation that the advertised products are free.”
- 5) “A reasonable consumer could believe that the products Intuit advertises as free are free for them, given that online products in many industries, including in online tax preparation, are routinely offered to consumers completely free of charge.”
- 6) “Intuit’s false statements or representations that Turbo Tax is free, without adequately disclosing the limitations of its free offer, have induced consumers to begin using TurboTax and, after discovering they are not eligible for Intuit’s ‘freemium’ product (as described below), to pay for paid Turbo Tax products.”
- 7) “When consumers who saw Intuit’s advertisements visited the TurboTax website, the website’s home page failed to adequately disclose the limitations on eligibility for Intuit’s ‘freemium’ product.”

Intuit neither admitted nor denied these findings. (FF-936).

III. Argument

The preponderance of the evidence²² shows that Intuit’s “free” advertising is deceptive in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a). Intuit’s free claims—widely disseminated across multiple media—are textbook deception, meeting each of the three elements: First, “there must be a representation ... that is likely to mislead the consumer.” Deception Policy Statement, at 176. Intuit has represented, expressly, prominently, and repeatedly, that consumers can file their taxes for free using TurboTax. But TurboTax has not been free for about two-thirds of taxpayers in recent years. (FF-21—FF-23). Second, “the act or practice must be considered from the perspective of the reasonable consumer.” Deception Policy Statement, at 177. Reasonable consumers take away one overarching message from Intuit’s “free” advertising: “TurboTax is free.” (*See, e.g.*, FF-69 (citing GX341 (Intuit) at CC-00006900 (“Consumers played back a clear and single-minded message: *File/do your taxes for free; TurboTax is free*[.] There was no confusion or ambiguity in the message[.]”)); FF-480—FF-490; FF-561—FF-566; FF-597—FF-601; FF-604—FF-616; FF-618; FF-664; FF-666—FF-668; FF-740). Third, “the representation ... or practice must be material.” Deception Policy Statement, at 182. The cost of something—especially whether it is free—is undoubtedly material. (*See, e.g.*, FF-596; FF-619; FF-621—FF-622; FF-665). The weight of the evidence and black letter law provide an ample basis for entry of a cease and desist order in this matter.

A. Intuit Has Represented that Consumers Can File Their Taxes for Free Using TurboTax; That Representation Is Likely to Mislead Consumers

1. Intuit Has Repeatedly and Continuously Made Its “Free” Representation Through Its Nationwide, Multi-Year, Multi-Channel “Free” TurboTax Advertising

First, the evidence shows that Intuit did, in fact, represent that consumers can file their taxes for free using TurboTax.

²² “It is well established that the preponderance of the evidence standard governs Federal Trade Commission (“FTC”) enforcement actions.” *In re POM Wonderful LLC*, 2012 FTC LEXIS 106, at *463–65 (May 17, 2012) (Chappell, C.A.L.J.) (citing cases).

“In cases of express claims, the representation itself establishes the meaning.” *See* Deception Policy Statement, at 176. In 2015, Intuit told the television audience of Super Bowl XLIX: “[Y]ou can file on TurboTax for absolutely nothing.” (FF-66—FF-67). Intuit repeated this messaging in its 2016 Super Bowl Ad featuring Sir Anthony Hopkins (as himself) and claiming, “I would never tarnish my name by selling you something. Now, if I were to tell you to go to turbotax.com, it’s because TurboTax Absolute Zero lets you file your taxes for free.” (FF-70—FF-71). In 2018, Intuit told consumers: “At least your taxes are free.” (*E.g.*, FF-74—FF-75 & FF-80). In 2019, Intuit’s message to consumers was: “Free free, free free, free free! ... That’s right, TurboTax Free is free. Free, free free free.” (FF-99—FF-100 & FF-104). In 2020, Intuit told consumers Googling “free file taxes ONLINE” that the “TurboTax® Official Site” offered “100% Free Online Tax Filing.” (FF-445). And in 2021, Intuit told TikTok users that the energetic dance of its “Dance Workout” ad was: “What it feels like to file your taxes for free, aka the TurboTax #FreeFileDance.” (FF-214). These are a few among many similar ads. (*See, e.g.*, FF-66—FF-466). Intuit proliferated “free” claims on TV, radio, via email, on its website, in online search results, on social media, and in other online advertising. *Supra* Parts II.C.1. & II.C.2. The representation and meaning are clear: consumers can file their taxes for free using TurboTax.

Even if “free” were considered to be an implied claim, the meaning of the TurboTax ads and other marketing communications can be determined “through an examination of the representation itself.” Deception Policy Statement, at 176; *see also* *FTC v. Fleetcor Techs., Inc.*, No. 1:19-cv-5727, 2022 WL 3273286, at *6, *9 (N.D. Ga. Aug. 9, 2022); *Fanning v. FTC*, 821 F.3d 164, 170 (1st Cir. 2016); *In re Stouffer Foods Corp.*, 118 F.T.C. 746, 798 (1994); *Kraft, Inc. v. FTC*, 970 F.2d 311, 319 (7th Cir. 1992) (“[W]hen confronted with claims that are implied, yet conspicuous, extrinsic evidence is unnecessary because common sense and administrative experience provide the Commission with adequate tools to makes its findings.”). The Court may also find deception “based on the ‘net impression’ created by a representation.” *In re Pom Wonderful LLC*, 155 F.T.C. 1, 12 (2013), *aff’d* 777 F.3d 478 (D.C. Cir. 2015); *FTC v. Stefanchik*,

559 F.3d 924, 928 (9th Cir. 2009) (quoting *FTC v. Cyberspace.com LLC*, 453 F.3d 1196, 1200 (9th Cir. 2006)). The meaning and net impression of the representation in Intuit’s “free” ads is clear, in no small part because in many ads, Intuit repeats the key word endlessly. For example:



Figure 14

DANCE WORKOUT INSTRUCTOR: And free! Free, free. And free, and free. And freeeeeeeeee. And free, and free, and free, and free, and free. And free. And free, free. And free.

VOICEOVER: That’s right, TurboTax Free Edition is free. See details at TurboTax.com.

(FF-171—FF-172; GX342 (Complaint Counsel) ¶¶ 137–40, at CC-00006968-70; [GX206](#) (Complaint Counsel) (30-second “Dance Workout” TurboTax ad); *see also, e.g.*, [GX200](#) (Complaint Counsel) (30-second “Auctioneer” TurboTax ad); [GX326](#) (Complaint Counsel) (TY2018 “Crossword” TurboTax Ad); [GX327](#) (Complaint Counsel) (TY2018 “Big Kick” TurboTax Ad); [GX332](#) (Complaint Counsel) (TY2018 “Spelling Bee” TurboTax Ad)).

Such ads require no complicated parsing to decipher. No extrinsic evidence is needed to divine the message conveyed by the ads. Intuit agrees that its ads “speak for themselves.” Answer ¶¶ 5, 24, 26; *see In re Daniel Chapter One*, 2009 FTC LEXIS 157, at *216–21 (August 5, 2009) (Initial Decision) (Chappell, C.A.L.J.); *see also Fleetcor*, 2022 WL 3273286, at *6, *9; *Telebrands*, 140 F.T.C. at 290; *Novartis*, 127 F.T.C. at 680. There is nothing to read between the lines, because the lines contain the likes of “freeeeeeeeee,” and “free, and free, and free, and free, and free.” Intuit’s message is comically obvious—and indeed the comedic simplicity is part of Intuit’s appeal to consumers through these ads. They are catchy, funny, simple, and omnipresent during tax season. They are also deceptive. Thus, even with regard to implied claims, plain meaning, common sense, and administrative experience interpreting advertising allow the Court to determine the unmistakable meaning of Intuit’s ads: that TurboTax is free. *See Kraft*, 970 F.2d at 319; *see also* Deception Policy Statement, at 176.

But even despite the well-established rule that it is **not** “necessary for the Commission to conduct a survey of the viewing public before it [can] determine that the commercials had a tendency to mislead,” *FTC v. Colgate-Palmolive Co.*, 380 U.S. 374, 391–92 (1965), *see also Fleetcor*, 2022 WL 3273286, at *9, in fact, survey evidence supports the Complaint. As described above in Part II.D.1., a consumer perception survey conducted by Professor Novemsky, an expert in the psychology of judgment and decision-making, showed that “taxpayers who do not qualify to use TurboTax Free Edition under Intuit’s criteria have the misimpression that they can file their income taxes for free using TurboTax.” (FF-475; FF-480). Ineligible consumers who had not used TurboTax in the previous three years believed, at a rate of 52.7%, that they could use TurboTax for free. (FF-481). A vast majority of these taxpayers identify Intuit’s TurboTax advertisements and its website as playing a role in forming their misimpression. (FF-483—FF-484). The Commission also received numerous complaints about Intuit, including its “free” claims. (FF-676—FF-678). Moreover, Professor Novemsky’s findings are further corroborated by the deposition testimony of multiple consumers (FF-663—FF-675), Intuit’s own marketing research (FF-596—FF-610), Intuit’s internal complaint tracking and data (FF-619—FF-662), Intuit’s internal marketing strategy documents (FF-611—FF-615), and multiple advertising strategy documents prepared for Intuit by its advertising agency (FF-616). *See supra* Parts II.D.2. to II.D.4.

2. Intuit’s “Free” Representation Is Likely to Mislead Consumers

Despite Intuit’s express representation, TurboTax is not free for around two-thirds of taxpayers. (*See* FF-22). A representation is likely to mislead consumers if the express or implied message conveyed is false or lacks a reasonable basis. *See Fleetcor*, 2022 WL 3273286, at *6, *13 (“where advertisements make certain promises, do not deliver on those promises, and thus are false, the advertisements have a tendency to deceive customers”) (citing cases); *FTC v. Pantron I Corp.*, 33 F.3d 1088, 1096 (9th Cir. 1994). Representing to all consumers that they can file their taxes for free using TurboTax is false and lacks a reasonable basis for most people, because most people have tax situations that are not covered by TurboTax Free Edition and the

TurboTax Live free promotion.²³ (See FF-21—FF-23 (approximately 100 million taxpayers are not eligible to file for free using TurboTax)).

Intuit has contended that its marketing is not deceptive because many taxpayers can and do file for free with TurboTax Free Edition. But the fact that a claim is true for some consumers does not render it free of deception. “A material practice that misleads a significant minority of reasonable consumers is deceptive.” Deception Policy Statement, at 177 n.20. Here, more than a significant minority is likely to be misled—TurboTax was not free for about two-thirds of taxpayers in recent years. (See FF-22). Thus, most taxpayers are unable to file their taxes for free using TurboTax because they need to report income or wish to take tax credits or deductions that fall outside the scope of Intuit’s protean definition of “simple tax return.” In fact, the consumer perception survey fielded by Professor Novemsky showed that a significant number²⁴ of consumers were likely misled by Intuit’s free TurboTax advertising. (See *supra* Part II.D.1; see also FF-480—FF-490).

B. Intuit’s “Free” Representation Is Deceptive from the Perspective of Reasonable Consumers

Intuit’s representation that consumers can file their taxes for free using TurboTax is likely to mislead consumers acting reasonably under the circumstances. “The test is whether the consumer’s interpretation or reaction is reasonable.” Deception Policy Statement, at 177. A consumer’s belief, after being exposed to Intuit’s “free” representation, that they, too, can file

²³ It is likely that many of the misled consumers that ended up paying for TurboTax would have been eligible to file for free through the IRS Free File Program (FF-43; FF-45; FF-46) or through a free competitor such as Cash App Taxes (FF-8). (Intuit left the IRS Free File Program after TY 2020, see *supra* Part II.B.2, though other providers continue to participate.)

²⁴ Perception survey results show that of survey respondents without recent TurboTax experience, over 52% were under the misimpression that they could use TurboTax for free (FF-481), with 72% identifying TurboTax ads, the TurboTax website, or both as a source of their misimpression (FF-484). And even of those survey respondents who recently paid TurboTax, nearly a quarter were under the misimpression that they could use TurboTax for free (FF-486), with 73% of those respondents identifying TurboTax ads, the TurboTax website, or both as a source of their misimpression (FF-487), a testament to the power of Intuit’s free claims (FF-488). Intuit’s own expert, Professor Golder, opined that (in the context of the number of consumers who are skeptical of Intuit’s “free” offer) 29% and 22% were substantial, and that 29% was a “large portion” of consumers. (FF-741).

their taxes for free using TurboTax is eminently reasonable. Intuit told consumers, for example: “At least your taxes are free.” (FF-74—FF-75 & FF-80). Here too, common sense and the preponderance of the evidence shows the reasonableness of consumers taking Intuit at its word when it inundated them with claims that TurboTax was “free.”

If more were needed: “Advertising capable of being interpreted in a misleading way should be construed against the advertiser.” *Resort Car Rental Sys., Inc. v. FTC*, 518 F.2d 962, 964 (9th Cir. 1975).²⁵ Moreover, Intuit’s documents admit an understanding that consumers believe that “free” means “free.” (See FF-606—FF-608, FF-618(b) (as Intuit SVP Mary Ann Somers said: “You can say a lot of other things, but what they hear is free.”), & FF-69 (citing GX341 (Intuit) at CC-00006900) (“Consumers played back a clear and single-minded message: *File/do your taxes for free; TurboTax is free*[.] There was no confusion or ambiguity in the message[.]”). Intuit’s own documents, market research, and copy testing show that a substantial portion of consumers believe the “free” messaging.²⁶ (FF-562, FF-597—FF-608). And Complaint Counsel is not required to show that every reasonable consumer would have been, or in fact was, misled. See *Resort Car Rental*, 518 F.2d at 964; *Stefanchik*, 559 F.3d at 929; *Kraft*, 970 F.2d at 319. Intuit’s “free” representation can and should reasonably be interpreted as applying to everyone it reaches.

In addition, at least one of TurboTax’s competitors, Cash App Taxes (formerly Credit Karma Tax), has offered an online tax preparation and filing service at no charge to all consumers for five years. (FF-8). And Intuit itself formerly offered free services to low-income consumers regardless of the complexity of their taxes through the IRS Free File Program. See

²⁵ See also Deception Policy Statement, at 178 (“To be considered reasonable, the interpretation or reaction does not have to be the only one. When a seller’s representation conveys more than one meaning to reasonable consumers, one of which is false, the seller is liable for the misleading interpretation.”).

²⁶ 2019 research conducted by Intuit showed that 49% of consumers “are confident that Free Edition is truly free,” (FF-597; FF-740), while a similar study from 2018 showed that 22% were confident that Free Edition was actually free. (FF-598).

supra Part II.B.2. As such, it is perfectly reasonable for consumers to believe Intuit’s express and ubiquitous claim: free means free.

Further, many online products and services are routinely offered to consumers completely free of charge—*e.g.*, Google, Facebook, streaming audio and video content by YouTube and Spotify, online games—again leading consumers to reasonably conclude that free means free for Intuit’s online tax preparation products. (*See* FF-490). Consumers facing the stress of filing their taxes reasonably credit Intuit’s straightforward representation that “[a]t least your taxes are free,” (FF-74—FF-75), as they look for options to make their taxes less burdensome.

To the extent Intuit offers expert testimony that touches on this question, it has not mustered direct evidence to temper the obvious conclusion that Intuit’s “free” representation is deceptive from the perspective of reasonable consumers. *Supra* Part II.E. Instead, Intuit makes guesses about what consumers might do or believe based on, for example, questionable counts of consumer complaints, *supra* Part II.E.1,²⁷ or by claiming, unpersuasively (and somewhat tangentially), that consumers conduct “research” in selecting a tax preparation provider *supra* Part II.E.2. Even Intuit’s expert Mr. Deal, who draws broad conclusions about how a “reasonable consumer” would behave if he or she was deceived by TurboTax advertisements, ultimately cannot draw a conclusion as to whether Intuit deceived consumers in this case. *Supra* Part II.E.3. Intuit’s expert testimony drawing from a collection of unreliable and irrelevant evidence, speculation, and logical fallacies can be disregarded, then, because it does not displace the thrust of the law that advertisements like Intuit’s (which advertise a product as “free” that is not free for most Americans) are deceptive from the perspective of reasonable consumer. (*See In re Intuit Inc.*, 2023 FTC LEXIS 18, *31 (Jan. 31, 2023) (“Conclusory statements by experts that consumers were not deceived based on ... peripheral evidence are similarly inadequate.”)).

²⁷ Evidence of customer satisfaction with TurboTax is not relevant to the determination of liability for deception under Section 5 of the FTC Act. *See* Mar. 7, 2022 Order on Motions *in Limine* at 9-10 (“It is well established that evidence of customer satisfaction is not relevant to determining whether challenged advertising claims are deceptive.”) (citing *FTC v. Amy Travel Serv., Inc.*, 875 F.2d 564, 572 (7th Cir. 1989); *In re Daniel Chapter One*, 2009 FTC LEXIS 86, at *7 (Apr. 20, 2009)).

C. Intuit’s “Free” Claims Are Material

Intuit’s representation that consumers can file their taxes for free using TurboTax is highly material. “A ‘material’ misrepresentation or practice is one which is likely to affect a consumer’s choice of or conduct regarding a product. In other words, it is information that is important to consumers.” Deception Policy Statement, at 182.

Whether TurboTax is free is important to consumers.²⁸ The Commission has long established that the offer of “free” products or services “is a promotional device frequently used to attract customers” that “has often been found to be a useful and valuable marketing tool.” Guide Concerning Use of the Word “Free” and Similar Representations, 16 C.F.R. § 251.1(a)(1); *see also In re Book-of-the-Month Club*, 48 F.T.C. 1297, 1312 (1952) (“The word ‘free’ is a lure. It is the bait. It is a powerful magnet that draws the best of us against our will ‘to get something for nothing.’”), *as modified*, 50 F.T.C. 778.²⁹ “Because the purchasing public continually searches for the best buy, and regards the offer of ‘free’ merchandise or service to be a special bargain, all such offers must be made with extreme care so as to avoid any possibility that consumers will be misled or deceived.” 16 C.F.R. § 251.1(a)(2). For this reason, the Commission has consistently taken the position that “free” means free. *See generally* 16 C.F.R. § 251.1(b)(1) (“Meaning of ‘Free’”); *Book-of-the-Month Club*, 48 F.T.C. at 1312. In other words, when a merchant advertises that a product or service is “free,” the purchasing public understands the word “free” to indicate that the consumer will pay nothing. 16 C.F.R. § 251.1(b)(1). Companies may not make deceptive claims that products or services are “free” when that is not the case. *See, e.g., FTC v. Triangle Media Corp.*, No. 18-cv-1388, 2018 WL 6305675 (S.D. Cal. Dec. 3, 2018)

²⁸ An advertising claim that TurboTax is “free” is a claim about the *cost* of TurboTax. Advertising claims about the cost of a product or service pertain to a central characteristic of the product or service, and therefore are presumptively material. Deception Policy Statement, at 182 n.55; *FTC v. Commerce Planet, Inc.*, 878 F. Supp. 2d 1048, 1068 (C.D. Cal. 2012), *aff’d in part, vacated in part on other grounds*, 815 F.3d 593 (9th Cir. 2016); *FTC v. Johnson*, 96 F. Supp. 3d 1110, 1121, 1142 (D. Nev. 2015); *In re Thompson Med. Co., Inc.*, 104 F.T.C. 648, 816–17 (1984).

²⁹ Compare *In re Book-of-the-Month Club*, 48 F.T.C. at 1312 (quoted above) with FF-616 (Intuit’s advertising agency told Intuit: “Free is very compelling. It gets people’s attention. It’s a word that works very well for us. Let’s remind people how compelling that simple word can be.”).

(alleging that defendants deceptively represented that a product was free, just to charge consumers for it 18 days later), *aff'd*, 765 F. App'x 184 (9th Cir. 2019); *In re Synchronal Corp.*, 117 F.T.C. 724, 739 ¶¶ 36–37 (1991) (alleging representatives told consumers that they would receive free products but ended up billing); *Book-of-the-Month Club*, 48 F.T.C. at 1312.

Overall, claims that an item is free require a heightened standard of disclosure of all material terms, and all such offers must be made with extreme care to avoid any possibility that consumers will be misled or deceived. “Free” claims are hard to disclaim, are powerful, and draw consumers. (FF-488 & FF-489). Thus, when a product or service is offered for free, all the terms and conditions of the offer should be made clear at the outset. *See* Guide Concerning Use of the Word “Free” and Similar Representations 16 C.F.R. § 251.1(c) (“[C]onditions and obligations upon which receipt and retention of the ‘Free’ item are contingent should be set forth clearly and conspicuously at the outset of the offer so as to leave no reasonable probability that the terms of the offer might be misunderstood. Stated differently, all of the terms, conditions and obligations should appear in close conjunction with the offer of ‘Free’ merchandise or service. For example, disclosure of the terms of the offer set forth in a footnote of an advertisement to which reference is made by an asterisk or other symbol placed next to the offer, is not regarded as making disclosure at the outset”); *Johnson*, 96 F. Supp. 3d at 1146 (holding that websites advertising “free” products were deceptive for failing to disclose negative option membership and upsells and reasoning that “[t]he mere fact that the sites contained disclosures in smaller print and described the upsells as ‘bonuses’ and trials at the bottom of the order pages, does not alter the deceptive net impression as to the cost and nature of the product because consumers would not be inclined to seek out this information”). Further, hidden or poorly disclosed costs or conditions are deceptive. *FTC v. Willms*, No. 11-cv-828, 2011 WL 4103542, at *6 (W.D. Wash. Sept. 13, 2011) (holding that the FTC was likely to prevail on the merits where “enrollment fees and recurring costs [were] poorly disclosed” when they appeared only after the consumer had seen the landing page and four additional webpages after that); *see also United States v. Aderactive, Inc.*, 07-cv-5940 (N.D. Cal. Nov. 26, 2007) (GX355) (consent case alleging that

defendants deceptively advertised “free” merchandise without disclosing in their advertising or landing page that consumers had to accept and pay for a certain number of goods in order to be eligible for the “free” merchandise, which many consumers only discovered after spending significant time trying to qualify for the product); *see also Book-of-the-Month Club*, 48 F.T.C. at 1311 (“A seller may not make one representation in one part of his advertisement and withdraw it in another part since there is no obligation on the part of the customer to protect himself against such a practice by pursuing an advertisement to the bitter end.”).

Finally, two additional presumptions weigh in favor of materiality. First, “the Commission presumes that express claims are material.” Deception Policy Statement, at 182. As discussed above, virtually all of Intuit’s “free” claims are express claims. Second, “when evidence exists that a seller intended to make an implied claim, the Commission will infer materiality.” *Id.* That is the case here, because: (1) Intuit had knowledge that consumers took away one overarching message from its “free” advertising: “TurboTax is free,” (*see, e.g.*, FF-606—FF-608, FF-618 (as Intuit SVP Mary Ann Somers said: “We wanted to really let people know this was free, really free, free, free.”), & FF-69 (citing GX341 (Intuit) at CC-00006900)), and (2) the persistent nature with which it made its “free” claims, *see In re Kraft, Inc.*, 114 F.T.C. 40, 137 (1991) (“We find it reasonable to infer from Kraft’s persistence in using the challenged ad copy ... and in making only minor modifications, that Kraft believed this copy contributed to consumer purchases of Kraft Singles.”), *aff’d*, 970 F.2d 311 (7th Cir. 1992).

Unsurprisingly, perhaps, even Intuit’s own experts and surveys establish unambiguously the non-controversial point that price matters to consumers and is highly motivating. (FF-596; *see also* FF-805 (70.4% of Professor Hauser’s survey respondents consider price an important factor in their choice of a tax preparation provider)).³⁰

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(FF-621).

D. Intuit’s Disclaimers Are Insufficient to Prevent a Finding of Deception

Intuit has made many of its “free” claims without any qualification whatsoever. (FF-48; *see also, e.g.*, FF-445—FF-447). In other instances, in its ads and on its website, Intuit has provided purported disclaimers that it touts as cures to any possible deception in its “free” representations. Under black letter law, however, Intuit’s attempts at disclaimers are insufficient. They are too small, too faint, too silent, too hidden, and too inscrutable to alter the reasonable consumer’s interpretation of Intuit’s representations. Indeed, Intuit defined and redefined the critical meaning of its main purported disclaimer—“simple” returns—year after year. (*See* FF-13—FF-18).

1. Intuit’s Television and Video Advertising Disclaimers Are Insufficient to Remedy the Deception of Its Express False Claim

As set forth fully in Part II.C.3, Intuit’s purported disclaimers in television and video ads have frequently taken the form of small faint print shown briefly at the bottom of the screen at the end of its television commercials—which Intuit also uses online—usually without an accompanying audio disclaimer. *See supra* Figures 9 & 10. In more recent ads, Intuit also audibly directs consumers to its website for “details.” (*E.g.*, FF-181—FF-182). Inadequate disclaimers, like Intuit’s, cannot cure misrepresentations. *See* Deception Policy Statement, at 180; *Daniel Chapter One*, 2009 FTC LEXIS 157, at *213–16; *see also Fleetcor*, 2022 WL 3273286, at *9 & n.6 (“Courts ... across the country have determined that, where a disclaimer is buried in fine print and is without accentuation, it is insufficient to alter the net impression.”) (citing cases); *Cyberspace.com*, 453 F.3d at 1200 (“A solicitation may be likely to mislead by virtue of the net impression it creates even though the solicitation also contains truthful disclosures.”).

Barely-readable disclaimers like those Intuit employs in television and video advertising cannot correct the express false claim and deceptive net impression made by, for example, chanting “free, free, free, free” at consumers for the bulk of the ad. The “disclaimers”:

- 1) Are frequently **in writing only**—not read by the voiceover, which talks over the screen with a marketing message.³¹ *See* Deception Policy Statement, at 180 (“Other practices of the company,” like speaking over a disclosure, “may direct consumers’ attention away from the qualifying disclosures.”); Enforcement Policy Statement in Regard to Clear and Conspicuous Disclosure in Television Advertising (Oct. 21, 1970) (hereinafter “TV Ad Policy Statement”), § I.A.³² (“The disclosure should be presented simultaneously in both the audio and video portions of the television advertisement.”).
- 2) Are **disproportionately small and not readable**, unless paired with a magnifying glass and paused screen, compared to the prominent text emphasizing that the service is free. *See* Deception Policy Statement, at 180 (“Depending on the circumstances, accurate information in the text may not remedy a false headline because reasonable consumers may glance only at the headline. Written disclosures or fine print may be insufficient to correct a misleading representation”);³³ TV Ad Policy Statement, § I.B (“The video portion of the disclosure must contain letters of sufficient size so that it can be easily seen and read on all television sets”).³⁴

³¹ In some ads, a voiceover simply says “See details at turbotax.com,” (*E.g.*, FF-181—FF-182), but referring consumers to Intuit’s website to try to discern the true cost is not sufficient, *In re ECM Biofilms, Inc.*, 160 F.T.C. 652, 734 n.75 (2015) (“It is well-established that an advertiser cannot ‘cure the deception’ in one advertisement with different statements in another.”), and in any event, is not effective because its website disclaimers are also insufficient, *see infra* Part III.D.2.

³² ftc.gov/system/files/documents/public_statements/288851/701021tvad-pr.pdf

³³ *See also id.* (“In evaluating such disclosures, the Commission recognizes that in many circumstances, reasonable consumers do not read the entirety of an ad or are directed away from the importance of the qualifying phrase by the acts or statements of the seller.”).

³⁴ *See also Cyberspace.com*, 453 F.3d at 1200 (fine print disclaimer no defense if net impression is still misleading); *FTC v. Grant Connect, LLC*, 827 F. Supp. 2d 1199, 1214, 1220-21 (D. Nev. 2011), *vacated in part on other grounds*, 763 F.3d 1094 (9th Cir. 2014).

- 3) Are often in **faint type** and a font color similar to the background color. *See* Deception Policy Statement, at 180 (“Qualifying disclosures must be legible and understandable.”); TV Ad Policy Statement, § I.C (“The video portion of the disclosure should contain letters of a color or shade that readily contrast with the background.”).
- 4) Appear for **just a few seconds**, when the commercials aired in 15-, 30-, and 60-second versions. TV Ad Policy Statement, § I.E (“The video portion of the disclosure should appear on the screen for a sufficient duration to enable it to be completely read by the viewer.”).

As this Court has held: “Such small-print disclaimers at the bottom of advertisements are insufficient.” *Daniel Chapter One*, 2009 FTC LEXIS 157, at *214.

Even if consumers could find and read—or hear—Intuit’s purported disclaimer, it would also require them to understand the term “**simple U.S. returns**”—which they do not. What “simple” means is subject to Intuit’s reinterpretation nearly every tax season. *See supra* Part II.B.1. Moreover, though extrinsic evidence is not needed, *Colgate-Palmolive*, 380 U.S. at 391–92; *Kraft*, 970 F.2d at 319, Deception Policy Statement, at 176, Professor Novemsky’s survey speaks to the inadequacy of the “simple” disclaimer. A 55% majority of people who did not have a “simple” tax return, as defined by Intuit, and who had not used TurboTax in the last three years, thought that their tax return was indeed “simple.” (FF-496). As discussed *supra* Part II.D.1., Professor Novemsky opines that consumers are cognitive misers and are unlikely to conduct further research when they think they know what a “simple return” is and are under a preexisting misimpression that they have one. (FF-498—FF-503). Using a disclaimer that many people do not correctly apply to their own tax situation is not effective at mitigating deception. (FF-695).

Further, the Commission has long understood the power of *free*. “The astute advertiser well knows that once the average mind has received the impression conveyed by the meaning of the word ‘free’ *it can never be completely eradicated by any other words of explanation or contradiction.*” *Book-of-the-Month Club*, 48 F.T.C. at 1312 (emphasis added); *cf. FTC v. Mary*

Carter Paint Co., 382 U.S. 46, 47 (1965) (describing the word “free” as “commercially exploitable”).³⁵ Professor Novemsky agrees, opining that “disclaiming a free claim as is the case here may be a particularly difficult claim to undermine because it’s so powerful and consumers are so drawn to it.” (FF-489). Intuit’s own survey results from the Disclosure Efficacy Survey, which tested purportedly enhanced disclaimers, illustrates this. It underscores the power of Intuit’s free claims in finding that consumers were interested in a free option at the same rate regardless of the disclaimers shown. (FF-768—FF-769). Thus, advertising disclaimers purportedly even more prominent than Intuit’s current version fail to correct the falsities and misimpressions that Intuit’s ads leave with consumers.

In sum, disclaimers must be “prominent and unambiguous to change the apparent meaning and leave an accurate impression.” *Removatron Int’l Corp. v. FTC*, 884 F.2d 1489, 1497 (1st Cir. 1989). Intuit’s purported disclaimers are not prominent. In fact, in many ads—including widely disseminated television ads—the disclaimers are hardly legible. They are also ambiguous. Even if consumers could see and read the disclaimers, the disclaimers are *still* ineffective, as perception survey results show that a significant number of consumers have no idea what “simple returns” means. (FF-491—FF-500). Finally, the disclaimers are unlikely to overcome the “power of free.” Even if consumers could see, read, and appreciate the disclaimers, “the meaning of the word ‘free’ ... can never be completely eradicated” from the consumer’s mind.” *Book-of-the-Month Club*, 48 F.T.C. at 1312.

2. Intuit’s Website and Online Disclaimers Are Insufficient to Remedy the Deception of Its Express False Claim

Intuit’s website and other online ads repeat the express false “free” claims. Any purported disclaimers are similarly inadequate to correct the express false claims and deceptive net impression made by its “free” advertising. For example, some search and social media advertisements include the term “simple tax returns only” or some permutation thereof in small

³⁵ Intuit’s “words of explanation or contradiction,” *Book-of-the-Month Club*, 48 F.T.C. at 1312—“simple U.S. returns” —are particularly insufficient because they “only serve[] to confuse in this case by interjecting a message that is contradictory to the overall net impression”—that TurboTax is free. *Daniel Chapter One*, 2009 FTC LEXIS 157, at *215.

print. *See, e.g., supra* Figure 6 & FF-452 (citing GX194 (Complaint Counsel)). Intuit’s website disclaimers have principally taken the form of a hyperlink on some permutation of the words “see why it’s free” or “simple tax returns only.” *See, e.g., supra* Figures 7, 8 & 11.

Purported website disclaimers appearing behind hyperlinks are wholly inadequate to correct the express false claim and deceptive net impression made by Intuit’s ads and the prominent “Free, free free free” claim on the website. The disclaimers:

- 1) Are usually **hidden behind a hyperlink** over the words “See why it’s free” or the inscrutable phrase “simple tax returns”, even though the eligibility requirements of the “free” offer are integral to the “free” claim—consumers had to decide to click on the hyperlink to trigger a pop-up explaining the limitations, which is insufficient. *See .com Disclosures: How to Make Effective Disclosures in Digital Advertising* (Mar. 2013),³⁶ at 10 (“Disclosures that are an *integral part of a claim* or inseparable from it should not be communicated through a hyperlink. Instead, they should be placed on the same page and immediately next to the claim, and be sufficiently prominent so that the claim and the disclosure are read at the same time, without referring the consumer somewhere else to obtain this important information. This is *particularly true for cost information* or certain health and safety disclosures.” (emphasis added)).³⁷ As Professor Novemsky opines, consumers are unlikely to click on such a hyperlink or conduct further research when they think they know what a “simple return” is and are under a preexisting misimpression that they have one. (FF-501—FF-503).

³⁶ [ftc.gov/business-guidance/resources/com-disclosures-how-make-effective-disclosures-digital-advertising](https://www.ftc.gov/business-guidance/resources/com-disclosures-how-make-effective-disclosures-digital-advertising)

³⁷ *See also id.* at 14 (“Some consumers may not read information in pop-up windows or interstitials because they immediately close the pop-ups or move to the next page in pursuit of completing their intended tasks, or because they don’t associate information in a pop-up window or on an interstitial page to a claim or product they haven’t encountered yet.”).

- 2) Are **dramatically less prominent** than the advertising claims on the page, e.g., “FREE.” *See* Deception Policy Statement, at 180 (“Other practices of the company may direct consumers’ attention away from the qualifying disclosures.”).³⁸
- 3) Again use the phrase “**simple tax returns**,” which is anything but simple, and changes regularly at Intuit’s whim.

Intuit has updated its website from tax year to tax year, but it has, until recently, hidden the truth about eligibility for TurboTax Free Edition behind a hyperlink. (*See, e.g.*, FF-458). Consumers who are not eligible for TurboTax Free Edition do not learn they are ineligible until they have already invested significant time and effort into creating an account and inputting their sensitive personal and financial information into TurboTax. (FF-14 & FF-671—FF-673; *see also supra* Part II.D.3).

Intuit “expressly, repeatedly, and prominently made the ... claims to potential customers over a long period of time. It is well-established that an advertiser cannot ‘cure the deception’ in one advertisement with different statements in another.” *In re ECM Biofilms, Inc.*, 160 F.T.C. 652, 734 n.75 (2015). That is especially true when the second set of disclaimers is as flawed as those on Intuit’s website. Thus, Intuit’s website disclaimers are inadequate as a matter of law. *See, e.g., Fleetcor*, 2022 WL 3273286, at *10 (“the Court concludes as a matter of law that the tiny, inscrutable print of the disclaimers does not cure the net impression of the representations in the ads cited”).

3. **Telling Consumers the Truth After They Have Begun Doing Their Taxes on TurboTax Is Insufficient to Remedy the Deception of Intuit’s Express False Claim**

The fact that consumers learn that TurboTax is not free for them prior to purchasing a paid version of TurboTax cannot cure the deception. “[P]oint-of-sale material will not necessarily correct a deceptive representation or omission. Thus, when the first contact between a seller and

³⁸ Intuit employees responsible for overseeing the marketing and marketing strategy for TurboTax Free Edition included “guaranteed” [REDACTED] *See supra* Part II.C.1.a.

a buyer occurs through a deceptive practice, the law may be violated even if the truth is subsequently made known to the purchaser.” Deception Policy Statement, at 180 & n.37; *see also* *FTC v. OMICS Grp. Inc.*, 374 F. Supp. 3d 994, 1010 (D. Nev. 2019), *aff’d* 827 F. App’x 653 (9th Cir. 2020); *Fleetcor*, 2022 WL 3273286, at *12 (“post-hoc disclosures cannot cure earlier misleading representations”) (citing cases). “Misleading door openers,” like Intuit’s, are illegal. *Resort Car Rental*, 518 F.2d at 964 (“The Federal Trade Act is violated if [Respondent] induces the first contact through deception, even if the buyer later becomes fully informed before entering the contract.”); *see, e.g., In re Encyc. Britannica, Inc.*, 87 F.T.C. 421, 495-97, 531 (1976), *aff’d*, 605 F.2d 964 (7th Cir. 1979), *as modified*, 100 F.T.C. 500 (1982); *see also In re Grolier, Inc.*, 99 F.T.C. 379, 383 (1982), *aff’d*, 699 F.2d 983 (9th Cir. 1983), *as modified*, 104 F.T.C. 639 (1984); *FTC v. Gill*, 71 F. Supp. 2d 1030, 1044 (C.D. Cal. 1999) (“because each representation must stand on its own merit, even if other representations contain accurate, non-deceptive information, th[e] argument [that later disclaimers cured advertising misrepresentations] fails”), *aff’d*, 265 F.3d 944 (9th Cir. 2001). This is simply a matter of law. Moreover, as several consumer deponents explained, even if they discover the deception, once they have spent time filling out their tax information, they may feel that the switching costs of moving to another provider are too high. *See supra* Part II.D.3. (*See also* FF-672—FF-673).³⁹

4. Intuit’s Expert Evidence Supports Complaint Counsel’s Position About Disclaimers

Intuit has not put forward any direct evidence that the TurboTax advertising disclaimers prevent deception. *Supra* Part II.E. This is surprising given that Intuit (in contravention of established caselaw, *supra* Part III.D) seems to rest on its disclaimers as a sort of cure to remediate consumers’ false expectation—created by Intuit’s marketing—that filing their taxes would be free for them. Instead, Intuit’s only expert evidence on this point is: Intuit expert

³⁹ Not only do Intuit’s experts find evidence that consumers are unlikely to switch tax preparation providers (*see* FF-783; FF-785 (Professor Hauser’s survey finding that only 11% of survey participants switch tax preparation providers year over year, and that over 55% do not even consider switching)), Professor Novemsky and Dr. Yoeli identify a variety of reasons that consumers may not switch due to switching costs or other psychological factors like status quo bias. (FF-900—FF-901, FF-846—FF-847).

Professor Golder’s own review and unsupported opinions about the disclaimers (without asking any consumers whether they can see or understand the disclaimers), an uninformative comparison “benchmarking” of Intuit’s disclaimers to those used by other companies (again without asking any consumers about whether they can see or understand any of the disclaimers studied), *supra* Part II.E.1, and the Disclosure Efficacy Survey that compares two sets of equally flawed disclaimers—that, if anything, proves the powerful impact of Intuit’s “free” claims on consumers who see and hear them,⁴⁰ *supra* Part II.E.2.⁴¹ This flimsy evidence cannot overcome the weight of FTC caselaw that holds that the kinds of disclaimers like those at issue here are insufficient.

E. The Proposed Cease and Desist Order Is Necessary and Appropriate

1. A Cease and Desist Order is Necessary

The facts show a “cognizable danger of recurrent violation,” which merits a cease and desist order. *United States v. W. T. Grant Co.*, 345 U.S. 629, 633 (1953). “The existence of past violations may give rise to an inference that there will be future violations; and the fact that the defendant is currently complying with the ... laws does not preclude an injunction.” *SEC v. Murphy*, 626 F.2d 633, 655 (9th Cir. 1980).

In predicting the likelihood of future violations, a court must assess the totality of the circumstances surrounding the defendant and his violations, and it considers factors such as the degree of scienter involved; the isolated or recurrent nature of the infraction; the defendant’s recognition of the wrongful nature of his conduct; the likelihood, because of defendant’s professional occupation, that

⁴⁰ Intuit’s experts appear to agree with Complaint Counsel’s position that disclosures in video advertisements would not apprise consumers of the eligibility restrictions related to Free Edition. Professor Golder opines that consumers do not need to actually read disclaimers to understand limitations to Free Edition eligibility (FF-699), an absurd position which Intuit appears to have taken to heart based on the small font and short duration that disclaimers appear in its video ads. (*See, e.g.*, FF-101 & FF-182). He further opined that a full assessment of whether an individual’s tax return is simple or complex is not feasible in an advertisement. (FF-692).

⁴¹ Specifically, the results of Professor Hauser’s Disclosure Efficacy survey demonstrate that changing a disclaimer to a similarly deficient disclaimer doesn’t make consumers any less likely to consider using a free tax preparation service, illustrating the power of “free” claims in this marketplace. *Supra* Part II.E.2.

future violations might occur; and the sincerity of his assurances against future violations.

Id. Evidence shows that Intuit acted with scienter, knowing the message that its ads conveyed to consumers. *See supra* Parts II.D.2–4. Its deceptive advertising ran for years, only changing under substantial scrutiny. *See supra* Part II.F; *W. T. Grant*, 345 U.S. 629, 632 n.5 (“It is the duty of the courts to beware of efforts to defeat injunctive relief by protestations of repentance and reform, especially when abandonment seems timed to anticipate suit, and there is probability of resumption.”). Indeed, Intuit chose to begin pulling its arguably most egregious commercials only after meeting with the FTC Chair. (FF-910 & FF-934). Intuit has shown no contrition whatsoever. Instead, Intuit has only expanded the use of free claims, launching the TurboTax Live free promotion in TY 2020 (*see supra* Part II.B.1; FF-9 (quoting Ryan (Intuit) Tr. 742-43 (“offering free TurboTax Live “was an extension of our free strategy, so focus on customer acquisition”))) while under investigation for free claims related to Free Edition. And [REDACTED]. (See FF-30).

Intuit’s sincerity of assurances against future violations is questionable considering years of only incremental change, even while it was under a years-long government investigation for the very conduct challenged here. *See supra* Part II.F.

Opposing the issuance of a Commission order against it, on May 4, 2022, Intuit filed a Motion to Withdraw Matter from Adjudication, arguing that a settlement it reached with the States and D.C. obviates the need for further Commission action. (See FF-913). That is not correct for many reasons. For example: Intuit’s settlement with the States allows for “Space-Constrained Advertisements” in which Intuit need only disclose that “eligibility requirements apply” and provide a hyperlink to more fulsome disclosures. (FF-937). This contradicts the black letter law principles articulated in the .com Disclosures, at 10, among other FTC sources. The settlement with the States also allows for visual-only disclosures in “Space-Constrained Video Advertisements,” allowing the audio portion to disclose only “that not all taxpayers qualify”—and not even that in a video of 8 seconds or less, as is often the case for social media video posts. (FF-938). Plus, this entire provision sunsets after ten years. (FF-938). This contradicts the black

letter law principles articulated in the Deception Policy Statement, at 180, and the TV Ad Policy Statement, among other FTC sources. The State settlement defines “Space-Constrained Advertisements” as any “that has space, time, format, size, or technological restrictions that limit Intuit from being able to make the disclosures required by this Assurance.” (FF-939). The state settlement also allows hyperlinks to disclosures on Intuit’s website, without specifying that information integral to the claim cannot be hidden behind a hyperlink. (FF-940).⁴²

The state settlement provisions are inadequate, allow ongoing deception and harm, and in so doing, undermine consumer welfare. They allow Intuit to continue marketing in much the same way it has been, other than by running “Free, free, free, free” ads, which were notoriously egregious and hence, are specifically barred. The state settlement would allow Intuit to continue using the deceptive and ever-changing phrase “simple tax returns” as a purported disclaimer. Intuit argues that “the settlement affords the public all of the material relief the FTC seeks to obtain through this action,” Intuit Motion to Withdraw Matter from Adjudication at 1, but as explained above, that is not the case.

2. The Proposed Order is Appropriate

a. Findings

The proposed cease and desist order first makes findings that the Court can and should make given the preponderance of the evidence in the factual record, including:

- That Intuit made express “free” claims about TurboTax;
- That those claims were likely to mislead reasonable consumers acting reasonably under the circumstances;
- That Intuit is not free for most U.S. taxpayers—for multiple years it was not free for about two-thirds of taxpayers;
- That those claims were inconsistent with the meaning of “free”;

⁴² The state settlement provides monetary relief only for “Covered Consumer[s]” harmed from 2016 to 2018. (FF-941). If the Court enters the proposed cease and desist order, the Commission may then seek “the refund of money” and other relief for additional consumers harmed by Intuit’s “dishonest or fraudulent” conduct. 15 U.S.C. § 57b(a) & (b).

- That those claims were material to consumers; and
- That Intuit's purported disclaimers do not cure reasonable consumers' understanding of Intuit's "free" claims.

b. Conduct Provisions

The conduct provisions in Section I of the proposed cease and desist order track the Commission's guidance in its Guide Concerning Use of the Word "Free" and Similar Representations, 16 C.F.R. § 251.1, which has been in place since 1971.⁴³ It would require Intuit to cease and desist from advertising any product or service as "free" unless it was truly free to all consumers. It contains an exception allowing Intuit to represent goods or services as "free," even where they are not free for all consumers, if Intuit clearly and conspicuously discloses all the relevant terms, conditions, and obligations. The proposed cease and desist order would vindicate not only the Free Guides, but also Section 5 of the FTC Act itself, as well as the Deception Policy Statement, the .com Disclosures, and the TV Ad Policy Statement by requiring Intuit to come into compliance with longstanding principles of consumer protection law. Like any other marketer that engages in illegal conduct, Intuit should be required to follow the law.

The conduct provisions in Section II of the proposed cease and desist order would prohibit Intuit from misrepresenting: "The cost of any of Respondent's goods or services, including any TurboTax product or service;" "That consumers can only file their taxes online accurately if they use a paid TurboTax product or service;" "That consumers can only claim a tax credit or deduction if they use a paid TurboTax product or service;" and "Any other fact material to consumers concerning any good or service, such as: the total costs; any refund policy; any material restrictions, limitations, or conditions; or any material aspect of its performance, efficacy, nature, or central characteristics." Again, this provision requires Intuit to follow the law,

⁴³ Compare Proposed Order § I with Guide Concerning Use of the Word "Free" and Similar Representations 16 C.F.R. 251.1(c) ("[C]onditions and obligations upon which receipt and retention of the 'Free' item are contingent should be set forth clearly and conspicuously at the outset of the offer so as to leave no reasonable probability that the terms of the offer might be misunderstood."). The Guide Concerning Use of the Word Free superseded an older trade practice rule on use of the word "free," released by the Commission on December 3, 1953. See 36 Fed. Reg. 21,517.

and is largely directly related to Intuit's deception in this matter. To the extent to which it may go further, the Commission "may fashion its relief to restrain other like or related unlawful acts." *FTC v. Mandel Bros.*, 359 U.S. 385, 392 (1959) (cleaned up).

c. Scope of the Order

It is appropriate that the proposed cease and desist order cover Intuit's potential false and deceptive marketing beyond TurboTax. TurboTax is not free for most U.S. taxpayers. Given its deception, Intuit should be barred from making similar deceptive claims for all products or services it offers. Intuit has already expanded the use of free claims within its TurboTax offerings, launching the TurboTax Live free promotion in TY 2020 (*see supra* Part II.B.1; FF-9 (quoting Ryan (Intuit) Tr. 742-43 ("offering free TurboTax Live "was an extension of our free strategy, so focus on customer acquisition""))) while under investigation for free claims related to Free Edition. And [REDACTED]. (See FF-30). As the courts have held repeatedly, the FTC "is not limited to prohibiting the illegal practice in the precise form in which it is found to have existed in the past." *FTC v. Grant Connect, LLC*, 763 F.3d 1094, 1105 (9th Cir. 2014) (quoting *FTC v. Ruberoid Co.*, 343 U.S. 470, 473 (1952)). "[T]hose 'caught violating' the FTC Act 'must expect some fencing in.'" *Grant Connect, LLC*, 763 F.3d at 1105 (quoting *FTC v. Nat'l Lead Co.*, 352 U.S. 419, 431 (1957)); *see also Fleetcor*, 2022 WL 3273286, at *48-*49.

Fencing-in orders—those "that extend beyond violations of the Act to prevent violators from engaging in similar deceptive practices in the future"—"must be 'reasonably relat[ed]' to a violation of the Act." *Kraft*, 970 F.2d at 326 (citing *Colgate-Palmolive*, 380 U.S. at 394-95; *Sears, Roebuck & Co. v. FTC*, 676 F.2d 385, 391-92 (9th Cir. 1982)). Three factors determine whether fencing-in orders bear a reasonable relationship to the unlawful practice: "(1) the deliberateness and seriousness of the present violation; (2) the respondent's past history of violations; and (3) the transferability of the unlawful practices to other products." *Thompson Med. Co.*, 104 F.T.C. at 833. "The more egregious the facts with respect to a particular element, the less important it is that another negative factor be present." *Id.*

In evaluating the deliberateness and seriousness of violations, the Commission and courts have looked at the cost, size, and duration of advertising campaigns. *E.g. Kraft*, 970 F.2d at 326; *Bristol-Myers Co. v. FTC*, 738 F.2d 554, 561 (2d Cir. 1984); *Thompson Med.*, 104 F.T.C. at 833. The cost, size, and duration of Intuit’s deceptive TurboTax advertising campaigns were staggering. (*See, e.g.*, FF-47—FF-466). And evidence shows that Intuit acted deliberately, knowing the message that its ads conveyed to consumers. *See supra* Parts II.D.2–4. Deliberateness is also “shown by the consistency of [Respondent’s] advertising themes over the years, supporting a conclusion that they were no accident or isolated instance.” *Thompson Med.*, 104 F.T.C. at 834. Intuit’s history of violations is extensive—its deceptive advertising ran for years, only changing under substantial scrutiny. *See supra* Part II.F; *cf. Kraft*, 970 F.2d at 327 (“[T]he Commission also found that Kraft’s conduct was deliberate because it persisted in running the challenged ad copy despite repeated warnings from outside sources that the copy might be implicitly misleading.”). And Intuit’s deceptive free claims with regard to TurboTax are easily transferrable to other Intuit products and services. Intuit has already demonstrated that it can transfer the use of free claims within its TurboTax offerings, launching the TurboTax Live free promotion in TY 2020 (*see supra* Part II.B.1) while under investigation for free claims related to Free Edition. And [REDACTED]. (See FF-30). Fencing-in relief is appropriate.

d. Compliance Monitoring Provisions

Another form of appropriate fencing-in relief are the standard compliance monitoring provisions in Sections III through VI of the proposed cease and desist order, which are commonly used by the Commission and federal courts in litigated final orders. *See, e.g. In re Jerk, LLC*, 2017 WL 5171133, at *3 (F.T.C. Sept. 28, 2017) (“Numerous courts that have imposed remedial orders for FTC Act violations have recognized the contribution of compliance monitoring to achieving remedial goals”—and the Commission went on to do so in that matter); *United States v. Daniel Chapter One*, 89 F. Supp. 3d 132, 145-46 (D.D.C. 2015) (monitoring provisions “provide an oversight mechanism to better ensure that the defendants do not engage in

future recidivism”), *aff’d* 650 F. App’x 20 (D.C. Cir. 2016); *FTC v. Wellness Support Network, Inc.*, No. 10-cv-4879, 2014 WL 644749, at *20–22 (N.D. Cal. Feb. 19, 2014) (finding “the proposed reporting requirements to be reasonable” and “necessary in order for the FTC to monitor Defendants’ compliance”), *judgment entered*, No. 3:10-cv-4879, 2014 WL 3805755 (N.D. Cal. Feb. 20, 2014); *FTC v. Alcoholism Cure Corp.*, 2012 WL 12903173, at *5 (M.D. Fla. July 3, 2012) (providing that “[b]road compliance monitoring provisions are necessary to ensure Defendants’ compliance”); *Daniel Chapter One*, 2009 FTC LEXIS 157, at *296-301 (Chappell, C.A.L.J., issuing similar order provisions), *aff’d* 148 F.T.C. 832, 1105–07 (2009), *aff’d* 149 F.T.C. 1574 (2010), *aff’d* 405 F. App’x 505 (D.C. Cir. 2010); *FTC v. Direct Mktg. Concepts, Inc.*, 648 F. Supp. 2d 202, 217 (D. Mass. 2009) (similar provisions “are both reasonable and necessary to ensure that the defendants take responsibility to ensure that the orders are followed by themselves and their associates, and that the FTC has the ability to monitor compliance with the orders and prevent future illegal conduct”), *aff’d*, 624 F.3d 1 (1st Cir. 2010); *FTC v. Cap. Choice Consumer Credit, Inc.*, No. 02-cv-21050, 2004 WL 5141452, at *4 (S.D. Fla. May 5, 2004), *aff’d* 157 F. App’x 248 (11th Cir. 2005); *Telebrands*, 140 F.T.C. at 350–52 (issuing similar order provisions); *FTC v. Think Achievement Corp.*, 144 F. Supp. 2d 1013, 1018 (N.D. Ind. 2000) (“Courts may order record-keeping and monitoring to ensure compliance with a permanent injunction.”), *rev’d in part on other grounds*, 312 F.3d 259 (7th Cir. 2002); *FTC v. SlimAmerica, Inc.*, 77 F. Supp. 2d 1263, 1276 (S.D. Fla. 1999) (“Record-keeping and monitoring provisions in the permanent injunction are also appropriate to permit the Commission to police the defendants’ compliance with the order.”); *In re Brake Guard Products, Inc.*, 125 F.T.C. 138, 261–62 (1998) (issuing similar order provisions); *FTC v. US Sales Corp.*, 785 F. Supp. 737, 753 (N.D. Ill. 1992) (“Ancillary equitable relief will be necessary to effectuate enforcement of Section 5 of the FTC Act and to deter future violations by these Defendants. ... The court concludes therefore that the ... order should also require Defendants to report their addresses and places of employment or business, and any subsequent changes in this information to the F.T.C.”).

As precedent makes clear, these provisions are necessary and appropriate to ensure Intuit's compliance with the order.

* * *

Intuit has made, is making, and will be able to continue making, notwithstanding the state settlement, the false claim that TurboTax is free. It is not free for most U.S. taxpayers. Intuit must modify its claims to avoid deception; and if Intuit proposes to do so through disclaimers in its advertising, it must use valid disclaimers that clearly and conspicuously tell consumers the full extent of the material limitations on their ability to use TurboTax for free. The Court should enter the proposed cease and desist order against Intuit.

F. Intuit's Defenses Are Meritless

Finally, Intuit's defenses fail as a matter of law.

First Defense—Mootness. “The party asserting mootness has the heavy burden of establishing that there is no effective relief remaining for a court to provide.” *Tinoqui-Chalola Council of Kitanemuk & Yowlumne Tejon Indians v. U.S. Dep't of Energy*, 232 F.3d 1300, 1303 (9th Cir. 2000). Intuit has not done so. *See supra* Part III.E.

Second Defense—Overbroad and Vague Relief. This is not an affirmative defense. *See NR Grp. 3 Contractors, Inc. v. Grp. 3 Contractors, LLC*, No. 17-cv-21945, 2017 WL 7792718, at *4 (S.D. Fla. Sept. 26, 2017). It is an allegation that Complaint Counsel has not met its burden in seeking the proposed order, which it has. *See supra* Part III.E.

Third Defense—The Commission Did Not Vote In Favor of the Final Complaint. Contrary to Intuit's belief, the Commission did vote in favor of the final Complaint. (FF-905; *see* <https://www.ftc.gov/news-events/news/press-releases/2022/03/ftc-sues-intuit-its-deceptive-turbotax-free-filing-campaign> (vote was three to one)).

Fourth Defense—Laches/Estoppel. The government is not subject to these defenses. *See Heckler v. Community Health Servs. of Crawford County*, 467 U.S. 51, 60-61 (1984); *see also United States v. Summerlin*, 310 U.S. 414, 416 (1940); *In re Rentacolor, Inc.*, 103 F.T.C. 400, 418

(1984) (“[N]either equitable estoppel nor laches is a defense to an action brought by the government in the public interest.”).

Fifth Defense—Statute of Limitations. There is no statute of limitations applicable in Part 3 litigation. *See, e.g.*, 15 U.S.C. § 57b(d) (three-year statute of limitations for claims under Section 19(a), not Section 5 actions); Mar. 7, 2022, Order on Motions *in Limine* at 3 (“Congress did not provide for a statute of limitations for actions for a cease and desist order under Section 5.”); *see also, FTC v. Ivy Capital, Inc.*, 2011 WL 2470584, at *2 (D. Nev. June 20, 2011) (striking statute of limitations affirmative defense). Even if a three-year statute of limitations applied (which it doesn’t), Complaint Counsel and Intuit executed a tolling agreement as of January 6, 2022, which was subsequently extended by agreement of the parties. (FF-907). Therefore, Intuit’s deception from January 6, 2019, to the present, which includes its advertising for TY 2018 through TY 2022, would be covered by this action.

Sixth through Tenth Defenses—Constitutional Defenses. Knowing that it can’t genuinely defend years of deceptive advertising, Intuit desperately focuses its attack on the Commission, adjudicative proceedings, and the Commissioners themselves. These affirmative defenses can be disposed of as a matter of law even if the Court assumes that the factual averments they are based on are true.

- **Prejudgment.** As the Commission has already ruled in this matter, “the prejudgment argument asserted is without merit.” *In re Intuit Inc.*, 2023 FTC LEXIS 18, *49 (Jan. 31, 2023). First, Intuit did not avail itself of the procedural mechanisms in 16 C.F.R. § 4.17 to seek the disqualification of a Commissioner. Further, congress specifically vested the FTC “both with the ‘power to act in an accusatory capacity’ and with the ‘responsibility of ultimately determining the merits of the charges so presented.’” *Cinderella Career & Finishing Schools, Inc. v. FTC*, 425 F.3d 583, 590 (D.C. Cir. 1970). While it is impermissible for the Commission to adjudge a particular case in advance of hearing it, voting in the affirmative to issue a complaint cannot constitute prejudgment. *Id.* Similarly, the

Commission has the authority, acting in the public interest, to alert the public to alleged or suspected violations of the law by, for example, issuing factual press releases when the FTC has reason to believe that a respondent is engaged in violations of the FTC Act. *Id.* The Supreme Court has observed that adjudicators are presumed to be unbiased unless the challenger produces evidence to overcome that presumption. *Schweiker v. McClure*, 456 U.S. 188, 195 (1982). Objectors like Intuit must produce at least some evidence showing that they are being deprived of a fair adjudication. It is not enough that the adjudicators also conducted an investigation and issued a complaint.

- **Dual functions.** The Supreme Court has rejected the idea that the combination of investigative/prosecutorial and adjudicative functions “necessarily creates an unconstitutional risk of bias in administrative adjudication” that offends due process. *Withrow v. Larkin*, 421 U.S. 35, 47 (1975); *see also id.* at 56 (no due process violation). In keeping with that binding decision, courts have recognized that “[t]he combination of investigative and judicial functions within an agency has been upheld against due process challenges, both in the context of the FTC and other agencies.” *Gibson v. FTC*, 682 F.2d 554, 560 (5th Cir. 1982); *see Richardson v. Perales*, 402 U.S. 389, 410 (1971) (rejecting challenge to Social Security Administration ALJs who both investigate and decide claims).
- **Nondelegation.** Under the nondelegation doctrine, Congress may not delegate powers which are strictly and exclusively legislative.” *Gundy v. United States*, 139 S. Ct. 2116, 2123 (2019) (plurality). By contrast, the federal government’s decision to enforce the laws is a matter over which the “Executive Branch has exclusive authority and absolute discretion.” *United States v. Nixon*, 418 U.S. 683, 693 (1974); *accord Heckler v. Chaney*, 470 U.S. 821, 835 (1985). A Commission decision whether to pursue an enforcement action in federal court or in Part 3 constitutes a “forum choice” that is a classic exercise of prosecutorial discretion,

which is an executive function and not a legislative one. *See Hill v. SEC*, 114 F. Supp. 3d 1297, 1313 (N.D. Ga. 2015), *vacated on other grounds*, 825 F.3d 1236 (11th Cir. 2016). Far from forum shopping, the FTC is correctly adhering to the existing statutory scheme to ensure Intuit’s compliance with the FTC Act while preserving the possibility of consumer redress available under Section 19. This is precisely what the Supreme Court recently described as a “coherent enforcement scheme.” *AMG Cap. Mgmt., LLC v. FTC*, 141 S. Ct. 1341, 1349 (2021).

- **Separation-of-Powers.** The Supreme Court upheld the constitutionality of the FTC’s removal protections nearly 90 years ago and has declined multiple times since then to alter that holding, which remains binding. *Humphrey’s Executor v. United States*, 295 U.S. 602, 625 (1935). Moreover, whatever the constitutionality of those removal protections may be, that issue has no bearing on the validity of any cease-and-desist order issued in connection with these proceedings. This is because all of the participating Commissioners have been “properly appointed.” *Collins v. Yellen*, 141 S. Ct. 1761, 1787–28 & n.23 (2021) (even unconstitutional removal restrictions do not “strip [an officer] of the power to undertake the other responsibilities of his office”) (citing *Seila Law LLC v. CFPB*, 140 S. Ct. 2183, 2207–11 (2020)).

IV. Conclusion

The preponderance of the evidence shows that Intuit made false representations regarding a material fact that are likely to mislead consumers acting reasonably under the circumstances. That material fact is whether TurboTax is free. It is not free for most taxpayers. The Court should find Intuit liable on Count I of the Complaint and issue the proposed cease and desist order, which tracks the Commission’s Guide Concerning Use of the Word “Free” and Similar Representations, 16 C.F.R. § 251.1. The Commission has long noted that: “Because the purchasing public continually searches for the best buy, and regards the offer of ‘Free’ merchandise or service to be a special bargain, *all such offers must be made with extreme care so*

as to avoid any possibility that consumers will be misled or deceived.” 16 C.F.R. § 251.1(a)(2) (emphasis added). Intuit has failed to do so for years. Therefore, Complaint Counsel respectfully requests the entry of the proposed order to cease Intuit’s long-standing deception.

Respectfully submitted,

Dated: May 23, 2023

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**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

In the matter of:

Intuit Inc.,
a corporation,

Respondent.

Docket No. 9408

COMPLAINT COUNSEL'S PROPOSED CONCLUSIONS OF LAW

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COMPLAINT COUNSEL'S PROPOSED CONCLUSIONS OF LAW

Complaint Counsel submits the following Proposed Conclusions of Law:

I. Jurisdiction

1. Under the FTC Act, the Commission has jurisdiction over persons, partnerships, and corporations using unfair or deceptive acts or practices “in or affecting commerce.” 15 U.S.C. § 45(a) (enumerating certain exceptions, not relevant here, to the persons, partnerships, and corporations covered).

2. The Commission has jurisdiction over Respondent with respect to its alleged deceptive acts and practices.

II. Standard of Proof

3. “It is well established that the preponderance of the evidence standard governs Federal Trade Commission ... enforcement actions.” *In re POM Wonderful LLC*, 2012 FTC LEXIS 106, at *463–65 (May 17, 2012) (citing cases).

III. Legal Standard for Deception

4. “An advertisement is deceptive if it contains a representation or omission of fact that is likely to mislead a consumer acting reasonably under the circumstances, and that representation or omission is material to a consumer’s purchasing decision.” *In re POM Wonderful, LLC*, 155 F.T.C. 1, 10 (2013), *aff’d sub nom. POM Wonderful, LLC v. FTC*, 777 F.3d 478 (D.C. Cir. 2015); *see also In re California Naturel, Inc.*, 162 F.T.C. 1066, 1078 (2016); *FTC Policy Statement on Deception*, 103 F.T.C. 174, 175 (1984) (appended to *Cliffdale Assocs., Inc.*, 103 F.T.C. 110 (1984)) (hereinafter “Deception Policy Statement”).

5. In determining whether an advertisement is deceptive, the Commission considers (1) what claims are conveyed in the ad; (2) whether those claims are false or misleading; and (3) whether the claims are material. *In re Health Research Labs., LLC*, No. 9397, 2021 WL 5711355, at *5 (F.T.C. Nov. 19, 2021); *In re Traffic Jam Events*, No. 9395, 2021 WL 5124183, at *12 (F.T.C. Oct. 25, 2021), *pet. for review filed*, No. 21-60947 (5th Cir. Dec. 21, 2021); *California Naturel*, 162 F.T.C. at 1078.

A. What Claims Are Conveyed

6. Claims may be express or implied: express claims are those that directly state the representation at issue, while implied claims are any that are not express. *In re Kraft, Inc.*, 114 F.T.C. 40, 120 (1991), *aff'd sub nom. Kraft, Inc. v. FTC*, 970 F.2d 311 (7th Cir. 1992).

7. Both express and implied claims may be deceptive. *Fedders Corp. v. FTC*, 529 F.2d 1398, 1402-03 (2d Cir. 1976).

8. “In cases of express claims, the representation itself establishes the meaning.” *See* Deception Policy Statement, at 176.

9. “In evaluating what message an ad could reasonably be interpreted as containing, the Commission has traditionally distinguished between express and implied claims. Express claims are ones that directly state the representation at issue. Because the message is stated unequivocally, it is reasonable to interpret the ads as intending to make the claim. Implied claims are any claims that are not express. They range from claims that would be virtually synonymous with an express claim through language that literally says one thing but strongly suggests another to language which relatively few consumers would interpret as making a particular representation.” *In re Thompson Med. Co., Inc.*, 104 F.T.C. 648, 788 (1984) (cleaned up).

10. “Deception may be accomplished by innuendo rather than by outright false statements.” *FTC v. Wilcox*, 926 F. Supp. 1091, 1098 (S.D. Fla. 1995) (quoting *Regina Corp. v. FTC*, 322 F.2d 765, 768 (3d Cir. 1963)); *FTC v. Cap. Choice Consumer Credit, Inc.*, No. 02-21050 CIV, 2003 WL 25429612, at *4 (S.D. Fla. Jun. 2, 2003) (same), *aff'd*, 157 F. App'x 248 (11th Cir. 2005).

11. The meaning of marketing communications can be determined “through an examination of the representation itself.” Deception Policy Statement, at 176; *see also FTC v. Fleetcor Techs., Inc.*, No. 1:19-cv-5727, 2022 WL 3273286, at *6, *9 (N.D. Ga. Aug. 9, 2022); *Fanning v. FTC*, 821 F.3d 164, 170 (1st Cir. 2016); *In re Stouffer Foods Corp.*, 118 F.T.C. 746, 798 (1994); *Kraft*, 970 F.2d at 319 (“when confronted with claims that are implied, yet

conspicuous, extrinsic evidence is unnecessary because common sense and administrative experience provide the Commission with adequate tools to makes its findings”).

12. Absent an explicit representation, the question of whether the advertisement at issue makes a particular representation is determined by considering the “net impression” of such an advertisement for the reasonable consumer-viewer. *Traffic Jam Events*, 2021 WL 5124183, at *12; *In re Jerk LLC*, 159 F.T.C. 885, 891 (2015); *Pom Wonderful*, 155 F.T.C. at 12; *FTC v. Stefanichik*, 559 F.3d 924, 928 (9th Cir. 2009) (quoting *FTC v. Cyberspace.com LLC*, 453 F.3d 1196, 1200 (9th Cir. 2006)); *Removatron Int’l Corp. v. FTC*, 884 F.2d 1489, 1497 (1st Cir. 1989) (looking to “common-sense net impression” of an advertisement); *FTC v. Direct Mktg. Concepts, Inc.*, 569 F. Supp. 2d 285, 298 (D. Mass. 2008).

13. Where claims are reasonably clear from the face of the advertisement, “the Commission may rely on its own reasoned analysis to determine what claims, including implied ones, are conveyed.” *Kraft*, 970 F.2d at 319; *see also Stouffer Foods*, 118 F.T.C. at 798 (“If, after examining the interaction of all the different elements in the ad, the Commission can conclude with confidence that an ad can reasonably be read to contain a particular claim, a facial analysis is sufficient basis to conclude that the ad conveys the claim.”).

14. Thus, where the ad claim is (1) express or (2) implied but conspicuous and reasonably clear, extrinsic evidence is unnecessary. *Kraft*, 970 F.2d at 319; *POM Wonderful*, 155 F.T.C. at 13-14; *Fleetcor*, 2022 WL 3273286, at *9; *FTC v. QT, Inc.*, 448 F. Supp. 2d 908, 958 (N.D. Ill. 2006), *aff’d*, 512 F.3d 858 (7th Cir. 2008).

15. However, if relevant extrinsic evidence regarding the meaning of the ad has been introduced, the Commission will consider it. *POM Wonderful*, 155 F.T.C. at 14; *In re Bristol-Myers Co.*, 102 F.T.C. 21, 319 (1983).

16. It is not “necessary for the Commission to conduct a survey of the viewing public before it [can] determine that the commercials had a tendency to mislead,” *FTC v. Colgate-Palmolive Co.*, 380 U.S. 374, 391–92 (1965), *see also Fleetcor*, 2022 WL 3273286, at *9.

17. “If a claim conveys more than one meaning, only one of which is misleading, a seller is liable for the misleading interpretation even if nonmisleading interpretations are possible. Liability may be imposed if at least a significant minority of reasonable consumers would be likely to take away the misleading claim.” *Fanning*, 821 F.3d at 170-71 (quoting *In re Telebrands Corp.*, 140 F.T.C. 278, 291 (2005), *aff’d*, *sub nom Telebrands Corp. v. FTC*, 457 F.3d 354 (4th Cir.2006)) (quotation marks and brackets omitted); *see also Resort Car Rental Sys., Inc. v. FTC*, 518 F.2d 962, 964 (9th Cir. 1975) (“Advertising capable of being interpreted in a misleading way should be construed against the advertiser.”); Deception Policy Statement, at 178 (“To be considered reasonable, the interpretation or reaction does not have to be the only one. When a seller’s representation conveys more than one meaning to reasonable consumers, one of which is false, the seller is liable for the misleading interpretation.”).

18. “[T]he Commission will evaluate the entire advertisement, transaction, or course of dealing in determining how reasonable consumers are likely to respond. Thus, in advertising the Commission will examine the entire mosaic, rather than each title separately.” Deception Policy Statement, at 179 (cleaned up).

B. Whether Those Claims are False or Misleading

19. A representation is likely to mislead consumers if the express or implied message conveyed is false or lacks a reasonable basis. *See Fleetcor*, 2022 WL 3273286, at *6, *13 (“where advertisements make certain promises, do not deliver on those promises, and thus are false, the advertisements have a tendency to deceive customers”) (citing cases); *FTC v. Pantron I Corp.*, 33 F.3d 1088, 1096 (9th Cir. 1994).

20. The determination of whether a representation or omission is deceptive turns on whether it is likely to mislead, not whether it has caused actual deception. Deception Policy Statement at 176; *Thompson Med. Co. v. FTC*, 791 F.2d 189, 197 (D.C. Cir. 1986); *Trans World Accts., Inc. v. FTC*, 594 F.2d 212, 214 (9th Cir. 1979) (“[p]roof of actual deception is unnecessary to establish a violation of Section 5”).

21. It is not required to show that every reasonable consumer would have been, or in fact was, misled. *See Resort Car Rental*, 518 F.2d at 964; *Stefanchik*, 559 F.3d at 929; *Kraft*, 970 F.2d at 319.

22. The question is whether the claim is likely to mislead a consumer acting reasonably under the circumstances. Deception Policy Statement, at 177; *Sw. Sunsites, Inc. v. FTC*, 785 F.2d 1431, 1436 (9th Cir. 1986); *Wilcox*, 926 F. Supp. at 1098.

23. Even ads that are technically true may be deceptive. The key question is not the literal truth of the advertisement but the net impression it creates. *See Thompson Med.*, 791 F.2d at 197 (“[L]iterally true statements may ... be found deceptive [.]”); *FTC v. Nat’l Urological Grp., Inc.*, 645 F. Supp.2d 1167, 1189 (N.D. Ga. 2008), *aff’d*, 456 F. App’x 358 (11th Cir. 2009) (“When assessing the meaning and representations conveyed by an advertisement, the court must look to the advertisement’s overall, net impression rather than the literal truth or falsity of the words in the advertisement.”); *Cap. Choice Consumer Credit*, 2004 WL 5149998, at *32 (“[A] claim may be deceptive even though it is literally true.”).

24. Moreover, a true statement may be deceptive by omission. “The failure to disclose material information may cause an advertisement to be deceptive, even if it does not state false facts.” *Sterling Drug, Inc. v. FTC*, 741 F.2d 1146, 1154 (9th Cir. 1984); *see also Cap. Choice Consumer Credit*, 2004 WL 5149998, at *33.

C. Whether the Claims are Material

25. A representation is considered “material” if it “involves information that is important to consumers and, hence, likely to affect their choice of, or conduct regarding, a product.” *Cyberspace.com*, 453 F.3d at 1201 (quotation omitted); *see also* Deception Policy Statement, at 182; *Kraft*, 970 F.2d at 322; *Jerk*, 159 F.T.C. at 891.

26. Express claims are presumed material. *See* Deception Policy Statement, at 182; *Pantron I*, 33 F.3d at 1095-96.

27. Consumer action based on express statements is presumptively reasonable. *See FTC v. Five-Star Auto Club, Inc.*, 97 F. Supp. 2d 502, 528 (S.D.N.Y. 2000).

28. Where evidence exists that a seller intended to make an implied claim, the Commission will infer materiality. Deception Policy Statement at 182.

29. The Commission also presumes materiality where claims relate to central characteristics of the product or service such as its purpose, safety, efficacy, or cost. Deception Policy Statement at 182; *Thompson Med.*, 104 F.T.C. at 816-17; *FTC v. Commerce Planet, Inc.*, 878 F. Supp. 2d 1048, 1068 (C.D. Cal. 2012), *aff'd in part, vacated in part on other grounds*, 815 F.3d 593 (9th Cir. 2016); *FTC v. Johnson*, 96 F. Supp. 3d 1110, 1121, 1142 (D. Nev. 2015); *Novartis Corp. v. FTC*, 223 F.3d 783, 786 (D.C. Cir. 2000).

30. The persistent nature with which an advertiser makes a claim suggests materiality. *See Kraft*, 114 F.T.C. at 137 (“We find it reasonable to infer from Kraft’s persistence in using the challenged ad copy ... and in making only minor modifications, that Kraft believed this copy contributed to consumer purchases of Kraft Singles.”).

31. The question of whether a consumer is qualified for an advertised product is “information that is important to [the] consumer [] and, hence, likely to affect [his or her] choice of, or conduct regarding, [the] product.” *Cyberspace.com*, 453 F.3d at 1201 (quoting *Cliffdale Assocs.*, 103 F.T.C. at 165).

32. Who can actually use the product is no less a central characteristic of that product than its purpose, efficacy, performance, or quality, all of which are presumptively material. *See* Deception Policy Statement at 182; *see also Cap. Choice Consumer Credit*, 2004 WL 5149998, at *33 (“[A]n inference of materiality may reasonably be made when a deceptive omission is found.” (quotation omitted)).

D. Related Issues

1. Free Claims

33. The offer of “free” products or services “is a promotional device frequently used to attract customers” that “has often been found to be a useful and valuable marketing tool.” Guide Concerning Use of the Word “Free” and Similar Representations, 16 C.F.R. § 251.1(a)(1); *see also In re Book-of-the-Month Club*, 48 F.T.C. 1297, 1312 (1952) (“The word ‘free’ is a lure.

It is the bait. It is a powerful magnet that draws the best of us against our will ‘to get something for nothing.’”), *as modified*, 50 F.T.C. 778.

34. “Because the purchasing public continually searches for the best buy, and regards the offer of ‘free’ merchandise or service to be a special bargain, all such offers must be made with extreme care so as to avoid any possibility that consumers will be misled or deceived.” 16 C.F.R. § 251.1(a)(2). For this reason, the Commission has consistently taken the position that “free” means free. *See generally* 16 C.F.R. § 251.1(b)(1) (“Meaning of ‘Free’”); *Book-of-the-Month Club*, 48 F.T.C. at 1312.

35. In other words, when a merchant advertises that a product or service is “free,” the purchasing public understands the word “free” to indicate that the consumer will pay nothing. 16 C.F.R. § 251.1(b)(1).

36. Companies may not make deceptive claims that products or services are “free” when that is not the case. *See, e.g., FTC v. Triangle Media Corp.*, No. 18-cv-1388, 2018 WL 6305675 (S.D. Cal. Dec. 3, 2018) (alleging that defendants deceptively represented that a product was free, just to charge consumers for it 18 days later), *aff’d*, 765 F. App’x 184 (9th Cir. 2019); *In re Synchronal Corp.*, 117 F.T.C. 724, 739, ¶¶ 36–37 (1991) (alleging representatives told consumers that they would receive free products but ended up billing); *Book-of-the-Month Club*, 48 F.T.C. at 1312.

37. When a product or service is offered for free, all the terms and conditions of the offer should be made clear at the outset. *See* 16 C.F.R. § 251.1(c) (“[C]onditions and obligations upon which receipt and retention of the ‘Free’ item are contingent should be set forth clearly and conspicuously at the outset of the offer so as to leave no reasonable probability that the terms of the offer might be misunderstood. Stated differently, all of the terms, conditions and obligations should appear in close conjunction with the offer of ‘Free’ merchandise or service. For example, disclosure of the terms of the offer set forth in a footnote of an advertisement to which reference is made by an asterisk or other symbol placed next to the offer, is not regarded as making disclosure at the outset”); *Johnson*, 96 F. Supp. 3d at 1146 (holding that websites advertising

“free” products were deceptive for failing to disclose negative option membership and upsells and reasoning that “[t]he mere fact that the sites contained disclosures in smaller print and described the upsells as ‘bonuses’ and trials at the bottom of the order pages, does not alter the deceptive net impression as to the cost and nature of the product because consumers would not be inclined to seek out this information”).

2. Disclaimers

38. No disclosure can cure a false claim—it “can only qualify or limit a claim to avoid a misleading impression.” .com Disclosures: How to Make Effective Disclosures in Digital Advertising (Mar. 2013), at 5, *available at* ftc.gov/business-guidance/resources/com-disclosures-how-make-effective-disclosures-digital-advertising; *see also* Deception Policy Statement at 180-81.

39. If a disclosure “contradicts a material claim, the disclosure will not be sufficient,” rather, “the claim itself must be modified.” .com Disclosures at 5. And qualifications that clarify otherwise deceptive statements must be likely to come to the attention of the person who sees the basic claim; for that reason, small print or its equivalent are unlikely to be effective. *FTC v. Grant Connect, LLC*, 827 F. Supp. 2d 1199, 1214, 1220-1221 (D. Nev. 2011), *vacated in part on other grounds*, 763 F.3d 1094 (2014); Deception Policy Statement at 180-81.

40. Disclaimers are not always effective and are not a defense if the net impression is still misleading. *Cyberspace.com*, 453 F.3d at 1200 (fine print disclaimer no defense if net impression is still misleading); *FTC v. Connelly*, No. 6-CV-701, 2006 WL 6267337 at *10 (C.D. Cal. Dec. 20, 2006) (disclaimers are particularly inadequate when they appear in a different context than the claims they purport to repudiate); *QT*, 448 F. Supp. 2d at 924 n.15 (“Defendants’ inconspicuous small-font statement appearing just six times during the 30-minute infomercial that ‘this product is not intended to diagnose, treat, cure or prevent disease’ is wholly inadequate to change the net impression of the pain relief claims made in the infomercial.”).

41. Disclaimers must be “prominent and unambiguous to change the apparent meaning and leave an accurate impression... [a]nything less is only likely to cause confusion by creating contradictory double meanings.” *Removatron*, 884 F.2d at 1497.

42. Disclosures cannot change the net impression of an ad if they are not clear and readily visible. “Disclaimers or qualifications in any particular ad are not adequate to avoid liability unless they are sufficiently prominent and unambiguous to change the apparent meaning of the claims and to leave an accurate impression.” *Removatron*, 884 F.2d at 1497; *see also* Deception Policy Statement, at 180 (“Qualifying disclosures must be legible and understandable.”); *Fleetcor*, 2022 WL 3273286, at *10 (“the Court concludes as a matter of law that the tiny, inscrutable print of the disclaimers does not cure the net impression of the representations in the ads cited”).

43. The Commission Enforcement Policy Statement in Regard to Clear and Conspicuous Disclosure in Television Advertising (Oct. 21, 1970) lays out the Commission’s requirements for clear and conspicuous television disclosures.

44. Disclosures that are not presented simultaneously in audio or video, in lettering that was small and/or not of a contrasting color with the background, against a background that is not one color or shade, and/or appearing for only a few seconds are insufficient to affect the net impression of the ads. *See FTC v. US Sales Corp.*, 785 F. Supp. 737, 751 (N.D. Ill. 1992) (holding that fine print disclaimers at the bottom of the screen in TV ads were “simply not readable and [have] no effect on the overall impression of the advertisement”); *see also Fleetcor*, 2022 WL 3273286, at *9 & n.6 (“Courts ... across the country have determined that, where a disclaimer is buried in fine print and is without accentuation, it is insufficient to alter the net impression.”) (citing cases); *Cyberspace.com*, 453 F.3d at 1200 (fine print disclaimer no defense if net impression is still misleading); *Grant Connect*, 827 F. Supp. 2d at 1214, 1220-21.

45. Hidden or poorly disclosed costs or conditions are deceptive. *FTC v. Willms*, No. 11-cv-828, 2011 WL 4103542, at *6 (W.D. Wash. Sept. 13, 2011) (holding that the FTC was likely to prevail on the merits where “enrollment fees and recurring costs [were] poorly

disclosed” when they appeared only after the consumer had seen the landing page and four additional webpages after that); *see also United States v. Adteractive, Inc.*, 07-cv-5940 (N.D. Cal. Nov. 26, 2007) (GX355) (consent case alleging that defendants deceptively advertised “free” merchandise without disclosing in their advertising or landing page that consumers had to accept and pay for a certain number of goods in order to be eligible for the “free” merchandise, which many consumers only discovered after spending significant time trying to qualify for the product); *see also Book-of-the-Month Club*, 48 F.T.C. at 1311 (“A seller may not make one representation in one part of his advertisement and withdraw it in another part since there is no obligation on the part of the customer to protect himself against such a practice by pursuing an advertisement to the bitter end.”).

46. “Depending on the circumstances, accurate information in the text may not remedy a false headline because reasonable consumers may glance only at the headline. Written disclosures or fine print may be insufficient to correct a misleading representation.” Deception Policy Statement, at 180.

47. Referring consumers to a website for more information cannot cure deception. *In re ECM Biofilms, Inc.*, 160 F.T.C. 652, 734 n.75 (2015) (“It is well-established that an advertiser cannot ‘cure the deception’ in one advertisement with different statements in another.”).

48. “Disclosures that are an *integral part of a claim* or inseparable from it should not be communicated through a hyperlink. Instead, they should be placed on the same page and immediately next to the claim, and be sufficiently prominent so that the claim and the disclosure are read at the same time, without referring the consumer somewhere else to obtain this important information. This is *particularly true for cost information* or certain health and safety disclosures.” .com Disclosures, at 10 (emphasis added).

49. Effective disclosures are especially necessary when the claim in question is that something is “free.” *Book-of-the-Month Club*, 48 F.T.C. at 1312 (“The astute advertiser well knows that once the average mind has received the impression conveyed by the meaning of the word ‘free’ *it can never be completely eradicated by any other words of explanation or*

contradiction.” (emphasis added)); *cf. FTC v. Mary Carter Paint Co.*, 382 U.S. 46, 47 (1965) (describing the word “free” as “commercially exploitable”).

50. “When making “Free” or similar offers all the terms, conditions and obligations upon which receipt and retention of the “Free” item are contingent should be set forth clearly and conspicuously at the outset of the offer so as to leave no reasonable probability that the terms of the offer might be misunderstood.” 16 C.F.R. 251.1(c).

3. Deceptive Door-Openers

51. “The Federal Trade [Commission] Act is violated if [Respondent] induces the first contact through deception, even if the buyer later becomes fully informed before entering the contract.” *Resort Car Rental*, 518 F.2d at 964; *see also Carter Prods., Inc. v. FTC*, 186 F.2d 821, 824 (7th Cir. 1951) (accord); *FTC v. OMICS Grp. Inc.*, 374 F. Supp. 3d 994, 1010 (D. Nev. 2019) (accord), *aff’d* 827 F. App’x 653 (9th Cir. 2020); *Fleetcor*, 2022 WL 3273286, at *12 (“post-hoc disclosures cannot cure earlier misleading representations”); *FTC v. E.M.A. Nationwide, Inc.*, 767 F.3d 611, 632 (6th Cir. 2014) (granting summary decision on telemarketing misrepresentations despite more accurate representations in written documents and contracts; “A court need not look past the first contact with a consumer to determine the net impression from that contact[.]” (citation omitted)); Deception Policy Statement, at 180 & n.37 (“[P]oint-of-sale material will not necessarily correct a deceptive representation or omission. Thus, when the first contact between a seller and a buyer occurs through a deceptive practice, the law may be violated even if the truth is subsequently made known to the purchaser.”); *see, e.g., In re Encyc. Britannica, Inc.*, 87 F.T.C. 421, 495-97, 531 (1976), *aff’d sub nom Encyc. Britannica, Inc. v. FTC*, 605 F.2d 964 (7th Cir. 1979), *as modified*, 100 F.T.C. 500 (1982); *see also In re Grolier, Inc.*, 99 F.T.C. 379, 383 (1982), *aff’d sub nom Grolier Inc. v. FTC*, 699 F.2d 983 (9th Cir. 1983), *as modified*, 104 F.T.C. 639 (1984); *FTC v. Gill*, 71 F. Supp. 2d 1030, 1044 (C.D. Cal. 1999) (“because each representation must stand on its own merit, even if other representations contain accurate, non-deceptive information, th[e] argument [that later disclaimers cured advertising misrepresentations] fails”), *aff’d*, 265 F.3d 944 (9th Cir. 2001).

52. A deceptive door-opening first contact is illegal in all circumstances, not only for physical, in-person sales. *See E.M.A. Nationwide*, 767 F.3d at 632 (applying principle to telemarketing sales).

4. Customer Satisfaction

53. The fact that most customers who chose to use a product were generally happy with that product does not render non-deceptive a particular ad that drove people to the product. *See In re Daniel Chapter One*, No. 9329, 2009 FTC LEXIS 86, at *7 (F.T.C. April 20, 2009) (“Evidence of consumer satisfaction is not relevant to determining whether the claims made are deceptive.” (citing cases)); *Cap. Choice Consumer Credit*, 2004 WL 5149998, at *34 (“[E]vidence that some consumers were not injured or were satisfied with Defendants’ services is no defense[.]”); *see also FTC v. Amy Travel Serv., Inc.*, 875 F.2d 564, 572 (7th Cir. 1989) (“[T]he existence of [satisfied] customers is not relevant to determining whether consumers were deceived and the magistrate was correct to exclude [such evidence].”); *In re Intuit, Inc.*, 2023 WL 1778377, *at 12 (F.T.C. Jan. 31, 2023) (citing *Daniel Chapter One*, 2009 FTC LEXIS 86, at *7).

IV. Relief

54. “The existence of past violations may give rise to an inference that there will be future violations; and the fact that the defendant is currently complying with the ... laws does not preclude an injunction.” *SEC v. Murphy*, 626 F.2d 633, 655 (9th Cir. 1980).

In predicting the likelihood of future violations, a court must assess the totality of the circumstances surrounding the defendant and his violations, and it considers factors such as the degree of scienter involved; the isolated or recurrent nature of the infraction; the defendant’s recognition of the wrongful nature of his conduct; the likelihood, because of defendant’s professional occupation, that future violations might occur; and the sincerity of his assurances against future violations.

Id.

55. “It is the duty of the courts to beware of efforts to defeat injunctive relief by protestations of repentance and reform, especially when abandonment seems timed to anticipate

suit, and there is probability of resumption.” *United States v. W. T. Grant Co.*, 345 U.S. 629, 632 n.5 (1953).

56. The Commission “is not limited to prohibiting the illegal practice in the precise form in which it is found to have existed in the past.” *Grant Connect*, 763 F.3d at 1105 (quoting *FTC v. Ruberoid Co.*, 343 U.S. 470, 473 (1952)). “And those ‘caught violating’ the FTC Act ‘must expect some fencing in.’” *Grant Connect*, 763 F.3d at 1105 (quoting *FTC v. Nat’l Lead Co.*, 352 U.S. 419, 431 (1957)); *see also Fleetcor*, 2022 WL 3273286, at *48–*49.

57. Fencing-in orders—those “that extend beyond violations of the Act to prevent violators from engaging in similar deceptive practices in the future”—“must be ‘reasonably relat[ed]’ to a violation of the Act.” *Kraft*, 970 F.2d at 326 (citing *Colgate-Palmolive*, 380 U.S. at 394–95; *Sears, Roebuck & Co. v. FTC*, 676 F.2d 385, 391–92 (9th Cir. 1982)).

58. Three factors determine whether fencing-in orders bear a reasonable relationship to the unlawful practice: “(1) the deliberateness and seriousness of the present violation; (2) the respondent’s past history of violations; and (3) the transferability of the unlawful practices to other products.” *Thompson Med. Co.*, 104 F.T.C. at 833.

59. “The more egregious the facts with respect to a particular element, the less important it is that another negative factor be present.” *Thompson Med. Co.*, 104 F.T.C. at 833.

60. In evaluating the deliberateness and seriousness of violations, the Commission and courts have looked at the cost, size, and duration of advertising campaigns. *E.g. Kraft*, 970 F.2d at 326; *Bristol-Myers Co. v. FTC*, 738 F.2d 554, 561 (2d Cir. 1984); *Thompson Med.*, 104 F.T.C. at 833.

61. Deliberateness is also “shown by the consistency of [Respondent’s] advertising themes over the years, supporting a conclusion that they were no accident or isolated instance.” *Thompson Med.*, 104 F.T.C. at 834.

62. The Commission and federal courts commonly employ standard compliance monitoring provisions as appropriate fencing-in relief in litigated final orders. *See, e.g. In re Jerk, LLC*, 2017 WL 5171133, at *3 (F.T.C. Sept. 28, 2017) (“Numerous courts that have

imposed remedial orders for FTC Act violations have recognized the contribution of compliance monitoring to achieving remedial goals”—and the Commission went on to do so in that matter); *United States v. Daniel Chapter One*, 89 F. Supp. 3d 132, 145-46 (D.D.C. 2015) (monitoring provisions “provide an oversight mechanism to better ensure that the defendants do not engage in future recidivism”), *aff’d* 650 F. App’x 20 (D.C. Cir. 2016); *FTC v. Wellness Support Network, Inc.*, No. 10-cv-4879, 2014 WL 644749, at *20–22 (N.D. Cal. Feb. 19, 2014) (finding “the proposed reporting requirements to be reasonable” and “necessary in order for the FTC to monitor Defendants’ compliance”), *judgment entered*, No. 3:10-cv-4879, 2014 WL 3805755 (N.D. Cal. Feb. 20, 2014); *FTC v. Alcoholism Cure Corp.*, 2012 WL 12903173, at *5 (M.D. Fla. July 3, 2012) (providing that “[b]road compliance monitoring provisions are necessary to ensure Defendants’ compliance”); *Daniel Chapter One*, 2009 FTC LEXIS 157, at *296-301 (Chappell, C.A.L.J., issuing similar order provisions), *aff’d* 148 F.T.C. 832, 1105–07 (2009), *aff’d* 149 F.T.C. 1574 (2010), *aff’d* 405 F. App’x 505 (D.C. Cir. 2010); *FTC v. Direct Mktg. Concepts, Inc.*, 648 F. Supp. 2d 202, 217 (D. Mass. 2009) (similar provisions “are both reasonable and necessary to ensure that the defendants take responsibility to ensure that the orders are followed by themselves and their associates, and that the FTC has the ability to monitor compliance with the orders and prevent future illegal conduct”), *aff’d*, 624 F.3d 1 (1st Cir. 2010); *FTC v. Cap. Choice Consumer Credit, Inc.*, No. 02-cv-21050, 2004 WL 5141452, at *4 (S.D. Fla. May 5, 2004), *aff’d* 157 F. App’x 248 (11th Cir. 2005); *Telebrands*, 140 F.T.C. at 350–52 (issuing similar order provisions); *FTC v. Think Achievement Corp.*, 144 F. Supp. 2d 1013, 1018 (N.D. Ind. 2000) (“Courts may order record-keeping and monitoring to ensure compliance with a permanent injunction.”), *rev’d in part on other grounds*, 312 F.3d 259 (7th Cir. 2002); *FTC v. SlimAmerica, Inc.*, 77 F. Supp. 2d 1263, 1276 (S.D. Fla. 1999) (“Record-keeping and monitoring provisions in the permanent injunction are also appropriate to permit the Commission to police the defendants’ compliance with the order.”); *In re Brake Guard Products, Inc.*, 125 F.T.C. 138, 261–62 (1998) (issuing similar order provisions); *FTC v. US Sales Corp.*, 785 F. Supp. 737, 753 (N.D. Ill. 1992) (“Ancillary equitable relief will be necessary to effectuate enforcement of Section 5 of the FTC

Act and to deter future violations by these Defendants. ... The court concludes therefore that the ... order should also require Defendants to report their addresses and places of employment or business, and any subsequent changes in this information to the F.T.C.”).

V. Defenses

63. “The party asserting mootness has the heavy burden of establishing that there is no effective relief remaining for a court to provide.” *Tinoqui-Chalola Council of Kitanemuk & Yowlumne Tejon Indians v. U.S. Dep’t of Energy*, 232 F.3d 1300, 1303 (9th Cir. 2000).

64. A claim of overbroad or vague relief sought is not an affirmative defense. *See NR Grp. 3 Contractors, Inc. v. Grp. 3 Contractors, LLC*, No. 17-cv-21945, 2017 WL 7792718, at *4 (S.D. Fla. Sept. 26, 2017).

65. “[N]either equitable estoppel nor laches is a defense to an action brought by the government in the public interest.” *In re Rentacolor, Inc.*, 103 F.T.C. 400, 418 (1984); *see also Heckler v. Community Health Servs. of Crawford County*, 467 U.S. 51, 60-61 (1984); *United States v. Summerlin*, 310 U.S. 414, 416 (1940); *FTC v. Bronson Partners, LLC*, No. 3:04CVI866, 2006 WL 197357, at *1 (D. Conn. Jan. 25, 2006).

66. There is no statute of limitations applicable in Part 3 litigation. *See, e.g.*, 15 U.S.C. § 57b(d) (three-year statute of limitations for claims under Section 19(a), not Section 5 actions); Mar. 7, 2022, Order on Motions *in Limine* at 3 (“Congress did not provide for a statute of limitations for actions for a cease and desist order under Section 5.”); *see also, FTC v. Ivy Capital, Inc.*, 2011 WL 2470584, at *2 (D. Nev. June 20, 2011) (striking statute of limitations affirmative defense); *United States v. Bldg. Inspector of Am., Inc.*, 894 F. Supp. 507, 513 (D. Mass. 1995) (holding no statute of limitations applies); *see generally, In re POM Wonderful LLC*, 2011 FTC LEXIS 79, at *8-9 (May 6, 2011) (denying motion *in limine* seeking to exclude advertisements that Respondents claimed were too remote in time).

67. Section 19’s statute of limitations does not apply to other sections of the FTC Act. *See, e.g., FTC v. Sec. Rare Coin & Bullion Corp.*, 931 F.2d 1312, 1315 (8th Cir. 1991); *United States v. Prochnow*, 2007 WL 3082139, at *5 (11th Cir. Oct. 22, 2007); *FTC v. Hornbeam*

Special Situations, LLC, 308 F. Supp. 3d 1280, 1296 (N.D. Ga. 2018); *FTC v. J William Enters.*, 283 F. Supp. 3d 1259, 1262 (M.D. Fla. 2017).

68. Borrowing a statute of limitations from another statute and applying it here would be inappropriate “because the principles of federal equity are hostile to the ‘mechanical rules’ of statutes of limitations.” *DelCostello v. International Broth. Of Teamsters*, 462 U.S. 151, 162 (1983) (quoting *Holmberg v. Armbrecht*, 327 U.S. 392, 396 (1946)).

69. Congress specifically vested the FTC “both with the ‘power to act in an accusatory capacity’ and with the ‘responsibility of ultimately determining the merits of the charges so presented.’” *Cinderella Career & Finishing Schools, Inc. v. FTC*, 425 F.3d 583, 590 (D.C. Cir. 1970).

70. Issuing a press release regarding a Commission action or highlighting the existence or importance of such an action does not amount to prejudgment. *See FTC v. Cinderella Career & Finishing Schs., Inc.*, 404 F.2d 1308, 1314-15 (D.C. Cir. 1968).

71. The Supreme Court has observed that adjudicators are presumed to be unbiased unless the challenger produces evidence to overcome that presumption. *Schweiker v. McClure*, 456 U.S. 188, 195 (1982).

72. The Supreme Court has rejected the idea that the combination of investigative/prosecutorial and adjudicative functions “necessarily creates an unconstitutional risk of bias in administrative adjudication” that offends due process. *Withrow v. Larkin*, 421 U.S. 35, 47 (1975); *see also id.* at 56 (no due process violation).

73. In keeping with that binding decision, courts have recognized that “[t]he combination of investigative and judicial functions within an agency has been upheld against due process challenges, both in the context of the FTC and other agencies.” *Gibson v. FTC*, 682 F.2d 554, 560 (5th Cir. 1982); *see Richardson v. Perales*, 402 U.S. 389, 410 (1971) (rejecting challenge to Social Security Administration ALJs who both investigate and decide claims).

74. The federal government’s decision to enforce the laws is a matter over which the “Executive Branch has exclusive authority and absolute discretion.” *United States v. Nixon*, 418 U.S. 683, 693 (1974); *accord Heckler v. Chaney*, 470 U.S. 821, 835 (1985).

75. A Commission decision whether to pursue an enforcement action in federal court or in Part 3 constitutes a “forum choice” that is a classic exercise of prosecutorial discretion, which is an executive function and not a legislative one. *See Hill v. SEC*, 114 F. Supp. 3d 1297, 1313 (N.D. Ga. 2015), *vacated on other grounds*, 825 F.3d 1236 (11th Cir. 2016).

76. The Supreme Court upheld the constitutionality of the FTC’s removal protections over 85 years ago, a holding that remains binding. *Humphrey’s Executor v. United States*, 295 U.S. 602, 625 (1935).

77. All of the Commissioners who participated in this matter have been “properly appointed.” *Collins v. Yellen*, 141 S. Ct. 1761, 1787–28 & n.23 (2021) (even unconstitutional removal restrictions do not “strip [an officer] of the power to undertake the other responsibilities of his office”) (citing *Seila Law LLC v. CFPB*, 140 S. Ct. 2183, 2207–11 (2020)).

VI. Evidentiary Issues

78. “Evidence that constitutes hearsay may be admitted if it is relevant, material, and bears satisfactory indicia of reliability so that its use is fair.” 16 C.F.R. §3.43(b).

79. Courts have found consumer complaints submitted to the FTC to be reliable and trustworthy because they “were sent independently to the FTC from unrelated members of the public,” “reported roughly similar experiences,” and “the declarants had no motive to lie to the FTC.” *FTC v. Figgie Int’l, Inc.*, 994 F.2d 595, 608 (9th Cir. 1993) (upholding trial court’s holding that consumer complaint letters were admissible under the residual hearsay rule) (*Figgie* addressed Rule 807’s predecessor, Rule 803(24)); *FTC v. AMG Services, Inc.*, No. 2:12-cv-00536, 2014 U.S. Dist. LEXIS 10240 at *44-47 (D. Nev. January 28, 2014) (written complaints, transcripts and recordings by employees and consumers admissible under FRE 807); *FTC v. Instant Response Systems*, 2015 U.S. Dist. LEXIS 49060 at *13-14 (E.D.N.Y. April 14, 2015) (elderly consumers’ caretakers’ declarations and complaints to BBBs satisfied Rule 807 and were

admitted in evidence); *FTC v. Ewing*, No. 2:07-cv-479, 2014 WL 5489210, at *2–3 (D. Nev. Oct. 29, 2014) (granting FTC motion *in limine* to admit 162 consumer complaints and three consumer declarations under FRE 807); *FTC v. Direct Benefits Group*, No. 6:11-cv-1186, 2012 U.S. Dist. LEXIS 162696 at *5-6 (November 14, 2012) (same); *FTC v. Magazine Solutions, LLC*, No. 7-692, 2009 U.S. Dist. LEXIS 20629 at *1-2 (W.D. Pa. Mar. 16, 2009) (same), *aff'd* 432 Fed. Appx. 155 (3d Cir. 2011); *FTC v. Cyberspace.com, LLC*, No. CV-00-01806, 2002 U.S. Dist. LEXIS 25565, at *13, n.5 (W.D. Wash. July 10, 2002) (consumer e-mails and complaint letter admissible), *aff'd* 453 F.3d 1196 (9th Cir. 2006); *see also United States v. Murillo*, 288 F.3d 1126, 1138 (9th Cir. 2002) (when statement is made by a person with “no motive or incentive to lie,” this weighs in favor of finding it trustworthy); *Barker v. Morris*, 761 F.2d 1400, 1402 (9th Cir. 1985) (independent corroboration of a statement by others is a sign of reliability or trustworthiness); *Flow Control Industries, Inc. v. AMHI, Inc.*, 278 F. Supp. 2d 1193, 1197-98 (W.D. Wash. 2003) (communications found trustworthy where they were made independently by unrelated consumers who had similar experience and “no identifiable motive to lie”).

80. Drafts of advertising materials are relevant, *see In re Natural Organics*, 2001 FTC LEXIS 31, *3 (March 15, 2001), and may be admitted at trial without establishing whether they were disseminated, *In re Rentacolor, Inc.*, 1984 FTC LEXIS 66, *26 (April 16, 1984).

81. This Court has consistently relied on *Daubert* to assess the admissibility of expert testimony. *See Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579, 588 (1993); *see also In re LabMD, Inc.*, 2014 FTC LEXIS 115, *3 (May 5, 2014); *In re McWane, Inc.*, 2012 FTC LEXIS 142, at *8 (Aug. 16, 2012).

82. Under *Daubert*, “courts consider whether the expert is qualified in the relevant field and examine the methodology the expert used in reaching the conclusions at issue.” *McWane*, 2012 FTC LEXIS at *8.

83. [T]he court’s role as a ‘gatekeeper,’ pursuant to *Daubert*, is to prevent expert testimony from unduly confusing or misleading a jury, which purpose has little application in a bench trial.” *LabMD*, 2014 FTC LEXIS 115, at *4; *see also In re Daniel Chapter One*, 2009

FTC LEXIS 85, at *21-22 (Apr. 20, 2009) (quoting *Clark v. Richman*, 339 F. Supp. 2d 631, 648 (M.D. Pa. 2004) (“[a]s this case will be a bench trial, the court’s ‘role as a gatekeeper pursuant to Daubert is arguably less essential.’”); *Albarado v. Chouest Offshore, LLC*, No. 02-3504, 2003 U.S. Dist. LEXIS 16481, at *2-3 (E.D. La. Sep. 5, 2003) (“Given that this case has been converted into a bench trial, and thus that the objectives of *Daubert* ... are no longer implicated, the Court finds that defendant’s motion should be denied at this time. Following the introduction of the alleged expert testimony at trial, the Court will either exclude it at that point, or give it whatever weight it deserves.”)).

84. Excluding expert testimony is rare. *See, e.g., PBM Prods., LLC v. Mead Johnson & Co.*, 639 F.3d 111, 123 (4th Cir. 2011).

85. A Court need not require methodological perfection before it will rely on a copy test or other type of consumer survey but looks to whether such evidence is reasonably reliable and probative. *See In re Bristol-Myers Co.*, 85 F.T.C. 688, 743-44 (1975).

86. “Flaws in the methodology may affect the weight that is given to the results of the copy test or other consumer survey.” *POM Wonderful*, 2012 FTC LEXIS 106, at *486-87.

87. Any “perceived flaws in an expert’s testimony ... should be ... tested in the crucible of the adversarial system, not [serve] as the basis for truncating that process.” *McWane*, 2012 FTC LEXIS 142, at *10-11 (cleaned up).

Respectfully submitted,

Dated: May 23, 2023

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**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

In the matter of:

Intuit Inc.,
a corporation,

Respondent.

Docket No. 9408

**COMPLAINT COUNSEL'S
PROPOSED FINDINGS OF FACT**

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COMPLAINT COUNSEL'S PROPOSED FINDINGS OF FACT

Complaint Counsel submits the following Proposed Findings of Fact.¹

I. Background

A. The Parties

1. The Federal Trade Commission (“FTC”) is an independent agency of the United States Government created by the FTC Act, 15 U.S.C. §§ 41-58.
2. The FTC enforces Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or deceptive acts or practices in or affecting commerce.
3. Respondent Intuit Inc. is a Delaware corporation with its principal office or place of business at 2700 Coast Ave., Mountain View, California 94043. (Compl. ¶ 1; Answer ¶ 1; JX-1 ¶ 6). Intuit is publicly traded with annual revenues of \$6.8 billion in 2019, \$7.7 billion in 2020, \$9.6 billion in 2021, and \$12.7 billion in 2022. (GX342 (Complaint Counsel), ¶ 9.b & GX288 (Intuit) at 5, 36 & 39; Intuit 2022 SEC Form 10-K (Sep. 2, 2022) at Item 1 (Intuit “generated revenue of \$12.7 billion in our fiscal year which ended July 31, 2022.”), publicly available at https://www.sec.gov/ix?doc=/Archives/edgar/data/896878/000089687822000028/intu-20220731.htm#i355069ae3df44bdb90bff538d4bca755_247).

B. TurboTax Services

4. Intuit advertises, markets, promotes, distributes, and sells TurboTax, an online tax preparation service. (Answer ¶ 2; JX-1 ¶ 6).
5. Intuit’s tax preparation products and services, including TurboTax, “have a significant and distinct seasonal pattern as sales and revenue from [them] are typically concentrated in the period from November through April.” (GX288 (Intuit) at CC-00006018.)

¹ References to the existing pretrial record are abbreviated as follows:

FF – Complaint Counsel’s Pretrial Proposed Findings of Fact

JX – Joint Exhibit

GX – Complaint Counsel’s Government Exhibit

RX – Respondent’s Exhibit

6. “TurboTax” is the brand name of a suite of online tax preparation products and services offered by Intuit that enable consumers to prepare and file their individual federal and state income tax returns. (JX-1 ¶ 8).

7. Intuit’s TurboTax dominates the market for online tax preparation services—in May 2021, TurboTax’s share of sales in the United States was 73%, three percentage points higher than in July 2020 and ten percentage points higher than in April 2019. (GX342 (Complaint Counsel) ¶ 10 & GX289 (Complaint Counsel) at CC-00006221).

8. At least one of TurboTax’s competitors, Cash App Taxes (formerly Credit Karma Tax), has offered an online tax preparation and filing service at no charge to all consumers for five years. (GX115 (Intuit) at CC-00001124 (“While most competitors have a ‘complexity-based lineup,’ new entrants (Credit Karma) with large customer bases and significant resources are disrupting status quo, entering the tax prep industry with entirely free tax prep offers.”); Answer ¶ 35 (“Intuit admits that at least one company has offered a free online tax preparation and filing service to all customers for five years.”); *see also* Cash App Taxes, cash.app/taxes (last visited Feb. 17, 2023) (“Is Cash App Taxes really free? Yes. Cash App Taxes is 100% free for state and federal returns. Even if you’re taking deductions or credits, it won’t cost you a penny to file your taxes.”)).

9. Since Tax Year (“TY”) 2017 (*i.e.*, taxes filed in 2018 for income earned in 2017), Intuit has called the free version of TurboTax’s do-it-yourself offering “TurboTax Free Edition.” (Answer ¶ 13). In TY 2016, Intuit called the free version of TurboTax “TurboTax Federal Free Edition.” (Answer ¶ 13; JX-1 ¶ 9). Since TY 2020, Intuit has also offered the Basic version of its TurboTax Live offerings for free to taxpayers with “simple” tax returns, as defined by Intuit, through a promotion early in the tax season (TurboTax Live is alternative to TurboTax’s do-it-yourself offerings; in TurboTax Live, consumers can utilize “Assisted,” a do-it-with-me offering in which tax experts assist consumers with their taxes, or “Full Service,” a do-it-for-me offering in which tax experts do consumers’ taxes for them). (Johnson (Intuit) Tr. 571-73, 622; Ryan (Intuit) Tr. 690-91, 693-94, 741-43, 749-50; Rubin (Intuit) Tr. 1503, 1541-42, 1573; RX1224-A

(Intuit)). Intuit Senior Vice President for Marketing Cathleen Ryan testified that offering free TurboTax Live “was an extension of our free strategy, so focus on customer acquisition.” (Ryan (Intuit) Tr. 742-43).

10. Intuit has never offered a product called TurboTax Free. (Answer ¶ 32).

C. Eligibility for TurboTax Free Edition

11. TurboTax Free Edition is available only to consumers with “simple” tax returns, as defined by Intuit. (Answer ¶¶ 14–18).

12. Consumers that don’t have “simple” tax returns as defined by Intuit, must upgrade to paid versions of TurboTax to file their taxes with TurboTax. (*See, e.g.*, GX261 (Complaint Counsel) (showing TY 2020 screenshot for consumers reporting self-employment income and listing “Deluxe” for \$49 and “Self-Employed” for \$99); GX275 (Complaint Counsel) (telling consumers wishing to claim the educator expenses deduction in TY 2021 they can “claim this credit by upgrading to TurboTax Deluxe” for \$39)). Upgrading to a paid version of TurboTax can cost consumers up to \$119 to file their taxes using a DIY (Do It Yourself) version. *See* <https://turbotax.intuit.com/personal-taxes/online/> (last visited on Feb. 17, 2023) (this past tax season Self-employed was the most expensive DIY version of TurboTax, discounted at \$89, with a regular price of \$119).

13. Intuit’s definition of “simple tax return” has changed over time. (*See* Compl. ¶¶ 15–17; Answer ¶¶ 15–17; GX342 (Complaint Counsel) ¶¶ 127, 197).

14. For consumers to determine whether a tax return is simple or not requires consumers to consider substantial amounts of detailed tax information. (RX1018 (Golder Expert Report) ¶ 114 (“Because the U.S. tax code itself is complex, a substantial amount of detailed tax information may be required to fully identify whether a particular return would be simple or complex.”); GX342 (Complaint Counsel) ¶ 185, at CC-00006995 (“I observed that consumers who started in TurboTax Free Edition but were not eligible to use it because of their tax situation would not discover that until they had already invested significant time and effort creating an account and inputting their sensitive personal and financial information into the TurboTax

product”); GX240 (Complaint Counsel) (video capture showing that it takes nearly quarter of an hour and pages of data entry to reach the hard stop related to student loan interest deductions); GX631 (Intuit) at CC-00013297 (Intuit interrogatory response stating that [REDACTED] was the median time spent by consumers in Tax Year [REDACTED] between beginning their tax return in TurboTax Free Edition and their first encountering a “Hard Stop” (a prompt within TurboTax Free Edition where customers are offered an opportunity to upgrade to a more comprehensive [usually paid] version of TurboTax based on the tax information provided by the customer, (*see generally*, GX631 (Intuit) at CC-00013280-81 (Intuit interpretation of the term “Hard Stop”))).

15. In 2017 and 2018, when consumers filed their taxes for Tax Year 2016 and 2017 (*i.e.*, taxes filed in 2017 for income earned in 2016, and taxes filed in 2018 for income earned in 2017), Intuit defined a “simple” tax return as a return that can be filed using a 1040A or 1040EZ tax form. (Compl. ¶ 15; Answer ¶ 15; JX-1 ¶ 10).

16. In 2019 and 2020, when consumers filed tax returns for TY 2018 and 2019, Intuit defined a “simple” tax return as a return that can be filed on a Form 1040, with no attached schedules. (Compl. ¶ 16; Answer ¶ 16; JX-1 ¶¶ 10, 13).

17. In 2021, when consumers filed their taxes for TY 2020, Intuit defined a “simple” tax return as one that can be filed on a Form 1040, with no attached schedules, except to claim unemployment income. (Compl. ¶ 17; Answer ¶ 17; GX184 (“A simple tax return is Form 1040 only OR Form 1040 + Unemployment Income.”)).

18. In 2022, when consumers filed their taxes for TY 2021, Intuit defined a “simple” tax return as one that can be filed on a Form 1040, with certain attached schedules to cover distinct tax situations, including student loan interest. (*See* Answer ¶ 18; GX342 (Complaint Counsel) ¶ 197; GX484 (Complaint Counsel) (“A simple tax return is Form 1040 only. Situations covered by TurboTax Free Edition . . . [1.] W-2 income[, 2.] Limited interest and dividend income reported on a 1099-INT or 1099 DIV[, 3.] Claiming the standard deduction[, 4.] Earned Income Tax Credit (EIC)[, 5.] Child tax credits[, 6.] Student Loan Interest deduction[.] Situations not covered by TurboTax Free Edition ... [1.] Itemized deductions[, 2.] Unemployment income

reported on a 1099-G[, 3.] Business or 1099-NEC income[, 4.] Stock sales[, 5.] Rental property income[, 6.] Credits, deductions and income reported on schedules 1-3”). Reporting unemployment income is not one of those tax situations. (GX342 (Complaint Counsel) ¶ 197; GX484 (Complaint Counsel)).

19. Consumers who receive income reported through certain types of IRS Form 1099, for example a 1099-MISC, including consumers who receive independent contractor or small business income are not eligible for TurboTax Free Edition. (See GX342 (Complaint Counsel) ¶ 200; GX221 (Complaint Counsel) (showing independent contractor hard stop in TY 2018), GX239 (Complaint Counsel) (showing self-employment hard stop in TY 2019), GX261 (Complaint Counsel) (showing self-employment hard stop in TY 2020), GX279 (Complaint Counsel) (showing self-employment hard stop in TY 2021); GX294 (Intuit) at INTUIT-FFA-FTC-000432351-027 & -028 (“Situations not covered in TurboTax Free Edition include: ... Business or 1099-MISC income”); GX150 (Goode (Intuit) IHT) 215-217 & GX47 (Intuit) at INTUIT-FFA-FTC-000240219 (in a 2015 document: “Business Objective[;] What do you want to achieve with the marketing? Improve take rates and conversion of Free customers with a 1099-Misc who are required to upgrade to Deluxe (as our biggest opportunity)”; GX150 (Goode (Intuit) IHT) 239-240, 243-244, 248 (in part: “If the customer has a 1099-MISC ... and they want to complete with TurboTax, they would need to upgrade to Deluxe or Self-Employed”), & GX101 (Complaint Counsel) at 2; GX152 (Johnson (Intuit) IHT) 134; GX157 (Smith (Intuit) IHT) 116-117, 125-127, 131 & GX45, at INTUIT-FFA-FTC-000240212; RX1359 (Intuit) (showing forms covered and not covered by Free Edition in TY 2022)).

20. From at least TY 2018 through TY 2020, consumers who claimed the student loan interest deduction were not eligible for TurboTax Free Edition, regardless of their income. (See GX223 (Complaint Counsel) (showing student loan interest deduction hard stop in TY 2018), GX241 (Complaint Counsel) (showing student loan interest deduction hard stop in TY 2019), GX263 (Complaint Counsel) (showing student loan interest hard stop in TY 2020)).

21. Most consumers cannot file for free with TurboTax. (*See* GX342 (Complaint Counsel) ¶¶ 215–17 (calculating, based on IRS-reported data, that in TY 2018, 69.54% of returns filed were not “Returns that filed Form 1040 with no Schedules 1-6 or Schedule A attached”) & GX336 (Complaint Counsel) (publicly available IRS data); GX342 (Complaint Counsel) ¶¶ 215, 218–19 (calculating, based on IRS-reported data, that in TY 2019, 63.43% of returns filed were not “Returns that filed Form 1040 with no Schedules 1-6 or Schedule A attached”) & GX337 (Complaint Counsel) (publicly available IRS data); GX155 (Rubin (Intuit) IHT) 199:5-200:21 & GX115 (Intuit) at CC-00001125 (“To avoid further disruption from current and new competitors we should continue to look at ways to expand our free eligibility beyond the ~35% eligibility we have today, yet stopping short of a Free DIY prep solution for all situations.”); Hauser (Intuit) Tr. 875 (“Q. And roughly what percentage of taxpayers in the general population actually qualify to file for Free Edition? A. It’s roughly about a third.”); JX-1 ¶ 14).

22. Approximately two-thirds of taxpayers are not eligible to file for free using TurboTax Free Edition. (Johnson (Intuit) Tr. 657 (“Q. Roughly a third are eligible for the – for TurboTax Free Edition, correct? A. Yes. They’re saying that there’s 150 million filers in the U.S., 50 million are eligible, approximately, and therefore I think that’s a third of filers are eligible. Q. And roughly two-thirds are not eligible, correct? A. Yes.”); Hauser (Intuit) Tr. 875 (“Q. And roughly what percentage of taxpayers in the general population actually qualify to file for Free Edition? A. It’s roughly about a third.”); GX654 (Intuit) at CC-00014104 (“If your returns fits on a 1040 with no additional schedules, you can file completely for free with TT Free Edition...Over 50 million taxpayers are eligible (1/3 of all tax filers.”)).

23. Approximately 100 million taxpayers are not eligible to file for free using TurboTax Free Edition. (*See* Johnson (Intuit) Tr. 657 (“Q. Roughly a third are eligible for the – for TurboTax Free Edition, correct? A. Yes. They’re saying that there’s 150 million filers in the U.S., 50 million are eligible, approximately, and therefore I think that’s a third of filers are eligible. Q. And roughly two-thirds are not eligible, correct? A. Yes.”); Hauser (Intuit) Tr. 875 (“Q. And roughly what percentage of taxpayers in the general population actually qualify to file

for Free Edition? A. It's roughly about a third.”); GX654 (Intuit) at CC-00014104 (“If your returns fits on a 1040 with no additional schedules, you can file completely for free with TT Free Edition...Over 50 million taxpayers are eligible (1/3 of all tax filers.”); *see also* Rubin (Intuit) Tr. 1594-95 (testifying that 60 million simple tax returns that would qualify to use TurboTax Free Edition were filed in 2022 out of the 160 million tax returns filed with the IRS); GX396 (Intuit) at CC-00007341 [REDACTED]

D. Intuit’s “Free” TurboTax Strategy

24. TurboTax software services are part of Intuit’s “Consumer segment” and “are designed to enable customers to prepare and file their federal and state income tax returns.” (GX288 (Intuit) at CC-00006014; JX-1 ¶ 16).

25. [REDACTED] that involves, in part, growing Intuit’s customer base by offering free services to consumers [REDACTED]. (Answer ¶¶ 9–10).

26. The “freemium” strategy also involves persuading consumers to upgrade from free to paid versions of TurboTax. (*See, e.g.*, GX291 (Intuit) at CC-00006227 (“We accelerated customer growth through focus on our price-sensitive value tier where we were under developed as a result of an imbalanced value-equation - first with our ‘value-tier’ initiative followed by two years now of Absolute Zero -> this fueled [sic] tremendous customer growth in both *Free and Paid / Simple and Complex*[.] We accelerated revenue growth by *monetizing them on tax complexity*, leveraging innovation and introducing value-added bundles[.] This sets the stage of our growth strategy over the next several years[.]” (emphasis added)); *see also* GX10 (Intuit) at CC-00000126 (In 2013, “Free customer within the Value Tier is an important part of our customer mix with 25% of New Free users and 35% of returning Free users upgrading to a Paid SKU. ‘Free’ customers generate — \$100M in revenue (e.g. 65% of Free customers also attach a State offering in taxable states)”); GX113 (Intuit) at CC-00001117 (“customer expectations top

of funnel around Free have never been higher making it even harder to monetize these customers directly in product.”).

27. The “freemium” strategy further involves “brand loyalty,” or retention of consumers who previously filed their taxes for free in a free version of TurboTax returning to TurboTax in subsequent years when they are no longer eligible for the free version, and paying Intuit for a paid version of TurboTax. (See GX292 (Intuit) at CC-00006233 (a May 2016 “Monetization Playbook” opens with a “Playbook Objective”: “At TurboTax, we put our customers first with a Freemium strategy that drives consumer growth, and produces lots of happy customers. In TY16, more consumer growth means continuing to perfect how we monetize our Free/Free customers. This gives not only the Monetization team, but all CTG [Consumer Tax Group] employees, the opportunity to provide more value, develop brand loyalty, and drive share and revenue to support greater business ventures we wouldn’t otherwise have.”); GX156 (Ryan (Intuit) IHT) at 87–89 (in part: “My understanding is that by offering a great experience with your simple taxes for free, our hope is that a customer grows with us as their life gets more complicated.”); GX156 (Ryan (Intuit) IHT) at 118–119 (in part: “You know, generally speaking, we believe we have the best tax software out there, and getting simple tax filers to use our free software and grow with us as their life gets more complicated is my understanding of why we are willing to invest marketing dollars for customers that generate no revenue in a given year.”); GX152 (Johnson (Intuit) IHT) at 124–126 (in part: “[A]s we have relationships and [consumers] trust us, over time, whether it’s one year, two year, five years, they may need us for a service that’s more advanced than their current simple tax filings. And as a consequence, they will – there is potential future revenue streams.”); GX342 (Complaint Counsel) ¶ 188 (screenshot of TurboTax Free Edition disclaimer stating in part: “We hope that, over time, as our customers with simple returns need more capabilities as their financial situations change (for example owning a home, having a child, managing investments), they have loved our products and services so much that they will choose our paid TurboTax offerings to prepare and file their returns.”); GX484 (Complaint Counsel) (Screenshot of TurboTax Free Edition disclaimer and

addressing the question “How does TurboTax make any money?”); GX396 (Intuit) at CC-00007343 [REDACTED]

28. Intuit’s advertising for TurboTax Free Edition is also advertising for the TurboTax brand in general—Intuit executives refer to this as a “halo effect.” (Ryan (Intuit) Tr. 791–93; Rubin (Intuit) Tr. 1526; GX144 (Soukas (Intuit) Dep.) at 123–24); GX149 (Crosby (Intuit) Dep.) at 83–84; GX402 (Intuit) at CC-00007468; GX440 (Intuit) at CC-00007878); *see also* GX396 (Intuit) at CC-00007343 [REDACTED]

29. [REDACTED]
 [REDACTED]
 (See, e.g., GX401 (Intuit) at CC-00007442 [REDACTED]
 [REDACTED]
 [REDACTED]).

30. [REDACTED]
 [REDACTED] (GX638 (Intuit) at CC-00013620–22; *see also* GX639 at CC-00013630–31).

E. Intuit and the IRS Free File Program

31. “The Free File program provides free guided electronic tax preparation and filing services to taxpayers whose adjusted gross income is up to 70 percent of all U.S. taxpayers.” (RX78 (Intuit) (publicly available GAO report) at 4 (PDF pg. 8); *see also* GX86 (Complaint Counsel) (publicly available IRS publication) at CC-00000903).

32. The IRS Free File Program is a public/private partnership. (Rubin (Intuit) Tr. 1506); *see also* GX8 (Intuit) at CC-00000116; GX86 (Complaint Counsel) (publicly available IRS publication) at CC-00000902).

33. Although the IRS Free File Program is designed to serve the majority of taxpayers, few taxpayers participate in the program. (RX78 (Intuit) (publicly available GAO report) at 9 (PDF pg. 13)).

34. For TY 2020, approximately 4.2 million or about 4 percent of eligible individual taxpayers used the IRS Free File Program to file their federal return; about 3 percent of all individual taxpayers. (RX78 (Intuit) (publicly available GAO report) at 9 (PDF pg. 13)).

35. The IRS Free File Program is governed by a Memorandum of Understanding (MOU). (Rubin (Intuit) Tr. 1612); *see also* GX89 (Intuit) (discussing updated requirements under the MOU).

36. Part of the agreement between private companies and the IRS was that Government would not enter the market to provide tax preparation products and services to the public so long as the private sector tax software industry provided its products and services for free. (GX8 (Intuit) at CC-00000116; GX70 (Intuit) at CC-00000734).

37. When Intuit participated in the IRS Free File Program (Intuit withdrew after TY 2020 (*see* RX333 (Intuit)), it also offered TurboTax Free Edition through its commercial website (Rubin (Intuit) Tr. 1514).

38. When Intuit participated in the IRS Free File Program, it linked to the irs.gov Free File Program website from various pages on the TurboTax website. (Rubin (Intuit) Tr. 1632–33).

39. Intuit documents indicate that participation in the IRS Free File Program was part of Intuit’s government strategy, and that Intuit sought to grow the use of its Free File Program offering without hurting its commercial business. (*See* GX6 (Intuit) at CC-00000108; GX11 (Intuit) at CC-00000152; GX15 (Intuit) at CC-00000251 [REDACTED]; [REDACTED]); GX16 (Intuit) at CC-00000263 [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; GX23 (Intuit) at CC-00000283 (“Brad’s [then-Intuit CEO Brad Smith’s] basic direction has been we need to ‘win in Free File’ this year — which he explained to me means we need to take a point or

two of share or explain why we don't have proportionately the same share as we do in commercial Free."); GX28 (Intuit) at CC-00000319).

40. Intuit referred to its participation in the IRS Free File Program as part of its strategy to prevent government "encroachment" in the tax return preparation space. (*See* GX15 (Intuit) at CC-00000246; GX17 (Intuit) at CC-00000265; GX18 (Intuit) at CC-00000271 to 72; GX21 (Intuit); GX24 (Intuit) [REDACTED]; [REDACTED]; [REDACTED]; GX28 (Intuit) at CC-00000319; GX38 (Intuit) at CC-00000375 [REDACTED]; [REDACTED]; [REDACTED]; GX70 (Intuit) at CC-00000734 ("The negotiated public policy agreement that created the Free File Alliance in 2002 specifies that as long as the tax industry donates online tax services and e-filing to eligible taxpayers, the Government will not encroach into tax preparation. This policy is the lynch pin for maintaining a competitive level playing field for taxpayers and the tax software industry."); GX109 (Intuit) at CC-0000109t1 ("In terms of how to think about FFA vs. Commercial Free, my POV is we should do what we need to hit FFA volume that satisfies the goal of gov't encroachment, but not beyond that."); GX112 (Intuit) at CC-00001103 ("Outside of growing the software category, Free offerings have also played an important and integral role in our government encroachment strategies; specifically the Free File Alliance between IRS and Industry."); *see also* GX20 (Intuit) at CC-00000277).

41. Intuit documents have acknowledged competition between its IRS Free File Program offering and TurboTax Free Edition, including competition for customers and for higher results in online search rankings. (*See* GX35 (Intuit) at CC-00000356 [REDACTED]; [REDACTED]; [REDACTED]; GX67 (Intuit) at CC-00000719; GX68 (Intuit) at CC-00000721 & 724; GX69 (Intuit) at CC-00000727 & 728; GX70 (Intuit) at CC-00000729 & 730; GX284 (Intuit) at CC-00005981 ("We did a pull of the data that shows 58% of our non-FFA base is FFA-eligible (and worth \$827M in revenue), so highly material as far as max exposure!"); *see also* GX30

(Intuit) at CC-00000340; GX91 (Intuit) at CC-00000957 (in 2013, “50% of ALL TTO customers would qualify for FFA....and in a world of perfect information, this would be a risk to our business”); GX19 (Intuit) at CC-00000273; GX92 (Intuit) at CC-00000961; GX108 (Intuit) at CC-00001085).

42. Intuit referred to potential loss of business to the IRS Free File Program as “cannibalization.” (See GX16 (Intuit) at CC-00000260; GX65 (Intuit) at CC-00000710 (“The FFA site is ranking in organic search and we need to make sure that FFA is not cannibalizing the our [sic] commercial products.”); *see also* GX29 (Intuit) at CC-00000334).

43. Intuit documents have acknowledged consumer confusion between its IRS Free File Program offering and TurboTax Free Edition. (See GX34 (Intuit) at CC-00000353; GX65 (Intuit) at CC-00000710 (“Need to make sure the Freedom Edition & Free Edition are clearly differentiated from each other – concern that they look to [sic] similar right now.”); GX70 (Intuit) at CC-00000735 (“Once we launched a free commercialized offering on TT.com, customers have often been confused between the two ‘free’ offerings and we have received complaints that we were not transparent and/or a bait and switch.”); GX71 (Intuit) at CC-00000745 & CC-00000771; GX74 (Intuit) at CC-00000792 (“This is a common issue for FFA customers: they often navigate to the TT.com website and believe the Free Edition product is the Free File Edition.”).

44. Intuit deindexed its Free File landing page for TY 2018, meaning it was blocked from appearing in internet search engine results. (GX83 (Intuit) at CC-00000897; *see also* GX71 (Intuit) at CC-00000782; GX73 (Intuit) at CC-00000790; GX74 (Intuit) at CC-00000792; GX75 (Intuit) at CC-00000796; GX76 (Intuit) at CC-00000799 (discussing unblocking the page); GX81 (Intuit) at CC-00000889 & 890; JX83 (Intuit) at CC-00000897; GX84 (Intuit) at CC-00000898; GX109 (Intuit) at CC-00001090 (“A change was made to this year’s product is the name in an attempt to minimize confusion between FFA and our commercial Free product ... [sic] TurboTax Free File Program vs. TurboTax Freedom Edition. Here’s last week’s dashboard... [sic] we’re mainly down due to traffic, mainly because we eliminated organic

search to TTFFP [TurboTax Free File Program]. This was what we had aligned on with the name change.”); GX151 (Ison (Intuit) IHT) at 158-159).

45. Between 2017 and 2019, Intuit grossed more than \$1 billion from more than 17 million consumers who were eligible to file their taxes for free using the Free File version of TurboTax, as follows:

| Year | Consumers | Total Paid |
|--------------------------|------------|-----------------|
| 2017 | 4,863,237 | \$392,225,117 |
| 2018 | 5,222,241 | \$462,708,267 |
| 2019 (through July19) | 7,381,851 | \$663,518,426 |
| Total | 17,467,329 | \$1,518,451,810 |

GX98 (Intuit) at CC-00001006 & 07.

46. Between 2017 and 2019, Intuit grossed more than \$28 million from more than half a million active-duty military service members who were eligible for the Free File version of TurboTax, as follows:

| Year | Military Consumers | Total Paid |
|--------------------------|--------------------|--------------|
| 2017 | 175,747 | \$10,209,900 |
| 2018 | 190,647 | \$13,209,331 |
| 2019 (through July19) | 227,931 | \$18,052,583 |
| Total | 594,325 | \$41,471,814 |

GX98 (Intuit) at CC-00001006 & 07.

II. Intuit’s Advertising Practices

A. Overview

47. Intuit has promoted TurboTax through long running, extensive and ongoing multichannel advertising and marketing communications campaigns that represent that

consumers can file for free using TurboTax. Ryan (Intuit) Tr. 691-92, 693, 695-96] (Shiller (Complaint Counsel) Tr. 156-203; Baburek (Complaint Counsel) Tr. 318–23; GX342 (Complaint Counsel) ¶¶ 11-208, at CC-00006908-7007; GX Summary 001 (Complaint Counsel) (summarizing TV ad dissemination data produced by Intuit); GX Summary 002 (Complaint Counsel) (summarizing Online ad dissemination data produced by Intuit); GX431 (Intuit); GX432 (Intuit); GX433 (Intuit); GX434 (Intuit); GX435 (Intuit); GX436 (Intuit); GX437 (Intuit); GX631 (Intuit) at CC-000132884-85 (Intuit interrogatory responses specifying INTUIT-FTC-PART3-000490335 to INTUIT-FTCPART3-000490339; INTUIT-FTC-PART3-000490439 to INTUIT-FTC-PART3-000490440 (admitted as trial exhibits GX431-37) as the records from which the dates, times, and locations of advertisements, channels through which advertisements were disseminated, and number of times advertisements were circulated could be ascertained); *see, e.g.*, GX321 (Complaint Counsel) at 0:51–0:56 (“Okay, so maybe that’s not exactly how it went down, but you can file on TurboTax for absolutely nothing.”); RX1106 (Intuit) at 0:25 (“That’s right. TurboTax Free is free. Free, free free free.”); GX342 (Complaint Counsel) ¶ 117, at CC-00006955 (“What it feels like to file your taxes for free, aka the TurboTax **#FreeFreeDance**”); *see also* RX1018 (Golder Expert Report) ¶ 8 (“Intuit advertises its Turbo Tax products, including its free products, in a number of ways, including through TV ads, social media/display ads, paid search, and email campaigns to prior customers.”); Hauser (Intuit) Tr. 971 (“Intuit did use a multiyear, multimodal campaign.”)).

48. Disclaimers related to Intuit’s “free” television and/or video advertising were small and appeared at the bottom of the screen. (Ryan (Intuit) Tr. 736-737, 821, 822-823 (in discussing the Spelling Bee, Young Love, Dance Class, and Auctioneer ads “Q. ...the line ‘simple tax returns only’ appeared in a small line of white print at the bottom center of the screen, while the much larger Intuit TurboTax logo appeared centered. Is that correct? A. Yes, that’s where the disclosure appeared.”)). Intuit has also made many of its “free” claims without any qualification whatsoever. (*See, e.g., infra* FF-445—FF-447; *see also* RX1018 (Golder Expert Report) ¶ 98, fig. 12).

49. Intuit's "free" TurboTax advertisements were widely disseminated. (Shiller (Complaint Counsel) Tr. 156-203; Baburek (Complaint Counsel) Tr. 318–23; GX342 (Complaint Counsel) ¶¶ 11-208, at CC-00006908-7007; GX Summary 001 (Complaint Counsel) (summarizing TV ad dissemination data produced by Intuit); GX Summary 002 (Complaint Counsel) (summarizing Online ad dissemination data produced by Intuit); GX431 (Intuit); GX432 (Intuit); GX433 (Intuit); GX434 (Intuit); GX435 (Intuit); GX436 (Intuit); GX437 (Intuit); GX631 (Intuit) at CC-000132884-85 (Intuit interrogatory responses specifying INTUIT-FTC-PART3-000490335 to INTUIT-FTC-PART3-000490339; INTUIT-FTC-PART3-000490439 to INTUIT-FTC-PART3-000490440 (admitted as trial exhibits GX431-37) as the records from which the dates, times, and locations of advertisements, channels through which advertisements were disseminated, and number of times advertisements were circulated could be ascertained)).

50. Since at least TY 2014 with TurboTax's 2015 Super Bowl ad, "Boston Tea Party," (GX321 (Complaint Counsel); GX342 (Complaint Counsel) ¶ 22, at CC-00006910), and through TY 2017, Intuit ran the Absolute Zero campaign. (*See e.g.*, GX323 (Complaint Counsel) (2016 TurboTax Super Bowl ad, "Never a Sellout"); GX325 (Intuit) (15-second TurboTax "Fish" ad); GX324 (Intuit) (30-second TurboTax "Fish" ad); GX344 (Intuit) (15-second "Guzman" TurboTax ad), GX345 (Intuit) (30-second "Cruise" TurboTax ad); GX346 (Intuit) (15-second "Baby" TurboTax ad); GX347 (Intuit) (45-second "Anthem Launch" TurboTax ad)). For the Absolute Zero campaign, Intuit's goal was for consumers to believe the offering was truly free, and Intuit often included the word "Guaranteed" in its Absolute Zero marketing to bolster and emphasize the claim that the offer was truly free. (*See* GX290 (Intuit) at CC-00006225 (explaining that Intuit added the language "Guaranteed" to "address skepticism of free, build credibility of TT Free, and drive trial"); GX295 (Intuit) at CC-00006316 ("Convince consumers TurboTax Absolute Zero is truly free ... Guarantee"), CC-00006333 ("Drive believability of TT Free ... add 'Guaranteed' in lock-up") & CC-00006351 ("Findings:... 'A[bsolute]/Z[ero] Guarantee' is the strongest concept to battle free skepticism"))).

51. From TY 2018 to TY 2021, Intuit ran a campaign called “Free, Free, Free, Free” or “The Power of Free” in which “free” is essentially the only word used or spoken in the commercials, until the voice over or disclaimer at the end of the advertisement. (Rubin (Intuit) Tr. 1555 (“We called it ‘The Power of Free.’”); GX441 (Intuit) at CC-00007890-92). From November 1, 2018 to April 18, 2022, Intuit aired ads in the “Free, Free, Free, Free” campaign at least **84,356 times** across at least **721 television networks**. This included networks in every state in the country. (GX342 (Complaint Counsel) ¶¶ 41, 45, 50, 55, 61, 70, 75, 85, 87, 89, 91, 93, 107, 110, 113, 134, 140, 145, at CC-00006915-16, CC-00006918, CC-00006920, CC-00006922, CC-00006925, CC-00006927-28, CC-00006930, CC-00006937-42, CC-00006948-53, CC-00006966, CC-00006968-70, CC-00006972-73).

52. Between January and March of 2022, versions of “free free free” ads (“Dance Workout,” “Auctioneer,” and “Dog Show”) aired more than 11,000 times on national television. (GX Summary 001 (Complaint Counsel) at ‘Pivot - Ads w-Program Count’ B22, B26, B27 & B29; GX431 (Intuit); GX432 (Intuit); GX433 (Intuit)). “Free free free” ads were aired on national TV during the broadcast of the 2022 Olympics. (GX432 (Intuit)). Between February and May 2021, “free free free” ads (“Dance Workout,” “Auctioneer,” and “Dog Show”) aired more than 16,000 times on national television. (GX Summary 001 (Complaint Counsel) at ‘Pivot - Ads w-Program Count’ B9, B10, B12, B13, B15 & B16; GX436 (Intuit); GX437 (Intuit)).

53. Between September 30, 2020, and March 11, 2022, Intuit aired at least 35,194 TurboTax free-themed television advertisements nationwide, reaching an estimated 7.5 billion views. (GX750 (Novemsky Rebuttal Report Errata) ¶ 42 (correcting GX749 (Novemsky Rebuttal Report) ¶ 42); GX768 (Complaint Counsel) at ‘Workpaper_x’ A1:B2 (summarizing iSpot.tv television advertising dissemination data) & ‘Data’ A1:AW60).

54. When Intuit committed to cease running the “free, free, free” advertising on March 24, 2022 (after meeting with FTC Chair Lina Khan), removing the ads required “Intuit to coordinate with over 100 advertising partners.” (GX438 (Intuit) ¶¶ 16, 23, at CC-00007862-64).

55. Intuit uses different advertising channels to advertise TurboTax, including direct response, holistic search marketing, display/social/mobile marketing, and brand advertising. (GX156 (Ryan (Intuit) IHT) at 25-26, 29 & 39); *see also* Ryan (Intuit) Tr. 691).

56. Intuit's marketing efforts follow a marketing funnel approach across the different channels through which it advertises TurboTax. (*See* RX582 (Intuit) at INTUIT-FTC-PART3-000601293).

57. A screenshot depicting Intuit's marketing funnel and prior year return on investment related to different types of marketing (RX582 (Intuit) at INTUIT-FTC-PART3-000601293) appears below:

| TURBOTAX ONLINE MARKETING FUNNEL | | | | |
|----------------------------------|---|---|--|-------------|
| | Target/Audience | Tactics | Key Metrics | PY ROI |
| BRAND ADVERTISING | PY Assisted Simple Filers | TV, Audio, Video | Breakthrough, Consideration | \$2.5-\$4.3 |
| PERFORMANCE MEDIA | Net New Customers, Targeted Audiences (eg SE) | Display, Social, Mobile, Affiliate | Conversion Rates (Traffic & Installs via view, click; Auths) | \$3.0-\$4.3 |
| SEARCH MARKETING | In-market consumers | PPC, SEO, Content | Conversion Rates (Traffic via view, click, Auth rates) | \$4.1-\$5.4 |
| EMAIL | Existing customers, Win-backs | Segmentation, Marketing and Reminder Emails | Conversion Rates (open, click, Auth rates) | n/a |
| TRAFFIC | All visitors | Personalization, Content | Conversion Rates (V2L, T2N, bounce) | n/a |
| TTO LOGINS | New/Existing | Conversion Optimization | Conversion Rates (Login, Create Account % new) | n/a |

58. Intuit uses the brand advertising channel to promote TurboTax, for example through TV, radio, audio, and video ads, advertising in traditional broadcast and cable-type environments. (GX156 (Ryan (Intuit) IHT) at 41-42; *see* GX145 (Berger (Intuit) Dep.) at 142-143 (“We have television, display advertising, email, paid search, organic search, social, affiliate. I know I’m probably missing one or two. But it’s a combination, you know, of digital and sort of traditional.”); Ryan (Intuit) Tr. 691-692). Superbowl advertising is considered brand advertising (Ryan (Intuit) Tr. 692).

59. Television advertising is one of the best ways to drive awareness and interest. (GX145 (Berger (Intuit) Dep.) at 146-148).

60. Display marketing includes traditional web media, mobile app advertising, video advertising (for example, on YouTube), and “over-the-top” video advertising, which is video advertising not delivered through traditional broadcast or cable. Over-the-top advertising is distributed, for example, on Hulu, Roku, or Amazon video. (GX156 (Ryan (Intuit) IHT) at 26-27; see Ryan (Intuit) Tr. 693).

61. Intuit also advertises TurboTax on social media platforms like Facebook, Instagram, Twitter, SnapChat, and TikTok. (GX156 (Ryan (Intuit) IHT) at 28-29; see also Ryan (Intuit) Tr. 693).

62. Intuit uses holistic search marketing to advertise TurboTax. Holistic search marketing refers to a combination of paid search advertising, also called pay-per-click or PPC advertising, and search engine optimization, also called SEO. (RX582 (Intuit) at INTUIT-FTC-PART3-000601290; Ryan (Intuit) Tr. 696; GX156 (Ryan (Intuit) IHT) at 30-31).

63. A screenshot of a 2019 marketing function review presentation (RX582 (Intuit) at INTUIT-FTC-PART3-000601312) appears below:



64. Intuit uses pay-per-click advertising to promote TurboTax by placing advertising on search engine result pages for queries that customers use to find products. (GX156 (Ryan (Intuit) IHT) at 31; *see also* Ryan (Intuit) Tr. 696, 697; *see, e.g.*, RX1440).

65. Intuit also uses marketing directly to consumers to promote TurboTax through push notifications, SMS, and emails. (Ryan (Intuit) Tr. 689-690, 695-696; GX156 (Ryan (Intuit) IHT) at 40).

B. Television Commercials & Video Ads

1. 2015 Super Bowl Ad

66. GX321 is a video recording of the 2015 TurboTax Super Bowl ad, “Boston Tea Party.” (GX321 (Complaint Counsel); GX342 (Complaint Counsel) ¶ 22, at CC-00006910). The TurboTax “Boston Tea Party” ad aired during the 2015 Super Bowl game. (GX320 (Complaint Counsel) at CC-00006790-91; GX342 (Complaint Counsel) ¶¶ 20-22, at CC-00006910).

67. The following is a transcription of the words spoken in the 2015 TurboTax Super Bowl ad, “Boston Tea Party,” ad:

[commotion, music, and shouting]

FIRST REVOLUTIONARY: No taxation without represent . . .

FIRST BRITISH SOLDIER: Yes, yes, we hear you on the tax thing.

SECOND BRITISH SOLDIER: But what if it were free to file your taxes?

SECOND REVOLUTIONARY: Like, free free?

SECOND BRITISH SOLDIER: Yes, yes. You’d pay nothing. Not a thing. No thing.

THIRD REVOLUTIONARY: Well alright then!

[music]

FOURTH REVOLUTIONARY: Alright then!

THIRD BRITISH SOLDIER: Cheers!

WOMAN: Alright then.

FOURTH BRITISH SOLDIER: Alright then.

GEORGE WASHINGTON: Alright then. Back it up!

VOICEOVER: Okay, so maybe that's not exactly how it went down, but you can file on TurboTax for absolutely nothing. Intuit TurboTax. It's amazing what you're capable of.

(GX321 (Complaint Counsel); GX342 (Complaint Counsel) ¶ 24, at CC-00006911).

68. A screen shown at 0:55 near the end of the 2015 TurboTax Super Bowl ad, "Boston Tea Party," states: "Intuit TurboTax Federal Free Edition Absolutezero \$0 Fed \$0 State \$0 To File." (GX321 (Complaint Counsel) at 0:55). Also at 0:55, a disclaimer appears in smaller print near the bottom of the screen which reads, "TurboTax Federal Free Edition is for simple U.S. returns only. Offer may end without notice. See offer details at TurboTax.com. Screen image simulated." (GX321 (Complaint Counsel) at 0:55).

69. Before running the TurboTax "Boston Tea Party" ad during the 2015 Super Bowl, Intuit conducted consumer research that was shared with Intuit's then-CEO, Brad Smith, as well as its present CEO, Sasan Goodarzi. (GX341 (Intuit) at CC-00006897). Intuit's research found that: "Consumers played back a clear and single-minded message: *File/do your taxes for free; TurboTax is free*.[.] There was no confusion or ambiguity in the message[.]" (GX341 (Intuit) at CC-00006900). The research also found that: "While free came through clearly, there was little playback of the offer specifics (Absolute Zero, free State) that were mentioned at the end of the ad. However, consumers voiced very few questions or confusion about the details[.]" (GX341 (Intuit) at CC-00006901).

2. 2016 Super Bowl Ad

70. GX323 is a video recording of the 2016 TurboTax Super Bowl ad, "Never a Sellout." (GX323 (Complaint Counsel); GX342 (Complaint Counsel) ¶ 26, at CC-00006912); *see also* Johnson (Intuit) Tr. 657-658).

71. The following is a transcription of the words spoken in the 2016 TurboTax Super Bowl "Never a Sellout" ad:

INTERVIEWER: Sir Anthony Hopkins, every actor at some point considers selling out.

SIR ANTHONY HOPKINS: I would never tarnish my name by selling you something.

Now, if I were to tell you to go to turbotax.com, it's because TurboTax Absolute Zero lets you file your taxes for free.

INTERVIEWER: You're . . . you're not selling anything.

HOPKINS: It's free. There's nothing to sell. Come here, TurboTax.com. [dog jumps on his lap]. Such a good girl, TurboTax.com.

(GX323 (Complaint Counsel); GX342 (Complaint Counsel) ¶ 28, at CC-00006912); *see also* Johnson (Intuit) Tr. 660).

72. The disclaimer shown at 0:18 in the 2016 TurboTax Super Bowl “Never a Sellout” ad states, “Screen simulated. TurboTax Federal Free Edition is for simple US returns only. Offer may end without notice. See offer details at TurboTax.com.” (GX 323 (Complaint Counsel) at 0:18).

73. The TurboTax “Never a Sellout” ad aired during the 2016 Super Bowl game. (GX322 (Complaint Counsel) at CC-00006795-96; GX342 (Complaint Counsel) ¶ 25, at CC-00006911; *see also* Johnson (Intuit) Tr. 657-658).

3. TurboTax Television and Video Ads TY 2017

a. Fish

74. GX325 is a true and correct copy of the 15-second TurboTax “Fish” ad. (GX325 (Intuit); GX342 (Complaint Counsel) ¶ 31, at CC-00006913).

75. The following is a transcription of the words spoken in the 15-second TurboTax “Fish” ad:

[swordfish screaming]

MAN: At least your taxes are free.

[all three men laugh]

VOICE OVER: Intuit TurboTax.

(GX325 (Intuit); GX342 (Complaint Counsel) ¶ 32, at CC-00006913-14).

76. A disclaimer shown at 0:03 in the 15-second TurboTax “Fish” ad reads, “Dramatization. AbsoluteZero product only. For simple U.S. returns. Offer may end without notice, customer must file taxes before offer ends to file for free. See offer details at TurboTax.com.” (GX325 (Intuit) at 0:03).

77. A true and correct copy of the 30-second TurboTax “Fish” ad is at GX324. (Shiller (Complaint Counsel) Tr. 186-87; GX324 (Intuit); GX342 (Complaint Counsel) ¶ 29, at CC-00006913).

78. The following is a true and correct transcription of the words spoken in the 30-second “Fish” TurboTax ad:

[grunting]

MAN IMPALED BY SWORDFISH: [swordfish screaming] Aww, man. My lucky shirt.

MAN WITH FISHING POLE: At least your taxes are free.

MAN CARRYING BEVERAGES: [seeing man impaled by swordfish] What happened?

MAN WITH FISHING POLE: It’s his lucky shirt

MAN CARRYING BEVERAGES: Well, with TurboTax AbsoluteZero, at least your taxes are free.

MAN WITH FISHING POLE: That’s what I said!

[all three men laugh]

VOICEOVER: Intuit TurboTax.

(GX324 (Intuit); GX342 (Complaint Counsel) ¶ 30, at CC-00006913; *see also* Shiller (Complaint Counsel) Tr. 187).

79. A disclaimer shown at 0:04 in the 30-second TurboTax “Fish” ad reads, “Dramatization. For simple U.S. returns. Offer may end without notice, customer must file taxes before offer ends to file for free. See offer details at TurboTax.com.” (GX324 (Intuit) at 0:04).

80. The TurboTax “Fish” ads aired on television between January 17, 2018, and February 5, 2018. (GX60 (Intuit) at CC-00000669).

b. Guzman

81. A true and correct copy of the 15-second “Guzman” TurboTax ad is at GX344. (GX344 (Intuit); GX342 (Complaint Counsel) ¶ 34, at CC-00006914).

82. The 15-second “Guzman” TurboTax ad includes the following claim: “But hey, at least my taxes are free.” (GX344 (Intuit) at 0:08).

83. A disclaimer shown at 0:05 in the “Guzman” TurboTax ad reads, “Screen simulated. AbsoluteZero product only. For simple U.S. returns. Offer may end without notice, customer must file taxes before offer ends to file for free. See offer details at TurboTax.com.” (GX344 (Intuit) at 0:05).

84. The “Guzman” TurboTax ad aired on television between January 31, 2018, and February 20, 2018. (GX60 (Intuit) at CC-00000669).

c. Cruise

85. A true and correct copy of the 30-second “Cruise” TurboTax ad is at GX345. (GX345 (Intuit); GX342 (Complaint Counsel) ¶ 35, at CC-00006914).

86. The 30-second “Cruise” TurboTax ad includes the following claim: “Hey, at least your taxes are free....With TurboTax AbsoluteZero, at least your taxes are free.” (GX345 (Intuit) at 0:08).

87. The “Cruise” TurboTax ad aired on television between January 7, 2018, and January 26, 2018. (GX60 (Intuit) at CC-00000669).

d. Baby

88. A true and correct copy of the 15-second “Baby” TurboTax ad is at GX346. (GX346 (Intuit); GX342 (Complaint Counsel) ¶ 36, at CC-00006914).

89. The 15-second “Baby” TurboTax ad includes the following claim: “At least your taxes are free.” (GX346 (Intuit) at 0:11).

90. The “Baby” TurboTax ad aired on television for TY 2017. (GX61 (Intuit) at CC-00000683).

e. Anthem Launch

91. A true and correct copy of the 45-second “Anthem Launch” TurboTax ad is at GX347. (GX347 (Intuit); GX342 (Complaint Counsel) ¶ 37, at CC-00006914).

92. The 45-second “Anthem Launch” TurboTax ad includes the following claim: “With TurboTax AbsoluteZero, at least your taxes are free.” (GX347 (Intuit) at 0:06).

93. The “Anthem Launch” TurboTax ad aired on television for TY 2017. (GX61 (Intuit) at CC-00000683).

4. TurboTax Television and Video Ads TY 2018 and TY 2019

94. [REDACTED]; *see also* Ryan (Intuit) Tr. 698

95. [REDACTED]; *see also* Ryan (Intuit) Tr. 698.

a. Lawyer

96. A true and correct copy of the 60-second “Lawyer” TurboTax ad is at GX328. (GX328 (Intuit); GX342 (Complaint Counsel) ¶ 56, at CC-00006923).

97. The following is a true and correct transcription of the words spoken in the 60-second “Lawyer” TurboTax ad:

LAWYER: Free free free free free free free free free free. Free free. Free free free free. Free free free. Free free free free free. Free free free free free free.

SECOND LAWYER: Free! Free!

JUDGE: Free free. Free.

LAWYER: Free free free. Free free free free free free free free free. Free free free free free free free free! Free free free free free. Free free free free. Free free free free free free!

JUROR: (applauding) Free.

OTHER JURORS: Free. Free. Free. Free. Free. [gavel]

UNIDENTIFIED VOICES: Free free free.

VOICEOVER: That's right. TurboTax Free is free. Free, free free free.

(GX328 (Intuit); GX342 (Complaint Counsel) ¶ 57, at CC-00006923).

98. The disclaimer shown at 0:57 in the 60-second "Lawyer" TurboTax ad says, "Free Edition product only. For simple U.S. returns. Offer subject to change. See details at turbotax.com." (GX328 (Intuit) at 0:57).

99. A true and correct copy of the 30-second "Lawyer" TurboTax ad is at GX329. (Shiller (Complaint Counsel) Tr. 182; GX329 (Intuit)).

100. The following is a true and correct transcription of the words spoken in the 30-second "Lawyer" TurboTax ad:

LAWYER: Free free free free free free free free free. Free free free. Free free free. Free free free free free. Free free free free free free free free free free. Free free free free free free!

JUROR: (applauding) Free!

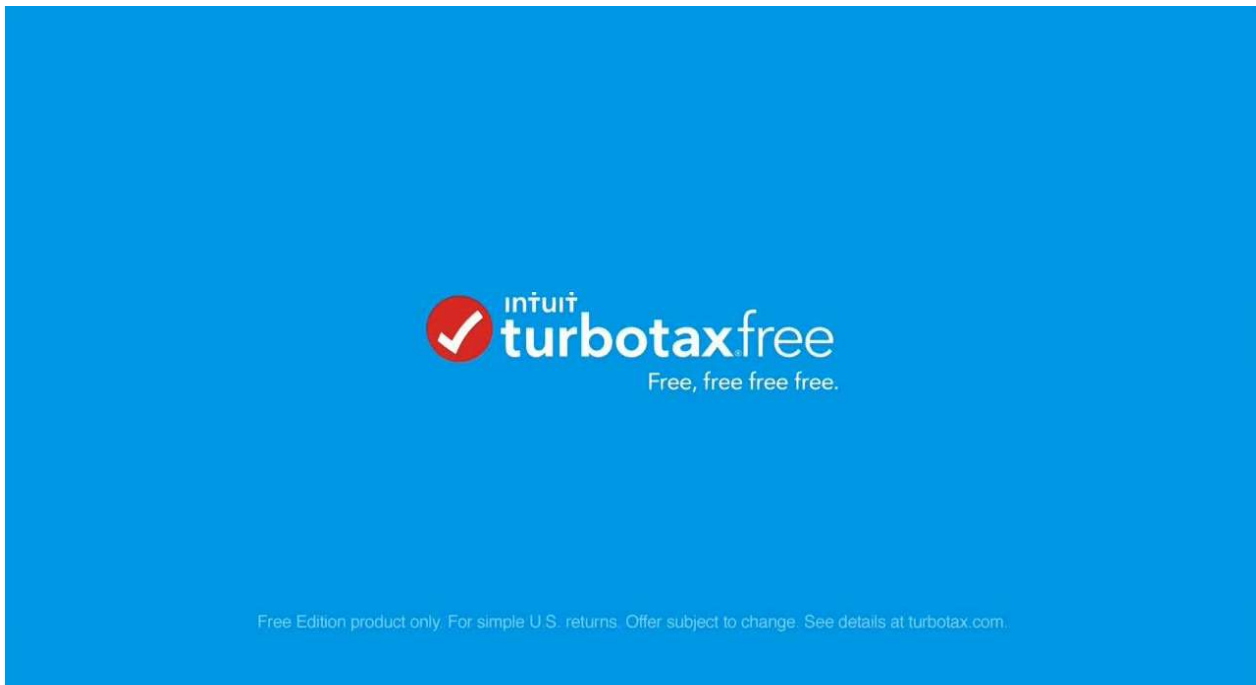
OTHER JURORS: Free. Free. [gavel] Free.

UNIDENTIFIED VOICES: Free free free.

VOICEOVER: That's right. TurboTax Free is free. Free, free free free.

(GX329 (Intuit); GX342 (Complaint Counsel) ¶ 59; *see also* Shiller (Complaint Counsel) Tr. 182-83).

101. A written disclaimer shown at 0:26 in the 30-second "Lawyer" TurboTax ad says, "Free Edition product only. For simple U.S. returns. Offer subject to change. See details at turbotax.com." (GX329 (Intuit) at 0:26. *See also*, GX342 (Complaint Counsel) ¶ 156, at CC-00006978) (screenshot of disclaimer)(depicted below)).



No audio disclaimer accompanies the short, written disclaimer pictured above. (GX329 (Intuit) at 0:26). The same disclaimer was used in GX326 (Complaint Counsel) (TY 2018 Crossword TurboTax Ad), GX327 (Complaint Counsel) (TY 2018 Big Kick TurboTax Ad), and GX332 (Complaint Counsel) (TY 2018 Spelling Bee TurboTax Ad) and other TurboTax “Free, Free, Free, Free” television ads in TY 2018.

102. The “Lawyer” TurboTax ads aired on television in connection with TY 2018. (Shiller (Complaint Counsel) Tr. 183; GX60 (Intuit) at CC-00000668-69; GX61 (Intuit) at CC-00000682-83).

103. The “Lawyer” TurboTax ads aired on television in connection with TY 2019. (Shiller (Complaint Counsel) Tr. 183).

104. The “Lawyer” TurboTax ads appeared on television throughout the United States at least 2,115 times on at least 124 television networks between November 1, 2018, and April 18, 2019. (GX342 (Complaint Counsel) ¶¶ 60-61, at CC-00006924-25; *see also* Shiller (Complaint Counsel) Tr. 183).

b. Movie Credits

105. A true and correct copy of a 30-second “Movie Credits” TurboTax ad is at GX299. (Shiller (Complaint Counsel) Tr. 183-84; GX299 (Intuit); GX342 (Complaint Counsel) ¶ 63, at CC-00006926).

106. The following is a true and correct transcription of the words spoken in the 30-second “Movie Credits” TurboTax ad:

[music plays]

MAN: Free. Free free free.

[explosion]

[music plays]

VOICEOVER: That’s right. TurboTax Free is free. Free, free free free.

(GX299 (Intuit); GX342 (Complaint Counsel) ¶ 64, at CC-00006926; *see also* Shiller (Complaint Counsel) Tr. 184).

107. The disclaimer shown at 0:28 in the 30-second “Movie Credits” TurboTax ad says, “Start now at turbotax.com[.] Free Edition product only. For simple U.S. returns. Offer subject to change. See details at turbotax.com.” (GX299 (Intuit) at 0:28).

108. A true and correct copy of a version of the 30-second “Movie Credits” TurboTax ad containing a different disclaimer is at GX330 (“Movie Credit Ad Version 2”). (GX330 (Intuit)).

109. The following is a true and correct transcription of the words spoken in the Movie Credit Ad Version 2:

[music plays]

MAN: Free. Free free free.

[explosion]

[music plays]

VOICEOVER: That's right. TurboTax Free is free. Free, free free free.

(GX330 (Intuit); GX342 (Complaint Counsel) ¶ 66, CC-00006926).

110. The disclaimer shown at 0:28 in the Movie Credit Ad Version 2 says, "Free Edition product only. For simple U.S. returns. Offer subject to change. See details at turbotax.com." (GX330 (Intuit) at 0:28).

111. A true and correct copy of the 15-second "Movie Credits" TurboTax ad is at GX331. (GX331 (Intuit)).

112. The following is a true and correct transcription of the words spoken in the 15-second "Movie Credits" TurboTax ad:

[music plays]

MAN: Free. Free free free.

[explosion, music plays]

VOICEOVER: That's right. TurboTax Free is free. Free, free free free.

(GX331 (Intuit); GX342 (Complaint Counsel) ¶ 68, at CC-00006927).

113. The disclaimer shown at 0:12 in the 15-second "Movie Credits" TurboTax ad says, "Free Edition product only. For simple U.S. returns. Offer subject to change. See details at turbotax.com." (GX331 (Intuit) at 0:12).

114. The "Movie Credits" TurboTax ads aired on television in connection with TY 2018. (Shiller (Complaint Counsel) Tr. 184; GX60 (Intuit) at CC-00000668-69; GX61 (Intuit) at CC-00000682-83).

115. The "Movie Credits" TurboTax ads aired on television in connection with TY 2019. (Shiller (Complaint Counsel) Tr. 184).

116. The "Movie Credits" TurboTax ads appeared on television throughout the United States at least 4,651 times on at least 195 television networks between November 1, 2018, and April 18, 2019. (GX342 (Complaint Counsel) ¶¶ 69-70, at CC-00006927-28; *see also* Shiller (Complaint Counsel) Tr. 184).

117. The “Movie Credits” TurboTax ads appeared throughout the United States at least 6,216 times on 721 at least television networks between November 1, 2019, and July 15, 2020. (GX342 (Complaint Counsel) ¶¶ 90-91, CC-00006940-41; *see also* Shiller (Complaint Counsel) Tr. 184).

c. Game Show

118. A true and correct copy of the 30-second “Game Show” TurboTax ad is at GX59. (Shiller (Complaint Counsel) Tr. 180-81; GX59 (Complaint Counsel); GX342 (Complaint Counsel) ¶ 51, at CC-00006920).

119. In the 30-second “Game Show” TurboTax ad, the word “free” is repeated dozens of times. (GX59 (Complaint Counsel); Shiller (Complaint Counsel) Tr. 181)).

120. A true and correct copy of the 15-second “Game Show” TurboTax ad is at GX356. (GX356 (Intuit); GX342 (Complaint Counsel) ¶ 51, at CC-00006921).

121. In the 15-second “Game Show” TurboTax ad, the word “free” is repeated multiple times. (GX356 (Intuit)).

122. The “Game Show” TurboTax ads feature two contestants answering “free” to every question in a game show. (GX59 (Complaint Counsel); GX356 (Intuit); GX342 (Complaint Counsel) ¶ 52, at CC-00006921).

123. The “Game Show” TurboTax ads include the following claim: “That’s right, TurboTax free is free. Free, free free free.” (Shiller (Complaint Counsel) Tr. 181; GX59 (Complaint Counsel) at 00:31; GX356 (Intuit) at 00:10).

124. The “Game Show” TurboTax ads include the following written disclaimer which appears for a few seconds in small font at the bottom of the screen: “Free Edition product only. For simple U.S. returns. Offer subject to change. See details at turbotax.com.” (GX59 (Complaint Counsel) at 00:32; GX356 (Intuit) at 00:14).

125. The “Game Show” TurboTax ads aired on television in connection with TY 2018. (Shiller (Complaint Counsel) Tr. 181-82; GX60 (Intuit) at CC-00000668-69; GX61 (Intuit) at CC-00000682-83).

126. The “Game Show” TurboTax ads aired on television in connection with TY 2019. (Shiller (Complaint Counsel) Tr. 181-82).

127. The “Game Show” TurboTax ads appeared on television throughout the United States at least 5,858 times on at least 140 networks between November 1, 2018, and April 18, 2019. (GX342 (Complaint Counsel) ¶¶ 54-55, at CC-00006921-22; *see also* Shiller (Complaint Counsel) Tr. 181-82).

128. The “Game Show” TurboTax ads appeared throughout the United States at least 4,656 times on at least 214 television networks between November 1, 2019, and July 15, 2020. (GX342 (Complaint Counsel) ¶¶ 88-89, at CC-00006938-39; *see also* Shiller (Complaint Counsel) Tr. 181-82).

d. Court Reporter

129. A true and correct copy of a 15-second “Court Reporter” TurboTax ad is at GX348. (Shiller (Complaint Counsel) Tr. 176; GX348 (Intuit); GX342 (Complaint Counsel) ¶ 39, at CC-00006915).

130. The 15-second “Court Reporter” TurboTax ad features a court stenographer transcribing a legal proceeding that only used the word “free.” (GX348 (Intuit); GX342 (Complaint Counsel) ¶ 39, at CC-00006915).

131. The 15-second “Court Reporter” TurboTax ad includes the following claim: “That’s right, TurboTax free is free. Free, free free free.” (GX348 (Intuit) at 00:09; *see also* Shiller (Complaint Counsel) Tr. 176).

132. The 15-second “Court Reporter” TurboTax ad includes the following written disclaimer which appears for a few seconds in small font at the bottom of the screen: “Free Edition product only. For simple U.S. returns. Offer subject to change. See details at turbotax.com.” (GX348 (Intuit) at 00:10).

133. The “Court Reporter” TurboTax ad appeared on television throughout the United States at least 1,358 times on at least 112 television networks between November 1, 2018, and

April 18, 2019. (GX342 (Complaint Counsel) ¶¶ 40-41, at CC-00006915-16; *see also* Shiller (Complaint Counsel) Tr. 177).

134. The “Court Reporter” TurboTax ad appeared on television throughout the United States at least 1,502 times on at least 126 television networks between November 1, 2019, and July 15, 2020. (GX342 (Complaint Counsel) ¶¶ 84-85, at CC-00006936-37; *see also* Shiller (Complaint Counsel) Tr. 177).

e. Crossword

135. A true and correct copy of the 15-second “Crossword” TurboTax ad is at GX326. (Shiller (Complaint Counsel) Tr. 177-78; GX326 (Complaint Counsel); GX342 (Complaint Counsel) ¶ 42, at CC-00006916).

136. The 15-second “Crossword” TurboTax ad features an older man sitting at a kitchen table working on a crossword puzzle where all the answers to the puzzle are the word “free.” (GX326 (Complaint Counsel); GX342 (Complaint Counsel) ¶ 42, at CC-00006916-17).

137. The 15-second “Crossword” TurboTax ad includes the following claim: “That’s right, TurboTax free is free. Free, free free free.” (GX326 (Complaint Counsel) at 00:10; *see also* Shiller (Complaint Counsel) Tr. 178).

138. The 15-second “Crossword” TurboTax ad includes the following written disclaimer which appears for a few seconds in small font at the bottom of the screen: “Free Edition product only. For simple U.S. returns. Offer subject to change. See details at turbotax.com.” (GX326 (Complaint Counsel) at 00:11).

139. The 15-second “Crossword” TurboTax ad aired on television in connection with TY 2018. (Shiller (Complaint Counsel) Tr. 178-79; GX61 (Intuit) at CC-00000682-83).

140. The 15-second “Crossword” TurboTax ad aired on television in connection with TY 2019. (Shiller (Complaint Counsel) Tr. 178-79).

141. The “Crossword” TurboTax ad appeared on television throughout the United States at least 1,187 times on at least 55 television networks between November 1, 2018, and

April 18, 2019. (GX342 (Complaint Counsel) ¶¶ 44-45, at CC-00006917-18; *see also* Shiller (Complaint Counsel) Tr. 178-79).

142. The “Crossword” TurboTax ad appeared on television throughout the United States at least 3,195 times on at least 327 television networks between November 1, 2019, and July 15, 2020. (GX342 (Complaint Counsel) ¶¶ 86-87, at CC-00006937-38; *see also* Shiller (Complaint Counsel) Tr. 178-79).

f. Football/”Big Kick”

143. A true and correct copy of the 60-second “Big Kick” TurboTax ad is at GX349. (GX349 (Intuit); GX342 (Complaint Counsel) ¶ 48, at CC-00006919).

144. A true and correct copy of the 30-second “Big Kick” TurboTax ad is at GX327. (Shiller (Complaint Counsel) Tr. 179-80; GX327 (Complaint Counsel); GX342 (Complaint Counsel) ¶ 46, at CC-00006918).

145. The “Big Kick” TurboTax ads feature a young football player playing football and reminiscing about his dad. “Free” is the only word spoken by the football player and dad in the “Big Kick” TurboTax ads. (GX327 (Complaint Counsel); GX349 (Intuit); GX342 (Complaint Counsel) ¶ 46, at CC-00006918).

146. The “Big Kick” TurboTax ads include the following claim: “That’s right, TurboTax free is free. Free, free free free.” (GX327 (Complaint Counsel) at 00:26; GX349 (Intuit) at 00:56; *see also* Shiller (Complaint Counsel) Tr. 179).

147. The “Big Kick” TurboTax ads include the following written disclaimer which appears for a few seconds in small font at the bottom of the screen: “Free Edition product only. For simple U.S. returns. Offer subject to change. See details at turbotax.com.” (GX327 (Complaint Counsel) at 00:27; GX349 (Intuit) at 00:57).

148. The “Big Kick” TurboTax ads aired on television in connection with TY 2017. (GX60 (Intuit) at CC-00000668-69).

149. The “Big Kick” TurboTax ads aired on television in connection with TY 2018. (Shiller (Complaint Counsel) Tr. 180; GX61 (Intuit) at CC-00000682-83).

150. The “Big Kick” TurboTax ads appeared on television throughout the United States at least 2,811 times on at least 139 television networks between November 1, 2018, and April 18, 2019. (GX342 (Complaint Counsel) ¶¶ 49-50, at CC-00006919-20; *see also* Shiller (Complaint Counsel) Tr. 180).

g. Spelling Bee

151. True and correct copies of two 30-second “Spelling Bee” TurboTax ads are at GX350 and GX351. (GX350 (Intuit); GX351 (Intuit); GX342 (Complaint Counsel) ¶ 73, at CC-00006929)).

152. A true and correct copy of the 15- second “Spelling Bee” TurboTax ad is at GX332. (Shiller (Complaint Counsel) Tr. 184-85; GX332 (Complaint Counsel); GX342 (Complaint Counsel) ¶ 71, at CC-00006929).

153. The “Spelling Bee” TurboTax ads feature a spelling bee where “free” is the word being spelled. (GX332 (Complaint Counsel); GX350 (Intuit); GX351 (Intuit); GX342 (Complaint Counsel) ¶ 71, at CC-00006929).

154. The “Spelling Bee” TurboTax ads include the following claim: “That’s right, TurboTax free is free. Free, free free free.” (GX332 (Complaint Counsel) at 00:11; GX350 (Intuit) at 00:26; GX351 (Intuit) at 00:26; *see also* Shiller (Complaint Counsel) Tr. 185).

155. The “Spelling Bee” TurboTax ads include the following written disclaimer which appears for a few seconds in small font at the bottom of the screen: “Free Edition product only. For simple U.S. returns. Offer subject to change. See details at turbotax.com.” (GX332 (Complaint Counsel) at 00:11; GX350 (Intuit) at 00:27; GX351 (Intuit) at 00:26).

156. In GX350, the phrase “Start now at turbotax.com” appears in bold text above the written disclaimer. (GX350 (Intuit) at 00:27). It is otherwise identical to GX351. (*Compare* GX350 (Intuit) & GX351 (Intuit)).

157. The “Spelling Bee” TurboTax ads aired on television in connection with TY 2018. (Shiller (Complaint Counsel) Tr. 186; GX60 (Intuit) at CC-00000668-69; GX61 (Intuit) at CC-00000682-83).

158. The “Spelling Bee” TurboTax ads aired on television in connection with TY 2019. (Shiller (Complaint Counsel) Tr. 186).

159. The “Spelling Bee” TurboTax ads appeared throughout the United States at least 5,141 times on at least 313 television networks between November 1, 2018, and April 18, 2019. (GX342 (Complaint Counsel) ¶¶ 74-75, at CC-00006929-30; *see also* Shiller (Complaint Counsel) Tr. 186).

160. The “Spelling Bee” TurboTax ads appeared throughout the United States at least 2,618 times on at least 322 television networks between November 1, 2019, and July 15, 2020. (GX342 (Complaint Counsel) ¶¶ 92-93, at CC-00006941-42; *see also* Shiller (Complaint Counsel) Tr. 186).

5. TurboTax Television and Video Ads TY 2020 and TY 2021

a. Auctioneer

161. RX1415 is a video recording of the 30-second “Auctioneer” TurboTax ad for TY 2021. (RX1415 (Intuit)).

162. GX200 is a video recording of the 30-second “Auctioneer” TurboTax ad as it appeared on the TurboTax YouTube Channel in 2022. (Shiller (Complaint Counsel) Tr. 165-67; GX200 (Complaint Counsel); GX342 (Complaint Counsel) ¶ 129, at CC-00006963).

163. The following is a transcription of the words spoken in the “Auctioneer” 30-second TurboTax ads:

AUCTIONEER: And free, and free, and free, and free, and free. Now a bidder and free! Now give me another bidder and free and a free here and a free free free a free free free. Now a bidder and free! Now give me another bidder and free, and a free free free. And free, and free, and free, and free free and free. Here we go at free, free, free, and freeeeeeeeeeee. Free!

VOICEOVER: That’s right. TurboTax Free Edition is free. See details at TurboTax.com.

(GX342 (Complaint Counsel) ¶ 132, at CC-00006965; RX1415 (Intuit); GX200 (Complaint Counsel); *see also* Shiller (Complaint Counsel) Tr. 166-67).

164. GX202 is a video recording of the 15-second “Auctioneer” TurboTax ad that aired in TY 2021. (GX202 (Complaint Counsel); GX342 (Complaint Counsel) ¶ 130, at CC-00006964).

165. Screenshots of GX202 taken at three-minute intervals are at GX203. (GX202 (Complaint Counsel); GX203 (Complaint Counsel); GX342 (Complaint Counsel) ¶ 130, at CC-00006964).

166. The following is a transcription of the words spoken in the 15-second “Auctioneer” TurboTax ad:

AUCTIONEER: And free, and free, and free, and free, and free. Now a bidder and free! Now give me another bidder and free and a free here and a free free free a free free free. Now a bidder and free! Now give me another bidder and free, and a free free free. And free, and free here, and free there, and free free and free. Make it Free. Free!

VOICEOVER: That’s right. TurboTax Free Edition is Free. See details at TurboTax.com.

(GX342 (Complaint Counsel) ¶ 130, at CC-00006964-65; GX202 (Complaint Counsel)).

167. A disclaimer shown at the end of the 15-second “Auctioneer” TurboTax ad and the 30-second “Auctioneer” TurboTax ad and which appears for a few seconds in small font at the bottom of the screen reads, “TurboTax Free Edition is for simple U.S. returns only. See if you qualify at turbotax.com. Offer subject to change.” (RX1415 (Intuit) at 00:26; GX202 (Complaint Counsel) at 00:11).

168. Intuit aired “Auctioneer” ads on television throughout the United States at least 8,281 times on at least 670 television networks between November 1, 2020, and May 17, 2021. (GX342 (Complaint Counsel) ¶¶ 106-07, at CC-00006947-49; *see also* Shiller (Complaint Counsel) Tr. 167-68).

169. The “Auctioneer” ads appeared on television throughout the United States at least 1,876 times on at least 86 television networks between November 1, 2021, and April 18, 2022.

(GX342 (Complaint Counsel) ¶¶ 133-34, at CC-00006966; *see also* Shiller (Complaint Counsel) Tr. 167-68).

170. As of March 28, 2022, the 30-second version of the “Auctioneer” ad (GX200 (Complaint Counsel)) had more than 5.6 million views on YouTube. (GX342 (Complaint Counsel) ¶ 129, at CC-00006963-64; GX202 (Complaint Counsel); GX478 (Complaint Counsel), at CC-00010143; *see also* Shiller (Complaint Counsel) Tr. 166).

b. Dance Workout

171. GX206 is a video recording of the 30-second “Dance Workout” TurboTax ad as it appeared on the TurboTax YouTube Channel in 2022. (Shiller (Complaint Counsel) Tr. 169-70; GX206 (Complaint Counsel); GX342 (Complaint Counsel) ¶ 135, at CC-00006966-67).

172. The following is transcription of the words spoken in the 30-second “Dance Workout” TurboTax ad:

DANCE WORKOUT INSTRUCTOR: And free! Free, free. And free, and free. And freeeeeeeeee. And free, and free, and free, and free, and free. And free. And free, free. And free.

VOICEOVER: That’s right, TurboTax Free Edition is free. See details at TurboTax.com.

(GX206 (Complaint Counsel); GX342 (Complaint Counsel) ¶ 138, at CC-00006968; *see also* Shiller (Complaint Counsel) Tr. 170).

173. The disclaimer shown at the end of the 30-second “Dance Workout” TurboTax ad and which appears for a few seconds in small font at the bottom of the screen reads, “TurboTax Free Edition is for simple U.S. returns only. See if you qualify at turbotax.com. Offer subject to change.” (GX206 (Complaint Counsel) at 0:34).

174. GX208 is a video recording of the 15-second “Dance Workout” TurboTax ad. (GX208 (Complaint Counsel); GX342 (Complaint Counsel) ¶ 136, at CC-00006967).

175. The following is a transcription of the words spoken in the 15-second “Dance Workout” TurboTax ad:

DANCE WORKOUT INSTRUCTOR: Free! And free! And free!
And free! Free. And free, and free. Free free. And free, and free,
and free, and free, and free.

VOICEOVER: That's right, TurboTax Free Edition is free. See
details at TurboTax.com.

(GX208 (Complaint Counsel); GX342 (Complaint Counsel) ¶ 136, at CC-00006967-68).

176. The disclaimer shown at the end of the 15-second "Dance Workout" TurboTax ad and which appears for a few seconds in small font at the bottom of the screen reads, "TurboTax Free Edition is for simple U.S. returns only. See if you qualify at turbotax.com. Offer subject to change." (GX208 (Complaint Counsel) at 00:12; GX209 (Complaint Counsel) at CC-00005856).

177. Intuit aired the "Dance Workout" TurboTax ads throughout the United States at least 9,909 times on 714 television networks between November 1, 2020, and May 17, 2021. (GX342 (Complaint Counsel) ¶¶ 109-10, at CC-00006950-51; *see also* Shiller (Complaint Counsel) Tr. 170-71).

178. The "Dance Workout" TurboTax ads appeared throughout the United States at least 7,988 times on at least 623 television networks between November 1, 2021, and April 18, 2022. (GX342 (Complaint Counsel) ¶¶ 139-40, at CC-00006968-70; *see also* Shiller (Complaint Counsel) Tr. 170-71).

179. As of March 28, 2022, the 30-second version of the "Dance Workout" TurboTax ad (GX206 (Complaint Counsel)) had been viewed more than 11.3 million times on YouTube. (GX342 (Complaint Counsel) ¶ 135, at CC-00006966-67; *see also* Shiller (Complaint Counsel) Tr. 170).

c. Dog Show

180. GX204 is a video recording of the 15-second "Dog Show" TurboTax ad. (Shiller (Complaint Counsel) Tr. 172-73; GX204 (Complaint Counsel); GX342 (Complaint Counsel) ¶ 141, at CC-00006971).

181. The following is a transcription of the words spoken in the 15-second "Dog Show" TurboTax ad:

DOG SHOW JUDGE: Free (pointing at Dog 1), free (pointing at Dog 2), Free! (pointing at winning Dog 3).

WINNING DOG HANDLER: Free! Free! (shrieking excitedly)

VOICEOVER: That's right, TurboTax Free Edition is free. See details at TurboTax.com.

(GX204 (Complaint Counsel); GX342 (Complaint Counsel) ¶ 143, at CC-00006971; *see also* Shiller (Complaint Counsel) Tr. 172).

182. The disclaimer shown at the end of the 15-second “Dog Show” TurboTax ad and which appears for a few seconds in small font at the bottom of the screen reads, “TurboTax Free Edition is for simple U.S. returns only. See if you qualify at turbotax.com. Offer subject to change.” (GX204 (Complaint Counsel) at 00:12; GX205 (Complaint Counsel) at CC-00005851; GX342 (Complaint Counsel) ¶ 142, at CC-00006971). The following screen is displayed to consumers for a few seconds at the end of commercials aired as part of the “Free, Free, Free, Free” campaign in TY 2021, including the 15-second “Dog Show” TurboTax ad:



(GX204 (Complaint Counsel) at 00:12; GX205 (Complaint Counsel) at CC-00005851; GX342 (Complaint Counsel) ¶157, at CC-00006979). While this screen is displayed, a voiceover states:

“That’s right, TurboTax Free Edition is free. See details at turbotax.com.” (GX204 (Complaint Counsel) at 00:12; *see also e.g.*, GX200, GX204, and GX206).

183. Intuit aired the “Dog Show” TurboTax ad on television throughout the United States at least 10,435 times on 685 television networks between November 1, 2020, and May 17, 2021. (GX342 (Complaint Counsel) ¶¶ 112-13, at CC-00006952-53; *see also* Shiller (Complaint Counsel) Tr. 173 (“I was able to determine that this ad was aired locally and nationally.”)).

184. The “Dog Show” TurboTax ad appeared on television throughout the United States at least 4,559 times on at least 499 television networks between November 1, 2021, and April 18, 2022. (GX342 (Complaint Counsel) ¶¶ 144-45, at CC-00006972-73; *see also* Shiller (Complaint Counsel) Tr. 173 (“I was able to determine that this ad was aired locally and nationally.”)).

d. Steven/Spit Take

185. GX307 is a video recording of the 14-second “Steven/Spit Take” TurboTax ad for TY 2021. (Shiller (Complaint Counsel) Tr. 173-75; GX307 (Complaint Counsel); GX342 (Complaint Counsel) ¶ 147, at CC-00006974).

186. The following is a transcription of the words spoken in the 14-second “Steven/Spit Take” TurboTax ad:

VOICEOVER: “Steven, did you know that a TurboTax Live expert can do your simple tax return for you?”

Steven: “Umm”

VOICEOVER: “For free. It is true. For limited time TurboTax is free for simple returns even when an expert files for you.”

(GX307 (Complaint Counsel); GX342 (Complaint Counsel) ¶ 149, at CC-00006974-75; *see also* Shiller (Complaint Counsel) Tr. 174-75).

187. Wording in the middle of the screen shown at the end of the 14-second “Steven/Spit Take” TurboTax ad reads, “Intuit TurboTax Live. File FREE, even when an expert files for you.” (GX307 (Complaint Counsel) at 00:09; GX308 (Complaint Counsel) at CC-00006641).

188. The small-font disclaimer at the bottom of the screen shown at the end of the 14-second “Steven/Spit Take” TurboTax ad reads, “For simple tax returns only. See if you qualify at turbotax.com. Must file by 3/31 for free offer. Offer subject to change.” (GX307 (Complaint Counsel) at 00:09; GX308 (Complaint Counsel) at CC-00006641).

189. GX309 is a video recording of the 28-second “Steven/Spit Take” TurboTax ad. (GX309 (Complaint Counsel); GX342 (Complaint Counsel) ¶ 151, at CC-00006975).

190. The following is a transcription of the words spoken in the 28-second “Steven/Spit Take” TurboTax ad:

VOICEOVER: “Steven, did you know that TurboTax is free no matter how you want to file?”

Steven: “I don’t believe that.”

VOICEOVER: “It’s true. Anyone with a simple tax return can get help from an expert, for free.”

Steven: “That can’t be true.”

VOICEOVER: “It is and with TurboTax Live our experts will even do your taxes for you for free.”

Other man: “Honestly, that sounds amazing.”

VOICEOVER: “For a limited time TurboTax is free for simple returns no matter how you file.”

(GX309 (Complaint Counsel); GX342 (Complaint Counsel) ¶ 153, at CC-00006975-76).

191. Wording in the middle of the screen shown at the end of the 28-second “Steven/Spit Take” TurboTax ad reads, “Intuit TurboTax Live.” (GX309 (Complaint Counsel) at 00:26; GX310 (Complaint Counsel) at CC-00006650).

192. The small-font disclaimer at the bottom of the screen shown at the end of the 28-second “Steven/Spit Take” TurboTax ad reads, “For simple tax returns only. See if you qualify at turbotax.com. Must file by 2/15 for free offer. Offer subject to change.” (GX309 (Complaint Counsel) at 00:26; GX310 (Complaint Counsel) at CC-00006650).

193. The “Steven/Spit Take” TurboTax ads appeared throughout the United States at least 13,341 times on at least 637 television networks between November 1, 2021, and April 18,

2022. (GX342 (Complaint Counsel) ¶¶ 154-55, at CC-00006976-77; *see also* Shiller (Complaint Counsel) Tr. 175 (“Based on Kantar Media, I was able to determine that this ad was aired nationally and locally.”)).

194. In addition, the 14-second “Steven/Spit Take” TurboTax ad (GX307) ran during the live broadcast of the Oscars on March 27, 2022. (GX312 (Complaint Counsel) ¶ 34, at CC-00006686-87).

C. TurboTax Radio Ads

195. In TY 2020 and 2021, Intuit marketed TurboTax Free Edition on the radio. (Respondent Intuit Inc.’s Pretrial Brief at 23 (filed Mar. 17, 2023)).

196. GX627 is an audio recording of a radio ad used by Intuit to market TurboTax Free Edition on the radio in TY2020. (GX627 (Intuit); Respondent Intuit Inc.’s Pretrial Brief at 23 (filed Mar. 17, 2023)).

197. GX627 features a jingle where every word sung is “free.” (GX627 (Intuit)).

198. GX627 includes the following claim: “That’s right, TurboTax Free is free. Free, free free free.” (GX627 (Intuit) at 00:22).

199. GX627 includes the following disclaimer spoken at a faster rate than the rest of the radio ad: “Free Edition product only. For simple U.S. returns. Offer subject to change. See details at turbotax.com.” (GX627 (Intuit) at 00:24).

200. GX630 is an audio recording of a radio ad used by Intuit to market TurboTax Free Edition on the radio in T Y 2020. (GX630 (Intuit); Respondent Intuit Inc.’s Pretrial Brief at 23 (filed Mar. 17, 2023)).

201. GX630 features a jingle where every word sung is “free.” (GX630 (Intuit)).

202. GX630 includes the following claim: “That’s right, TurboTax Free is free. Free, free free free.” (GX630 (Intuit) at 00:21).

203. GX630 includes the following disclaimer spoken at a faster rate than the rest of the radio ad: “Free Edition product only. For simple U.S. returns. Offer subject to change. See details at turbotax.com.” (GX630 (Intuit) at 00:24).

204. GX617 is an audio recording of a radio ad used by Intuit to market TurboTax Free Edition on the radio in T Y 2021. (GX617 (Intuit); Respondent Intuit Inc.'s Pretrial Brief at 23 (filed Mar. 17, 2023)).

205. GX617 features a jingle where every word sung is "free." (GX617 (Intuit)).

206. GX617 includes the following claim: "That's right, TurboTax Free Edition is free. Free, free free free." (GX617 (Intuit) at 00:20).

207. GX617 includes the following disclaimer spoken at a faster rate than the rest of the radio ad: "TurboTax Free Edition is for simple U.S. returns only. See if you qualify at turbotax.com. Offer subject to change." (GX617 (Intuit) at 00:24).

208. GX618 is an audio recording of a radio ad used by Intuit to market TurboTax Free Edition on the radio in T Y 2021. (GX618 (Intuit); Respondent Intuit Inc.'s Pretrial Brief at 23 (filed Mar. 17, 2023)).

209. GX618 features a jingle where every word sung is "free." (GX618 (Intuit)).

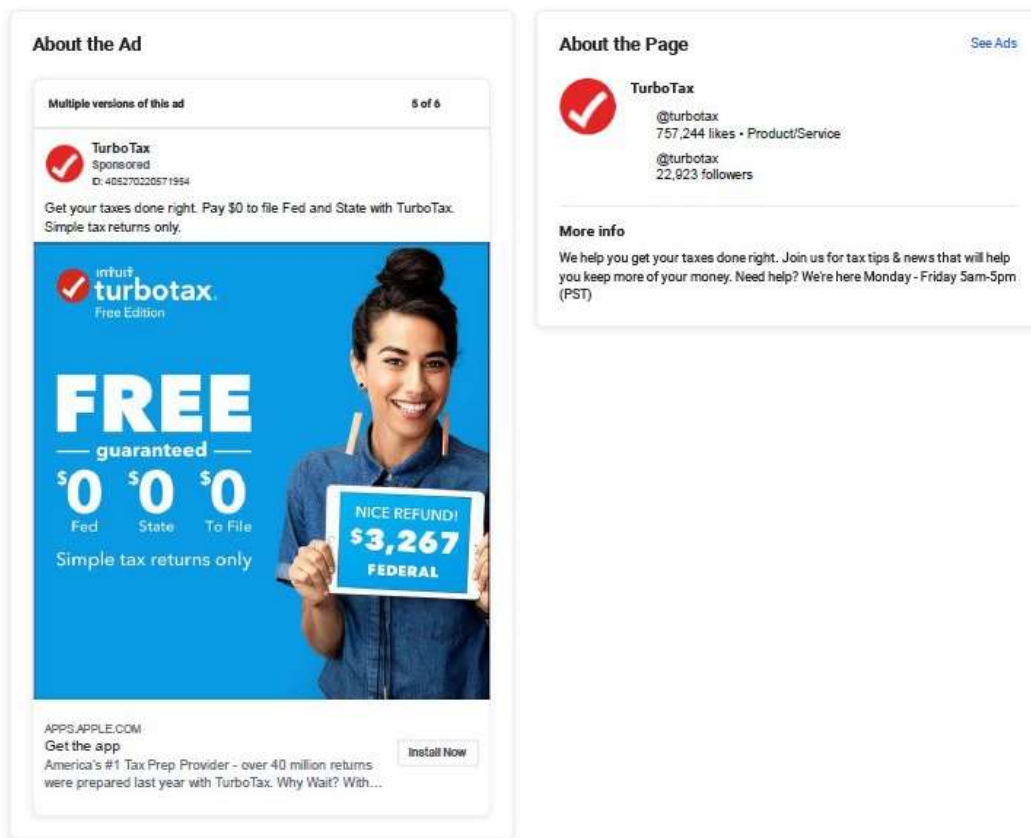
210. GX618 includes the following claim: "That's right, TurboTax Free Edition is free. Free, free free free." (GX618 (Intuit) at 00:19).

211. GX618 includes the following disclaimer spoken at a faster rate than the rest of the radio ad: "TurboTax Free Edition is for simple U.S. returns only. See if you qualify at turbotax.com. Offer subject to change." (GX618 (Intuit) at 00:24).

D. Social Media and Online Ads

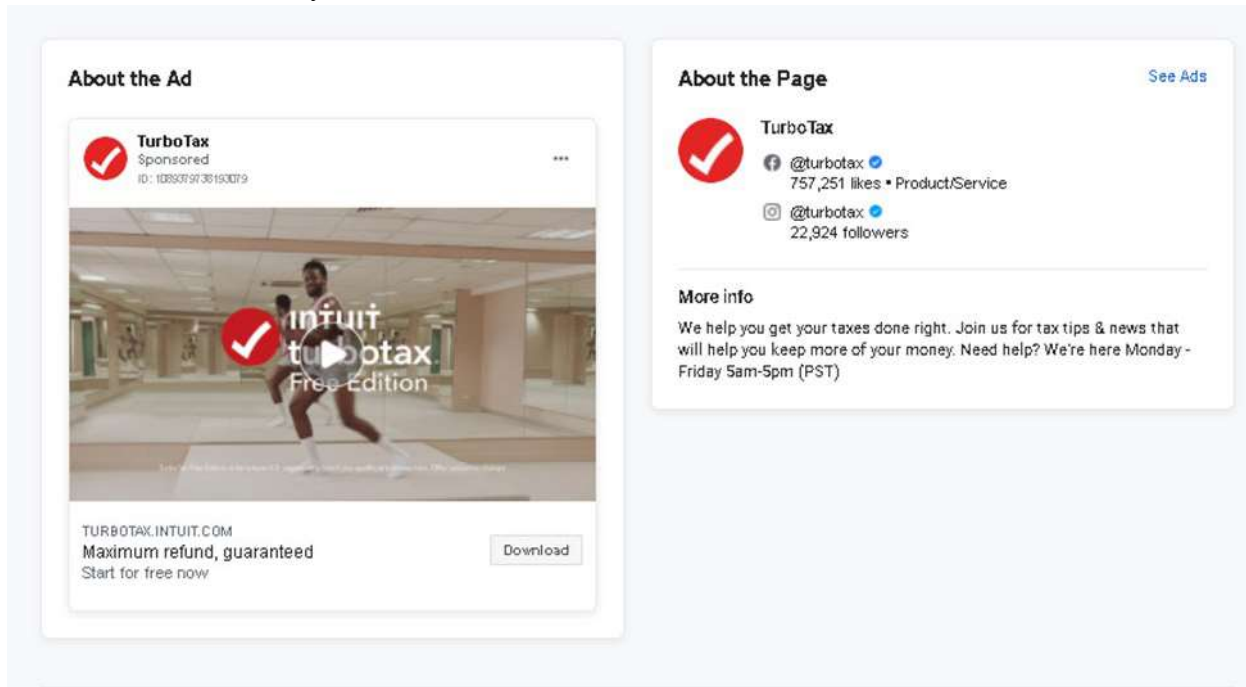
1. Social Media and Online Ads TY 2020

212. The following ad was active on Facebook on February 11, 2021:



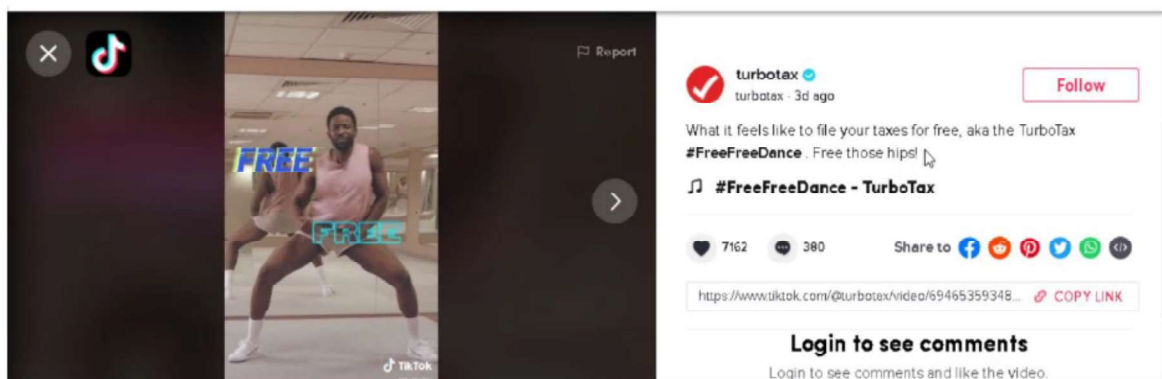
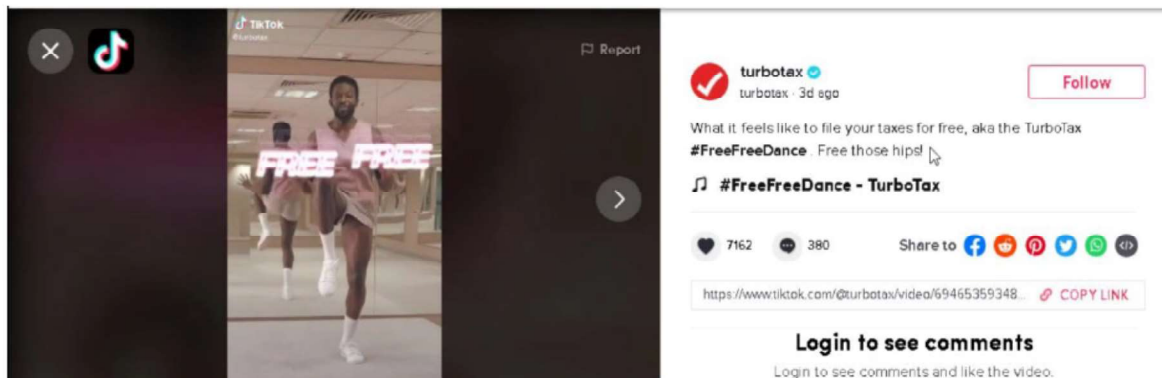
(GX342 (Complaint Counsel) ¶ 114, at CC-00006954; GX173 (Complaint Counsel); see also Shiller (Complaint Counsel) Tr. 189-90).

213. A version of the “Dance Workout” ad was also active on Facebook on February 11, 2021, as indicated by the screenshot below:



(GX342 (Complaint Counsel) ¶ 116, at CC-00006955; GX174 (Complaint Counsel); GX174-A (Complaint Counsel)).

214. A TurboTax ad was active on TikTok on January 11, 2021, as indicated by the screenshots below:



(GX342 (Complaint Counsel) ¶ 117, at CC-00006955-56; GX175 (Complaint Counsel); GX175-A (Complaint Counsel); GX176 (Complaint Counsel)).

215. GX505, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000025 and with the original file name TT-TY20-311_TTLiveBasic_OfferControl_1200x627.jpg, is an online TurboTax ad for TY 2020 that, according to Intuit’s data at GX434, received [REDACTED]. (GX505 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 141; Baburek (Complaint Counsel) Tr. 318–23).

216. A screenshot from GX505 is pictured below.



(GX505 (Intuit)).

217. GX506, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000029 and with the original file name TY20-149_Display_FreeRearrange_App_300x50.psd, is an online TurboTax ad for TY 2020 that, according to Intuit’s data at GX434, [REDACTED]

(GX506 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 61; Baburek (Complaint Counsel) Tr. 318–23).

218. A screenshot from GX506 is pictured below.



(GX506 (Intuit)).

219. GX507, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000030 and with the original file name TY20-150_Display_SpinningZeros_App_300x50.psd, is an online TurboTax ad for TY 2020 that,

according to Intuit's data at GX434, [REDACTED].
 (GX507 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 62; Baburek (Complaint Counsel) Tr. 318–23).

220. A screenshot from GX507 is pictured below.



(GX507 (Intuit)).

221. GX508, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000031 and with the original file name TY20-283_FREE_MariahTablet_LatinX_1200x627.jpg, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED].
 (GX508 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 128, row 129; Baburek (Complaint Counsel) Tr. 318–23).

222. A screenshot from GX508 is pictured below.



(GX508 (Intuit)).

223. GX509, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000034 and with the original file name TT_TY20-170_Free_NeonArt_SnapAd_9_16.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED] [REDACTED]. (GX509 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 81; Baburek (Complaint Counsel) Tr. 318–23).

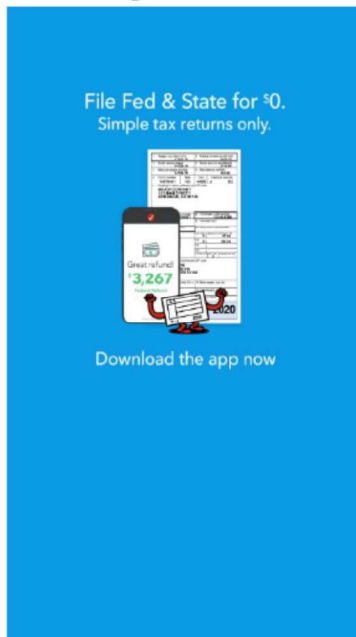
224. A screenshot from GX509 is pictured below.



(GX509 (Intuit)).

225. GX510, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000037 and with the original file name TT_TY20-178_Free_W-2Guys_TikTok_9_16.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED] [REDACTED] (GX510 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 90; Baburek (Complaint Counsel) Tr. 318–23).

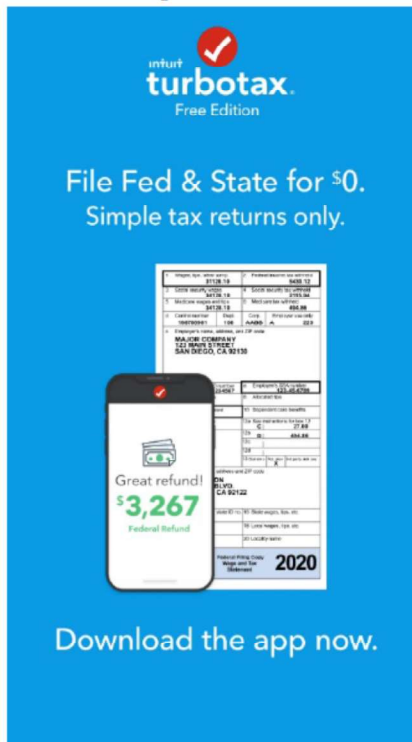
226. A screenshot from GX510 is pictured below.



(GX510 (Intuit)).

227. GX511, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000038 and with the original file name TT_TY20-155_Free_W-2Magnify_Video_FB_App_9_16.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED]. (GX511 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 69, row 70; Baburek (Complaint Counsel) Tr. 318–23).

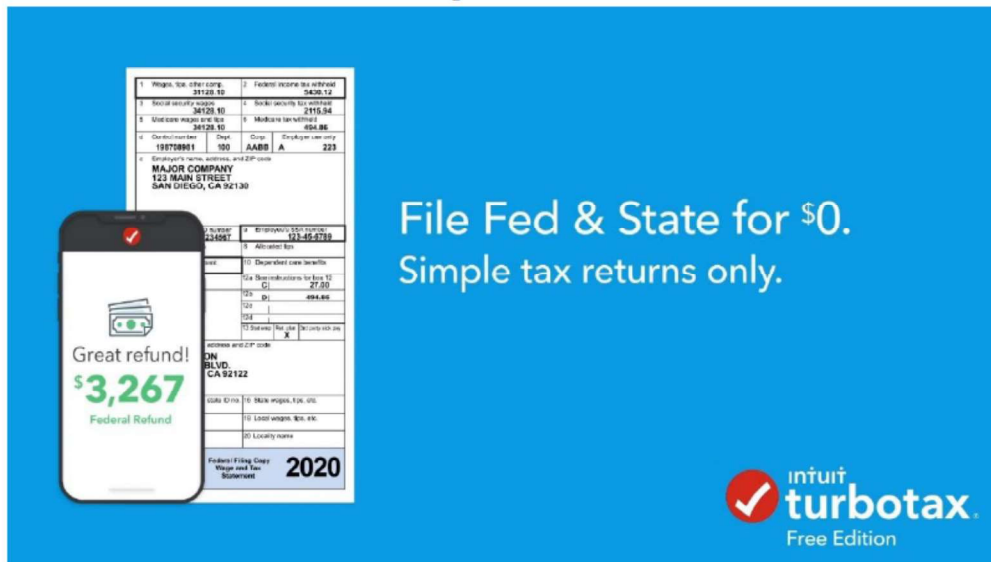
228. A screenshot from GX511 is pictured below.



(GX511 (Intuit)).

229. GX512, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000041 and with the original file name TT_TY20-263_Free_W-2Magnify_Video_YT-6sec_Web_16_9.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED]. (GX512 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 115, row 116; Baburek (Complaint Counsel) Tr. 318–23).

230. A screenshot from GX512 is pictured below.

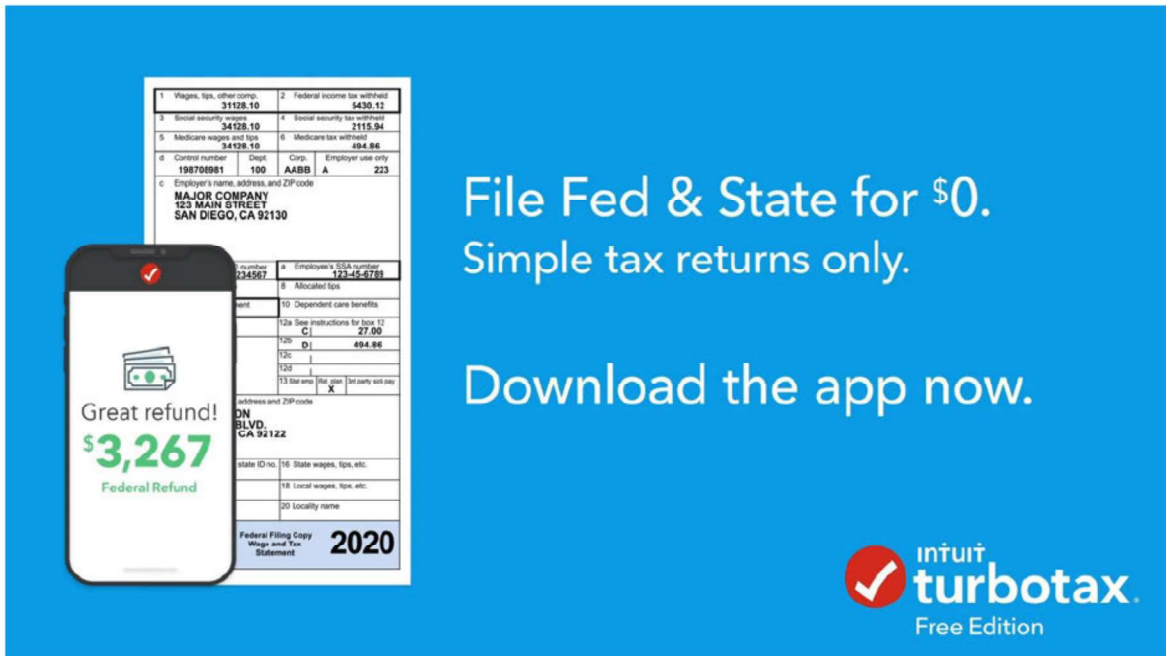


(GX512 (Intuit)).

231. GX513, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000044 and with the original file name TT_TY20-157_Free_W-2Scan_Video_FB_App_1_1.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit’s data at GX434, [REDACTED] (GX513 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 71, row 72; Baburek (Complaint Counsel) Tr. 318–23).

233. GX514, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000045 and with the original file name TT_TY20-185_Free_W-2Magnify_Video_16_9.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit’s data at GX434, [REDACTED], [REDACTED]. (GX514 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 94; Baburek (Complaint Counsel) Tr. 318–23).

234. A screenshot from GX514 is pictured below.



(GX514 (Intuit)).

235. GX515, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000046 and with the original file name TT_TY20-187_Free_W-2Scan_Video_16_9.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit’s data at GX434, [REDACTED], [REDACTED]. (GX515 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 96; Baburek (Complaint Counsel) Tr. 318–23).

236. A screenshot from GX515 is pictured below.

(GX515 (Intuit)).

237. GX516, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000047 and with the original file name TT_TY20-169_Free_X-Ray_SnapAd_9_16.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit’s data at GX434, [REDACTED] (GX516 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 79, row 80; Baburek (Complaint Counsel) Tr. 318–23).

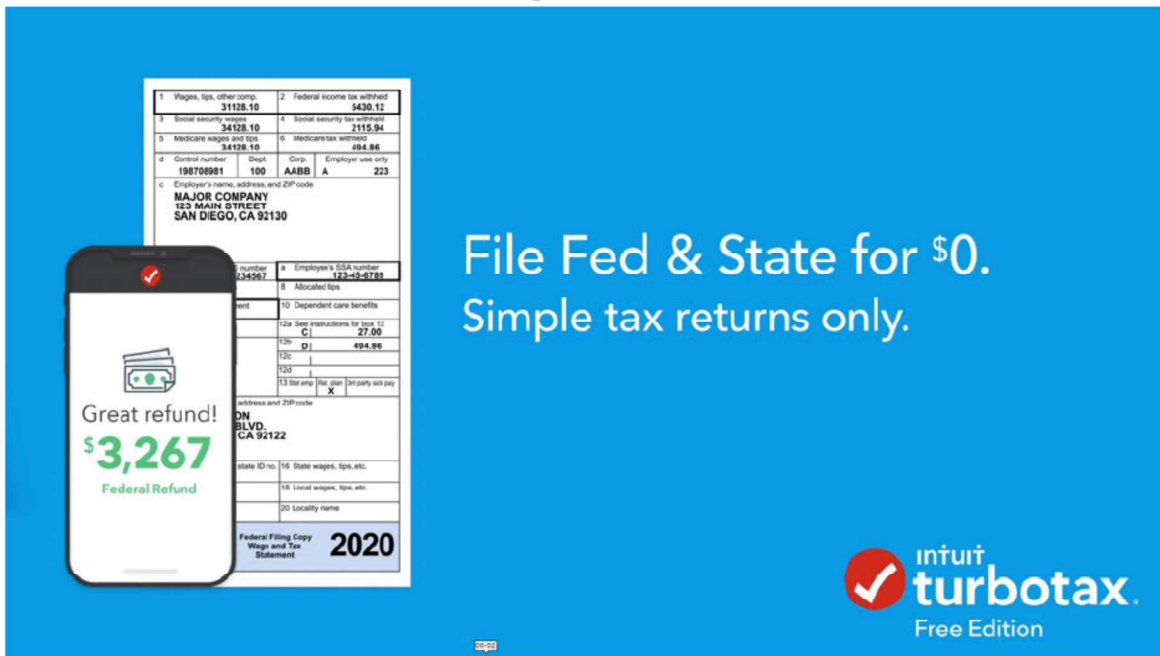
238. A screenshot from GX516 is pictured below.



(GX516 (Intuit)).

239. GX517, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000050 and with the original file name TT_TY20-264_Free_X-Ray_Video_YT-6sec_Web_16_9.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit’s data at GX434, [REDACTED]. (GX517 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 117, row 118; Baburek (Complaint Counsel) Tr. 318–23).

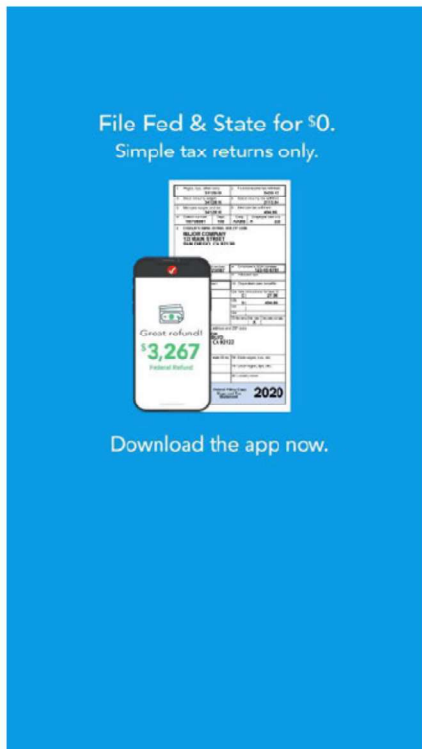
240. A screenshot from GX517 is pictured below.



(GX517 (Intuit)).

241. GX518, which Intuit produced bearing Bates number INTUIT-FTC-PART3-00000051 and with the original file name TT_TY20-180_Free_X-Ray_TikTok_9_16.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit’s data at GX434, [REDACTED] (GX518 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 92; Baburek (Complaint Counsel) Tr. 318–23).

242. A screenshot from GX518 is pictured below.



(GX518 (Intuit)).

243. GX519, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000052 and with the original file name TT_TY20-262_Free_X-Ray_Video_YT-10_Web_16_9.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED]. (GX519 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 113, row 114; Baburek (Complaint Counsel) Tr. 318–23).

244. A screenshot from GX519 is pictured below.

File Fed & State for \$0.
Simple tax returns only.

intuit
turbotax
Free Edition

(GX519 (Intuit)).

245. GX520, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000055 and with the original file name TT_TY20-172_Free_Breakthrough_SnapAd_9_16.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit’s data at GX434, [REDACTED] (GX520 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 84, row 85; Baburek (Complaint Counsel) Tr. 318–23).

246. A screenshot from GX520 is pictured below.



(GX520 (Intuit)).

247. GX521, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000056 and with the original file name TT_TY20-173_Free_FREEParade_SnapAd_9_16.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED] (GX521 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 86, row 87; Baburek (Complaint Counsel) Tr. 318–23).

248. A screenshot from GX521 is pictured below.

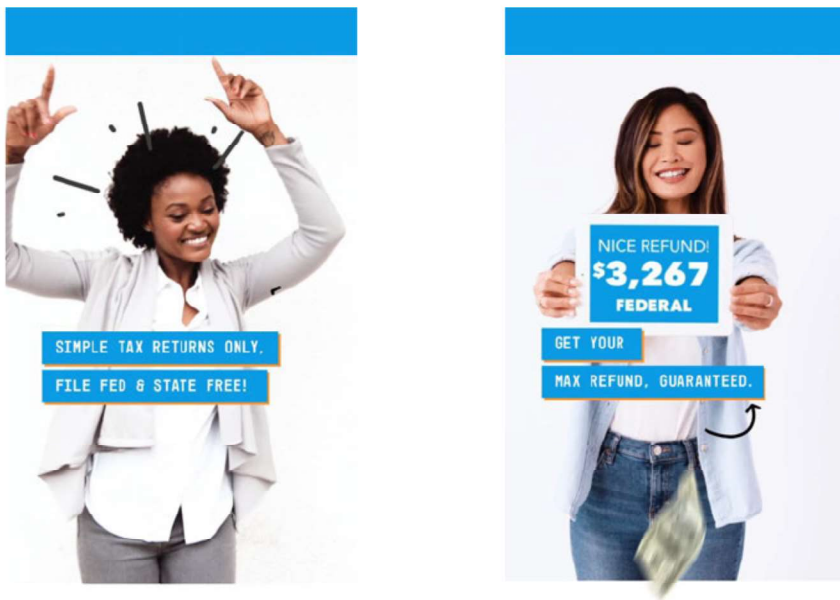


(GX521 (Intuit)).

249. GX522, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000057 and with the original file name TT_TY20-182_Free_CelebrationDance_TikTok_9_16.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED]. (GX522

(Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 93; Baburek (Complaint Counsel) Tr. 318–23).

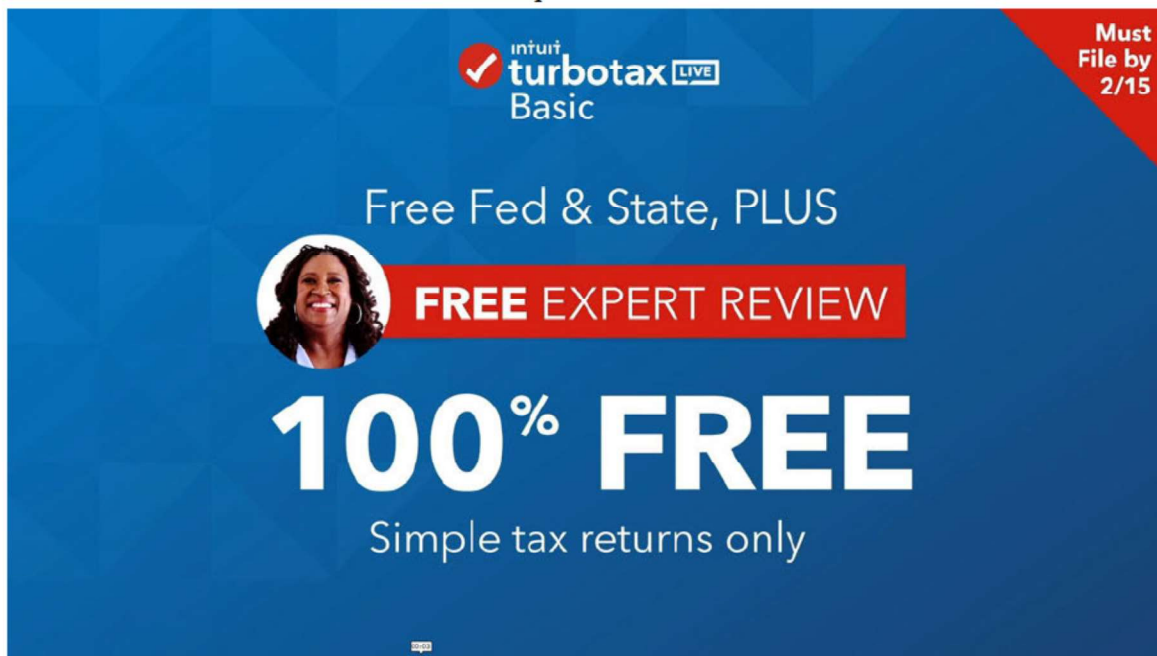
250. Screenshots from GX522 are pictured below.



(GX522 (Intuit)).

251. GX523, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000058 and with the original file name TT_TY20-313_TTLiveBasic_Baseline_BigFREE_16_9.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED]. (GX523 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 143; Baburek (Complaint Counsel) Tr. 318–23).

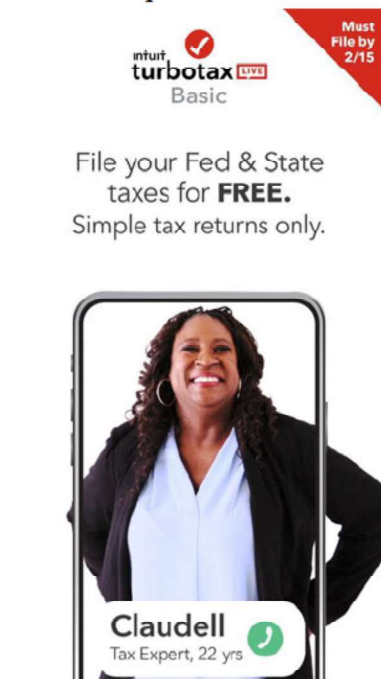
252. A screenshot from GX523 is pictured below.



(GX523 (Intuit)).

253. GX524, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000061 and with the original file name TT_TY20-312_TTLiveBasic_Baseline_LogoZoom_9_16.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED] (GX524 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 142; Baburek (Complaint Counsel) Tr. 318–23).

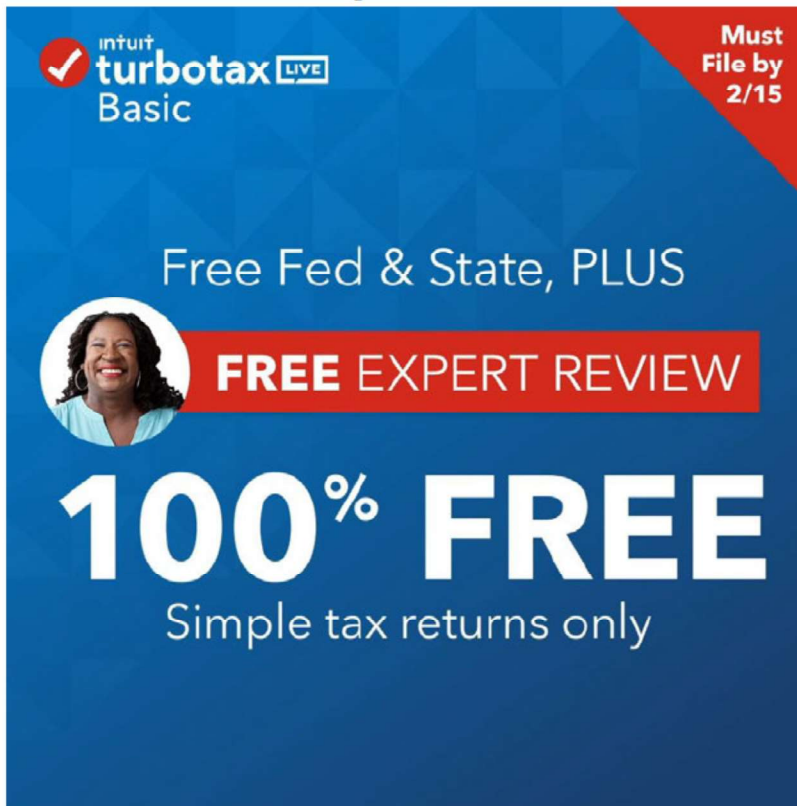
254. A screenshot from GX524 is pictured below.



(GX524 (Intuit)).

255. GX525, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000069 and with the original file name TT_TY20-144_TTLiveBasic_Baseline_Lifestyle_1_1.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED]. (GX525 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 53, row 54; Baburek (Complaint Counsel) Tr. 318–23).

256. A screenshot from GX525 is pictured below.



(GX525 (Intuit)).

257. GX526, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000070 and with the original file name TT_TY20-315_TTLiveBasic_Baseline_Lifestyle_16_9.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit’s data at GX434, [REDACTED] (GX526 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 145; Baburek (Complaint Counsel) Tr. 318–23).

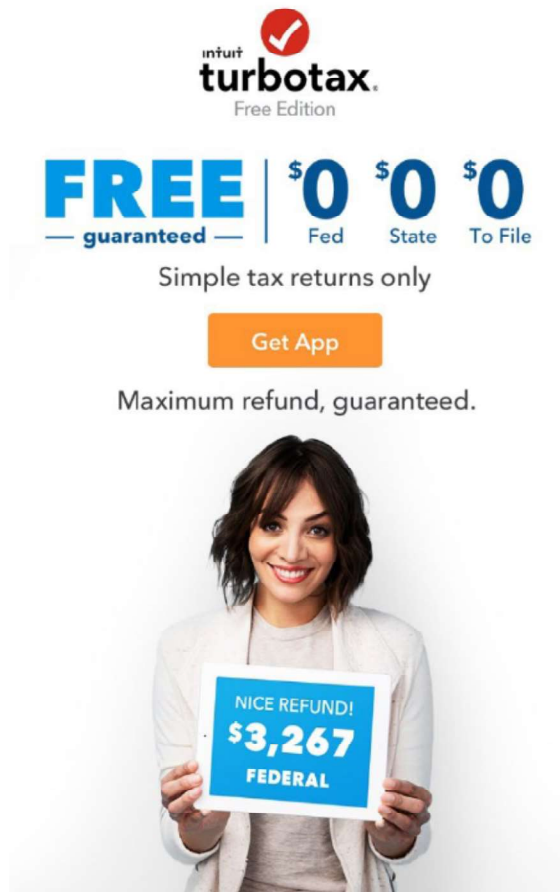
258. A screenshot from GX526 is pictured below.



(GX526 (Intuit)).

259. GX527, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000073 and with the original file name TY20-162_FREE_FreeRearrange_Pandora_Instertial_750x1400.jpg, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED] (GX527 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 73; Baburek (Complaint Counsel) Tr. 318-23).

260. A screenshot from GX527 is pictured below.



(GX527 (Intuit)).

261. GX528, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000082 and with the original file name TT_TY20-314_TTLiveBasic_Baseline_Rollout_9_16.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED] (GX528 (Intuit)); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 144; Baburek (Complaint Counsel) Tr. 318–23).

262. A screenshot from GX528 is pictured below.



(GX528 (Intuit)).

263. GX529, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000085 and with the original file name TT_TY20-143_TTLiveBasic_Baseline_Rollout_16_9.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED], (GX529 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 51, row 52; Baburek (Complaint Counsel) Tr. 318–23).

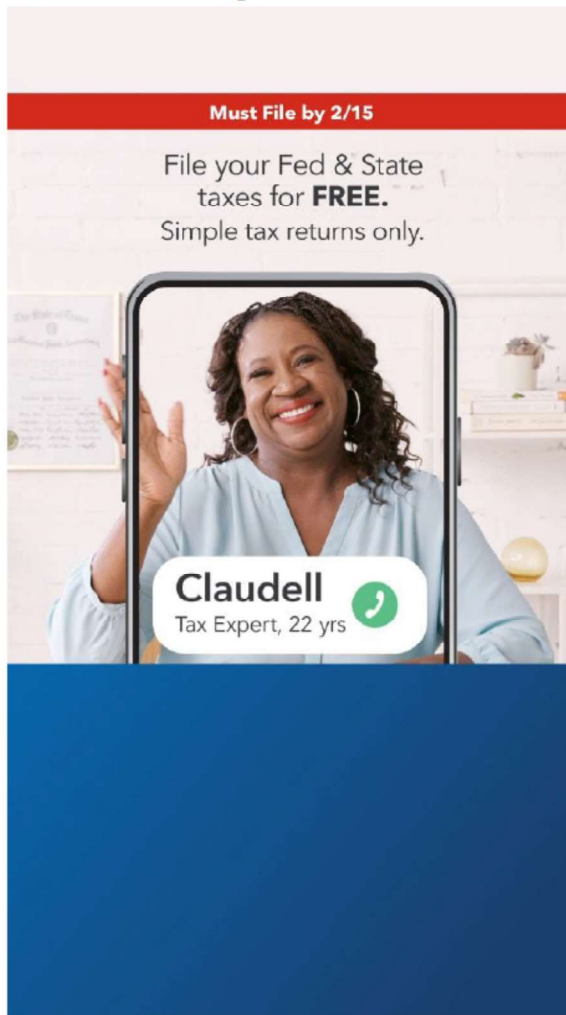
264. A screenshot from GX529 is pictured below.



(GX529 (Intuit)).

265. GX530, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000086 and with the original file name TT_TY20-147_TTLiveBasic_Baseline_LogoZoom_TikTok_9_16.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED] [REDACTED]. (GX530 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 59; Baburek (Complaint Counsel) Tr. 318-23).

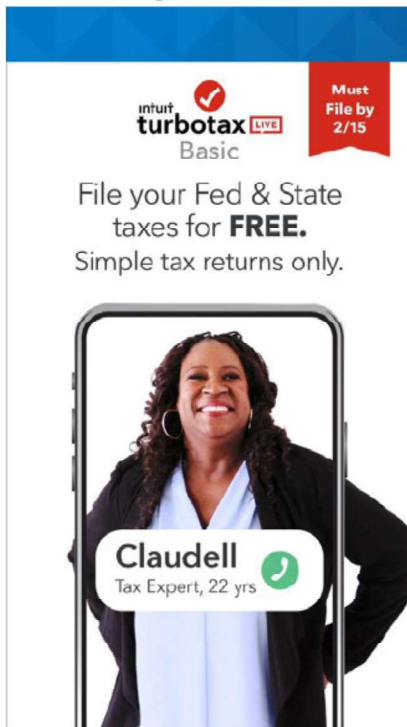
266. A screenshot from GX530 is pictured below.



(GX530 (Intuit)).

267. GX531, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000087 and with the original file name TT_TY20-145_TTLiveBasic_Baseline_LogoZoom_Snap_9_16.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit’s data at GX434, [REDACTED]. (GX531 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 55, row 56; Baburek (Complaint Counsel) Tr. 318–23).

268. A screenshot from GX531 is pictured below.



(GX531 (Intuit)).

269. GX532, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000088 and with the original file name TT_TY20-146_TTLiveBasic_Baseline_Rollout_Snap_9_16.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED]

(GX532 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 57, row 58; Baburek (Complaint Counsel) Tr. 318-23).

270. A screenshot from GX532 is pictured below.



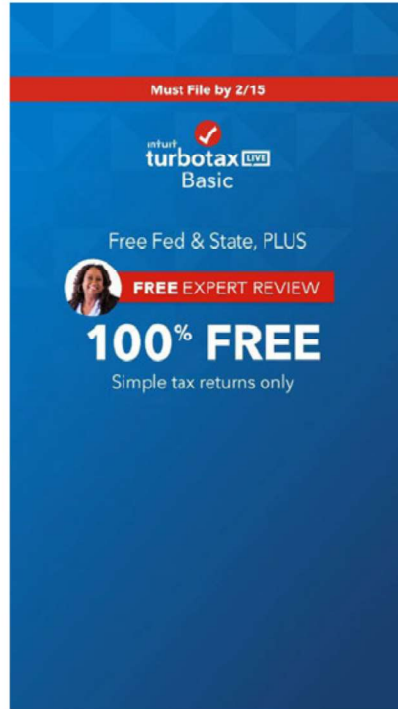
(GX532 (Intuit)).

271. GX533, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000089 and with the original file name TT_TY20-

148_TTLiveBasic_Baseline_Rollout_TikTok_9_16.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED].

(GX533 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 60; Baburek (Complaint Counsel) Tr. 318–23).

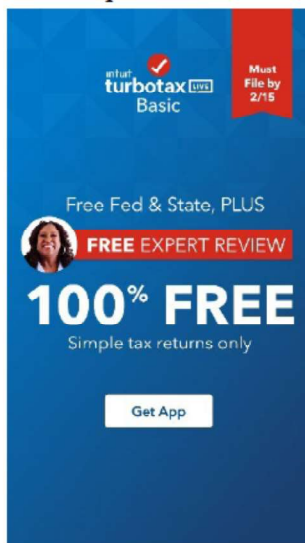
272. A screenshot from GX533 is pictured below.



(GX533 (Intuit)).

273. GX534, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000092 and with the original file name TT_TY20-304_TTLiveBasic_Baseline_ControlStatic_MM_App_1080x1920.jpg, is an online TurboTax ad for TY 2020 that, according to Intuit’s data at GX434, [REDACTED] [REDACTED]. (GX534 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 136; Baburek (Complaint Counsel) Tr. 318–23).

274. A screenshot from GX534 is pictured below.



(GX534 (Intuit)).

275. GX535, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000093 and with the original file name TY20-610_TTLiveBasic_OfferControl_1200x627.jpg, is an online TurboTax ad for TY 2020 that, according to Intuit’s data at GX434, [REDACTED]. (GX535 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 173; Baburek (Complaint Counsel) Tr. 318–23).

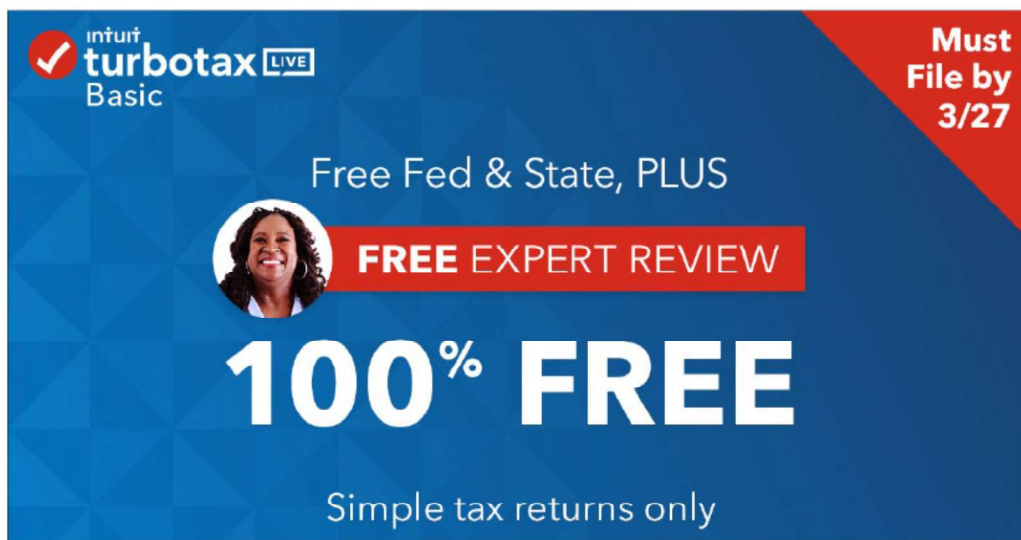
276. A screenshot from GX535 is pictured below.



(GX535 (Intuit)).

277. GX536, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000097 and with the original file name TY20-742_TTLiveBasic_OfferControl_1200x628.jpg, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED]. (GX536 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 210; Baburek (Complaint Counsel) Tr. 318–23).

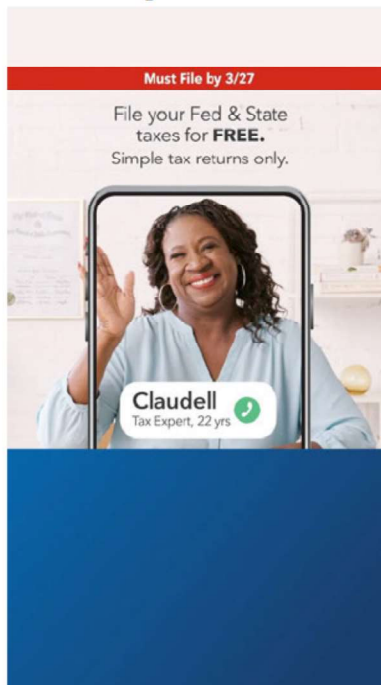
278. A screenshot from GX536 is pictured below.



(GX536 (Intuit)).

279. GX537, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000108 and with the original file name TY20-581_TTLiveBasic_Baseline_LogoZoom_TikTok_9_16.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED]. (GX537 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 160; Baburek (Complaint Counsel) Tr. 318–23).

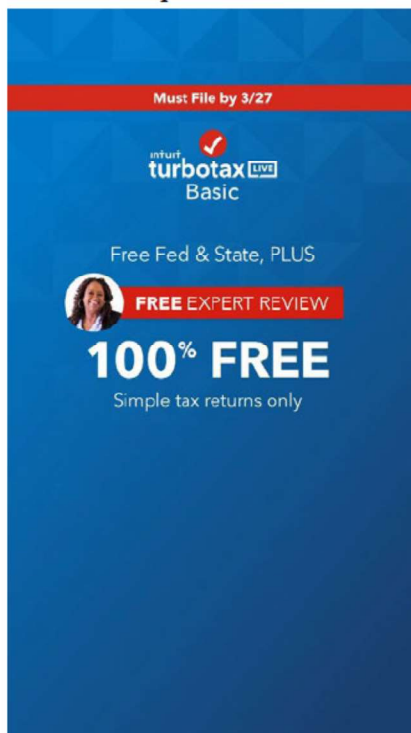
280. A screenshot from GX537 is pictured below.



(GX537 (Intuit)).

281. GX538, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000114 and with the original file name TY20-582_TTLiveBasic_Baseline_Rollout_TikTok_9_16.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED] (GX538 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 161; Baburek (Complaint Counsel) Tr. 318–23).

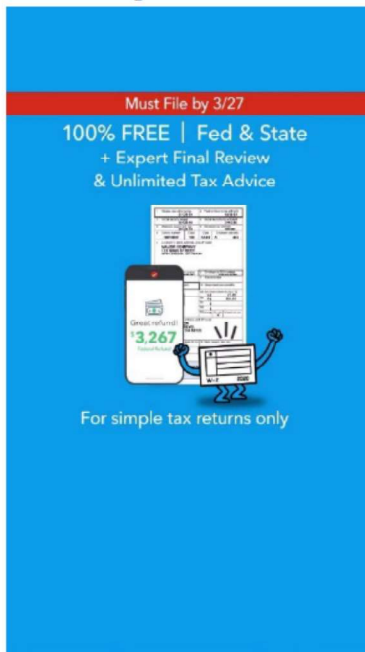
282. A screenshot from GX538 is pictured below.



(GX538 (Intuit)).

283. GX539, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000121 and with the original file name TY20-620_TTLiveBasic_W-2Guys_Dance_3.27_TikTok_9_16_VersionB.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED] (GX539 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 181, row 182; Baburek (Complaint Counsel) Tr. 318-23).

284. A screenshot from GX539 is pictured below.



(GX539 (Intuit)).

285. GX540, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000128 and with the original file name TY20-646_Free_X-Ray_TikTok_EFile_9_16.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED] [REDACTED]. (GX540 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 195; Baburek (Complaint Counsel) Tr. 318-23).

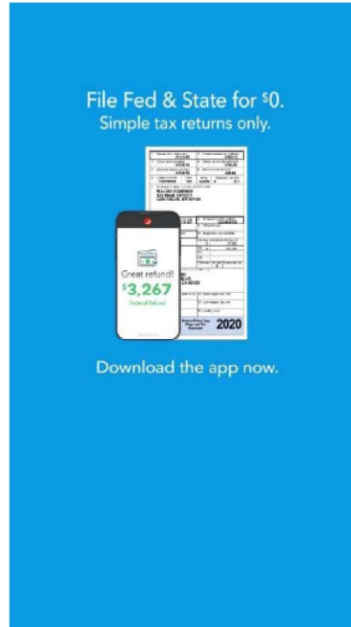
286. A screenshot from GX540 is pictured below.



(GX540 (Intuit)).

287. GX541, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000131 and with the original file name TY20-645_Free_W-2Magnify_TikTok_EFile_9_16.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED]. (GX541 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 194; Baburek (Complaint Counsel) Tr. 318-23).

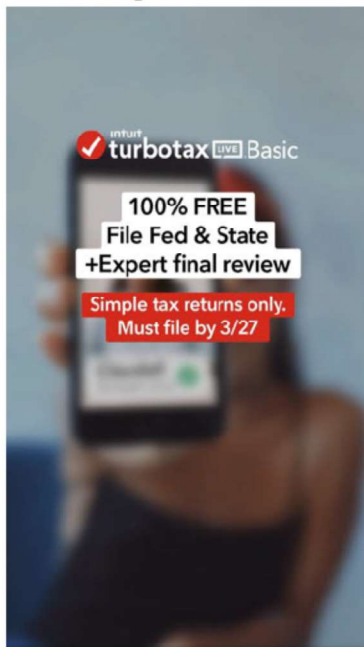
288. A screenshot from GX541 is pictured below.



(GX541 (Intuit)).

289. GX542, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000140 and with the original file name TY20-746_TTLiveBasic_UGC_RealPeople_SnapStory_9_16.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit’s data at GX434, [REDACTED] (GX542 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 216, row 217; Baburek (Complaint Counsel) Tr. 318–23).

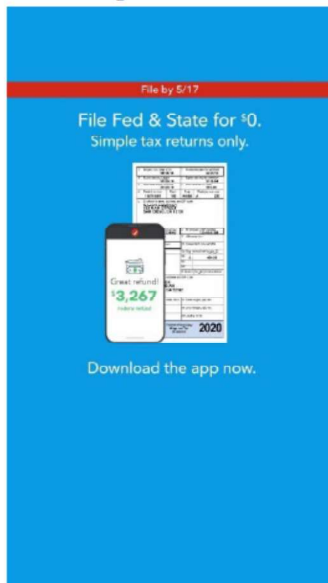
290. A screenshot from GX542 is pictured below.



(GX542 (Intuit)).

291. GX544, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000145 and with the original file name TT_TY20-179_EOS_Free_W-2Magnify_TikTok_9_16.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED]. (GX544 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 91; Baburek (Complaint Counsel) Tr. 318–23).

292. A screenshot from GX544 is pictured below.



(GX544 (Intuit)).

293. GX545, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000146 and with the original file name TT_TY20-171_EOS_Free_CelebrationDance_SnapAd_9_16.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit’s data at GX434, [REDACTED].

(GX545 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 82, row 83; Baburek (Complaint Counsel) Tr. 318–23).

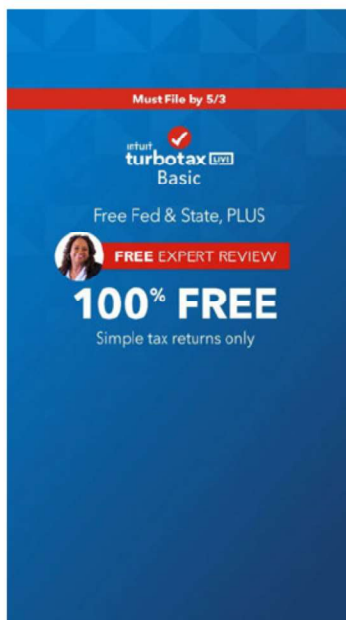
294. Screenshots from GX545 are pictured below.



(GX545 (Intuit)).

295. GX546, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000147 and with the original file name TY20-731_EOS_TTLiveBasic_Rollout_TikTok_9_16.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit’s data at GX434, [REDACTED], (GX546 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 207; Baburek (Complaint Counsel) Tr. 318–23).

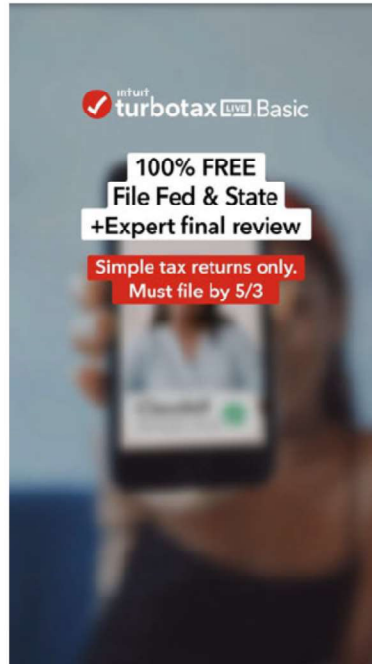
296. A screenshot from GX546 is pictured below.



(GX546 (Intuit)).

297. GX547, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000150 and with the original file name TY20-767_EOS_TTLiveBasic_UGC_RealPeople_TikTok_9_16.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED] [REDACTED] (GX547 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 221; Baburek (Complaint Counsel) Tr. 318-23).

298. A screenshot from GX547 is pictured below.



(GX547 (Intuit)).

299. RX1404 (GX605), which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000520 and with the original file name QTTX1921H_Echo_HD_WEB_TTX_YouTube_TurboTax_06.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED] [REDACTED]. (RX1404 (GX605) (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 39, row 40, row 41; Baburek (Complaint Counsel) Tr. 318–23).

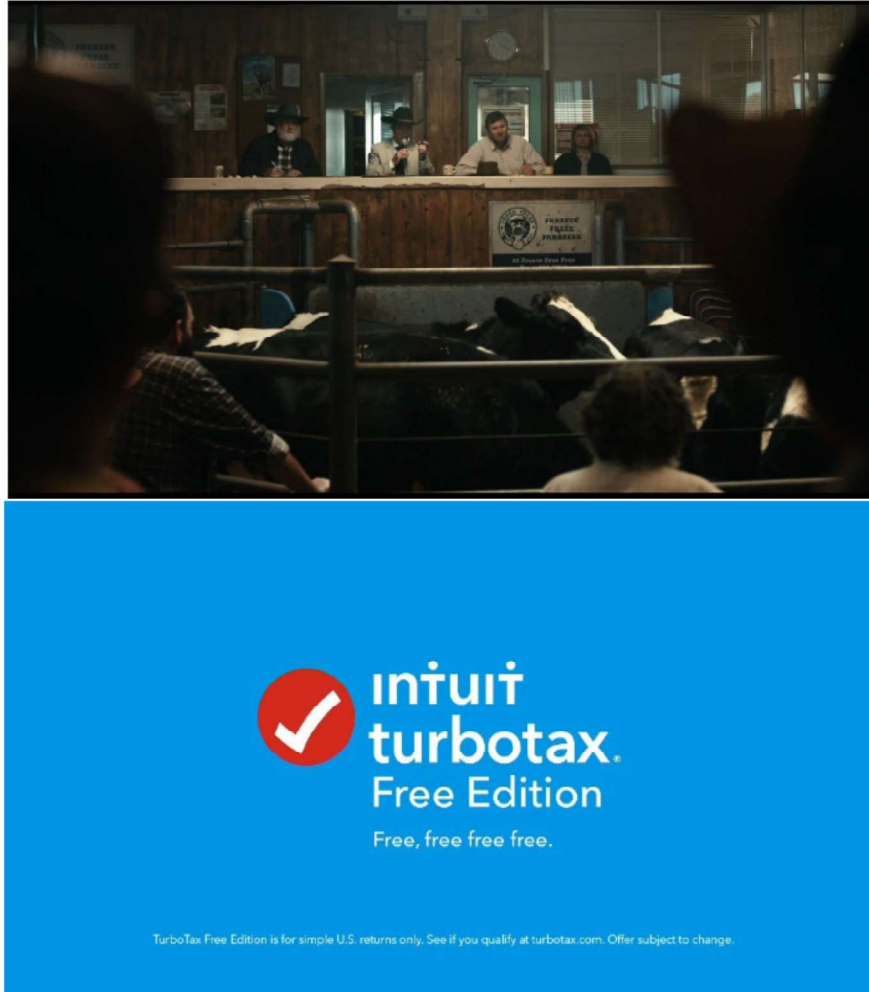
300. A screenshot from RX1404 (GX605) is pictured below.



(RX1404 (Intuit)).

301. RX1405 (GX606), which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000521 and with the original file name QTTX1923H_Auctioneer_HD_WEB_TTX_YouTube_TurboTax_30.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED] (RX1405 (GX606) (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 42, row 43, row 44, row 45; Baburek (Complaint Counsel) Tr. 318–23).

302. Screenshots from RX1405 (GX606) are pictured below.



(RX1405 (Intuit)).

303. RX1122 (GX608), which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000523 and with the original file name QTTX1895H_Dance_Workout_HD_WEB_TTX_YouTube_TurboTax_15.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit’s data at GX434, [REDACTED] [REDACTED] (RX1122 (GX608) (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 10, row 11, row 12, row 13; Baburek (Complaint Counsel) Tr. 318–23).

304. Screenshots from RX1122 (GX608) are pictured below.



(RX1122 (Intuit)).

305. RX1124 (GX609), which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000524 and with the original file name QTTX1903H_Echo_HD_WEB_TTX_YouTube_TurboTax_15.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED] [REDACTED]. (RX1124 (GX609) (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 26, row 27, row 28, row 29; Baburek (Complaint Counsel) Tr. 318–23).

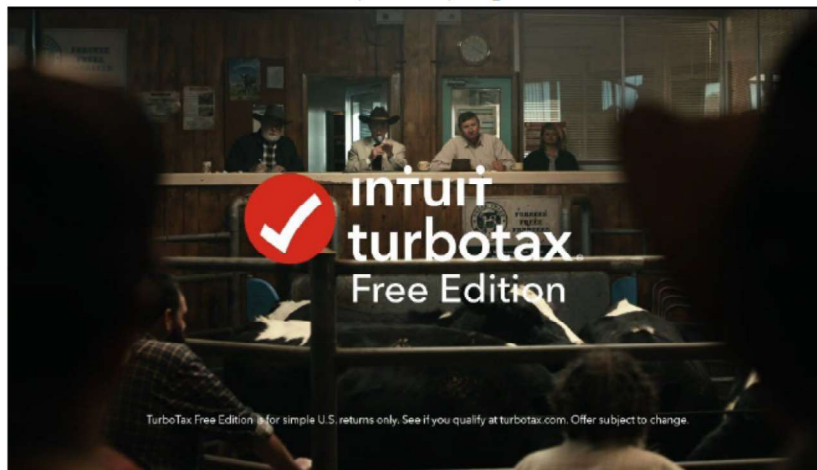
306. Screenshots from RX1124 (GX609) are pictured below.



(RX1124 (Intuit)).

307. RX1407 (GX610), which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000525 and with the original file name QTTX1919H_Auctioneer_HD_WEB_TTX_YouTube_TurboTax_06.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED] [REDACTED]. (RX1407 (GX610) (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 36, row 37, row 38; Baburek (Complaint Counsel) Tr. 318–23).

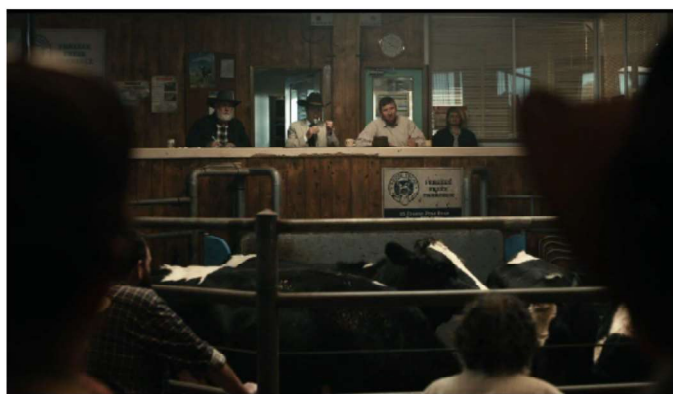
308. A screenshot from RX1407 (GX610) is pictured below.



(RX1407 (Intuit)).

309. RX1408 (GX611), which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000526 and with the original file name QTTX1901H_Auctioneer_HD_WEB_TTX_YouTube_TurboTax_15.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434 [REDACTED] [REDACTED]. (RX1408 (GX611) (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 22, row 23, row 24, row 25; Baburek (Complaint Counsel) Tr. 318–23).

310. Screenshots from RX1408 (GX611) are pictured below.

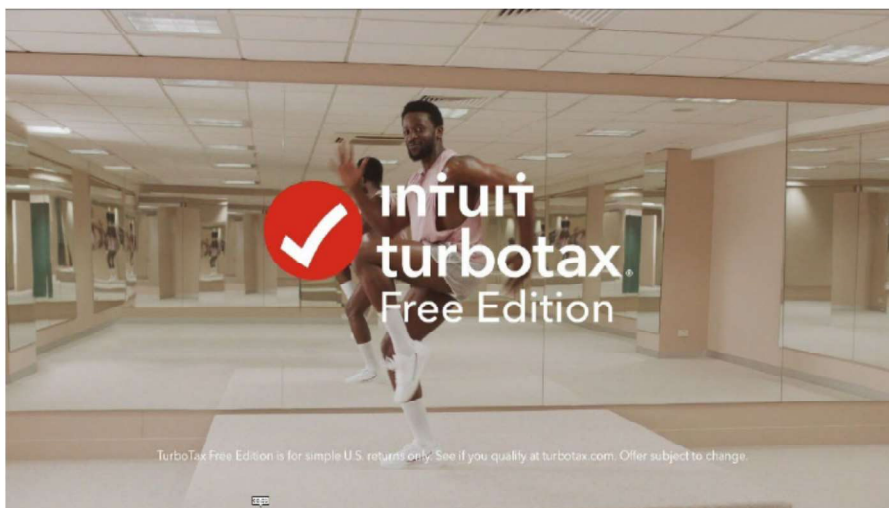




(RX1408 (Intuit)).

311. RX1409 (GX612), which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000527 and with the original file name QTTX1915H_Dance_Workout_HD_WEB_TTX_YouTube_TurboTax_06.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit’s data at GX434, [REDACTED] [REDACTED]. (RX1409 (GX612) (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 30, row 31, row 32; Baburek (Complaint Counsel) Tr. 318–23).

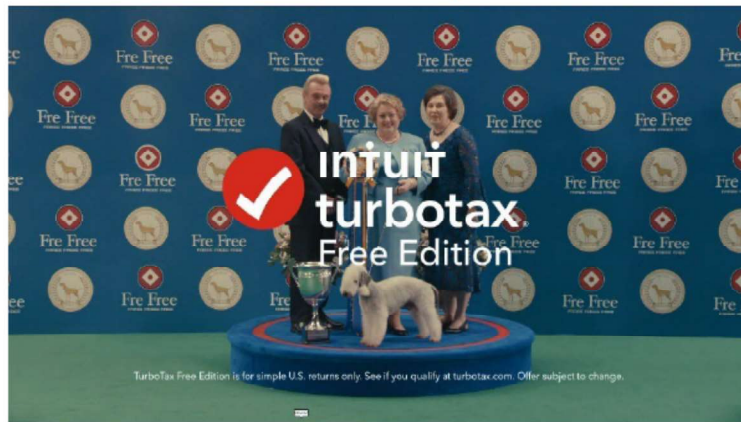
312. A screenshot from RX1409 (GX612) is pictured below.



(RX1409 (Intuit)).

313. RX1410 (GX613), which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000528 and with the original file name QTTX1917H_Dog_Show_HD_WEB_TTX_YouTube_TurboTax_06.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit’s data at GX434, [REDACTED] [REDACTED] (RX1410 (GX613) (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 33, row 3 [REDACTED] row 35; Baburek (Complaint Counsel) Tr. 318–23).

314. A screenshot from RX1410 (GX613) is pictured below.



(RX1410 (Intuit)).

315. RX1120 (GX615), which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000530 and with the original file name QTTX1899H_Dog_Show_HD_WEB_TTX_YouTube_TurboTax_15.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit’s data at GX434, [REDACTED] [REDACTED] (RX1120 (GX615) (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 18, row 19, row 20, row 21; Baburek (Complaint Counsel) Tr. 318–23).

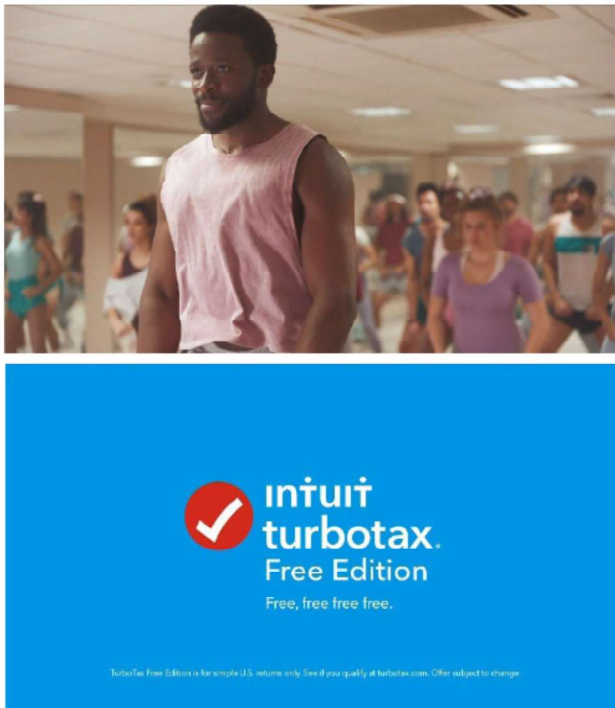
316. Screenshots from RX1120 (GX615) are pictured below.



(RX1120 (Intuit)).

317. RX1412 (GX628), which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000543 and with the original file name QTTX1893H_Dance_Workout_HD_WEB_TTX_YouTube_TurboTax_30.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit’s data at GX434, [REDACTED], [REDACTED]. (RX1412 (GX628) (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 6, row 7, row 8, row 9; Baburek (Complaint Counsel) Tr. 318–23).

318. Screenshots from RX1412 (GX628) are pictured below.



(RX1412 (Intuit)).

319. RX1123 (GX629), which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000544 and with the original file name QTTX1891H_Young_love_HD_WEB_TTX_YouTube_TurboTax_15.mp4, is an online TurboTax ad for TY 2020 that, according to Intuit's data at GX434, [REDACTED] [REDACTED]. (RX1123 (GX629) (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 2, row 3, row 4, row 5; Baburek (Complaint Counsel) Tr. 318–23).

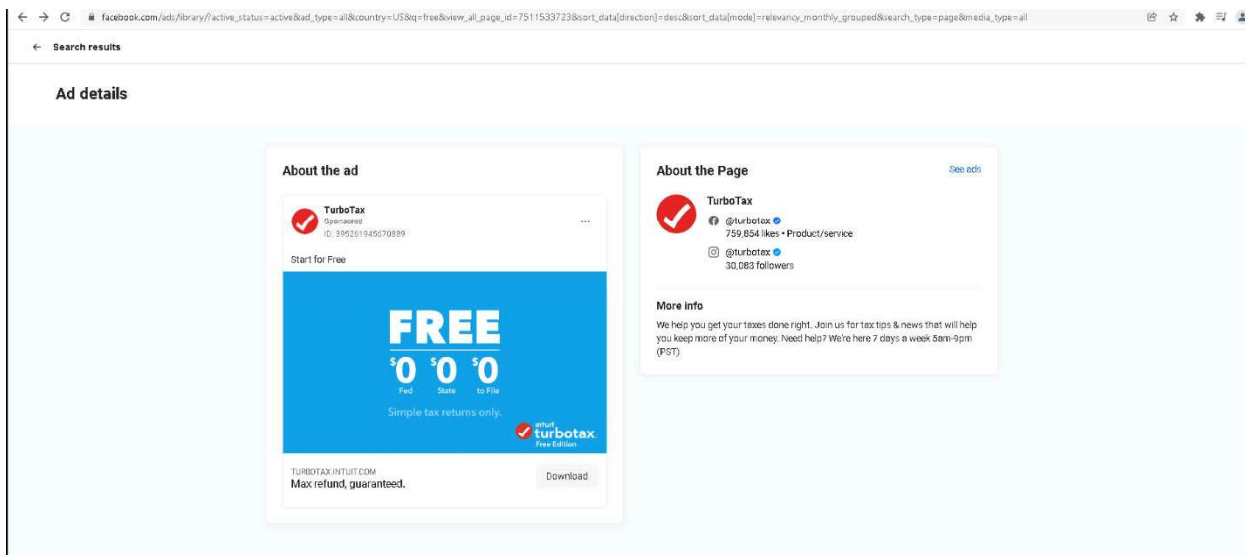
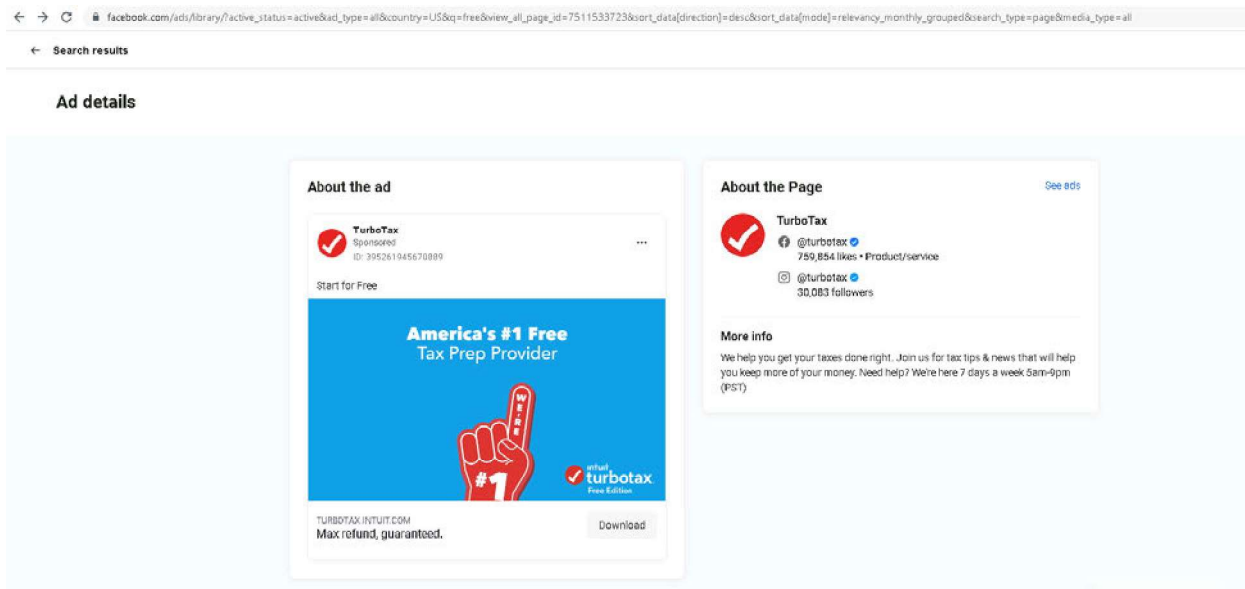
320. Screenshots from RX1123 (GX629) are pictured below.



(RX1123 (Intuit)).

2. Social Media and Online Ads TY 2021

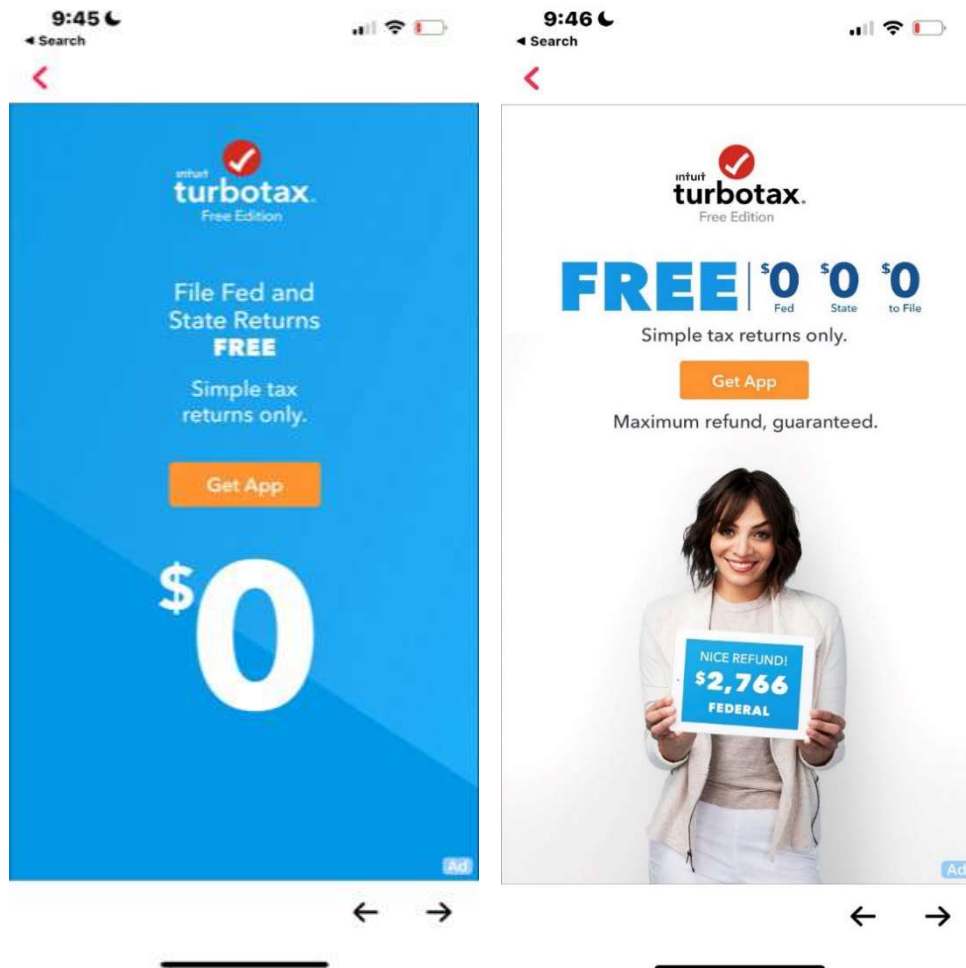
321. On March 27, 2022, Intuit displayed a TurboTax ad on Facebook that said, “America’s #1 Free Tax Prep Provider,” with a 10-second video and a screen stating, “FREE \$0 \$0.”:



(GX342 (Complaint Counsel) ¶ 159, at CC-00006979-80; GX187 (Complaint Counsel); GX188 (Complaint Counsel)). In smaller, fainter print underneath, the ad contains a disclaimer that states “Simple tax returns only.” (GX187 (Complaint Counsel); GX188 (Complaint Counsel)).

322. The Facebook TurboTax ad that said, “America’s #1 Free Tax Prep Provider,” with a 10-second video and a screen stating, “FREE \$0 \$0 \$0,” (GX187 & GX188) was still active on Facebook on April 18, 2022. (GX342 (Complaint Counsel) ¶ 160, at CC-00006980).

323. On March 30, 2022, the following two TurboTax ads were displayed on the Apple News application:



(GX342 (Complaint Counsel) ¶ 161, at CC-00006981; GX189 (Complaint Counsel); GX189-A (Complaint Counsel); *see also* Shiller (Complaint Counsel) Tr. 193-96).

324. The TurboTax ads marked GX189 and GX189-A appeared repeatedly on the Apple News application between March 20 and April 18, 2022. (GX342 (Complaint Counsel) ¶ 162, at CC-00006981).

325. On April 7, 2022, Intuit displayed the following TurboTax ads on Reddit:

u/TurboTaxOfficial · Promoted

File FREE with TurboTax: \$0 Fed. \$0 State. \$0 to File. Simple tax returns only.



turbotax.intuit.com Download

Vote 0 Share

u/TurboTaxOfficial · Promoted

\$0 Fed. \$0 State. \$0 to File. TurboTax is FREE for simple tax returns only.



turbotax.intuit.com Download

Vote 0 Share

(GX342 (Complaint Counsel) ¶ 169, at CC-00006987; GX196 (Complaint Counsel); GX197 (Complaint Counsel)).

326. On April 8, 2022, Intuit displayed the following TurboTax ad on Reddit:

**File FREE with TurboTax: \$0 Fed. \$0 State.
\$0 to File. Simple tax returns only.**



File Fed & State for \$0
Simple tax returns only.

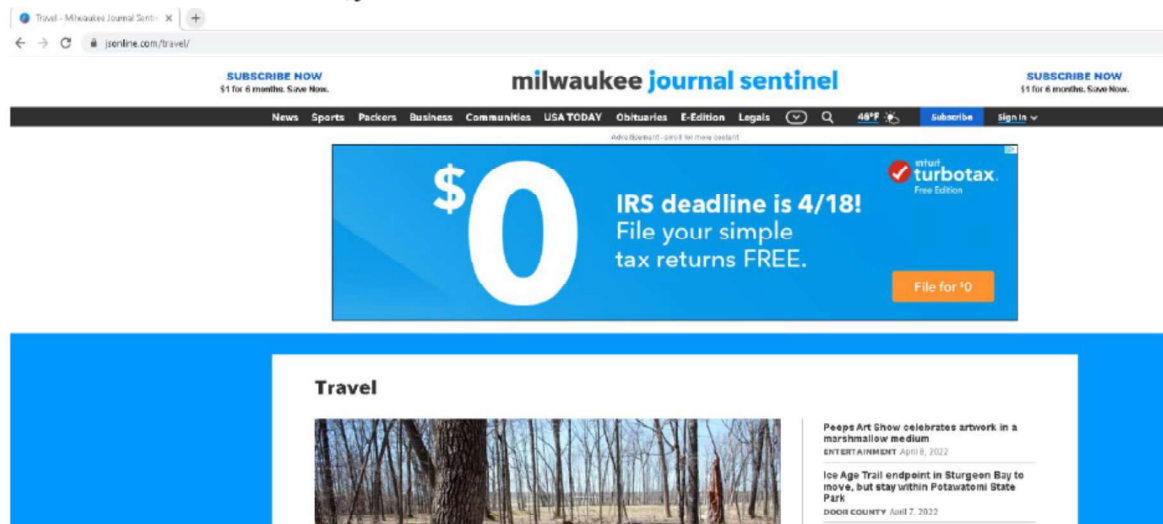
Download the app now.

turbotax.intuit.com **Download**

↑ Vote ↓ 0 ↑ Share +

(GX342 (Complaint Counsel) ¶ 170, at CC-00006988; GX198 (Complaint Counsel)).

327. On April 14, 2022, the following TurboTax ad appeared on the webpage of the Milwaukee Journal Sentinel, jsonline.com/travel/:



(GX342 (Complaint Counsel) ¶ 171, at CC-00006988; GX199 (Complaint Counsel); *see also* Shiller (Complaint Counsel) Tr. 196-97).

328. GX548, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000184 and with the original file name ty21-630-bust_ttlfsbo-SpinningZeros_1200x628.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit's data at GX434, [REDACTED] [REDACTED]. (GX548 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 497; Baburek (Complaint Counsel) Tr. 318-23).

329. A screenshot from GX548 is pictured below.



(GX548 (Intuit)).

330. GX549, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000185 and with the original file name ty21-392-csrf_gm-MariahTablet_1200x628.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit’s data at GX434, [REDACTED]. [REDACTED]. (GX549 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 404; Baburek (Complaint Counsel) Tr. 318–23).

331. A screenshot from GX549 is pictured below.



(GX549 (Intuit)).

332. GX550, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000188 and with the original file name ty21-920-csrf_gm-MariahTablet_1200x627.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit's data at GX434, [REDACTED] [REDACTED]. (GX550 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 647; Baburek (Complaint Counsel) Tr. 318–23).

333. A screenshot from GX550 is pictured below.



(GX550 (Intuit)).

334. GX551, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000198 and with the original file name ty21-192-zrof_gm-SpinningZeros_970x250.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit's data at GX434, [REDACTED] [REDACTED] (GX551 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 376, row 377; Baburek (Complaint Counsel) Tr. 318–23).

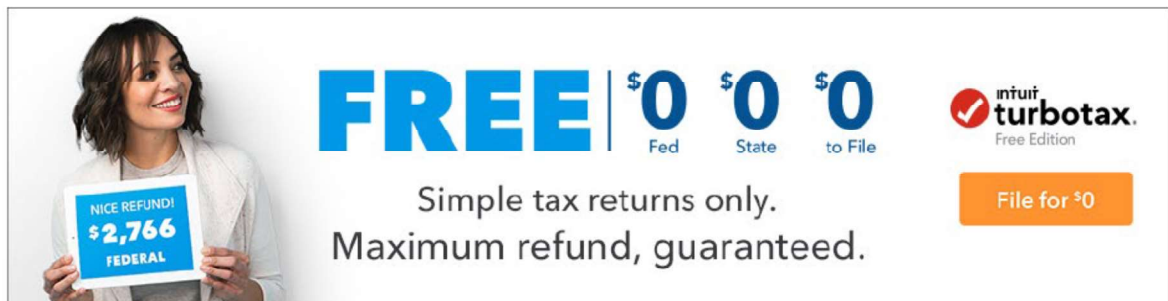
335. A screenshot from GX551 is pictured below.



(GX551 (Intuit)).

336. GX552, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000199 and with the original file name ty21-191-zrof_gm-FreeRearrange_970x250.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit’s data at GX434, [REDACTED] [REDACTED]. (GX552 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 375; Baburek (Complaint Counsel) Tr. 318–23).

337. A screenshot from GX552 is pictured below.



(GX552 (Intuit)).

338. GX553, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000200 and with the original file name ty21-401-zrof_gm-SpinningZeros_300x250.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit’s data at GX434, [REDACTED] [REDACTED] (GX553 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 412; Baburek (Complaint Counsel) Tr. 318–23).

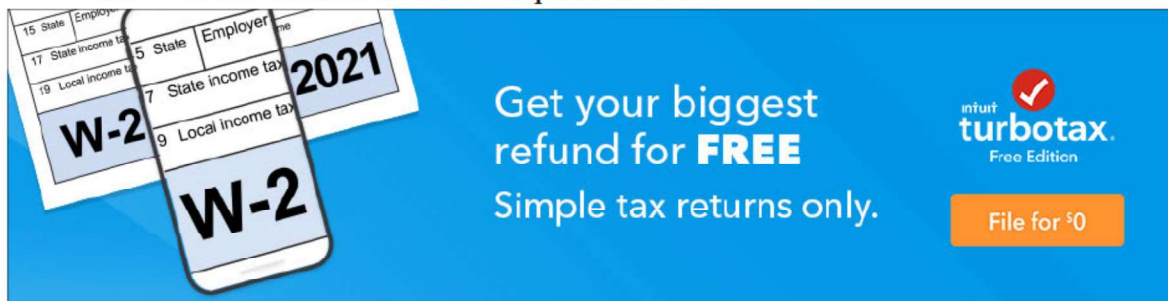
339. A screenshot from GX553 is pictured below.



(GX553 (Intuit)).

340. GX554, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000202 and with the original file name ty21-193-w2f_gm-SnapTapDone_970x250.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit’s data at GX434, [REDACTED] (GX554 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 378, row 379; Baburek (Complaint Counsel) Tr. 318–23).

341. A screenshot from GX554 is pictured below.

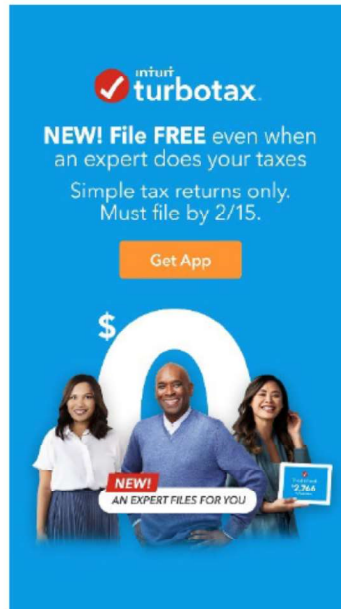


(GX554 (Intuit)).

342. GX555, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000204 and with the original file name ty21-688-mvpb_ttlfsbo-MVPBlue_1080x1920.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit’s data at GX434, [REDACTED]

[REDACTED] (GX555 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 535; Baburek (Complaint Counsel) Tr. 318–23).

343. A screenshot from GX555 is pictured below.



(GX555 (Intuit)).

344. GX556, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000205 and with the original file name ty21-434-zrof_gm-FreeRearrange_1000x1000.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit's data at GX434, [REDACTED] [REDACTED] (GX556 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 434; Baburek (Complaint Counsel) Tr. 318–23).

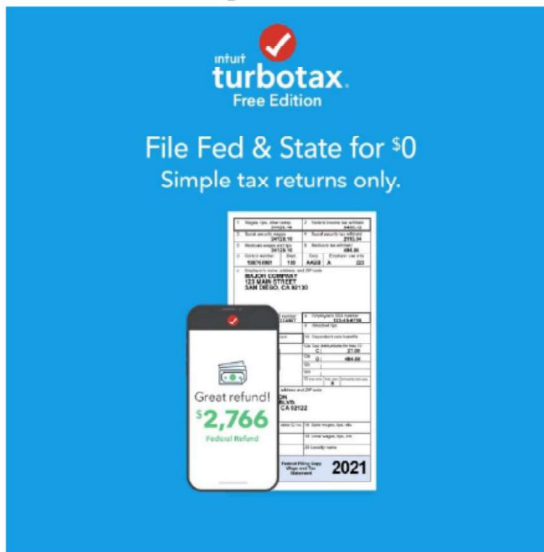
345. A screenshot from GX556 is pictured below.



(GX556 (Intuit)).

346. GX557, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000208 and with the original file name ty21-090-numf_gm-Pennant_1x1.mp4, is an online TurboTax ad for TY 2021 that, according to Intuit's data at GX434, [REDACTED] [REDACTED]. (GX557 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 317; Baburek (Complaint Counsel) Tr. 318–23).

347. A screenshot from GX557 is pictured below.



(GX557 (Intuit)).

348. GX558, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000213 and with the original file name ty21-470-w2f_gm-W2Magnify_10_16x9.mp4, is an online TurboTax ad for TY 2021 that, according to Intuit’s data at GX434, [REDACTED] [REDACTED]. (GX558 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 441; Baburek (Complaint Counsel) Tr. 318–23).

349. A screenshot from GX558 is pictured below.

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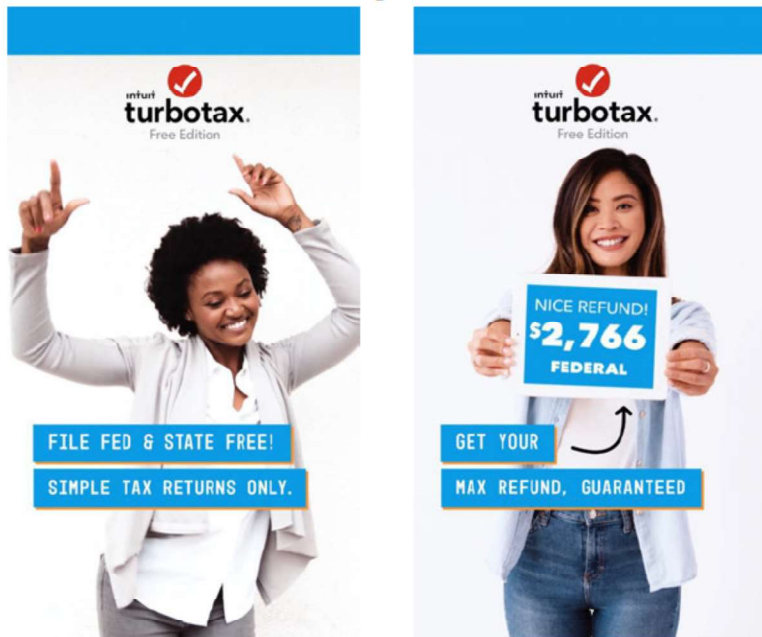
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| | | | |
|---|--|-------------------------------------|--------------------------|
| 1 Wages, tips, other comp. \$11,281.10 | 2 Federal income tax withheld \$430.12 | | |
| 3 Social security wages \$4,128.10 | 4 Social security tax withheld \$113.94 | | |
| 5 Medicare wages and tips \$4,128.10 | 6 Medicare tax withheld \$94.86 | | |
| d Control number 19870981 | Dist. 100 | Corp. A | Employer use only 223 |
| e Employer's name, address, and ZIP code MAJOR COMPANY 123 MAIN STREET SAN DIEGO, CA 92130 | | | |
| 7 Employee's SSN 12-34-567 | 8 Employee's SSA number 12-34-5678 | 9 Allocated tips | |
| 10 Dependent care benefits | | 11 See instructions for box 12 G | 27.90 |
| 12 | D | | 494.86 |
| 13 | | | |
| 14 | | | |
| 15 | | | |
| 16 State wages, tips, etc. | | 17 Local wages, tips, etc. | |
| 18 | | 19 Locality name | |
| Federal Files Copy Wage and Tax Statement 2021 | | | |

(GX558 (Intuit)).

350. GX559, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000216 and with the original file name ty21-487-csrf_gm-CelebrationDance_10_9x16.mp4, is an online TurboTax ad for TY 2021 that, according to Intuit's data at GX434, [REDACTED] [REDACTED]. (GX559 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 453; Baburek (Complaint Counsel) Tr. 318-23).

351. Screenshots from GX559 are pictured below.



(GX559 (Intuit)).

352. GX560, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000240 and with the original file name ty21-629-3zer_ttlfsbo-ThreeZeroes_1200x628.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit's data at GX434, [REDACTED] [REDACTED] (GX560 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 496; Baburek (Complaint Counsel) Tr. 318-23).

353. A screenshot from GX560 is pictured below.



(GX560 (Intuit)).

354. GX561, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000252 and with the original file name ty21-178-numf_gm-FoamFinger_16x9.mp4, is an online TurboTax ad for TY 2021 that, according to Intuit’s data at GX434, [REDACTED] (GX561 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 372; Baburek (Complaint Counsel) Tr. 318–23).

355. A screenshot from GX561 is pictured below.



(GX561 (Intuit)).

356. GX562, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000260 and with the original file name ty21-494-mmf_gm-MapMillions_6_9x16.mp4, is an

online TurboTax ad for TY 2021 that, according to Intuit's data at GX434, [REDACTED]
[REDACTED]. (GX562 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint
Counsel) at 'Summary-Online_Ads' row 459; Baburek (Complaint Counsel) Tr. 318–23).

357. A screenshot from GX562 is pictured below.



(GX562 (Intuit)).

358. GX564, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000294 and with the original file name ty21-372-exp_ttlbo-OfferControl_1200x627.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit's data at GX434, [REDACTED]
[REDACTED]. (GX564 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint
Counsel) at 'Summary-Online_Ads' row 394; Baburek (Complaint Counsel) Tr. 318–23).

359. A screenshot from GX564 is pictured below.



(GX564 (Intuit)).

360. GX565, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000295 and with the original file name ty21-371-mvpr_tfsbo-MVPRed_1200x627.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit’s data at GX434, [REDACTED] [REDACTED]. (GX565 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 393; Baburek (Complaint Counsel) Tr. 318–23).

361. A screenshot from GX565 is pictured below.



(GX565 (Intuit)).

362. GX566, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000297 and with the original file name ty21-435-csrf_gm-FreeRearrange_1080x1920.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit’s data at GX434, [REDACTED]

[REDACTED] (GX566 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 435; Baburek (Complaint Counsel) Tr. 318–23).

363. A screenshot from GX566 is pictured below.



(GX566 (Intuit)).

364. GX567, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000309 and with the original file name ty21-717-mvpr_tflsbo-MVPCarousel1_627x627.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit's data at GX434, [REDACTED] [REDACTED] (GX567 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 565; Baburek (Complaint Counsel) Tr. 318–23).

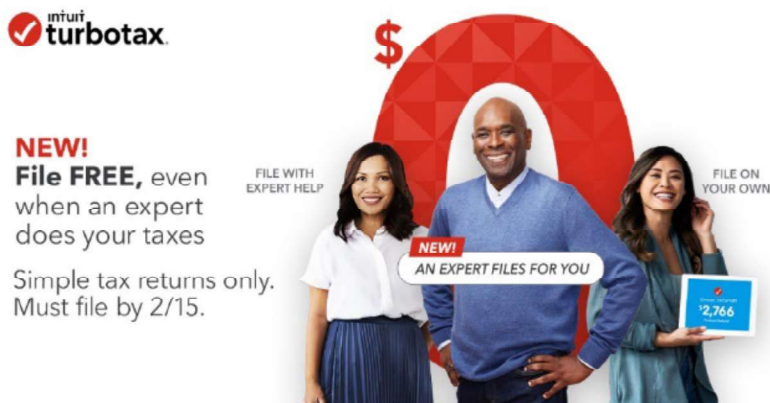
365. A screenshot from GX567 is pictured below.



(GX567 (Intuit)).

366. GX568, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000311 and with the original file name ty21-380-mvpr_MVPRed_1200x628.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit’s data at GX434, [REDACTED] [REDACTED]. (GX568 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 396; Baburek (Complaint Counsel) Tr. 318–23).

367. A screenshot from GX568 is pictured below.



(GX568 (Intuit)).

368. GX569, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000312 and with the original file name ty21-381-exp_ttlbo-OfferControl_1200x628.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit’s data at GX434, [REDACTED] [REDACTED]. (GX569 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 397; Baburek (Complaint Counsel) Tr. 318–23).

369. A screenshot from GX569 is pictured below.

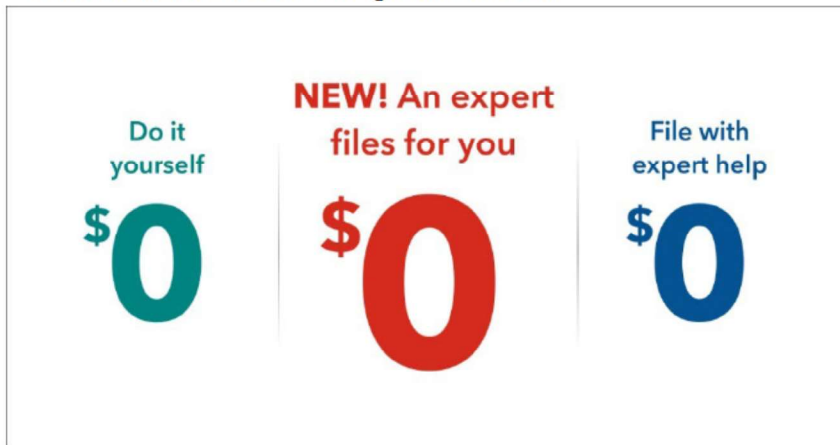


(GX569 (Intuit)).

370. GX570, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000316 and with the original file name ty21-698-3zer_ttlfsbo-ThreeZeroesNoLogoText_1200x628.jpg, is an online TurboTax ad for TY 2021 that, according

to Intuit’s data at GX434, [REDACTED] (GX570 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 545; Baburek (Complaint Counsel) Tr. 318–23).

371. A screenshot from GX570 is pictured below.



(GX570 (Intuit)).

372. GX571, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000317 and with the original file name ty21-724-bust_ttlfsbo-SpinningZeros_1000x1000.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit’s data at GX434, [REDACTED] [REDACTED] (GX571 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 569; Baburek (Complaint Counsel) Tr. 318–23).

373. A screenshot from GX571 is pictured below.



(GX571 (Intuit)).

374. GX572, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000318 and with the original file name ty21-708-mvpb_ttlfsbo-MVPBlue_1200x627.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit's data at GX434, [REDACTED] [REDACTED]. (GX572 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 555; Baburek (Complaint Counsel) Tr. 318-23).

375. A screenshot from GX572 is pictured below.



(GX572 (Intuit)).

376. GX573, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000319 and with the original file name ty21-709-3zer_ttlfsbo-ThreeZeroes_1200x627.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit’s data at GX434, [REDACTED] [REDACTED]. (GX573 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 556; Baburek (Complaint Counsel) Tr. 318–23).

377. A screenshot from GX573 is pictured below.

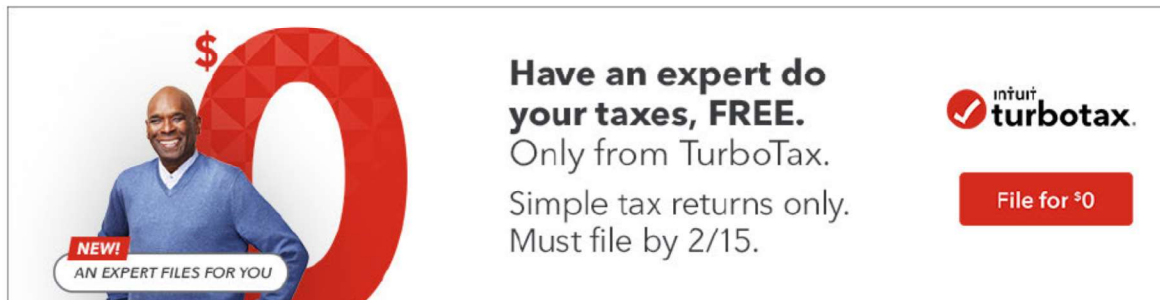


(GX573 (Intuit)).

378. GX574, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000323 and with the original file name ty21-754-fsf_gm-FullServiceFocused_970x250.jpg,

is an online TurboTax ad for TY 2021 that, according to Intuit's data at GX434, [REDACTED] [REDACTED]. (GX574 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 593; Baburek (Complaint Counsel) Tr. 318-23).

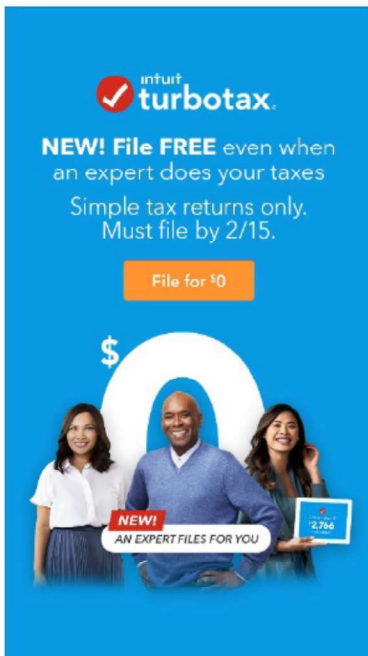
379. A screenshot from GX574 is pictured below.



(GX574 (Intuit)).

380. GX575, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000331 and with the original file name ty21-728-mvpb_ttlfsbo-MVPBlue_1080x1920.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit's data at GX434, [REDACTED] [REDACTED]. (GX575 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 572; Baburek (Complaint Counsel) Tr. 318-23).

381. A screenshot from GX575 is pictured below.



(GX575 (Intuit)).

382. GX576, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000332 and with the original file name ty21-662-mvpr_ttlfsbo-MVPCarousel1_800x800.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit’s data at GX434, [REDACTED] [REDACTED]. (GX576 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 523; Baburek (Complaint Counsel) Tr. 318–23).

383. A screenshot from GX576 is pictured below.



(GX576 (Intuit)).

384. GX580, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000342 and with the original file name ty21-631-fsf_tflsbo-FullService_1200x628.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit’s data at GX434 [REDACTED] [REDACTED]. (GX580 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 498; Baburek (Complaint Counsel) Tr. 318–23).

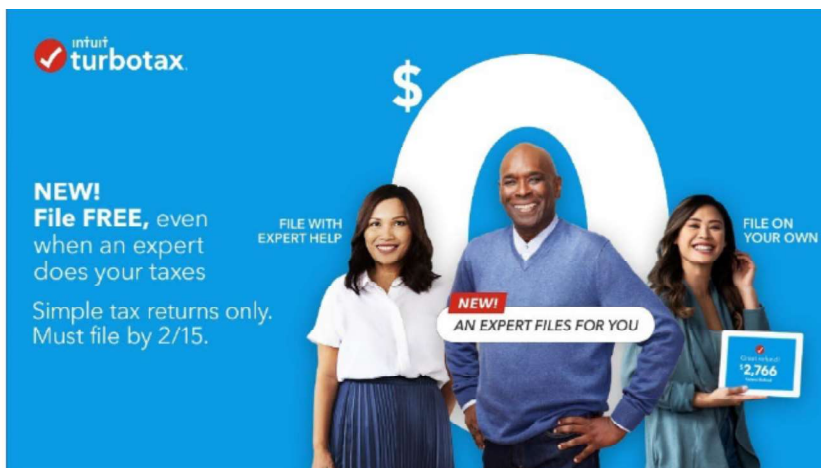
385. A screenshot from GX580 is pictured below.



(GX580 (Intuit)).

386. GX581, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000344 and with the original file name ty21-715-mvpb_ttlfsbo-MVPBlue_16x9.mp4, is an online TurboTax ad for TY 2021 that, according to Intuit's data at GX434, [REDACTED] [REDACTED]. (GX581 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 562; Baburek (Complaint Counsel) Tr. 318–23).

387. A screenshot from GX581 is pictured below.



(GX581 (Intuit)).

388. GX582, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000345 and with the original file name ty21-640-bust_ttlfsbo-SpinningZeros_9x16.mp4, is an online TurboTax ad for TY 2021 that, according to Intuit's data at GX434, [REDACTED] [REDACTED]. (GX582 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 507; Baburek (Complaint Counsel) Tr. 318–23).

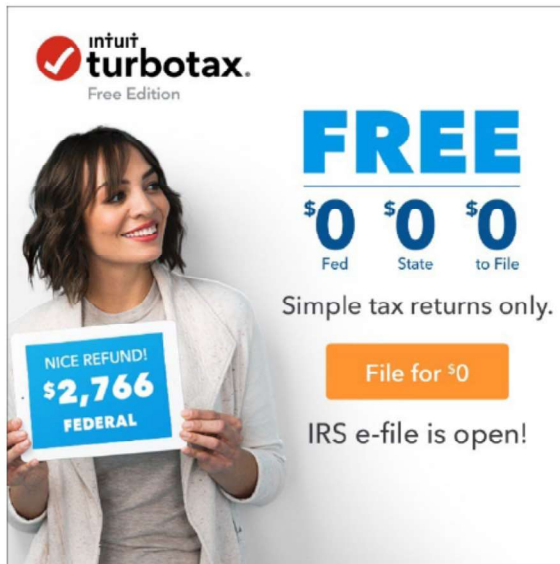
389. A screenshot from GX582 is pictured below.



(GX582 (Intuit)).

390. GX584, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000359 and with the original file name ty21-928-zrof_gm-FreeRearrange_1000x1000.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit's data at GX434, [REDACTED] [REDACTED]. (GX584 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 655; Baburek (Complaint Counsel) Tr. 318-23).

391. A screenshot from GX584 is pictured below.



(GX584 (Intuit)).

392. GX585, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000373 and with the original file name ty21-882-w2f_gm_XRayEfileFast_970x250.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit’s data at GX434, [REDACTED] [REDACTED]. (GX585 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 621; Baburek (Complaint Counsel) Tr. 318–23).

393. A screenshot from GX585 is pictured below.



(GX585 (Intuit)).

394. GX586, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000374 and with the original file name ty21-881-w2f_gm_XRayEfile_970x250.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit’s data at GX434, [REDACTED]

[REDACTED] (GX586 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 620; Baburek (Complaint Counsel) Tr. 318–23).

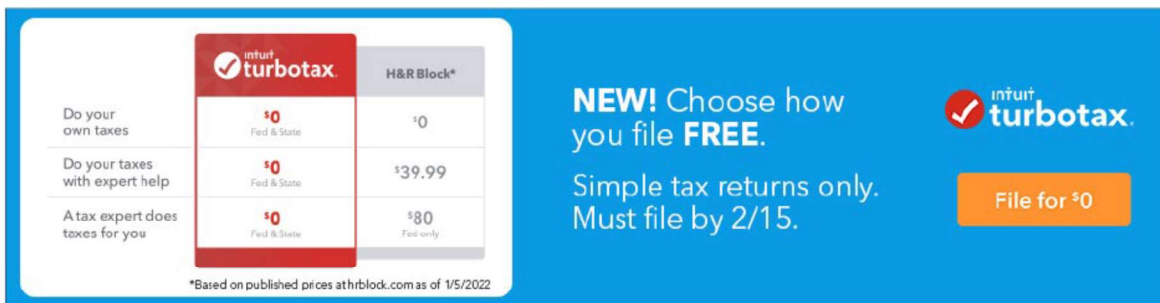
395. A screenshot from GX586 is pictured below.



(GX586 (Intuit)).

396. GX587, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000375 and with the original file name ty21-885-comp_ttlfsbo_CompChartBlue_970x250.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit’s data at GX434, [REDACTED] (GX587 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 622; Baburek (Complaint Counsel) Tr. 318–23).

397. A screenshot from GX587 is pictured below.



(GX587 (Intuit)).

398. GX588, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000396 and with the original file name ty21-955-numf_gm-FoamFinger_1242x699.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit’s data at GX434, [REDACTED]

[REDACTED] (GX588 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 665; Baburek (Complaint Counsel) Tr. 318–23).

399. A screenshot from GX588 is pictured below.



(GX588 (Intuit)).

400. GX590, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000401 and with the original file name ty21-642-3zer_ttlfsbo-ThreeZeros_9x16.mp4, is an online TurboTax ad for TY 2021 that, according to Intuit's data at GX434, [REDACTED] [REDACTED] (GX590 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 509; Baburek (Complaint Counsel) Tr. 318–23).

401. A screenshot from GX590 is pictured below.



(GX590 (Intuit)).

402. GX592, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000419 and with the original file name ty21-748-bust_ttlfsbo-SpinningZeros_16x9.mp4, is an online TurboTax ad for TY 2021 that, according to Intuit’s data at GX434, [REDACTED] [REDACTED]. (GX592 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 587; Baburek (Complaint Counsel) Tr. 318–23).

403. A screenshot from GX592 is pictured below.



(GX592 (Intuit)).

404. GX593, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000423 and with the original file name ty21-672-3zer_ttlfsbo-ThreeZeros_16x9.mp4, is an

online TurboTax ad for TY 2021 that, according to Intuit’s data at GX434, [REDACTED] [REDACTED]. (GX593 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 529; Baburek (Complaint Counsel) Tr. 318–23).

405. A screenshot from GX593 is pictured below.



(GX593 (Intuit)).

406. GX594, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000451 and with the original file name ty21-707-mvpr_ttlfsbo-MVP_1200x627.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit’s data at GX434, [REDACTED] [REDACTED] (GX594 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ row 554; Baburek (Complaint Counsel) Tr. 318–23).

407. A screenshot from GX594 is pictured below.



(GX594 (Intuit)).

408. GX595, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000461 and with the original file name ty21-598-3zer_ttlfsbo-ThreeZeroes_1200x628.jpg, is

an online TurboTax ad for TY 2021 that, according to Intuit's data at GX434, [REDACTED] (GX595 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 478; Baburek (Complaint Counsel) Tr. 318–23).

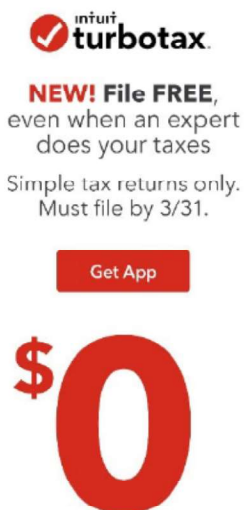
409. A screenshot from GX595 is pictured below.



(GX595 (Intuit)).

410. GX596, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000472 and with the original file name ty21-689-bust_ttlfsbo-SpinningZeros_1080x1920.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit's data at GX434, [REDACTED] (GX596 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 536; Baburek (Complaint Counsel) Tr. 318–23).

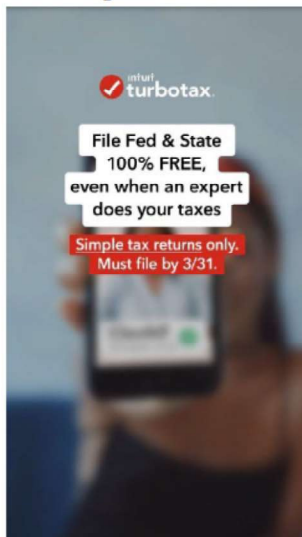
411. A screenshot from GX596 is pictured below.



(GX596 (Intuit)).

412. GX597, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000487 and with the original file name ty21-976-soc_tflfsbo-FauxUGC_9x16.mp4, is an online TurboTax ad for TY 2021 that, according to Intuit's data at GX434, [REDACTED] [REDACTED]. (GX597 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 674, row 675; Baburek (Complaint Counsel) Tr. 318–23).

413. A screenshot from GX597 is pictured below.



(GX597 (Intuit)).

414. GX598, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000497 and with the original file name ty21-987-expt_ttlfsbo-FAWClauellHandoff_1200x627.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit's data at GX434, [REDACTED]. (GX598 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 679; Baburek (Complaint Counsel) Tr. 318–23).

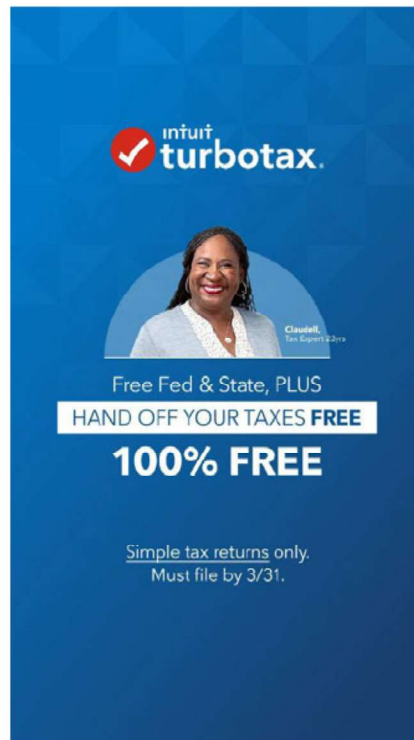
415. A screenshot from GX598 is pictured below.



(GX598 (Intuit)).

416. GX599, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000499 and with the original file name ty21-989-expt_ttlfsbo-FAWClauellHandoff_9x16.mp4, is an online TurboTax ad for TY 2021 that, according to Intuit's data at GX434, [REDACTED] (GX599 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 680, row 681; Baburek (Complaint Counsel) Tr. 318–23).

417. A screenshot from GX599 is pictured below.



(GX599 (Intuit)).

418. GX600, which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000500 and with the original file name ty21-913-csrf_gm-MariahTablet-EOS_1200x628.jpg, is an online TurboTax ad for TY 2021 that, according to Intuit's data at GX434, [REDACTED] (GX600 (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 641; Baburek (Complaint Counsel) Tr. 318–23).

419. A screenshot from GX600 is pictured below.



(GX600 (Intuit)).

420. RX1407 (GX610), which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000525 and with the original file name QTTX1919H_Auctioneer_HD_WEB_TTX_YouTube_TurboTax_06.mp4, is an online TurboTax ad for TY 2021 that, according to Intuit's data at GX434, [REDACTED] [REDACTED]. (RX1407 (GX610) (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 304; Baburek (Complaint Counsel) Tr. 318–23).

421. A screenshot from RX1407 (GX610) is pictured below.

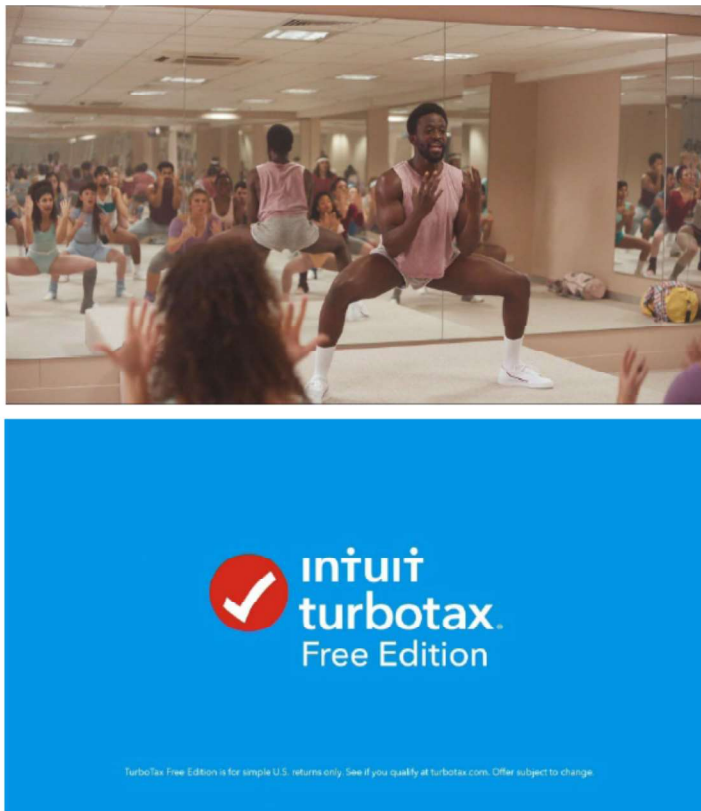


(RX1407 (Intuit)).

422. RX1414 (GX620), which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000535 and with the original file name QTTX0023000H_Dance_Workout_REV1_WEB_HD_30_LCD20_TurboTax_30.mp4, is an

online TurboTax ad for TY 2021 that, according to Intuit's data at GX434, [REDACTED] (RX1414 (GX620) (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 234, row 235, row 236, row 237, row 238; Baburek (Complaint Counsel) Tr. 318–23).

423. Screenshots from RX1414 (GX620) are pictured below.



(RX1414 (Intuit)).

424. RX1119 (GX621), which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000536 and with the original file name QTTX0021000H_Auctioneer_REV1_WEB_HD_15_LCD20_TurboTax_15.mp4, is an online TurboTax ad for TY 2021 that, according to Intuit's data at GX434, [REDACTED] (RX1119 (GX621) (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 229, row 230, row 231, row 232, row 233; Baburek (Complaint Counsel) Tr. 318–23).

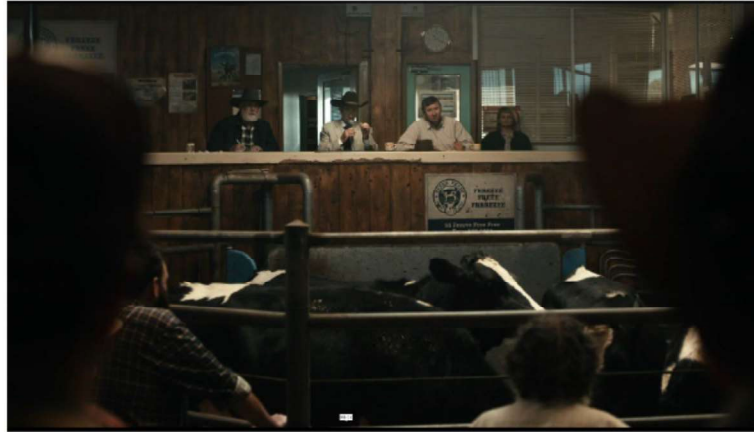
425. Screenshots from RX1119 (GX621) are pictured below.



(RX1119 (Intuit)).

426. RX1415 (GX623), which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000538 and with the original file name QTTX0019000H_Auctioneer_REV1_WEB_HD_30_LCD20_TurboTax_30.mp4, is an online TurboTax ad for TY 2021 that, according to Intuit's data at GX434, [REDACTED] (RX1415 (GX623) (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 224, row 225, row 226, row 227, row 228; Baburek (Complaint Counsel) Tr. 318–23).

427. Screenshots from RX1415 (GX623) are pictured below.



(RX1415 (Intuit)).

428. RX1417 (GX625), which Intuit produced bearing Bates number INTUIT-FTC-PART3-000000540 and with the original file name QTTX0025000H_Dance_Workout_REV1_WEB_HD_15_LCD20_TurboTax_15.mp4, is an online TurboTax ad for TY 2021 that, according to Intuit's data at GX434, [REDACTED] [REDACTED]. (RX1417 (GX625) (Intuit); GX434 (Intuit); GX Summary 002 (Complaint Counsel) at 'Summary-Online_Ads' row 239, row 240, row 241, row 242, row 243; Baburek (Complaint Counsel) Tr. 318–23).

429. Screenshots from RX1417 (GX625) are pictured below.



(RX1417 (Intuit)).

E. Email Marketing

430. In numerous instances, Intuit sent email messages to consumers representing that TurboTax is free. (See e.g. GX171 (Complaint Counsel) at CC-00005813; GX172 (Complaint Counsel) at CC-00005814; GX181 (Complaint Counsel) at CC-00005823; GX477 (Complaint Counsel) at CC-00010142; GX480 (Complaint Counsel) at CC-00010145; GX383 (Schulte) at CC-00007177 (2020 email from TurboTax stating “FREE Guaranteed \$0 Fed. \$0 State. \$0 to File.”); GX386 (Adamson) at CC-00007182 (2020 email from TurboTax stating “FREE guaranteed \$0 Fed \$0 State \$0 To File TurboTax Free Edition, simple tax returns.*”); GX381 (Schulte) at CC-00007173 (2019 email from TurboTax stating “FREE guaranteed \$0 Fed \$0

State \$0 To File” and “File your simple tax returns for FREE Free, free free free FREE! You have everything you need to finish and file for free, free, free and yes __FREE!”); GX377 (Schulte) at CC-00007165 (2018 email from TurboTax stating “Welcome back to TurboTax Get your biggest refund for free this year FREE guaranteed \$0 Fed \$0 State \$0 To File); GX373 (Schulte) at CC-00007155 (2017 email from TurboTax stating “Your W-2 is Now Available. File Free Today!”); GX374 (Schulte) at CC-00007158 (2017 email from TurboTax stating “Get your biggest refund for free again this year[.] Absolute zero GUARANTEED \$0 Fed \$0 State \$0 To File.”); GX388 (Adamson) at CC-00007184 (2016 email from TurboTax stating “Get your biggest refund absolutely free. Join the millions who file for \$0 Absolutezero 1040EZ/A \$0 Fed \$0 State \$0 To File”).

431. In some instances, Intuit’s marketing partners (such as Chase) sent email messages to consumers representing that TurboTax is free. (*See e.g.* GX371 (Bansal) at CC-00007150 (2018 email from Chase stating “File your taxes for \$0 with TurboTax Free Edition.”)).

1. Email Marketing TY 2019

432. GX171 is an email FTC Investigator Diana Shiller received from TurboTax in March 2020 at an email address she created to capture the consumer experience. (Shiller (Complaint Counsel) Tr. 197-98; GX171 (Complaint Counsel) at CC-00005813).

433. GX171 includes the following claims:

- “Get that Green for St. Patty’s Day FREE guaranteed \$0 Fed \$0 State \$0 To File.”
- “Do your taxes for FREE! The IRS is sending refunds out every day—the sooner you file, the faster you’ll get yours. Get started today!”

(GX171 (Complaint Counsel) at CC-00005813).

434. GX171 includes the following disclaimer in font that is significantly smaller and less prominent than the free claim: “TurboTax Free Edition, simple tax returns only*.” (GX171 (Complaint Counsel) at CC-00005813).

435. GX172 is an email FTC Investigator Diana Shiller received from TurboTax in July 2020 at an email address she created to capture the consumer experience. (Shiller (Complaint Counsel) Tr. 198-99; GX172 (Complaint Counsel) at CC-00005814).

436. GX172 includes the following claims:

- “FREE guaranteed \$0 Fed. \$0 State. \$0 To File.”
- “Give TurboTax another shot—it’s never been easier to file your taxes for free. Import your W-2, answer simple questions about your life and we’ll get you your max refund—guaranteed! File for \$0.”

(GX172 (Complaint Counsel) at CC-00005814).

437. GX172 includes the following disclaimer in font that is significantly smaller and less prominent than the free claims: “TurboTax Free Edition, simple tax returns only*.” (GX172 (Complaint Counsel) at CC-00005814).

2. Email Marketing TY 2020

438. GX181 is an email FTC Investigator Diana Shiller received from TurboTax in January 2021 at an email address she created to capture the consumer experience. (Shiller (Complaint Counsel) Tr. 199; GX181 (Complaint Counsel) at CC-00005823).

439. GX181 includes the following claim: “GET YOUR MAXIMUM REFUND FAST. FREE guaranteed \$0 Fed \$0 State \$0 To File.” GX181 (Complaint Counsel) at CC-00005823).

440. GX181 includes the following disclaimer in font that is significantly smaller and less prominent than the free claim: “TurboTax Free Edition, for simple tax returns only*.” (GX181 (Complaint Counsel) at CC-00005823).

3. Email Marketing TY 2021

441. On April 18, 2022, Intuit distributed the following email:

The image is a screenshot of an email advertisement for Intuit TurboTax. At the top left is the Intuit TurboTax logo, and at the top right is a "Sign in" button. Below the logo is a dark banner with a clock icon and the text "TAXES DUE BEFORE MIDNIGHT!". The main body of the email features a woman on the left holding a smartphone that displays a "Great refund \$2,766" on its screen. To her right, the text reads "FINAL DAY TO FILE" in large white letters, followed by "File for free and get your maximum refund – guaranteed." Below this is an orange button that says "File for \$0". Underneath the button, it says "TurboTax Free Edition, for simple tax returns only*". At the bottom of the main content area, there is a blue banner with the word "FREE" in large white letters, followed by three "\$0" symbols with "Fed", "State", and "To File" underneath them. To the right of these symbols are five yellow stars and the text "4.9 average user rating". Below this banner, it says "TurboTax Free Edition, for simple tax returns only*". At the very bottom of the email is a sign-in section with the text "Sign in with your User ID:" followed by a lock icon, a blacked-out input field, and a "Go" button.



🔒 **Check before you click!** TurboTax will never ask you for personal information in an email. When you click on a link, the address should always contain "intuit.com".



intuit

turbotax quickbooks mint credit karma mailchimp

Legal

Privacy

Security

*A simple tax return is Form 1040 only. Situations covered in TurboTax Free Edition, TurboTax Live Basic, and TurboTax Live Full Service Basic:
- W-2 income
- Limited interest and dividend income reported on a 1099-INT or 1099-DIV
- Claiming the standard deduction
- Earned Income Tax Credit (EIC)
- Child tax credits
- Student Loan Interest deduction

Maine and Massachusetts 2021 taxes are due by April 19, 2022.

Prices ultimately determined at time of print or e-file. Terms, conditions, features, availability, pricing, fees, service and support options subject to change without notice.

Refund amounts shown are for example only. Your refund is based on your tax situation.

[Click here](#) to see TurboTax product guarantees, disclaimers and other important information.

This email was sent to the following address:

Did you receive this email in error? [Find out why](#)
If you feel you have received this message in error or would like to unsubscribe, [please click here](#) or go to [Manage Preferences](#).

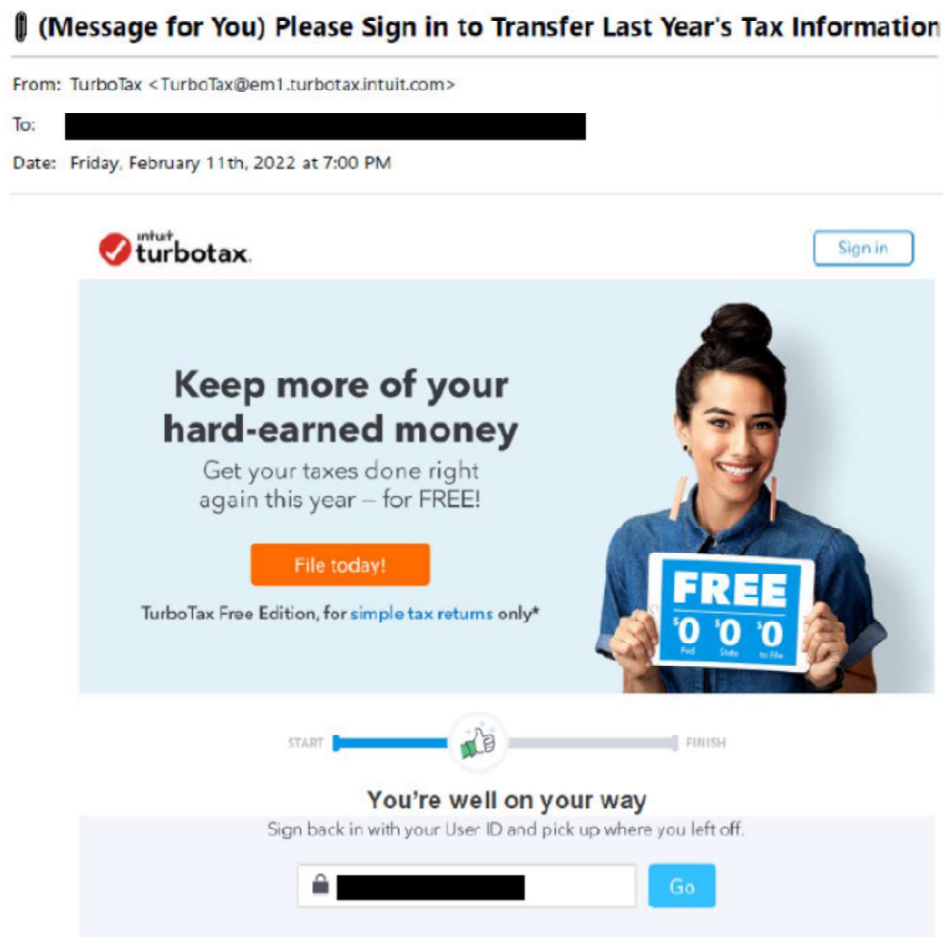
© 2022 Intuit Inc. All rights reserved. [Trademark](#)

Customer Communications, [2800 E. Commerce Center Place, Tucson, AZ 85706](#)

3008-003A

(GX342 (Complaint Counsel) ¶ 172, CC-00006989; GX477 (Complaint Counsel) at CC-00010142).

442. On February 11, 2022, Intuit sent the following email:



(Shiller (Complaint Counsel) Tr. 199-200; GX342 (Complaint Counsel) ¶ 173, CC-00006991; GX480 (Complaint Counsel) at CC-00010145).

F. Search Ads

443. Intuit has creative control over the text that is included in the display URL, headline, and description. (RX1018 (Golder Expert Report) ¶ 139; *see also* Ryan (Intuit) Tr. 697).

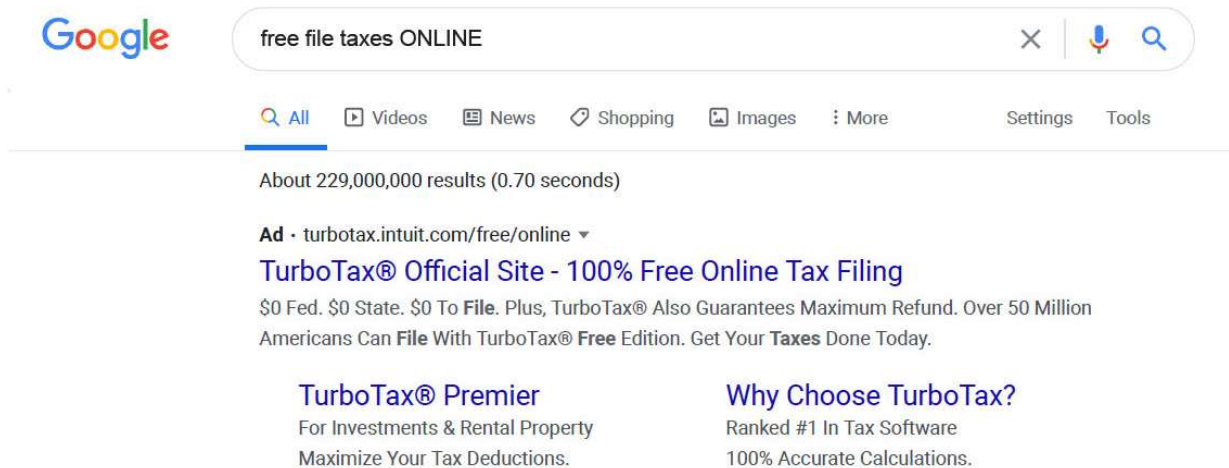
444. In TY 2021, over 20% of consumers who arrived at the TurboTax website did so after clicking on paid search advertising. (RX1018 (Golder Expert Report) Figure 24 (*citing* [REDACTED] (Intuit); [REDACTED] (Intuit) at INTUIT-FTC-PART3-000602274)).

1. Paid Search TY 2019

445. In TY 2019, Intuit placed an ad on the Google results page for the search term “free file taxes ONLINE.”

7/10/2020

free file taxes ONLINE - Google Search



Google

free file taxes ONLINE

All Videos News Shopping Images More Settings Tools

About 229,000,000 results (0.70 seconds)

Ad · turbotax.intuit.com/free/online ▾

TurboTax® Official Site - 100% Free Online Tax Filing

\$0 Fed. \$0 State. \$0 To File. Plus, TurboTax® Also Guarantees Maximum Refund. Over 50 Million Americans Can File With TurboTax® Free Edition. Get Your Taxes Done Today.

TurboTax® Premier
For Investments & Rental Property
Maximize Your Tax Deductions.

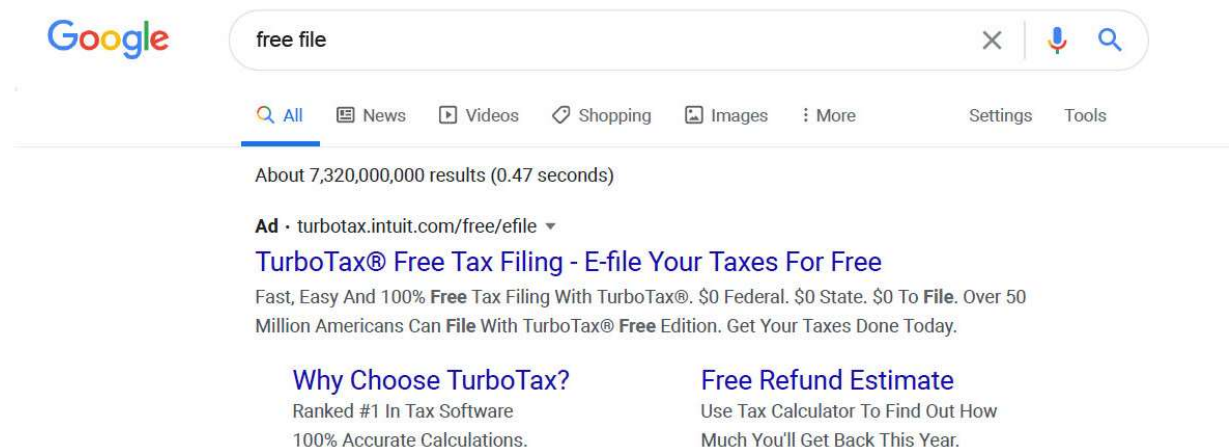
Why Choose TurboTax?
Ranked #1 In Tax Software
100% Accurate Calculations.

(GX342 (Complaint Counsel) ¶ 99, at CC-00006944; GX168 (Complaint Counsel); GX168-A (Complaint Counsel)). This ad was observed by FTC Investigator Diana Shiller on July 10, 2020. (GX342 (Complaint Counsel) ¶ 99, at CC-00006944).

446. In TY 2019, Intuit placed a TurboTax ad on the Google results page for the search term “free file.”

7/10/2020

free file - Google Search



Google

free file

All News Videos Shopping Images More Settings Tools

About 7,320,000,000 results (0.47 seconds)

Ad · turbotax.intuit.com/free/efile ▾

TurboTax® Free Tax Filing - E-file Your Taxes For Free

Fast, Easy And 100% Free Tax Filing With TurboTax®. \$0 Federal. \$0 State. \$0 To File. Over 50 Million Americans Can File With TurboTax® Free Edition. Get Your Taxes Done Today.

Why Choose TurboTax?
Ranked #1 In Tax Software
100% Accurate Calculations.

Free Refund Estimate
Use Tax Calculator To Find Out How
Much You'll Get Back This Year.

(GX342 (Complaint Counsel) ¶ 101, at CC-00006945; GX170 (Complaint Counsel)).

2. Paid Search TY 2020

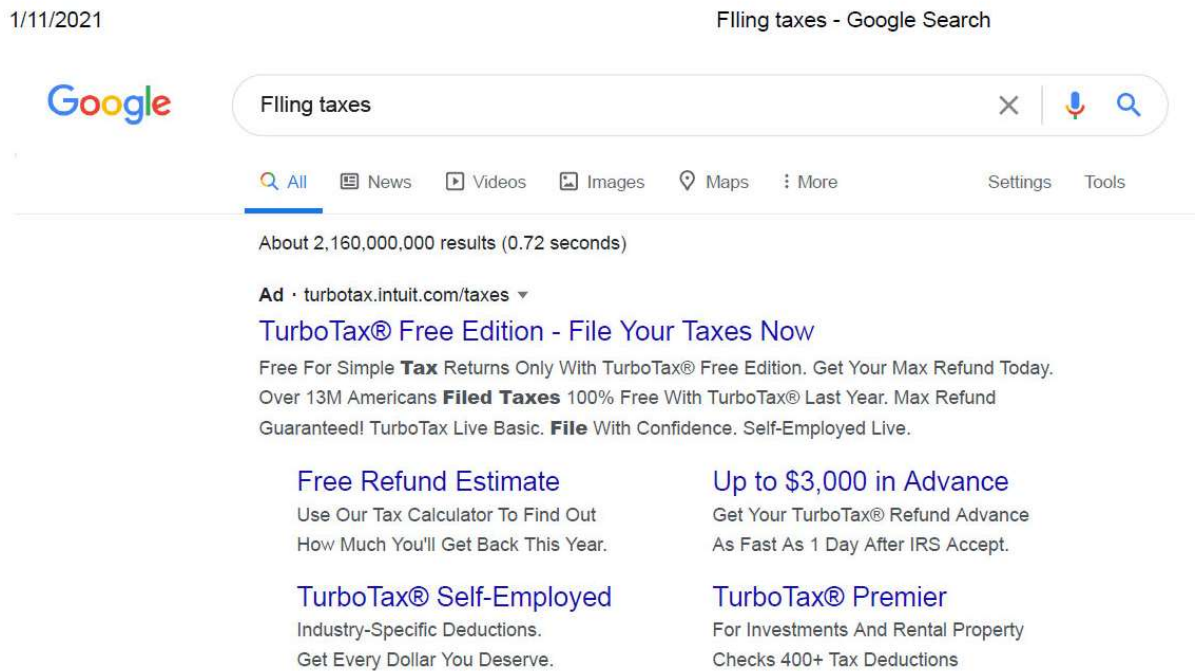
447. In TY 2020, Intuit placed a TurboTax ad on the Bing results page for the search term “Turbo tax free file program”:

 **TurboTax® By Intuit® | Biggest Refund Guaranteed | Free Fed**
<https://www.intuit.com/official-site> 234,700+ followers on Facebook
 (Ad) **Free Fed.** Filing With **TurboTax®**. Get Your Biggest Refund Guaranteed!
 For Accountants · For Individuals · For Small Businesses
 4/5 ★★★★★ (209K reviews)
 Links: [Intuit QuickBooks](#) · [Quickbooks Self-Employed](#) · [QuickBooks Payroll](#)
[TurboTax® Official Site](#) · [Downloads](#) · [Turbotax](#) · [QuickBooks® Online](#)

(GX342 (Complaint Counsel) ¶ 118, at CC-00006956; GX177 (Complaint Counsel)). This ad was observed by FTC Investigator Diana Shiller on January 11, 2021. (GX342 (Complaint Counsel) ¶ 118, at CC-00006956).

448. In TY 2020, Intuit placed a TurboTax ad on the Google results page search term “filing taxes”:

1/11/2021 Filing taxes - Google Search



The screenshot shows a Google search interface. The search bar contains the text "Filing taxes". Below the search bar, there are navigation options: All, News, Videos, Images, Maps, and More. The search results show approximately 2,160,000,000 results in 0.72 seconds. The top result is an advertisement for TurboTax. The ad title is "TurboTax® Free Edition - File Your Taxes Now". The ad text includes: "Free For Simple **Tax** Returns Only With TurboTax® Free Edition. Get Your Max Refund Today. Over 13M Americans **Filed Taxes** 100% Free With TurboTax® Last Year. Max Refund Guaranteed! TurboTax Live Basic. **File** With Confidence. Self-Employed Live." Below the main ad text, there are four promotional boxes:

- Free Refund Estimate**: Use Our Tax Calculator To Find Out How Much You'll Get Back This Year.
- Up to \$3,000 in Advance**: Get Your TurboTax® Refund Advance As Fast As 1 Day After IRS Accept.
- TurboTax® Self-Employed**: Industry-Specific Deductions. Get Every Dollar You Deserve.
- TurboTax® Premier**: For Investments And Rental Property Checks 400+ Tax Deductions

(GX342 (Complaint Counsel) ¶ 119, at CC-00006957; GX178 (Complaint Counsel)).

449. In TY 2020, Intuit placed a TurboTax ad on the Google results page for the search term “IRS taxes for free”:

1/11/2021

IRS taxes for free - Google Search

The screenshot displays a Google search interface. At the top left is the Google logo. The search bar contains the text "IRS taxes for free". To the right of the search bar are icons for clearing the search, voice search, and search. Below the search bar are navigation links: "All", "News", "Maps", "Images", "Shopping", "More", "Settings", and "Tools". The search results section indicates "About 58,700,000 results (0.57 seconds)". The first result is an advertisement from "turbotax.intuit.com/free/taxes". The ad headline is "\$0 Fed. \$0 State. \$0 to File. - TurboTax® Official Site". Below the headline is a sub-headline: "Free For Simple Tax Returns Only. Find Even More For Complex Tax Situations w/ TurboTax®. File Your Federal And State Tax Forms With TurboTax® & Get Every Dollar That You Deserve. TurboTax Live Premier. File With Confidence. TurboTax Live Deluxe." The ad is divided into four columns with the following sub-headings and descriptions:

- Autofill Your W-2**: Easily Autofill Your W-2 In A Snap For Fast And Simple Tax Filing.
- Your Fastest Tax Refund**: E-File Your Taxes with TurboTax®. Get Your Fastest Refund Possible.
- Up to \$3,000 in Advance**: Get Your TurboTax® Refund Advance As Fast As 1 Day After IRS Accept.
- TurboTax® Live Basic**: 100% Free Expert Review When You File Simple Returns By 2/15.

(GX342 (Complaint Counsel) ¶ 121, at CC-00006959; GX180 (Complaint Counsel)).

3. Paid Search TY 2021

450. In TY 2021, Intuit placed TurboTax ads on the Bing results page for the search term “file my taxes for free”:

3/31/22, 1:27 PM file my taxes for free - Search

Microsoft Bing Sign in 25

ALL IMAGES VIDEOS MAPS NEWS SHOPPING MORE

Also try: [file taxes with free online](#) · [free filing taxes online](#)

35,000,000 Results Any time ▾ Open links in new tab

TurboTax® Free Edition | \$0 Fed. \$0 State. \$0 To File.
<https://turbotax.intuit.com/free/taxes> · 236K+ Facebook followers File Now

Ad **Free For Simple Tax Returns Only With TurboTax® Free Edition. Get Your Max Refund Today. Free Online Tax Filing w/ America's Leader In Taxes. Get Your Max Refund With TurboTax**
 You have visited intuit.com 3 times in last 7 days.

File Online For Free
TurboTax Makes It Easy To Get Your Taxes Done Right. Get Started...

Free Tax Refund Estimate
Use Our Tax Calculator To Find Out How Much You'll Get Back This Year.

Snap A Photo Of Your W-2
Securely Import and Autofill Data. Do Your Taxes Anytime, Anywhere.

TurboTax® Self-Employed

Turbotax® Login
Login to your TurboTax account to start, continue, or amend a tax ...

File Your Taxes From Home
Capture Your W-2 In A Snap And File Your Tax Returns With Ease....

Fast And Easy Tax Filing
You Can Do It! Be 100% Confident Filing Your Taxes This Year When...

Maximize Your EITC

Tax Services Ads

TurboTax - Unlimited, Real Experts Help
turbotax.intuit.com · from **\$249.00**
Let experts maximize deductions & credits for you

TaxSlayer - Save time and money
taxslayer.com · from **\$0.00**
Guaranteed Maximum Refund
State additional

E-file - Online Income Tax Preparation & Electronic Filing
e-file.com · from **\$27.99**
IRS Refunds as Fast as Possible E-filed Returns and Direct Deposit
We offer consumer tax preparation software fo...

4/7/22, 9:50 AM

file my taxes for free - Search



file my taxes for free

Sign in

ALL IMAGES VIDEOS MAPS NEWS SHOPPING : MORE

Also try: file taxes with free online · free filing taxes online

44,300,000 Results Any time Open links in new tab

TurboTax® Free Edition | \$0 Fed. \$0 State. \$0 To File.

<https://turbotax.intuit.com/free/taxes>

Ad **Free For Simple Tax Returns Only With TurboTax® Free Edition.** Get **Your** Max Refund Today. **Free Online Tax Filing w/ America's Leader In Taxes.** Get **Your** Max Refund With TurboTax **Types:** CD/Download Products, Mobile App, Online Products, Small Business **Taxes**

Free Tax Refund Estimate

Use Our **Tax** Calculator To Find Out How Much You'll Get Back This Year.

Snap A Photo Of Your W-2

Securely Import and Autofill Data. Do **Your Taxes** Anytime, Anywhere.

TurboTax Live®

Connect With A Live **Tax** Expert **For Tax** Advice And A Final Review.

TurboTax® Premier

For Filers Who Sold Investments. Effortlessly Import **Your Tax** Info See results only from intuit.com

PCMag Editors' Choice

7-Time Winner Of Best **Tax** Software Try Us To Find Out Why

TurboTax® Self-Employed

Review Industry-Specific Deductions Get Every Dollar You Deserve.

Advance Child Tax Credit

Claim **Your** Child **Tax** Credit And Get **Your** Max Refund. Learn More.

Maximize Your Tax Refund

Get Every Dollar You Deserve When You **File** With Turbo**Tax**®. **File** Now!



E-file.com® Official Site

e-file.com

Free IRS E-Filing. E-File Your Tax Return Online with E-file.com® - Start Here

File Now

4/18/22, 10:18 AM

file my taxes for free



file my taxes for free

ALL IMAGES VIDEOS MAPS NEWS SHOPPING MORE

Also try: file taxes with free online · free filing taxes online

63,700,000 Results Any time Open links in new tab

TurboTax® Free Edition | \$0 Fed. \$0 State. \$0 To File.

https://turbotax.intuit.com/free/taxes 236K+ Facebook followers

File Now

Ad Free For Simple Tax Returns Only With TurboTax® Free Edition. Get Your Max Refund Today. Free Online Tax Filing w/ America's Leader In Taxes. Get Your Max Refund With TurboTax

File With Confidence · Audit Support Guarantee · Maximum Refund Guaranteed

File Online For Free

File Your Federal And State Tax Forms With TurboTax To Get Every...

Free Online Tax Filing

More Americans Trust Their Taxes To TurboTax Than All Other...

File Your Taxes From Home

Over 13M Americans Filed Taxes 100% Free With TurboTax Last...

Free Tax Refund Estimate

Use Our Tax Calculator To Find Out How Much You'll Get Back This Year.

(GX342 (Complaint Counsel) ¶¶ 163-65, at CC-00006982-6984; GX190 (Complaint Counsel); GX191 (Complaint Counsel); GX192 (Complaint Counsel)).

451. In TY 2021, Intuit placed TurboTax ads on the Google results page for the search term “file my taxes for free”:

3/31/22, 12:15 PM

file my taxes for free - Google Search

Google file my taxes for free

All Shopping News Videos Maps More Tools

About 7,180,000,000 results (0.37 seconds)

Ad · <https://turbotax.intuit.com/free>

TurboTax® Free Edition - \$0 Fed. \$0 State. \$0 To File.

Free For Simple **Tax Returns** Only With TurboTax® **Free** Edition. Get Your Max Refund Today. **Free** Online **Tax Filing** w/ America's Leader In **Taxes**. Get Your Max Refund With TurboTax®. Audit Support Guarantee. Import Prior Year's Data. **Free** & Easy Filing.

[Free Tax Refund Estimate](#)
Use Our Tax Calculator To Find Out How Much You'll Get Back This Year.

[Snap A Photo Of Your W-2](#)
Securely Import and Autofill Data. Do Your Taxes Anytime, Anywhere.

[TurboTax® Self-Employed](#)
Review Industry-Specific Deductions Get Every Dollar You Deserve.

4/18/22, 9:42 AM

file my taxes for free - Google Search

Google file my taxes for free

All Shopping News Videos Maps More Tools

About 3,000,000,000 results (0.45 seconds)

Ad · <https://turbotax.intuit.com/free/taxes>

TurboTax® Free Edition - \$0 Fed. \$0 State. \$0 To File.

Free For Simple **Tax Returns** Only With TurboTax® **Free** Edition. Get Your Max Refund Today. **Free** Online **Tax Filing** w/ America's Leader In **Taxes**. Get Your Max Refund With...

[Free Tax Refund Estimate](#)
Use Our Tax Calculator To Find Out How Much You'll Get Back This Year.

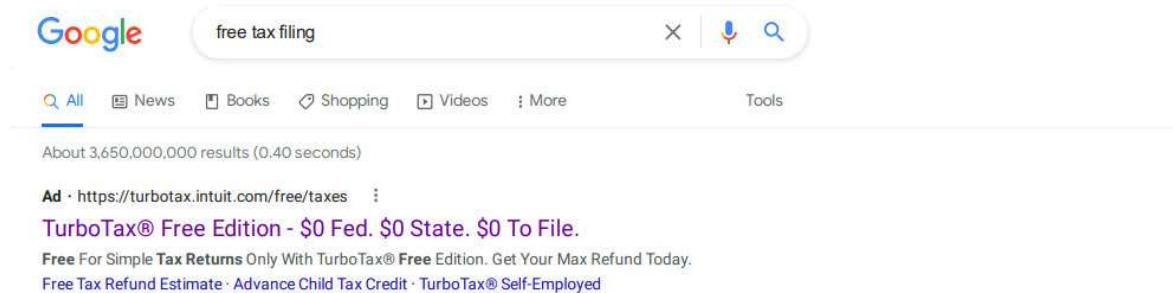
[Snap A Photo Of Your W-2](#)
Securely Import and Autofill Data. Do Your Taxes Anytime, Anywhere.

(GX342 (Complaint Counsel) ¶¶ 166, 168, at CC-00006985-86; GX193 (Complaint Counsel); GX195 (Complaint Counsel)).

452. In TY 2021, Intuit placed TurboTax ads on the Google results page for the search term “free tax filing”:

4/7/22, 9:15 AM

free tax filing - Google Search

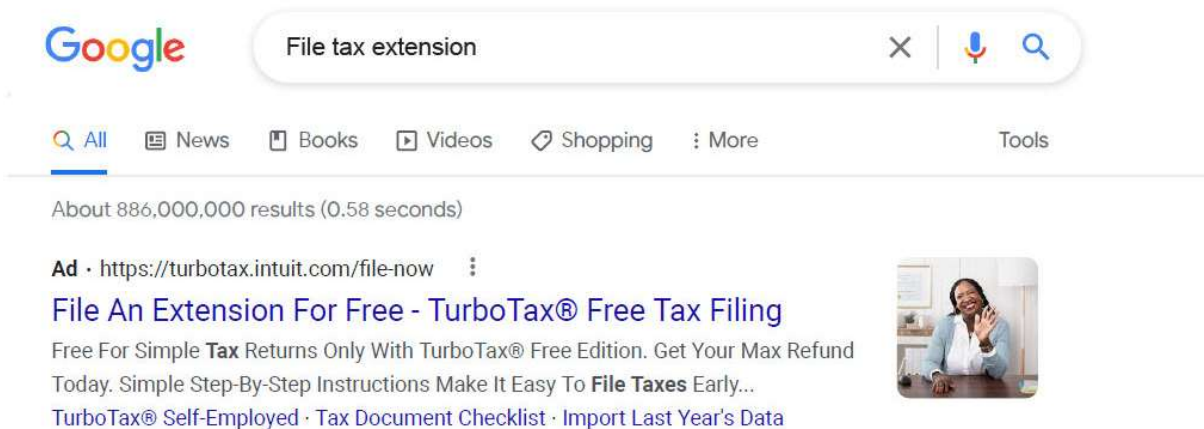


(GX342 (Complaint Counsel) ¶ 167, at CC-00006986; GX194 (Complaint Counsel)).

453. After April 18, 2022 (Tax Day), Intuit continued placing TurboTax paid search ads on search result pages for the search term “file tax extension”:

4/19/22, 5:51 PM

File tax extension - Google Search

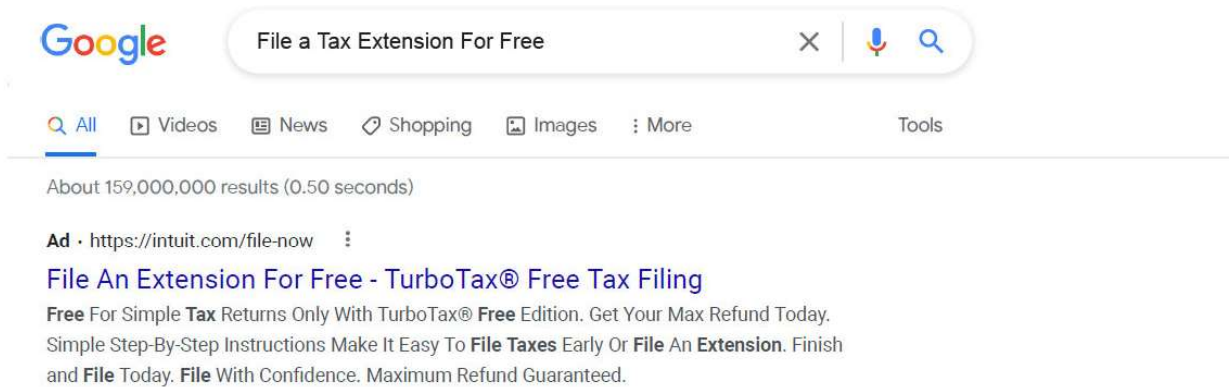


(GX342 (Complaint Counsel) ¶ 204, at CC-00007005; GX496 (Complaint Counsel)).

454. After April 18, 2022 (Tax Day), Intuit continued placing TurboTax paid search ads on the Google search results page for the search term “File a Tax Extension For Free”:

4/27/22, 2:28 PM

File a Tax Extension For Free - Google Search



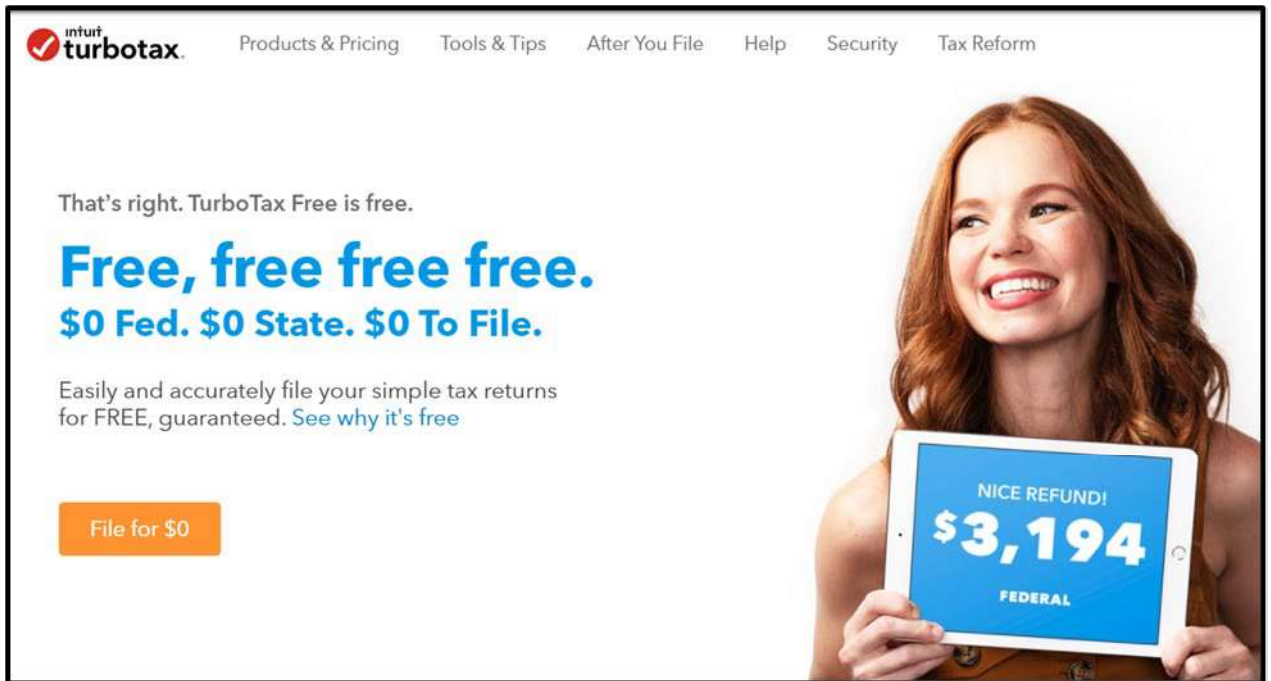
(GX342 (Complaint Counsel) ¶ 205, at CC-00007006; GX497 (Complaint Counsel)).

G. TurboTax Website

455. The TurboTax website is a very important part of TurboTax marketing and is integrated into TurboTax’s free advertising. (Golder (Intuit) Tr. 1124-1126).

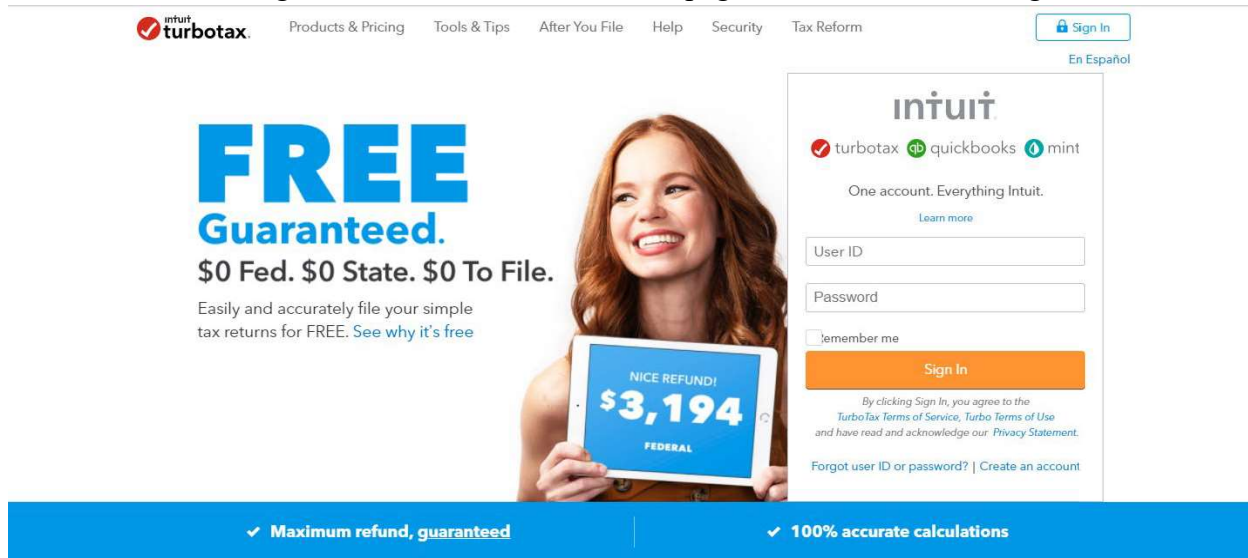
1. TurboTax Website TY 2018

456. During TY 2018, the TurboTax home page included the following visual:



(GX342 (Complaint Counsel) ¶ 79, at CC-00006933; GX163 (Complaint Counsel)).

457. During TY 2018, the TurboTax home page included the following visual:



(GX342 (Complaint Counsel) ¶ 79, at CC-00006933-34; GX164 (Complaint Counsel)).

458. In TY 2018, clicking on the hyperlinked text “See why it’s free” in the images at paragraphs 45 and 46 above caused the following pop-up to appear (GX342 (Complaint Counsel) ¶ 80):

The screenshot shows a pop-up window from TurboTax. The window has a white background and a grey border. At the top left is the TurboTax logo. The main heading is "Is TurboTax Free Edition really free?". Below this, it says "Yes, we guarantee you'll pay nothing to file your simple federal and state taxes." The next section is "Join the millions who file for \$0", followed by a paragraph stating that 50 million taxpayers can file for free with TurboTax Free Edition if they meet certain criteria. A bulleted list follows, detailing eligible situations: W-2 income, limited interest and dividend income, standard deduction, EIC, and child tax credits. Another section, "Situations not covered in TurboTax Free Edition include:", lists ineligible items like itemized deductions, business income, stock sales, rental property, and certain credits. The "How does TurboTax make any money?" section explains that more complex tax situations are handled by other TurboTax products. A final bulleted list mentions one-on-one help and 24/7 tax return access. At the bottom, it states "With TurboTax Free, the power to file for free is all yours!" and features two orange "File for \$0" buttons.

Is TurboTax Free Edition really free?

Yes, we guarantee you'll pay nothing to file your simple federal and state taxes.

Join the millions who file for \$0

50 million hard-working taxpayers can file their simple federal and state taxes for free. You can file with TurboTax Free Edition if you only have the following situations:

- W-2 income
- Limited interest and dividend income reported on a 1099-INT or 1099-DIV
- Claim the standard deduction
- Earned Income Tax Credit (EIC)
- Child tax credits

Situations not covered in TurboTax Free Edition include:

- Itemized deductions (Schedule A)
- Business or 1099-MISC income (Schedule C)
- Stock sales (Schedule D)
- Rental property income (Schedule E)
- Credits, deductions and income reported on schedules 1-6, such as the Student Loan Interest Deduction

How does TurboTax make any money?

Customers with more complex tax situations will file with our other TurboTax products that provide all the right forms and guidance they need. We also offer additional benefits that go beyond filing your taxes, but they are completely optional and are not required to file your taxes for free. Many of our customers value additional features like

- One-on-one help for answers, on demand with a TurboTax specialist
- 24/7 Tax Return Access to view and print copies of all your completed TurboTax returns

With TurboTax Free, the power to file for free is all yours!

File for \$0

File for \$0

(GX342 (Complaint Counsel) ¶ 80, at CC-00006935; GX165 (Complaint Counsel)).

2. TurboTax Website TY 2019

459. During TY 2019, the TurboTax home page included the following visual:



(GX342 (Complaint Counsel) ¶ 95, at CC-00006943; GX166 (Complaint Counsel); *see also* Shiller (Complaint Counsel) Tr. 200; GX166-A (Complaint Counsel)).

460. Clicking on the orange “File for \$0” button on the TY 2019 TurboTax home page, (*see* GX166 (Complaint Counsel)), brought consumers to a screen to create an account and linked the Terms and Privacy Policy. (GX342 (Complaint Counsel) ¶ 97, at CC-00006943; *see also* Shiller (Complaint Counsel) Tr. 200; GX166-A (Complaint Counsel)).

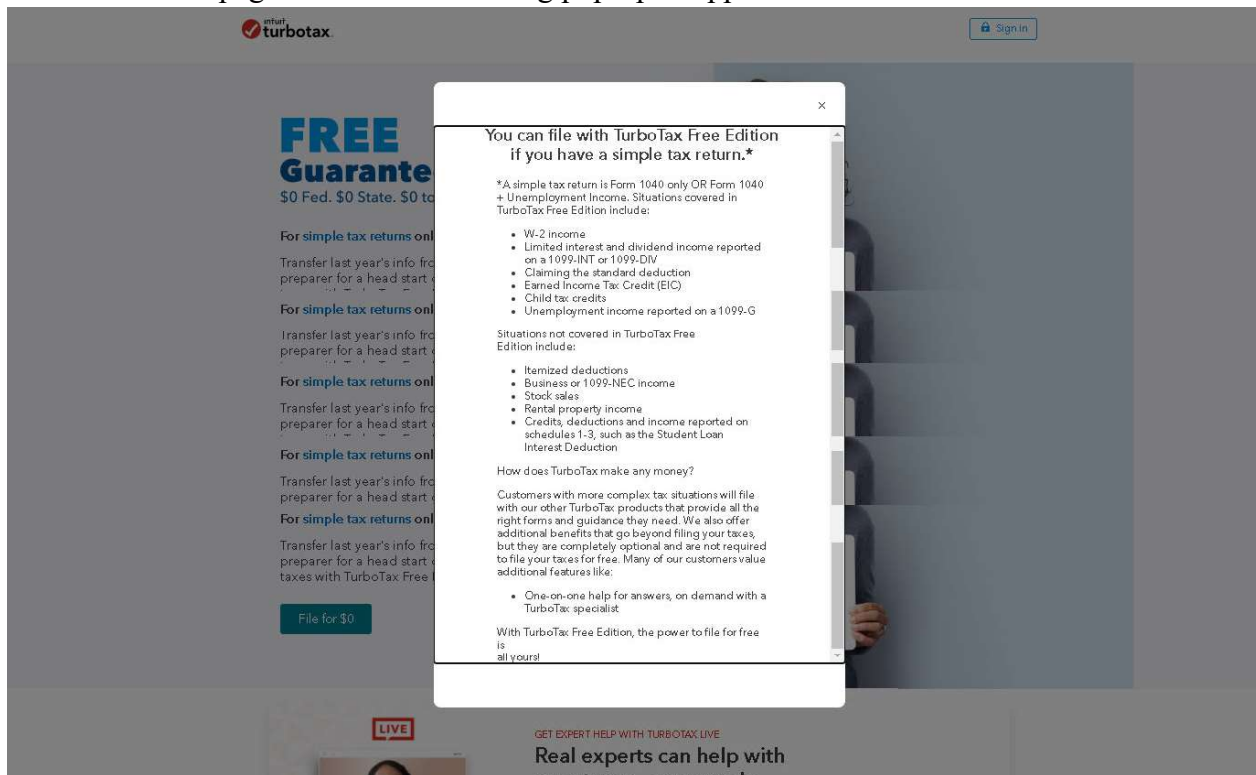
3. TurboTax Website TY 2020

461. During TY 2020, the TurboTax home page included the following advertisement:



(GX342 (Complaint Counsel) ¶ 125, at CC-00006962; GX183 (Complaint Counsel); GX183-A (Complaint Counsel)).

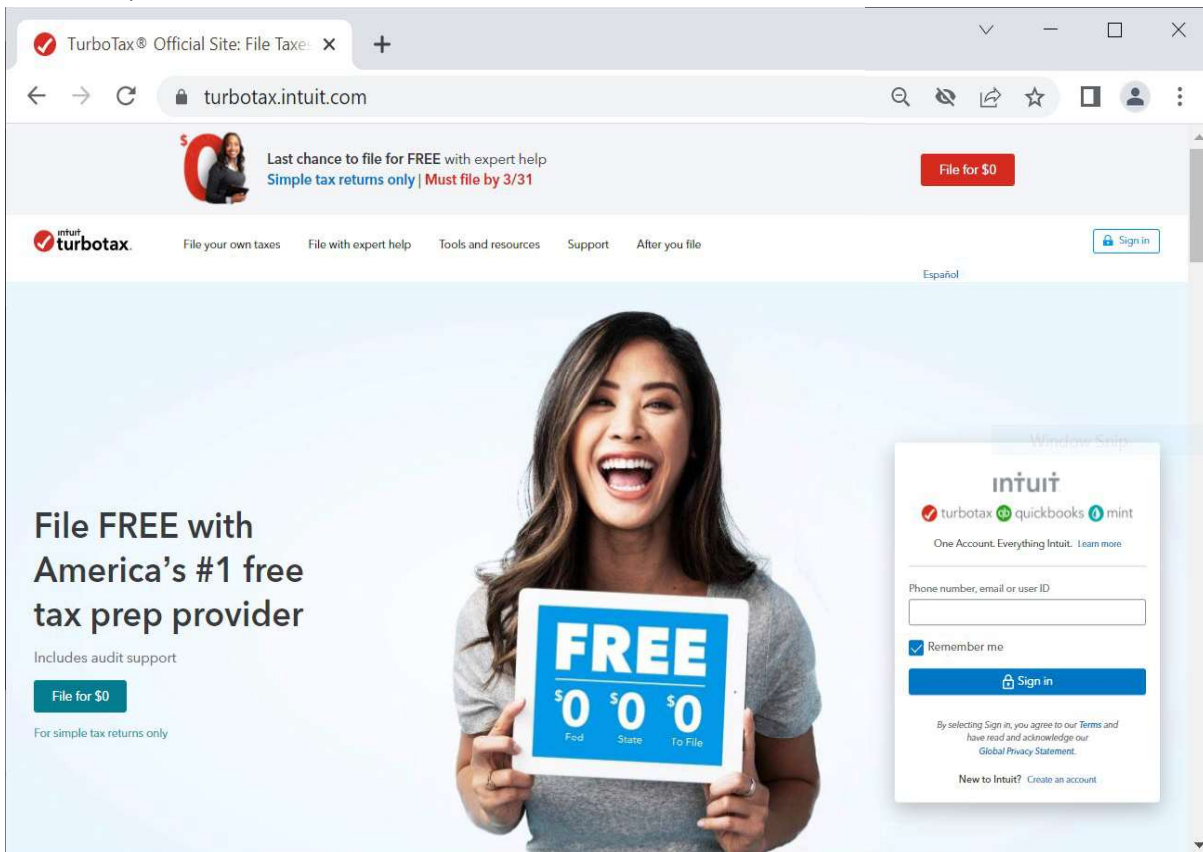
462. In TY 2020, clicking on the hyperlinked text “simple tax returns” button on the TurboTax home page caused the following pop-up to appear:



(GX342 (Complaint Counsel) ¶ 127, at CC-00006963; GX184 (Complaint Counsel)).

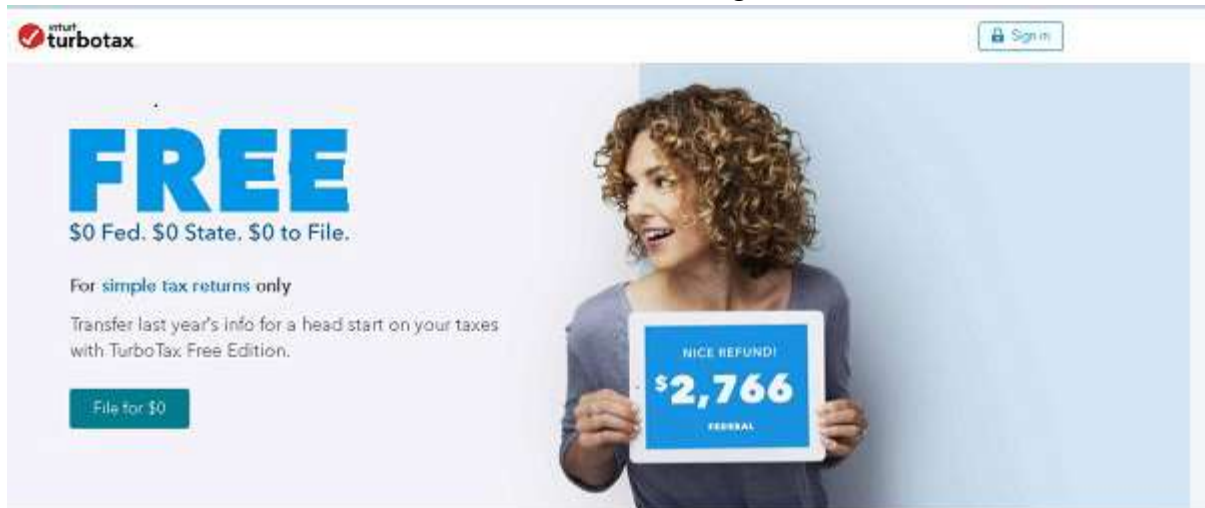
4. TurboTax Website TY 2021

463. During TY 2021, the TurboTax Official Site included the following visuals on March 26, 2022:



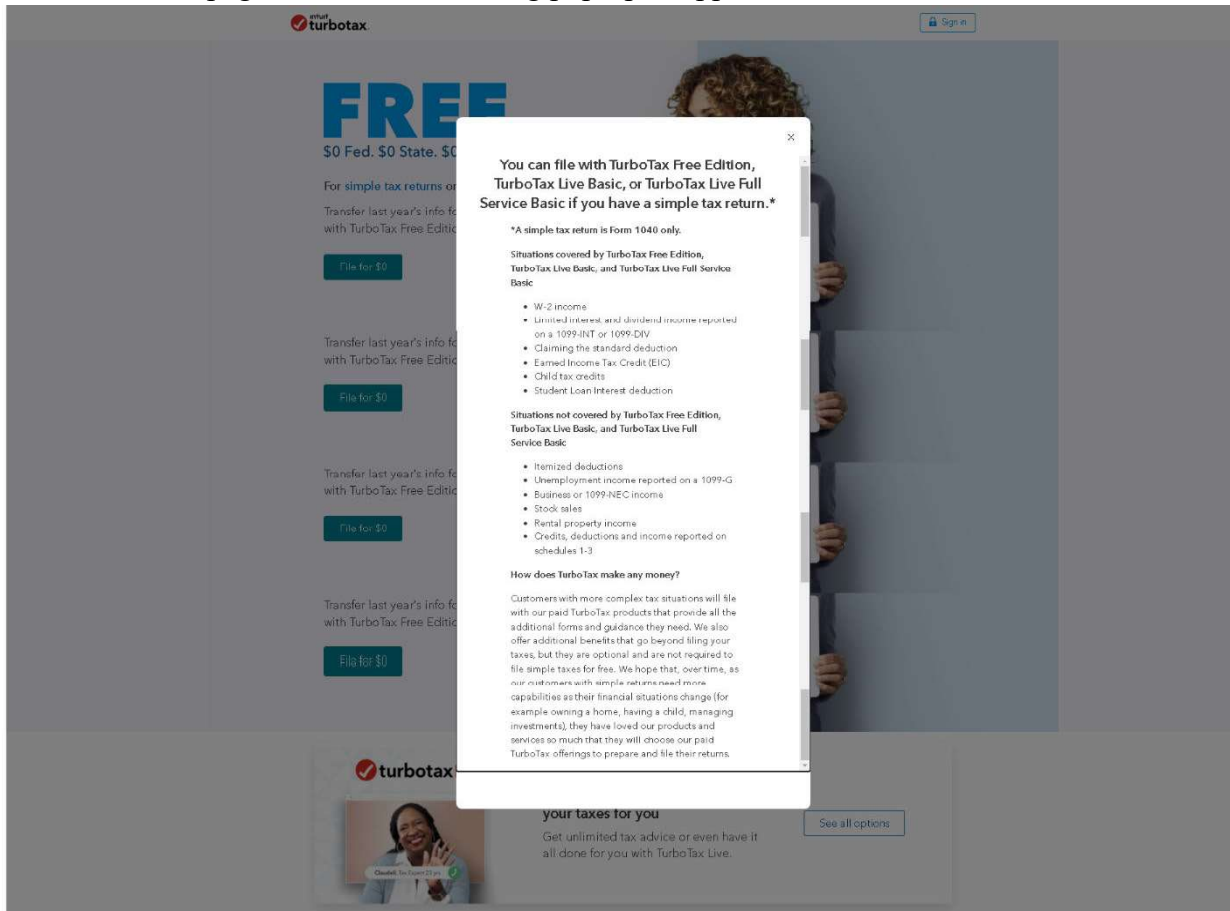
(GX 342 (Complaint Counsel) ¶ 190, CC-00006998; GX486 (Complaint Counsel)).

The TurboTax Official Site included the following visuals on March 31, 2022:



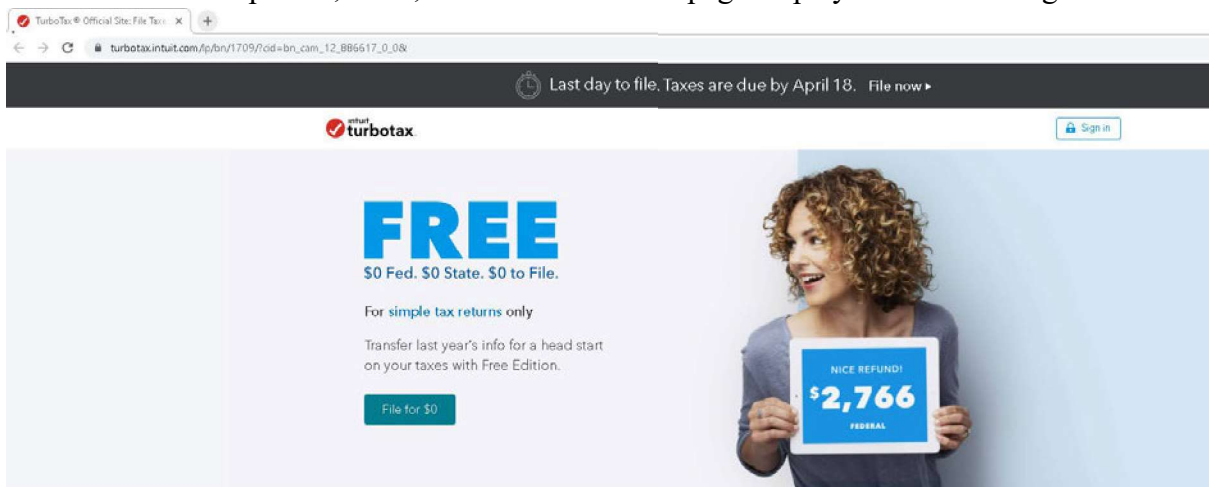
(GX342 (Complaint Counsel) ¶ 187, CC-00006996; GX483 (Complaint Counsel); GX483-A (Complaint Counsel); *see also* Shiller (Complaint Counsel) Tr. 201; GX483-A (Complaint Counsel)).

464. In TY 2021, clicking on the hyperlinked text “simple tax returns” button on the TurboTax home page caused the following pop-up to appear:



(GX342 (Complaint Counsel) ¶ 188, CC-00006997; GX484 (Complaint Counsel); *see also* Shiller (Complaint Counsel) Tr. 201-02; GX483-A (Complaint Counsel)).

465. On April 18, 2022, the TurboTax home page displayed the following visual:



(GX342 (Complaint Counsel) ¶ 189, at CC-00006997; GX485 (Complaint Counsel)).

466. In TY 2021, the TurboTax “Products & Pricing” screen on the TurboTax website appeared as follows:

turbotax

New! **File FREE:** Do it yourself, with expert help, or have an expert do your taxes. **Only from TurboTax.**
Simple tax returns only | Must file by 3/13

Tell us about you – we'll recommend the right tax solution

Select all that apply:

- I want to maximize deductions and credits
- I want an expert to do my taxes for me
- I have a job (received W-2)
- I hold stock, crypto, or other investments
- I own a home
- I have children or dependents
- I want an expert to review my return
- I donated over \$300 to charity
- I'm paying off student loans
- I own rental property
- I'm self-employed/independent contractor Am I self-employed?
- I own a small business

You can do it | Real experts help or do it for you

America's #1 brand of tax software

| Free Edition | Deluxe | Premier | Self-Employed |
|--|--|--|--|
| For simple tax returns only | Maximize tax deductions and credits | Investments and rental property | Personal & business income and expenses |
| \$0 Fed. \$0 State. \$0 to File. | \$44-\$39* <small>State add'l</small> | \$44-\$67* <small>State add'l</small> | \$110-\$99* <small>State add'l</small> |
| File for \$0 | Start for free <small>Pay only when you file</small> | Start for free <small>Pay only when you file</small> | Start for free <small>Pay only when you file</small> |
| ★★★★★ <small>(4.8) (43,561 reviews)</small> | ★★★★★ <small>(4.8) (43,487 reviews)</small> | ★★★★★ <small>(4.5) (6,876 reviews)</small> | ★★★★★ <small>(4.7) (11,432 reviews)</small> |
| Hide Details | More Details | More Details | More Details |

File for \$0 with Free Edition

You'll pay absolutely nothing to file your federal and state taxes if you have a simple tax return only. Start by easily importing your W-2, answer simple non-tax questions about your life, and we'll get you your maximum refund.

FREE
\$0 \$0 \$0
Fed State to File

- Free filing of your simple federal and state tax returns only.
- Covers W-2 income, Earned Income Tax Credit (EITC), and child tax credits.
- Jumpstart your return with last year's TurboTax info or import a PDF of your return from another tax software.
- Guidance in case of an audit, backed by our Audit Support Guarantee.
- Get answers 24/7 from our online community of TurboTax specialists and customers.

| Included in Free Edition | Everything in Free Edition, plus | Everything in Deluxe, plus | Everything in Premier, plus |
|--|--|--|--|
| <ul style="list-style-type: none"> Easy prep, print, and e-file Jumpstart your taxes, snap a photo of your W-2 | <ul style="list-style-type: none"> Searches 350+ tax deductions and credits Maximizes mortgage and property tax deductions Turn donations into big deductions | <ul style="list-style-type: none"> Covers stocks, bonds, ESPPs, and other investments Auto import of investment income Covers rental property income and tax deductions Accurately account for gains and losses from cryptocurrency transactions | <ul style="list-style-type: none"> Guidance for independent contractors, freelancers, and small business owners Uncovers industry-specific deductions for more tax breaks Easily updated your 1099-NEC with a snap from your smartphone One-on-one help from self-employment specialists |
| Learn more | Learn more | Learn more | Learn more |

*Important offer details and disclosures...

Your tax returns & documents

[Sign Out](#)

License Agreement | Privacy | Security | Give feedback | Cookies © 2022 Intuit Inc. All rights reserved.

(GX342 (Complaint Counsel) ¶ 181, at CC-00006994; GX482 (Complaint Counsel)).

III. Effects of TurboTax's Marketing Communications on Consumers

A. Novemsky Survey and Expert Opinions

467. Complaint Counsel engaged Professor Nathan Novemsky, Ph.D., a professor of consumer psychology and marketing at Yale University to evaluate Intuit's "free" TurboTax advertising and marketing. (GX303 (Novemsky Expert Report) ¶ 1; Novemsky (Complaint Counsel) Tr. 348-349).

468. In connection with this engagement, Professor Novemsky designed and supervised a consumer perception survey. (GX303 (Novemsky Expert Report) ¶ 1; Novemsky (Complaint Counsel) Tr. 354-355).

469. As part of his engagement, Professor Novemsky drafted two declarations, an expert report, and a rebuttal expert report. (*See* GX302 (Complaint Counsel); GX313 (Complaint Counsel); GX303 (Novemsky Expert Report); GX749 (Novemsky Rebuttal Expert Report)).

470. Complaint Counsel first provided counsel for Intuit with the perception survey results on March 28, 2022. (GX302 (Complaint Counsel)).

471. In Professor Novemsky's opinion, there was deception caused by TurboTax advertising and marketing, giving consumers a false impression that they can file for free when that is not the case. (GX303 (Novemsky Expert Report) ¶ 11; GX749 (Novemsky Rebuttal Expert Report) ¶¶ 3, 15; Novemsky (Complaint Counsel) Tr. 348).

1. Qualifications

472. Professor Novemsky holds a Ph.D. and M.A. in Social Psychology from Princeton University. (GX303 (Novemsky Expert Report) ¶ 12; Novemsky (Complaint Counsel) Tr. 348-349).

473. He is a tenured Professor at Yale, where he has been teaching for over 20 years. (GX303 (Novemsky Expert Report) Appendix A; Novemsky (Complaint Counsel) Tr. 349).

474. Professor Novemsky teaches doctoral and MBA students, as well as executives at major corporations. (GX303 (Novemsky Expert Report) ¶ 14; Novemsky (Complaint Counsel) Tr. 349-350).

475. Professor Novemsky is an expert in the psychology of judgment and decision-making, an area that overlaps with behavioral economics and consumer behavior. (GX303 (Novemsky Expert Report) ¶ 12; *see also* Novemsky (Complaint Counsel) Tr. 348).

476. Professor Novemsky's research has focused on individual decision-making—the manner in which individuals acquire and process information when forming perceptions and preferences, the effect of product attributes (such as price and product features) and information presentation on consumers' purchase and consumption decisions, and the effect of different marketing mix activities (such as advertising) on consumers' buying decisions and consumer experiences. (GX303 (Novemsky Expert Report) ¶ 12; *see also* Novemsky (Complaint Counsel) Tr. 349-350).

477. Professor Novemsky's research has been published in leading marketing and psychology journals. (GX303 (Novemsky Expert Report) ¶ 12; Novemsky (Complaint Counsel) Tr. 351).

478. Professor Novemsky has conducted, supervised, or evaluated hundreds of surveys, including many related to consumer behavior and information processing. (GX303 (Novemsky Expert Report) ¶ 16; *see also* Novemsky (Complaint Counsel) Tr. 352).

479. Professor Novemsky's expertise in consumer psychology, consumer decision-making, consumer experiences, and consumer information processing are relevant in evaluating Intuit's advertising and marketing of its TurboTax online tax preparation services as "free." (GX303 (Novemsky Expert Report) ¶ 18; *see also* Novemsky (Complaint Counsel) Tr. 353 ("Consumer psychology is central to my work on this matter. As I understand the question I was asked to investigate, it's about something in consumers' heads, what do they take away from TurboTax marketing and is that thing they're taking away true or false. So it's very central.")).

2. Survey Results Regarding “Free” Misimpressions & Source of Misimpressions

480. Consumers not eligible for the TurboTax Free Edition have the misimpression that they can file their taxes for free with TurboTax. (GX303 (Novemsky Expert Report) ¶¶ 8, 69 & Figure 1; Novemsky (Complaint Counsel) Tr. 354, 358-359).

481. Ineligible consumers who had not used TurboTax in the previous three years believed, at a rate of 52.7%, that they could use TurboTax for free. (GX303 (Novemsky Expert Report) ¶¶ 8, 69 & Figure 1; Novemsky (Complaint Counsel) Tr. 360-361).

482. Intuit’s marketing is the most likely source of consumer misimpressions about their ability to file for free. (GX303 (Novemsky Expert Report) ¶11; Novemsky (Complaint Counsel) Tr. 358-359 (“[M]any consumers take away the message that they can file for free when, in fact, they cannot. They take this away in large part because of TurboTax marketing.”)).

483. Survey respondents who were under the misimpression that they can file income taxes for free using TurboTax online software identified Intuit’s TurboTax advertisements and the TurboTax website as the two most common sources playing a role in forming their misimpression, and a vast majority of the mistaken taxpayers identified at least one of these two sources as playing a role in forming their misimpression. (GX303 (Novemsky Expert Report) ¶ 77).

484. 72.3% of survey respondents who did not use TurboTax in the last three years identified Intuit’s TurboTax advertisements, its website, or both, as playing a role in forming their misimpression that they could file for free. (GX303 (Novemsky Expert Report) ¶¶ 9, 79 & Figure 2; Novemsky (Complaint Counsel) Tr. 361-362).

485. Respondents who do not select TurboTax ads or the TurboTax website as a source for their misimpression about being able to file for free, and who select other options like word of mouth, may have formed their misimpressions indirectly through TurboTax’s ads or website to the extent that the information contained in other sources is based on TurboTax advertising and the TurboTax website, and 72% is therefore a conservative measure of the number of consumers

with a misimpression who formed that misimpression based on Intuit marketing. (GX749 (Novemsky Rebuttal Expert Report) ¶ 63; *see also* Novemsky (Complaint Counsel) Tr. 458).

486. Of survey respondents who had paid to use TurboTax in the last three years, 24.1% thought that they could use TurboTax for free even though they could not. (GX303 (Novemsky Expert Report) ¶¶ 8, 70 & Figure 1; Novemsky (Complaint Counsel) Tr. 381).

487. Of those respondents who recently paid to use TurboTax and were under the misimpression that they could file for free, 73.5% identified either TurboTax advertisements or the TurboTax website, or both, as a source of their misimpression. (GX303 (Novemsky Expert Report) ¶ 79 & Figure 2).

488. To the extent consumers who recently paid for TurboTax had the misimpression that they could file for free, this provides some indication of the power of “free” messaging, and its potential to overcome even the past experiences of those who have previously paid to use TurboTax. (GX303 (Novemsky Expert Report) ¶ 70; *see also* Novemsky (Complaint Counsel) Tr. 380 (“So to me, it’s testament to the power of the marketing.”)).

489. Disclaiming a free claim may be particularly difficult because such claims are powerful and consumers are drawn to them. (GX749 (Novemsky Rebuttal Expert Report) ¶¶ 143-144 (regarding the power of free claims); Novemsky (Complaint Counsel) Tr. 1769 (“disclaiming a free claim as is the case here may be a particularly difficult claim to undermine because it’s so powerful and consumers are so drawn to it”)).

490. Consumers are familiar with free online products and services that are free for all consumers, but those offers differ from TurboTax. For example, there are free music streaming platforms free for all consumers but that include ads, with consumers able to upgrade to a paid version to avoid those ads. TurboTax does not have a version that is free for all taxpayers. (*See* GX749 (Novemsky Rebuttal Expert Report) ¶¶ 246-248).

3. Survey Results Regarding Simple Returns

491. A substantial portion of respondents have the misimpression that their returns meet TurboTax's definition of a "simple U.S. return." (GX303 (Novemsky Expert Report) ¶¶ 10 & 83; Novemsky (Complaint Counsel) Tr. 353, 373).

492. The use of "simple returns" language fails to convey to consumers that they may not qualify in a manner that is consistent with TurboTax's qualification criteria. (RX749 (Novemsky Rebuttal Expert Report) ¶ 250; Novemsky (Complaint Counsel) Tr. 374-375; 373 (discussing GX855 (Complaint Counsel – iSpot.tv) and GX486 (Complaint Counsel)) ("Q. And in your opinion, how effective is the disclaimer for "simple returns only?" A. In my opinion, it's not very effective, because as my survey data show, many people who do not have simple returns, as TurboTax is using the phrase, think they have simple returns. So telling them it's only for simple returns doesn't cure the false impression that they think they can file for free with TurboTax. Q. Why else are the disclaimers we just looked at not effective? A. Well, the other part of it is having to find them. So as you saw, they were in small print in the TV ads, shown only for a few seconds right at the end, not the exciting part of the ad that's going to get people to turn their heads to the screen. And on the website, again, in small print under much bigger claims about free.")).

493. The "simple returns" language appeared in small font at the bottom of the screen in video and television advertising for TurboTax. (Ryan (Intuit) Tr. 736-737, 821, 822-823 (in discussing the Spelling Bee, Young Love, Dance Class, and Auctioneer video ads "Q. ...the line 'simple tax returns only' appeared in a small line of white print at the bottom center of the screen, while the much larger Intuit TurboTax logo appeared centered. Is that correct? A. Yes, that's where the disclosure appeared.")).

494. Additionally, the phrase "simple returns" suggests a standard for consumers to determine the meaning of the phrase for themselves, and because the word "simple" has a pre-existing meaning, consumers can ask themselves, "Is my tax return simple" and answer "yes" using their own pre-existing definition of "simple." (GX303 (Novemsky Expert Report) ¶ 87).

495. Consumers are more likely to answer “yes” to this question because motivated reasoning, wishful thinking and optimistic bias will drive many consumers to give themselves the answer that they perceive is advantageous for them. (GX303 (Novemsky Expert Report) ¶ 87).

496. The consumer perception survey showed that 55% of consumers ineligible for Free Edition who had not used TurboTax in the previous three years had the misimpression that they had a “simple U.S. return.” (GX303 (Novemsky Expert Report) ¶¶ 10, 85 & Figure 3; Novemsky (Complaint Counsel) Tr. 373-374).

497. Of consumers who paid to use TurboTax in the last three years, 28.6% of consumers were under the misimpression that they had a “simple U.S. return.” (GX303 (Novemsky Expert Report) ¶ 85 & Figure 3).

498. Consumers are likely to have a preconceived notion as to what “simple” means, particularly in the context of their taxes. (GX749 (Novemsky Rebuttal Expert Report) ¶ 223).

499. Additionally, people tend to be cognitive misers, meaning they constantly try to conserve mental energy, expending it only when motivated to. (GX749 (Novemsky Rebuttal Expert Report) ¶ 223).

500. For cognitive misers, the tendency to minimize cognition may reveal itself in a tendency to assume that TurboTax’s use of “simple” matches the consumer’s own understanding. (GX749 (Novemsky Rebuttal Expert Report) ¶ 223).

501. Intuit’s placement of a fuller disclaimer behind a “simple returns” hyperlink made it unlikely that consumers would reach the disclaimer. (GX749 (Novemsky Rebuttal Expert Report) ¶ 227; Novemsky (Complaint Counsel) Tr. 535, 1768).

502. Since consumers tend to be cognitive misers, they are unlikely to click on such a hyperlink or conduct further research when they think they know what a “simple return” is and are under a preexisting misimpression that they have one. (GX749 (Novemsky Rebuttal Expert Report) ¶¶ 223 & 227).

503. Hyperlinks are unlikely to be sufficient for presenting important information like eligibility criteria because they require more action than simply reading a description of “simple returns” on the current webpage, and consumers are even less likely to process such information when it is relegated to a hyperlink. (GX749 (Novemsky Rebuttal Expert Report) ¶ 227).

4. Survey Methodology

504. The goal of the perception survey was to measure the extent of taxpayers’ opinions and beliefs as to whether they can file their taxes for free using TurboTax online software. (GX303 (Novemsky Expert Report) ¶ 30; Novemsky (Complaint Counsel) Tr. 358).

505. A central question in this matter was whether or not, and to what extent, consumers believe they can use TurboTax for free. (GX749 (Novemsky Rebuttal Expert Report) ¶ 192; *see also* Novemsky (Complaint Counsel) Tr. 1764).

506. First, Professor Novemsky asked whether or not the respondents (none of whom were eligible to use TurboTax Free Edition) thought they could file their 2021 income taxes for free using TurboTax online software. (GX 303 (Novemsky Expert Report) ¶ 45; Novemsky (Complaint Counsel) Tr. 359).

507. Professor Novemsky then asked the respondents which sources played a role in them forming their impression regarding their ability to use TurboTax online software for free. (GX303 (Novemsky Expert Report) ¶ 47; Novemsky (Complaint Counsel) Tr. 359).

508. Professor Novemsky also asked consumers about whether they thought their 2021 tax return met TurboTax’s definition of a “simple U.S. tax return.” (GX303 (Novemsky Expert Report) ¶ 48; Novemsky (Complaint Counsel) Tr. 359, 371-372.)

509. Professor Novemsky relied on best practices in the design of the perception survey to minimize the possibility of bias and avoid potential demand artifacts. (GX303 (Novemsky Expert Report) ¶¶ 5, 19, 57-59; GX749 (Novemsky Rebuttal Expert Report) ¶ 26).

510. As an initial matter, Professor Novemsky selected the appropriate target population of potential taxpayers who at the time the survey was conducted were considering using an online tax software to file their 2021 taxes and would not have qualified for TurboTax

Free Edition. (GX303 (Novemsky Expert Report) ¶ 21; *see also* Novemsky (Complaint Counsel) Tr. 378-379).

511. The perception survey sample was chosen to be representative of the population of interest and the results of the survey can be generalized to the population at large with a degree of scientific certainty. (GX303 (Novemsky Expert Report) ¶¶ 5, 21-26).

512. Professor Novemsky screened out participants who could not file their taxes for free using Free Edition based on criteria set forth by Intuit. (GX303 (Novemsky Expert Report) ¶¶ 24-25; Novemsky (Complaint Counsel) Tr. 379-380).

513. Professor Novemsky also excluded survey participants who had already filed their taxes since (1) such consumers may already know for a fact whether they are eligible to use TurboTax to file their returns for free, for example, by virtue of attempting to use TurboTax; and (2) the intended audience for TurboTax marketing at the time the survey was conducted was taxpayers who have not yet filed their returns. (GX303 (Novemsky Expert Report) ¶ 22).

514. The perception survey was fielded between March 11, 2022, and March 24, 2022. (GX303 (Novemsky Expert Report) ¶ 22; Novemsky (Complaint Counsel) Tr. 375).

515. Conducting the perception survey in March had the advantage of reaching potential taxpayers when tax filing is more top-of-mind and as many consumers are thinking in earnest about how they will file their taxes. It is this mindset that is most relevant to the issues at hand because this is the time when potential misperceptions about the cost filing options are most likely to be consequential. (GX303 (Novemsky Expert Report) ¶ 22; *see also* Novemsky (Complaint Counsel) Tr. 375; GX289 (Complaint Counsel) at CC-00006221 (summarizing weekly sales for Tax preparation services and stating that “[i]n 2021, 21 percent of sales year-to-date (as of the week of May 17) occurred the week of Tax Day and the week before.”)).

516. Fielding the survey much earlier in the tax season would mean that consumers who have not yet filed their tax returns may not have been thinking about tax filing or engaging with the topic of tax filing, and that as such, the attention consumers pay to advertisements about tax filing and how carefully they have thought about how they will approach filing their taxes

would not be representative of their behavior when they are actually making tax filing decisions. (GX303 (Novemsky Expert Report) ¶ 22; *see also* Novemsky (Complaint Counsel) Tr. 375, 379).

517. Within the target population, Professor Novemsky analyzed survey results for two subgroups. (GX303 (Novemsky Expert Report) ¶ 7; *see also* Novemsky (Complaint Counsel) Tr. 411-412).

518. The main group of interest (Group A) consisted of respondents who indicated that they have not filed their income taxes using TurboTax within the past three years and, as such, are less likely to respond to survey questions based on their past usage of TurboTax. (GX303 (Novemsky Expert Report) ¶ 7; *see also* GX749 (Novemsky Rebuttal Expert Report) ¶ 52).

519. Professor Novemsky also collected and analyzed results for a second group (Group B) which consisted of respondents who indicated that they have filed their income taxes using a paid online version of TurboTax within the past three years. (GX303 (Novemsky Expert Report) ¶ 7; Novemsky (Complaint Counsel) Tr. 381).

520. Professor Novemsky analyzed results for Group A and Group B separately as they are distinct populations and should not be combined with one another. (GX749 (Novemsky Rebuttal Report) ¶ 52); Novemsky (Complaint Counsel) Tr. 525).

521. Professor Novemsky undertook a number of measures to ensure reliable survey results. (GX303 (Novemsky Expert Report) ¶ 57; Novemsky (Complaint Counsel) Tr. 386).

522. For example, consumers had to pass “attention checks” and agree to comply with survey instructions in order to participate in the survey, which screened out inattentive survey participants. (GX303 (Novemsky Expert Report) ¶¶ 40-41).

523. Professor Novemsky also ensured questions and answer choices were clear and that participants could not guess the purpose of the survey by conducting a pretest. (GX303 (Novemsky Expert Report) ¶¶ 58, 62-63; Novemsky (Complaint Counsel) Tr. 395, 396-397).

524. Professor Novemsky also applied several measures to reduce participant guessing, including using “quasi-filters” (“I don’t have enough information” or “don’t know/not sure”),

instructing consumers not to guess, and requiring consumers to agree with the instruction not to guess. (GX303 (Novemsky Expert Report) ¶ 58; Novemsky (Complaint Counsel) Tr. 391-393, 394-395, 396).

525. Professor Novemsky also controlled for potential “order effects” by rotating answer options. (GX303 (Novemsky Expert Report) ¶ 60; Novemsky (Complaint Counsel) Tr. 391-392, 395, 396).

526. Professor Novemsky also carefully worded questions. For example, in providing answer options for question TAT240, Professor Novemsky deliberately used phrases that let respondents express their state of mind, *i.e.* “I think I can file my 2021 income taxes for free using TurboTax online software” and “I don’t think I can file my 2021 income taxes for free using TurboTax online software.” He chose these phrases rather than more definitive wording that expresses certainty or specific knowledge, such as “I can file for free” or “I am sure I can file for free” because the level of certainty in a consumer’s knowledge about the cost of filing with TurboTax does not need to be absolute for that consumer to try using TurboTax for free. (GX303 (Novemsky Expert Report) ¶ 49); *see also* Novemsky (Complaint Counsel) Tr. 391).

527. After the completion of the perception survey, Professor Novemsky also conducted robustness checks to confirm that results were consistent under other reasonable approaches or assumptions, which confirmed that his baseline results are qualitatively unchanged across each of these robustness tests. (GX303 (Novemsky Expert Report) ¶¶ 92-94).

528. The perception survey included both open and closed-ended questions. (GX303 (Novemsky Expert Report) ¶ 43; Novemsky (Complaint Counsel) Tr. 387).

529. The perception survey was designed around closed-ended questions which are more suitable for assessing choices between well-identified options. (GX303 (Novemsky Expert Report) ¶ 43; *see also* Novemsky (Complaint Counsel) Tr. 387-388, 394, 446-447390-391 (“[C]losed-ended questions are standard practice when you want to get a specific categorical response.”)).

530. Professor Novemsky also used open-ended questions to prompt respondents to contemplate the issues relevant for answering closed-ended questions and motivate them to invest more effort into the thoughts that inform their answers to closed-ended questions. (GX303 (Novemsky Expert Report) ¶ 43; *see also* Novemsky (Complaint Counsel) Tr. 387-388, 389-390, 393).

531. In designing the survey, Professor Novemsky determined that a perception survey, rather than a copy test, was the appropriate design to examine Intuit's extensive advertising campaign. (GX303 (Novemsky Expert Report) ¶ 30; *see also* Novemsky (Complaint Counsel) Tr. 385).

532. Consumer surveys that do not involve test/control design, the use of structural equation modelling, or the use of a quasi-experiment are routinely performed and have been found to be reliable. (GX749 (Novemsky Rebuttal Expert Report) ¶ 25 (citing Diamond, Shari S., "Reference Manual on Scientific Evidence Third Edition," Federal Judicial Center, 2011, pp. 363-367); Novemsky (Complaint Counsel) Tr. 381-382 ("A different type of survey, the one that I used here, is called a perception survey, or sometimes an A&U in the industry, an attitudes and usage survey. We're trying to count up how many consumers have certain beliefs or attitudes. And so that's more appropriate when you have something that you can't replicate in the lab. It's something that's used broadly, so crime victimization surveys, consumer sentiment surveys on which economic policy is based, all use this type of structure. Professor Hauser, one of the experts from TurboTax in this matter, used this structure for his purchase driver survey. It's a commonly used structure.")).

533. While test/control designs have advantages, they are not appropriate when there is no suitable control group, nor is it appropriate when the nature of the deception cannot realistically be replicated in the survey environment. (GX303 (Novemsky Expert Report) ¶ 31; Novemsky (Complaint Counsel) Tr. 383-384).

534. Not all surveys require test/control design. (Hauser (Intuit) Tr. 962; RX1391 (Hauser (Intuit) Dep.) at 31-32).

535. A test/control design would not accurately measure the cumulative effect of Intuit’s marketing campaign. (GX303 (Novemsky Expert Report) ¶¶ 32-33; GX749 (Novemsky Rebuttal Expert Report) ¶¶ 17-18; Novemsky (Complaint Counsel) Tr. 385).

536. Testing the incremental impact of a single or a few allegedly deceptive Intuit advertisements is not appropriate for measuring the extent of misperceptions related to TurboTax given Intuit’s extensive and repeated marketing efforts. (GX749 (Novemsky Rebuttal Expert Report) ¶ 18; *see also* Novemsky (Complaint Counsel) Tr. 521 (“I wanted to get reactions from people as they would have seen them or not seen them or paid attention or not paid attention in the real marketplace. I was not trying to artificially draw their attention to a specific ad or a specific claim in an ad as a test that shows ads would be meant to do.”)).

537. Interpreting advertisements in the context of other advertisements and marketing communications (as the perception survey did)—rather than in an artificial survey setting—is representative of how consumers absorb advertising messages in the marketplace, and that artificial ads with an artificially blank slate in consumers’ minds prior to viewing the ad cannot replicate the effect an ad would have in the context of an existing brand, nor can it replicate the effect of a coordinated marketing campaign that consumers would encounter multiple times and in multiple locations. (GX749 (Novemsky Rebuttal Expert Report) ¶ 23).

538. A key advantage of measuring existing consumer perceptions through a perception survey is that these perceptions are shaped by all the information consumers have accumulated from various sources, for example, the potentially misleading content of the TurboTax “free, free, free” advertisements, as well as any disclosures the consumers may notice and access. (GX303 (Novemsky Expert Report) ¶ 96; *see also* Novemsky (Complaint Counsel) Tr. 405 (“Consumers responding to my survey, having seen whatever they saw in the world -- so if these ads were in the marketplace prior to my survey being launched, then these may well have been something that the consumers were exposed to prior to seeing my survey and may have included in their responses to my survey.”)).

539. The wide dissemination of Intuit's free TurboTax claims would make it unlikely to find an appropriate control group for a copy test design. (GX303 (Novemsky Expert Report) ¶ 32; GX 749 (Novemsky Rebuttal Expert Report) ¶ 18; *see also* Novemsky (Complaint Counsel) Tr. 385).

540. Preliminary testing further indicated that most consumers had existing beliefs about their ability to file for free using TurboTax and supported Professor Novemsky's conclusion that a test / control framework was not appropriate in this case. (GX303 (Novemsky Expert Report) ¶ 33; GX749 (Novemsky Rebuttal Expert Report) ¶ 27; *see also* Novemsky (Complaint Counsel) Tr. 385-386).

541. Federal law requires federal agencies to provide survey participants information about the purpose of the survey and the option to opt-out of the survey after learning about that purpose. Privacy Act, 5 U.S.C. § 552a(e)(3).

542. At the instruction of Complaint Counsel, Professor Novemsky allowed survey participants to opt out of the survey upon completion of the survey and ensured that their submissions were deleted. (GX303 (Novemsky Expert Report) ¶¶ 50-51; *see also* Novemsky (Complaint Counsel) Tr. 397).

543. Only a fraction of survey respondents (164 of 771) opted out. (GX303 (Novemsky Expert Report) ¶¶ 51, 71; *see also* Novemsky (Complaint Counsel) Tr. 397).

544. There was no evidence that respondents who opted out were different than those who did not. (GX303 (Novemsky Expert Report) ¶¶ 51, 71; GX749 (Novemsky Rebuttal Expert Report) ¶ 73).

545. The opt-out rate did not change any of the substantive conclusions for Professor Novemsky's survey because, even if, for arguments sake, all opted out consumers belonged in Group A (the main group of interest) and did not have a misimpression about whether they could file for free (both of which are unrealistic assumptions), survey results would still show that 37.5% of consumers who did not use TurboTax in the last three years were under the misimpression that they could use TurboTax for free even though they were not eligible. (GX303

(Novemsky Expert Report) ¶ 71; GX749 (Novemsky Rebuttal Expert Report) ¶ 74; Novemsky (Complaint Counsel) Tr. 397-398).

5. Other Materials Considered by Professor Novemsky

546. In forming his opinions, Professor Novemsky reviewed many different TurboTax advertisements that make “free” claims, including video and television advertisements. (*See* GX303 (Novemsky Expert Report) ¶¶ 3, 99, Appendix C; *see also* Novemsky (Complaint Counsel) Tr. 354-355).

547. Professor Novemsky also reviewed the TurboTax website, internal TurboTax marketing materials and other documents, Intuit expert reports, and considered academic literature, as well as relying on his own expertise. (GX303 (Novemsky Expert Report) ¶¶ 18, 99, Appendix C; GX749 (Novemsky Rebuttal Expert Report) ¶¶ 1, 10, Appendix A; *see also* Novemsky (Complaint Counsel) Tr. 363, 407-408).

548. Professor Novemsky also considered and analyzed advertising dissemination data from iSpot.tv. (GX749 (Novemsky Rebuttal Expert Report) ¶ 45; Novemsky (Complaint Counsel) Tr. 355-355, 366-367).

549. iSpot.tv is a commercially available service used by many advertisers to monitor and measure the performance of advertisements across linear and streaming TV. (GX749 (Novemsky Rebuttal Expert Report) ¶ 45 n. 87; *see also* Novemsky (Complaint Counsel) Tr. 366).

550. Professor Novemsky reviewed iSpot.tv’s estimated impressions data for TV advertisements to proxy Intuit’s advertising share of voice (or how much advertising in an industry is coming from any one competitor) for free tax preparation software advertisements. (GX749 (Novemsky Rebuttal Expert Report) ¶ 45; Novemsky (Complaint Counsel) Tr. 366-367).

551. “Impressions” are reported directly by iSpot.tv and represent the total number of times an ad was played on TV devices across the U.S. (GX749 (Novemsky Rebuttal Expert Report) Figure 4).

552. Professor Novemsky determined that on average between 2018 and 2022, TurboTax accounted for 72% of impressions related to “free” tax preparation messaging, reaching up to 99.1% of advertising in 2021, with 5.4 billion impressions. (GX749 (Novemsky Rebuttal Expert Report) ¶ 45 & Figure 4; *see also* GX762 (Complaint Counsel); *see also* Novemsky (Complaint Counsel) Tr. 368, 369-370).

553. In 2018, Intuit’s “free” TurboTax advertising accounted for 52.8% of impressions related to “free” tax preparation with 2.6 billion impressions. (GX762 (Complaint Counsel) at Tabs 2 & 4; GX749 (Novemsky Rebuttal Expert Report) Figure 4).

554. In 2019, Intuit’s “free” TurboTax advertising accounted for 76.2% of impressions related to “free” tax preparation with 3.9 billion impressions. (GX762 (Complaint Counsel) at Tabs 2 & 5; GX749 (Novemsky Rebuttal Expert Report) Figure 4).

555. In 2020, Intuit’s “free” TurboTax advertising accounted for 67.5% of impressions related to “free” tax preparation with 4 billion impressions. (GX762 (Complaint Counsel) at Tabs 2 & 6; GX749 (Novemsky Rebuttal Expert Report) Figure 4).

556. In 2021 Intuit’s “free” TurboTax advertising accounted for 99.1% of impressions related to “free” tax preparation with 5.4 billion impressions. (GX762 (Complaint Counsel) at Tabs 2 & 7; GX749 (Novemsky Rebuttal Expert Report) Figure 4).

557. In 2022, Intuit’s “free” TurboTax advertising accounted for 63.3% of impressions related to “free” tax preparation with 3.5 billion impressions. (GX762 (Complaint Counsel) at Tabs 2 & 8; GX749 (Novemsky Rebuttal Expert Report) Figure 4).

558. The analysis of the iSpot.tv data supported Professor Novemsky’s opinions that TurboTax advertising was the cause of consumer misimpressions that they could file their taxes for free with TurboTax because it ruled out competitor advertising as a source of beliefs related to TurboTax. (GX749 (Novemsky Rebuttal Expert Report) ¶¶ 44-45; Novemsky (Complaint Counsel) Tr. 367-368).

559. It is extremely implausible that the 72% of impressions related to free online tax software from TurboTax did not cause the substantial misimpressions measured in the perception

survey, but the 28% of remaining impressions from Intuit’s competitors did. (GX749 (Novemsky Rebuttal Expert Report) ¶ 45).

560. Moreover, competitors’ ads focused on the competitors’ own products, while TurboTax ads were focused on TurboTax products and brand, making the latter much more likely to leave an impression about TurboTax than the former. (GX749 (Novemsky Rebuttal Expert Report) ¶ 45; Novemsky (Complaint Counsel) Tr. 370-371 (discussing GX782 (Complaint Counsel) (“Again, to the question of whether H&R Block could have caused the false impression that people could file for free with TurboTax, you can see here that when TurboTax is mentioned by a competitor like H&R Block, it’s mentioned in the context of you cannot file for free with TurboTax. In this case they talk about itemized deductions. So H&R Block, to the extent they’re saying “free,” they’re saying H&R Block is free, TurboTax is not free. Again, casting doubt on the idea that a competitor’s ad is substantially responsible for this false impression in the marketplace.”)); *see also* Novemsky (Complaint Counsel) Tr. 477, 485).

561. Further evidence that Professor Novemsky relied on in forming his opinions is GX460, an Intuit marketing research document (“TY20 Campaign Copy Testing”). (GX303 (Novemsky Expert Report) ¶ 97; Novemsky (Complaint Counsel) Tr. 364).

562. The TY20 Campaign Copy Testing showed that when a single “free” ad was shown to consumers, it caused a statistically significant increase in the consumer perception regarding being able to file taxes for free using TurboTax (compared to a control group), as well as increasing usage intent. (GX303 (Novemsky Expert Report) ¶¶ 97-98 (citing GX460 (Intuit) at CC-00009543- CC-00009545, CC-00009563); Novemsky (Complaint Counsel) Tr. 364-365).

563. The TY20 Campaign Copy Testing indicates that Intuit understands not only that “free” messaging drives tax filers to try TurboTax, but that the messaging differentiates TurboTax from its competitors. (GX303 (Novemsky Expert Report) ¶ 98 (citing GX460 (Intuit) at CC-00009543)).

564. According to Professor Novemsky, the TY20 Campaign Copy Testing shows that exposure to Intuit’s video advertisements with “free” messaging causes an increase in viewers’

perceptions that they can use TurboTax for free. (GX303 (Novemsky Expert Report) ¶ 97 (citing GX460 (Intuit) at CC-00009563); *see also* GX749 (Novemsky Rebuttal Expert Report) ¶ 15; Novemsky (Complaint Counsel) Tr. 365).

565. Each of the “free, free, free” ads tested during the TY20 Campaign Copy Testing caused a statistically significant increase in “usage intent,” as measured by the percentage of respondents who indicate they “[d]efinitely would consider using TT,” resulting in the conclusion that the “simple ‘free’ message communicates the main idea clearly and effectively, helping to drive awareness of the TurboTax Free offer and as a result, intent to use.” (GX303 (Novemsky Expert Report) ¶ 98 (citing GX460 (Intuit) at CC-00009544-45)).

566. The TY20 Campaign Copy Testing causally links Intuit’s “free” advertising messaging to the consumer perception that TurboTax would allow the consumer to file taxes for free. (GX749 (Novemsky Rebuttal Expert Report) ¶ 32 (citing GX460 (Intuit) at CC-00009563); *see also* Novemsky (Complaint Counsel) Tr. 366 (“[T]his is certainly an example of TurboTax marketing, that TurboTax marketing is responsible for consumers’ perception that they can file for free.”)).

567. Intuit’s marketing messages were reinforced over time, across different tax seasons. (GX303 (Novemsky Expert Report) ¶ 31).

568. Repeat advertising reinforces marketing messages, compounding their impact and mitigating decay of impact. (GX749 (Novemsky Rebuttal Expert Report) ¶¶ 15, 33-34).

569. In addition to showing that Intuit’s “free” messaging causes subjects to believe that they can file for free, the TY20 Campaign Copy Testing also shows why a test / control survey design is the wrong tool for studying the question of interest in this case. While this study does report a measure of the impact of “free” advertising that can be causally interpreted, that effect is limited to the incremental contribution of one additional ad exposure to subjects’ pre-existing beliefs and does not measure the impact of Intuit’s years-long marketing activities on overall impressions in the market. (GX303 (Novemsky Expert Report) ¶ 97 n. 128).

570. Academics hold the view that the effect of repetitive exposure to long-running advertising campaigns increases customer responses to advertising. (GX749 (Novemsky Rebuttal Expert Report) ¶ 24 (citing S. Schmidt and M. Eisend, “Advertising Repetition: A Meta-Analysis on Effective Frequency in Advertising,” *Journal of Advertising*, 2015, Vol. 44 (4), at pp. 415-428); *see also* RX1391 (Hauser (Intuit) Dep.) at 52 (“Q. ...[I]f you repeat the ad, can you then extend the recall? A. That certainly would be your goal. And it would depend upon how often you repeat it, how much weight you put upon it, where you – ‘weight’ meaning the total spending, total impressions, but also where those advertising is allocated.”)).

571. Additional materials relied on by Professor Novemsky are Intuit documents that show the wide dissemination of “free” advertising. (GX303 (Novemsky Expert Report) ¶ 96 (citing GX431 (Intuit), GX432 (Intuit) and GX433 (Intuit)); *see also* GX749 (Novemsky Rebuttal Expert Report) ¶ 15).

6. Hauser Criticisms of Novemsky Survey Are Unfounded and Unpersuasive

572. Professor Hauser presents a number of criticisms of Professor Novemsky’s survey and conclusions, (RX1017 (Hauser Expert Report) Section IV), which are unfounded and unpersuasive. (GX749 (Novemsky Rebuttal Expert Report) ¶ 3).

a. Sampling and Target Population

573. Professor Hauser claims that the perception survey has a sampling bias (RX1017 (Hauser Expert Report) Section IV.C.; Hauser (Intuit) Tr. 894) but his claims are speculative and not supported by any evidence. (GX749 (Novemsky Rebuttal Expert Report) ¶ 72).

574. Professor Hauser expressed concern that the perception survey population did not include tax filers who had already filed their taxes, in part because such taxpayers would be very familiar with TurboTax or competitive products and would already know whether or not they can file for free, and in part because such taxpayers may differ from other taxpayers, (RX1017 (Hauser Expert Report) ¶ 40; Hauser (Intuit) Tr. 901), but Professor Hauser provides no reliable evidence that later tax filers are different from tax filers who file early in the season, (GX749

(Novemsky Rebuttal Expert Report) ¶ 76), and ignores the purpose of the perception survey: to test perceptions in the marketplace *prior* to purchase of a tax preparation option. (GX303 (Novemsky Expert Report) ¶ 22).

575. Professor Hauser also pointed out that Professor Novemsky did not screen out “litigation aware” consumers, (RX1017 (Hauser Expert Report) ¶ 42; Hauser (Intuit) Tr. 905-906), but there is no evidence of litigation aware consumers and no basis to believe that litigation aware respondents would systematically differ from the others with respect to the extent of their misperceptions about TurboTax, and thus there is no reason to think that their existence would bias or negate the perception survey results. (GX749 (Novemsky Rebuttal Expert Report) ¶ 75; *see also* Novemsky (Complaint Counsel) Tr. 469 (“Q. So you didn’t do anything to identify whether or not any of the people that participated in your survey were aware of the litigation, right? A. I did. I looked at thousands of open-ended responses to see if there was any mention of the litigation and I found exactly one out of the thousand.”)).

576. Professor Hauser also discussed that respondents were able to opt out of the perception survey at the conclusion of the survey, (RX1017 (Hauser Expert Report) ¶ 41; Hauser (Intuit) Tr. 903-904), but Professor Hauser has no basis or evidence for the notion that opt-out respondents may be systematically different from remaining respondents in a way that would impact the results of the perception survey, and does not propose a reason why such an impact would exist. (GX749 (Novemsky Rebuttal Expert Report) ¶ 73).

577. Making conservative assumptions about survey respondents who opted out would still show that 37.5% of consumers who did not use TurboTax in the last three years were under the misimpression that they could use TurboTax for free. (GX303 (Novemsky Expert Report) ¶ 71; GX749 (Novemsky Rebuttal Expert Report) ¶ 74; Novemsky (Complaint Counsel) Tr. 397-398).

b. Survey Structure

578. Professor Hauser criticizes the perception survey for not using a test / control design, stating that Professor Novemsky could not establish if there was anything about any one

particular ad that was causing a misimpression (RX1017 (Hauser Expert Report) ¶ 26; Hauser (Intuit) Tr. 896, 900), but he ignores that this is precisely the objective of the perception survey, to measure the cumulative effect of Intuit’s marketing campaign (GX749 (Novemsky Rebuttal Expert Report) ¶¶ 21-23), and the survey design was appropriate for that objective. (GX749 (Novemsky Rebuttal Expert Report) ¶¶ 17-28).

579. Professor Hauser also claims that sources other than TurboTax advertising could cause consumer misimpressions (RX1017 (Hauser Expert Report) ¶ 38), but Professor Hauser fails to provide any evidence of a plausible alternative and is refuted by data about advertising dissemination. (GX749 (Novemsky Rebuttal Expert Report) ¶¶ 16, 43-46, Figure 4; Novemsky (Complaint Counsel) Tr. 369-370, 485).

c. Hauser’s Flawed Coding of Open-Ended Survey Responses

580. Professor Hauser instructed blind coders to code responses to open-ended questions in the perception survey. (RX1017 (Hauser Expert Report) ¶ 53; Hauser (Intuit) Tr. 226-227).

581. He instructed coders to review responses to the following open-ended questions:

- 1) TAT220: “What is your understanding about whether or not there is a cost to filing your own income taxes using TurboTax online software?”
- 2) TAT230: “You may have already said this above, but please tell us again, in your understanding, who, if anyone, can file their taxes for free using TurboTax online software?”

(RX1017 (Hauser Expert Report) ¶ 53 & fn. 101).

582. Professor Hauser’s coding methodology of open-ended responses to the perception survey relies on a faulty procedure that includes a disconnect between coding instructions and interpretations of the results. (GX749 (Novemsky Rebuttal Expert Report) ¶¶ 53, 58). Professor Hauser instructed the coders to code responses to the two different open-ended questions to response options provided in a third question, TAT240 (“You may have already said this above, but please tell us again, which of the following best describes your understanding of

filing your 2021 income taxes for free using TurboTax online software?”). (RX1017 (Hauser Expert Report) ¶ 54, Figure 2; Hauser (Intuit) Tr. 228-229).

583. Illustrative of the flawed methodology is that the coding resulted in a number of open-ended responses being categorized as inconsistent when they were not clearly inconsistent. (GX749 (Novemsky Rebuttal Expert Report) ¶¶ 57-60, Figures 5-8); *see also* Novemsky (Complaint Counsel) Tr. 525-526).

584. For example, Professor Hauser coded a survey respondent as “inconsistent” when the respondent who did not have a simple return as Intuit defines it stated in open-ended responses that “[s]ome filings are free” and that TurboTax was free for “[a]nyone with a simple return” and went on to say in response to a third open-ended question that they had “just simple income forms.” (GX749 (Novemsky Rebuttal Expert Report) Figure 5).

585. Professor Hauser also discusses that coding of open-ended responses shows that some consumers are aware of eligibility restrictions (RX1017 (Hauser Expert Report) ¶ 71) but does not address that the survey shows that consumers are under the misimpression about what those criteria mean for them. (GX749 (Novemsky Rebuttal Expert Report) ¶¶ 68-69).

586. Moreover, variances between open and closed ended survey responses is common and to be expected. (RX1391 (Hauser (Intuit) Dep.) at 109-110).

d. Survey Questions

587. Professor Hauser claims that question TAT240 emphasizing “free” in the question and providing answer options that start with “I think” creates demand artifacts and encourages guessing, (RX1017 (Hauser Expert Report) ¶ 46; Hauser Tr. 222-223), but Professor Novemsky employed best practices to discourage guessing. (GX303 (Novemsky Expert Report) ¶¶ 58, 81; GX749 (Novemsky Rebuttal Expert Report) ¶ 48; Novemsky (Complaint Counsel) Tr. 391-393, 394-395, 396).

588. Additionally, Professor Hauser ignores that whether consumers “think” they can or cannot file for free is a relevant standard to determine whether consumers might act on their

beliefs. (GX303 (Novemsky Expert Report) ¶ 49; GX749 (Novemsky Rebuttal Expert Report) ¶ 82).

589. Professor Hauser also claims that because six survey respondents mentioned the survey instrument in open-ended responses, the perception survey suffered from demand artifacts (RX1017 (Hauser Expert Report) ¶ 44; Hauser (Intuit) Tr. 224-225), but that represents less than 1% of the survey respondents and is not evidence of any pervasive demand artifacts (GX749 (Novemsky Rebuttal Expert Report) ¶ 47; Novemsky (Complaint Counsel) Tr. 524 (“Q. And what proportion of your total survey population are those six respondents? A. They are less than 1 percent. Q. And what does that proportion say to you about the reliability of your survey? A. It says the reliability is very good. They were asked directly why do you think this, and if less than 1 percent say it was something about the survey, it suggests that the survey was not a substantial cause of this misperception.”)).

590. Professor Hauser also claims that question TAT255 suffers from a demand artifact because TurboTax is mentioned a number of times in the survey instrument, (RX1017 (Hauser Expert Report) ¶ 57; Hauser (Intuit) Tr. 940-941), but Professor Novemsky designed his survey in accordance with best practices, including framing the questions in a way that was clear and not leading, and by providing quasi-filter answer options and instructing survey participants not to guess. (GX749 (Novemsky Rebuttal Expert Report) ¶¶ 93-94).

591. Professor Hauser also claims that question TAT255 is missing answer options, like competitors and own experience (RX1017 (Hauser Expert Report) ¶ 58; Hauser (Intuit) Tr. 943-944), but the question was pretested and consumers did not indicate that any answer options were missing. (GX749 (Novemsky Rebuttal Expert Report) ¶ 96; GX303 (Novemsky Expert Report) ¶¶ 58, 62-63; Novemsky (Complaint Counsel) Tr. 395, 396-397).

592. Professor Hauser also claims that question TAT255 is unreliable because consumers have “source amnesia” (RX1017 (Hauser Expert Report) ¶ 59; Hauser (Intuit) Tr. 946), but psychologists regularly ask respondents to record the source of their beliefs or

impressions and respondents are able to indicate when they do not remember the source of their impressions in these studies. (GX749 (Novemsky Rebuttal Expert Report) ¶ 91).

e. Intuit's Marketing Materials

593. While Professor Hauser claims that Intuit's internal marketing studies only show that "free" ads cause a short-term bump in beliefs about free TurboTax that decay over time (RX1017 (Hauser Expert Report) ¶¶ 77, 80; Hauser (Intuit) Tr. 881-882), he fails to address that since TurboTax undertakes pervasive marketing campaigns year after year, putting its free-themed ads in heavy rotation across the country, exposing consumers to the exact same or very similarly themed ads repeatedly, reinforcing its marketing message, the incremental impact of individual ads reinforce one another and with each successive exposure, resulting in accumulated impact. (GX749 (Novemsky Rebuttal Expert Report) ¶ 33).

594. Professor Hauser also fails to present evidence that an advertisement that changes impressions in the short run cannot change perceptions in the long run especially when repeated both as the identical advertisement and as a thematically identical advertisement over a period of time. (GX749 (Novemsky Rebuttal Expert Report) ¶ 34).

595. Professor Hauser also claims that the results for the control group in Intuit's marketing research study shows that only approximately one third of consumers thought TurboTax was free, which he contrasts with results from Professor Novemsky's survey, (RX1017 (Hauser Expert Report) ¶ 79; Hauser (Intuit) Tr. 882-883, 912-914), but Professor Hauser fails to account for the numerous differences between the perception survey and the Intuit marketing research study, including the age of the survey respondents, the timing of when the survey was conducted, and the billions of "free" ad impressions that occurred between the time of the Intuit study and the perception survey. (GX750 (Novemsky Rebuttal Report Errata) ¶ 42 (correcting GX 749 (Novemsky Rebuttal Report) ¶ 42)).

B. Intuit's Marketing Research

596. Price matters to consumers and is highly motivating. (Golder (Intuit) Tr. 1085, 1183); *see also* RX1391 (Hauser (Intuit) Dep.) at 112 ("Q. Okay. And 70.4 percent of the

respondents selected price as one of the things that was important to them; is that correct? A. That's correct. And not at all surprising for any product sold anywhere.”)).

597. 2019 marketing research conducted by Intuit showed that 49% of consumers “are confident that Free Edition is truly free.” (RX597 (Intuit) at INTUIT-FTC-PART3-000601665).

598. A study from 2018 showed that 22% of consumers were confident that Free Edition was actually free. (RX595 (Intuit) at FTC-PART3-000602725).

599. The 2018 study showed that TurboTax brand awareness of “free” increased from 37% to 44% year-over year. (RX595 (Intuit) at FTC-PART3-000602725).

600. Intuit's internal copy testing (the “TY20 Campaign Copy Testing”) further shows that a significant percentage of consumers perceive they can use TurboTax for free after viewing Intuit's TurboTax “free” video ads. (*See* GX460 (Intuit) at CC-00009563).

601. In copy testing four TurboTax “free” video ads (each of which was a version of Intuit's “free, free, free” marketing campaign where nearly every word in a given commercial was “free”) for its “TY20 Campaign,” Intuit found that a single exposure to any one of these ads “result[ed] in significant lifts for all ads on perceptions around ... allows you to file your taxes for free.” (GX460 (Intuit) at CC-00009563).

602. The purpose of the TY20 Campaign Copy Testing was to understand if the advertising concepts were resonating with Intuit's target customers. (Ryan (Intuit) Tr. 735).

603. The survey population for the TY20 Campaign Copy Testing were taxpayers who were responsible for tax filing decisions, paid taxes last year, and were between the ages of 18 and 49, regardless of whether they qualified for Free Edition or not. (GX460 (Intuit) at CC-00009537; *see also* Ryan (Intuit) Tr. 736).

604. After exposure to a single ad during the TY20 Campaign Copy Testing, 45% to 57% of consumers took away the free message. (GX460 (Intuit) at CC-00009563).

605. Additionally, Intuit's TY20 Campaign Copy Testing shows that “[t]he promise of a free offer was enticing for many viewers – and differentiated from other brands within the

category – which likely contributed to the intrigue to want to trial [sic].” (GX460 (Intuit) at CC-00009543).

606. Consumer ad testing presented to Intuit in December 2018 (“2018 Copy Testing”) showed that 73% of 250 survey respondents took away from the “Spelling Bee” ad the message: “That i [sic] can file my taxes for free.” (GX340 (Intuit) at CC-00006857).

607. The 2018 Copy Testing showed that “[a]bout half of viewers take away the ‘free’ offering in Spelling Bee” (GX340 (Intuit) at CC-00006883).

608. The 2018 Copy Testing showed that consumers shared comments about the “Spelling Bee” ad that included:

- “Its [sic] free to file your taxes with them,”
- “Turbotax [sic] is free,”
- “Because the message was describing how turbo taxes [sic] service are [sic] free,”
- “Turbo tax [sic] is free and easy to use.”

(GX340 (Intuit) at CC-00006862).

609. The 2018 Copy Testing showed that the ads tested, including the “Spelling Bee” ad, “communicate **the parent brand**, TurboTax well, however, only about ~5% take away the sub brand (TurboTax Free, TurboTax Live).” (GX340 (Intuit) at CC-00006849 (emphasis in original); *see also* Ryan (Intuit) Tr. 817-818).

610. The 2018 Copy Testing showed that for the ads tested, including the “Spelling Bee” ad, “[m]ost viewers can recall TurboTax, but only a handful mention the specific product name” when asked “Which brand do you think this ad was for?” (GX340 (Intuit) at CC-00006856).

C. Intuit’s Marketing Strategy Admits the Effect of its TurboTax Free Campaign on Consumers

611. Intuit’s internal marketing strategy documents reflect a recognition of the impression its “free” TurboTax ads leave with consumers. Intuit’s FY’19 GTM (“Go-To-Market”) White Paper (GX428 (Intuit)) [REDACTED] As Intuit Director of

Marketing Elizabeth Berger explained in her deposition, “every team cross-functionally provides some input” on the FY’19 GTM White Paper, and it is designed to provide a detailed view of Intuit’s “go-to-market plans for fiscal year 2019.” (GX145 (Berger (Intuit) Dep.) 125-127).

612. The FY’19 GTM White Paper admits that: [REDACTED] (GX428 (Intuit) at CC-00007711).

613. The FY’19 GTM White Paper admits [REDACTED] (GX428 (Intuit) at CC-00007740) (emphasis in the original).

614. The FY’19 GTM White Paper admits the [REDACTED] (GX428 (Intuit) at CC-00007716).

615. Intuit’s realization of the fact that “free” is compelling and attracts customers is not new. (*See, e.g.*, GX57 (Intuit) at CC- 00000646 (2014 marketing strategy document finding that “Free/Free offer is compelling enough to drive considerable (1.2M) incremental customer growth”); GX403 (Intuit) at CC-00007485 [REDACTED] & GX144 (Soukas (Intuit) Dep.) at 125-127; GX410 (Intuit) at p. 1 & GX145 (Berger (Intuit) Dep.) at 97, 104–08 (discussing, in part, the “zero-dollar any way” campaign); GX457 (Intuit) at CC-00009340 (“[REDACTED]”) & GX148 (Somers (Intuit) Dep.) at 84-85).

616. Similarly, creative briefs, presentations and other advertising strategy documents prepared for Intuit by advertising agency Wieden+Kennedy also show the impression the TurboTax “free” ads would leave with consumers. (GX869 (Wieden+Kennedy) at ¶ 7 (Certification of Records of Regularly Conducted Activity)). For example, a March 18, 2020

presentation developed by Wieden+Kennedy for Intuit titled [REDACTED]

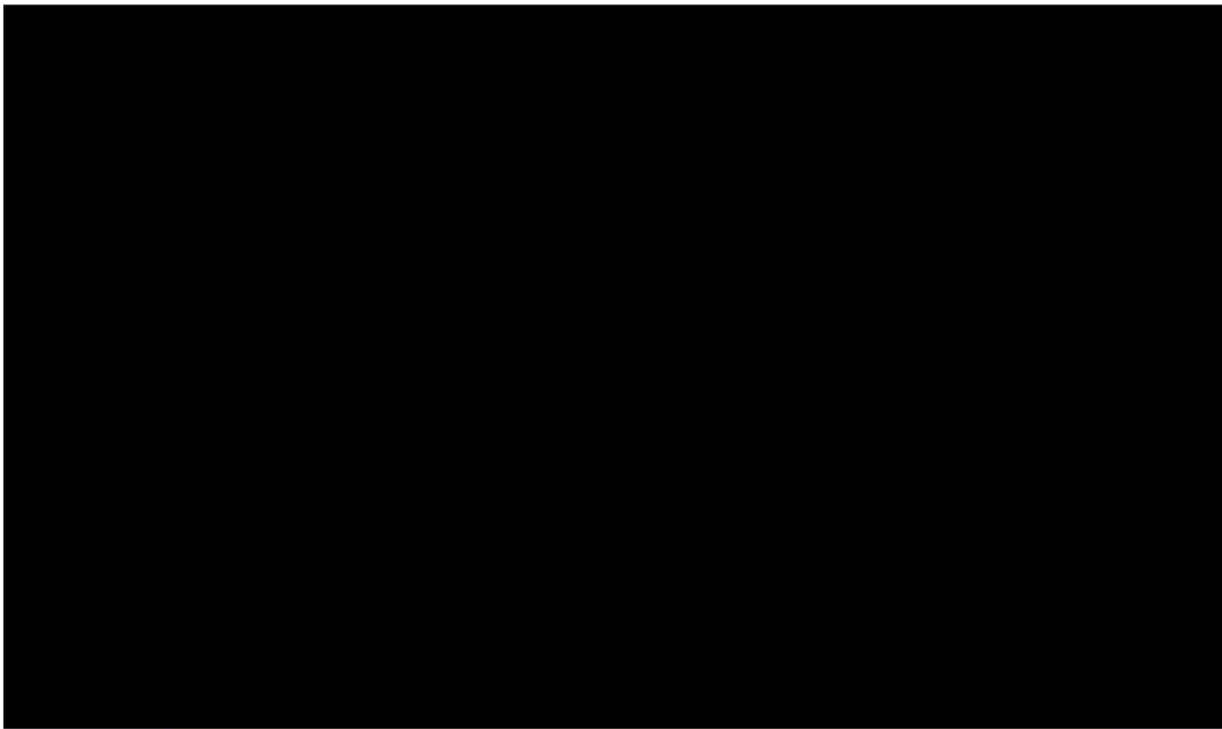
[REDACTED] contains slides recognizing that:

- [REDACTED]

(GX688 (Wieden+Kennedy) at CC-00014872).

- [REDACTED]

[REDACTED] (GX688 (Wieden+Kennedy) at CC-00014878-79 (see below for



- [REDACTED]

(GX688 (Wieden+Kennedy) at CC-00014881).

- [REDACTED]

[REDACTED] (GX688 (Wieden+Kennedy) at CC-00014882).

- [REDACTED] (GX688 (Wieden+Kennedy) at CC-00014883).

617. While Intuit and several of its executives, including Cathleen Ryan, Senior Vice President Marketing, claim that they only intended to target simple filers, (*see e.g.*, GX428 (Intuit) at CC-00007710 (“[REDACTED]”); GX146 (Ryan (Intuit) Dep.) at 124–25), much of Intuit’s TurboTax advertising was not all targeted. Instead, Intuit engaged in mass marketing of TurboTax via television and other channels. (*See supra* FF-47—FF-466).

618. Mary Ann Somers, then the SVP and Chief Growth Officer of Intuit’s consumer group, was interviewed on the September 20, 2019 episode of the podcast “Renegade Thinkers Unite.” (GX148 (Sommers (Intuit) Dep.) at 46–48; GX357 (Complaint Counsel) (transcript of podcast featuring Ms. Somers); GX358 (Complaint Counsel) (audio recording of podcast featuring Ms. Somers)). Ms. Somers made the following statements during the interview:

- a) “Here [at Intuit] we had an incredible marketing department and it’s a world-class marketing department. It’s a group that doesn’t toot their own horn so I’m going to toot it for them. Just an incredible group of people. We spend hundreds of millions of dollars in a very short amount of time to generate billions of dollars in a matter of months.” (GX357 (Complaint Counsel) at CC-00007048; GX358 (Complaint Counsel) at 16:11–16:30 (audio)).
- b) Regarding the TurboTax “free free free” campaign: “I’ll start with the part that really was the aha moment, and that was the insight. We know a lot about our free customer. We know what their journey is, a lot of things. But the key insight for us was, when you start talking about free, that’s what people hear. They hear free. You can say a lot of other things, but what they hear is free. We said, ‘Huh, well, if that’s the truth, then how do we create a campaign that builds upon that truth?’ And that’s the campaign that you saw.”

It was the idea that it's multiple different situations and you don't know as you first start to see the execution, what's going on. We have one that's a lawyer. That's a very dramatic environment. We have one that's a game show that's kind of fun. We have a spelling bee. We have all these different situations, and then the dialogue starts and everybody's delivering, the actors and actresses are delivering the dialogue as if they're delivering real words. But the real words are replaced all with free. And that was really important for us because we wanted it to reflect what the change was in our offering and we made a massive change this year.

What we did is, first there was tax reform, so we defined our free product based on the 1040 tax reform as the government had defined it. And then what we did is, we decided this year that we were going to provide what's called year on year transfer for free. So in the past, people were paying for some of those kinds of things, so the ability to pay zero to file their taxes, we were really making a major change in order to do that.

We wanted to really let people know this was free, really free, free, free. That was a reflection of the innovation and the decision that we made on the product. We wanted that to show up in the campaign in a playful way, simple-minded, engaging. We measure advertising like many other people where we are tracking it during the season. We look at the overall ad track and we look at—Did the ad break through? Did people remember the ad then? Did you remember who the ad was from? So brand linkage. Did you get the key message, and then how did that impact your consideration? Just simple measures and metrics. We looked at it and it started to really do well and that's when we started to realize we were onto something really big here.” (GX357 (Complaint Counsel) at CC-00007048; GX358 (Complaint Counsel) at 26:06-28:30 (audio)).

c) “We have a history of being very effective with our ROI and really spending money smartly. Again, looking at the funnel altogether. Every different thing that we do from a TV ad to spending a lot on digital marketing and our performance media to get people to visit the site, see if that’s something as they’re shopping around, is our product one that’s right for them? And then going from visits to logins, from logins to starts, from starts to completions. That’s really how we look at all our different vehicles playing a role in that full-funnel view.” (GX357 (Complaint Counsel) at CC-00007048; GX358 (Complaint Counsel) at 31:04–31:36 (audio)).

D. Intuit’s Awareness of Negative Customer Sentiment, Feedback and Complaints

619. Intuit’s internal complaint tracking and tracking of consumer sentiment and consumer feedback identified price and price transparency as a trend in consumer complaints.

For example, [REDACTED] (GX51 (Intuit) at CC-00000552), [REDACTED] [REDACTED] (GX51 (Intuit) at CC-00000553). [REDACTED], Intuit found that “customers still want more price transparency (*e.g.* ‘Free isn’t Free,’ ...),” (GX411 (Intuit) at CC-00007561), and that a number of consumers complained about Intuit’s pricing, for example:

623. In a different 2019 study, [REDACTED]

[REDACTED] (GX665 (Intuit) at CC-00014561, CC-00014563).

624. Consumers can contact Intuit directly through its customer success team and customer care team by phone or chat. (GX158 (Intuit 3.33(c)–Berger (Intuit) Dep.) at 7-8).

625. When customers are connected with an Intuit customer success agent, a record of the contact is created in Salesforce, Intuit’s customer relationship management database, by the customer success agent. (GX158 (Intuit 3.33(c)–Berger (Intuit) Dep.) at 8–9). The information entered into Salesforce includes, for example, “the name of the customer, what product they’re using, what they may be contacting [Intuit] about,” “notes captured about the interaction” by the customer success agent and any resolution. (GX158 (Intuit 3.33(c)–Berger (Intuit) Dep.) at 9).

626. These consumer calls to the care team can be escalated to “Tier two,” and those consumer interactions with more experienced or specialized customer care agents also would be recorded in Salesforce. (GX158 (Intuit 3.33(c)–Berger (Intuit) Dep.) at 10–12).

627. Intuit can track trends of consumer complaints in Salesforce, such as “what types on contacts [Intuit] is getting, whether there are more of some kind than another.” (GX158 (Intuit 3.33(c)–Berger (Intuit) Dep.) at 12).

628. This information, along with significant amount of other information about consumers, is stored in Intuit’s customer relationship management database, or CRM. (*See* (GX158 (Berger (Intuit) Dep.) at 77 (“CRM is sort of the totality, our total customer base, for example, all the data we have about everybody.”). A subset of that data was produced pursuant to this Court’s December 30, 2022 Order Granting Complaint Counsel’s Motion to Compel Production of Documents at GX857 to GX868, which are admitted into evidence on the JX-2.

629. On a weekly basis, Intuit “is mining the information that comes into Salesforce for trends in consumer complaints.” (GX158 (Intuit 3.33(c)–Berger (Intuit) Dep.) at 15).

630. In addition to Salesforce, Intuit also uses a third-party vendor Bazaarvoice to capture and store consumer reviews. (GX149 (Crosby (Intuit) Dep.) at 42-43).

631. The data stored in Bazaarvoice includes, for example, the product name, the relevant tax year, the method by which the consumer filed their taxes the prior year, and life changes that would impact the consumer's tax situation. (GX149 (Crosby (Intuit) Dep.) at 92–95).

632. In order for the review and accompanying data to be captured in Bazaarvoice, the consumer must actually complete filing their taxes using a TurboTax product. (GX149 (Crosby (Intuit) Dep.) at 42–43, 47).

633. The excel file “TY21 Bazaarvoice Customer Reviews Data,” (the “TY21 customer review data”) captures these consumer reviews, including an overall rating, a review ID, a review title, and review text, for consumers who filed their TY21 taxes using a TurboTax product and completed the Bazaarvoice survey. (*See generally* RX816² (Intuit) INTUIT-FTC-PART3-000490341; *see also* RX1027 (Deal Expert Report) at D-36).

634. Throughout his report, Intuit expert Bruce Deal uses quotations from RX816, the TY21 Bazaarvoice Customer Review Data “by way of exemplars and examples,” or “illustrations of the types of narrative that’s in the review data.” (Deal (Intuit) Tr. 1428–1431).

635. In Intuit’s CRM, case number [REDACTED] includes in the field “[REDACTED]” the text “[REDACTED]” (GX859 (Intuit) at CC-00015471, row 39720, column V).

636. In Intuit’s CRM, case number [REDACTED] includes in the field “[REDACTED]” the text “[REDACTED]” (GX859 (Intuit) at CC-00015471, row 40777, column C).

637. In Intuit’s CRM, case number [REDACTED] includes in the field “[REDACTED]” the text “[REDACTED]”

² This document is identified in deposition testimony as GX475 (Intuit).

[REDACTED]

[REDACTED]

[REDACTED]” (GX860 (Intuit) at CC-00015472, row 8417, column V).

638. In Intuit’s CRM, case number [REDACTED] includes in the field “[REDACTED]” the text “[REDACTED]” (GX858 (Intuit) at CC-00015470, row 24574, column D).

639. In Intuit’s CRM, case number [REDACTED] includes in the field “[REDACTED]” the text “[REDACTED]” (GX857 (Intuit) at CC-00015469, row 1423, column D).

640. In Intuit’s CRM, case number [REDACTED] includes in the field “[REDACTED]” the text “[REDACTED]” (GX857 (Intuit) at CC-00015469, row 3176, column V).

641. In Intuit’s CRM, case number [REDACTED] includes in the field “[REDACTED]” the text “[REDACTED]” (GX862 (Intuit) at CC-00015474, row 60802, column D).

642. In Intuit’s TY21 customer review data, the row with the value 205760959 in the “*review_id*” field also has a “*review_title*” field containing the text “TurboTax is a deceiving company” and a “*review_text*” field containing the text “Your TV commercials are a big lie, this company should be put out of business for deceptive practices. Free, free, free, yes right \$154.00 to file this return, Free, Free, free.” (RX816 (Intuit) at row 272983, columns A, E, P).

643. In Intuit’s TY21 customer review data, the row with the value 199062998 in the “*review_id*” field also has a “*review_title*” field containing the text “TURBO TAX ISNT FREE, EVER!” and a “*review_text*” field containing the text “ADVERTISES FREE, FREE, FREE, BUT ITS ACTUALLY FEE, FEE, FEE!” (RX816 (Intuit) at row 15850, columns A, E, P).

644. In Intuit's TY21 customer review data, the row with the value 200507088 in the "review_id" field also has a "review_title" field containing the text "Horrible" and a "review_text" field containing the text "They advertise \$0 to file a basic W2 and end up charging you!" (RX816 (Intuit) at row 150070, columns A, E, P).

645. In Intuit's TY21 customer review data, the row with the value 199500386 in the "review_id" field also has a "review_title" field containing the text "Disappointed" and a "review_text" field containing the text "I would give a higher review, however they keep promoting that it is free free free and yet it is NOT NOT NOT" (RX816 (Intuit) at row 44033, columns A, E, P).

646. In Intuit's TY21 customer review data, the row with the value 200178820 in the "review_id" field also has a "review_title" field containing the text "NOT TRULEY FREE AS ADVERTISED" and a "review_text" field containing the text "NOT FREE ASADVERTISED,, THE LAST TIME I USED TURBO TAX FEDERAL WAS FREE THIS TIME IT WAS NOT WHICH I AM NOT HAPPY ABOUT .. THE COMMERCIALS ADVERTISE FREE FREE FREE FREE THIS IS B***s****." (RX816 (Intuit) at row 120171, columns A, E, P).

647. In Intuit's TY21 customer review data, the row with the value 199758529 in the "review_id" field also has a "review_title" field containing the text "more bullsh*T" and a "review_text" field containing the text "commercial after commercial telling you its free its free , go to hell with that." (RX816 (Intuit) at row 75870, columns A, E, P).

648. In Intuit's TY21 customer review data, the row with the value 212819587 in the "review_id" field also has a "review_title" field containing the text "Turbotax scammed \$29 dollars from me," and a "review_text" field containing the text "I used turbotax free version provided by my USAA bank membership. This is a service provided to veterans. I am a veteran of a foreign war, hence ability to use the free filing service through my bank. Turbotax would not allow me to file until I paid for the plus upgrade even though my filing was 100% accurate and correct. This is a scam technique I do not appreciate after service to my country leaving me

disabled. I am accusing you of fraud in other words. I want \$29 dollars back.” (RX816 (Intuit) at row 301178, columns A, E, P).

649. In Intuit’s TY21 customer review data, the row with the value 200256102 in the “*review_id*” field also has a “*review_title*” field containing the text “I would of given ZERO stars!!!!!!!!!!,” and a “*review_text*” field containing the text “Your COMMERCIALS in the STATE of MINNESOTA says FREE FREE FREE FREE FREE. YOU CHARGE FOR FILING!!! FALSE ADVERTISEMENT!!!!!! YOU NEED TO REFUND ME FOR FILING!!!!!!!!!!!!!!!!!!!!!! STOP LYING about being FREE!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!” (RX816 (Intuit) at row 124340, columns A, E, P).

650. In Intuit’s TY21 customer review data, the row with the value 199286801 in the “*review_id*” field also has a “*review_title*” field containing the text “FEES!” and a “*review_text*” field containing the text “Turbo Tax claims I can file for free but that is not true as I try every year and it does not allow any option to file for free! Very disappointed with Tubo Tax bait and switch tactics and their abuse of taking advantage of the hard-working poor.” (RX816 (Intuit) at row 30132, columns A, E, P).

651. In Intuit’s TY21 customer review data, the row with the value 204871446 in the “*review_id*” field also has a “*review_title*” field containing the text “Misleading” and a “*review_text*” field containing the text “This process is very misleading. It promotes free,free,free until its tme to checkout and then all of a sudden there is a fee that was more than the return itself.” (RX816 (Intuit) at row 263327, columns A, E, P).

652. In Intuit’s TY21 customer review data, the row with the value 204113036 in the “*review_id*” field also has a “*review_title*” field containing the text “Y’all are thieves,” and a “*review_text*” field containing the text “Turbo Tax will help you get the biggest return! and then they will take half of it because they charge you for so much. You can file for free! LOL JK you stupid fools should be Turbo Taxes actual slogan.” (RX816 (Intuit) at row 255488, columns A, E, P).

653. In Intuit's TY21 customer review data, the row with the value 201601307 in the "review_id" field also has a "review_title" and a "review_text" field containing the text "Turbo Tax's thing is that it is FREE. This is the second year I've filed my own taxes and they charged me almost 200\$ for filing my federal taxes! Complete scam!!!" (RX816 (Intuit) at row 182906, columns A, E, P).

654. In Intuit's TY21 customer review data, the row with the value 204976905 in the "review_id" field also has a "review_title" field containing the text "Probably won't use Turbotax again" and a "review_text" field containing the text "I got told it was a free upgrade to Turbotax Live on the website itself (it prompted that it was free) and from an ad on T.V. I still had to lose half of my refund because it was a complete lie." (RX816 (Intuit) at row 265027, columns A, E, P).

655. In Intuit's TY21 customer review data, the row with the value 199833762 in the "review_id" field also has a "review_title" field containing the text "Free to file my a55" and a "review_text" field containing the text "Such false advertising. You state free for simple returns, but over \$100 later, that is not the case at all. Every year it is the same crap. False advertising. I will not use you again moving forward." (RX816 (Intuit) at row 83380, columns A, E, P).

656. In Intuit's TY21 customer review data, the row with the value 201654935 in the "review_id" field also has a "review_title" field containing the text "Your commercials say that your'e free" and a "review_text" field containing the text "Every year I see the commercials that say you are a free tax filing service yet you charge me over \$100 to file every year. If it is not free for a broke college student who is in the lowest tax bracket, then who exactly is it free for?" (RX816 (Intuit) at row 187204, columns A, E, P).

657. In Intuit's TY21 customer review data, the row with the value 200195867, in the "review_id" field also has a "review_title" field containing the text "TurboTax" and a "review_text" field containing the text "Overall, TurboTax is great and easy to use. However, my only complaint was that you originally advertise the tax program to be free. Once you reach the end of the tax form however, you come to find out that it is indeed not free, but is going to cost at

least a minimum of \$39 or more. So that's not cool. False advertising if you ask me." (RX816 (Intuit) at row 116550, columns A, E, P).

658. In Intuit's TY21 customer review data, the row with the value 201746447 in the "review_id" field also has a "review_title" field containing the text "It's good enough" and a "review_text" field containing the text "Ah it's not that bad, not free thou like they said in the commercial." (RX816 (Intuit) at row 197881, columns A, E, P).

659. In Intuit's TY21 customer review data, the row with the value 199431392 in the "review_id" field also has a "review_title" field containing the text "FREE?" and a "review_text" field containing the text "It advertises as FREE. Why am I paying for it???" (RX816 (Intuit) at row 40791, columns A, E, P).

660. In Intuit's TY21 customer review data, the row with the value 199410292 in the "review_id" field also has a "review_title" field containing the text "Unexpected fees" and a "review_text" field containing the text "Its an easy site to use but they have unexpected fees when the commercial clearly say free, ITS NOT FREE!!" (RX816 (Intuit) at row 35974, columns A, E, P).

661. In Intuit's TY21 customer review data, the row with the value 200252495 in the "review_id" field also has a "review_title" field containing the text "lies" and a "review_text" field containing the text "It's not free, has never been free, stop lying about how it's free." (RX816 (Intuit) at row 123687, columns A, E, P).

662. In fact, Intuit's TY21 customer review data includes thousands of examples of customer feedback that indicates consumers may have been, and in many cases were, deceived by Intuit's practices. (See e.g., RX816 (Intuit) at "review_id" numbers: 196258729, 196271390, 196754465, 196891783, 196921634, 196830836, 197314551, 197598593, 198200510, 198273546, 198116384, 198334864, 198464016, 198470439, 198349619, 198406400, 198495534, 198545592, 198566122, 198566345, 198527975, 198568568, 198570052, 198538956, 198576442, 198582239, 198583041, 198585647, 198597976, 198599779, 198621335, 198633617, 198637341, 198655415, 198636870, 198672528, 198678815,

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E. Consumer Depositions

663. Counsel for Intuit deposed 16 consumers that complained about TurboTax.³

664. Of those deposed, 11 consumers began using TurboTax because they thought or hoped that they could use it for free. (GX138 (Adamson (Consumer) Dep.) at 42, 56, 57; GX125 (Beck (Consumer) Dep.) at 55; GX128 (Benbrook (Consumer) Dep.) at 55; GX124 (Bodi (Consumer) Dep.) at 31-33; GX139 (Derscha (Consumer) Dep.) at 76; GX122 (DeRyke (Consumer) Dep.) at 15-16; GX137 (DuKatz (Consumer) Dep.) at 27-28, 82-83); GX142 (Keahiolalo (Consumer) Dep.) at 76-77; GX123 (Lee (Consumer) Dep.) at 53-54; GX135 (Phyfer (Consumer) Dep.) at 79-81, 88-90, 104-105; GX130 (Tew (Consumer) Dep.) at 52-54).

665. Ten consumers testified that the cost of the tax filing services was important to them. (GX138 (Adamson (Consumer) Dep.) at 56; GX125 (Beck (Consumer) Dep.) at 15, 27, 30; GX128 (Benbrook (Consumer) Dep.) at 22; GX139 (Derscha (Consumer) Dep.) at 41, 88; GX132 (Dougher (Consumer) Dep.) at 17, 41-42; GX137 (DuKatz (Consumer) Dep.) at 74-75, 80-82; GX134 (Hobson (Consumer) Dep.) at 20; GX142 (Keahiolalo (Consumer) Dep.) at 42, 61, 77; GX135 (Phyfer (Consumer) Dep.) at 54, 103, 109; GX130 (Tew (Consumer) Dep.) at 53-54).

666. Nine consumers remembered Intuit's free advertising. (GX125 (Beck (Consumer) Dep.) at 22-23, 30, 55; GX128 (Benbrook (Consumer) Dep.) at 53-55; GX139 (Derscha (Consumer) Dep.) at 58-59; 88; GX137 (DuKatz (Consumer) Dep.) at 29-31, 93-94; GX142 (Keahiolalo (Consumer) Dep.) at 25, 26, 32-33, 42; GX123 (Lee (Consumer) Dep.) at 53-54;

³ Though Intuit only took 16 consumer depositions, Intuit issued deposition testimony subpoenas to 66 consumers. Six consumers did not appear for their depositions, and Intuit withdrew 42 subpoenas. Two depositions were canceled and never rescheduled.

GX135 (Phyfer (Consumer) Dep.) at 79-81; GX141 (Robinson (Consumer) Dep.) at 40-41; GX136 (Schulte (Consumer) Dep.) at 14-15).

667. One consumer testified about how “ubiquitous” the TurboTax free advertising was. (GX138 (Adamson (Consumer) Dep.) at 55-56).

668. One consumer testified that the free advertising was “the key message that brought me to TurboTax in the first place.” (GX125 (Beck (Consumer) Dep.) at 55).

669. At least ten consumer deponents did not understand Intuit’s eligibility criteria for Free Edition. (GX138 (Adamson (Consumer) Dep.) at 44, 58-59; GX131 (Bansal (Consumer) Dep.) at 15; GX128 (Benbrook (Consumer) Dep.) at 27-28, 31; GX139 (Derscha (Consumer) Dep.) at 47-48; GX132 (Dougher (Consumer) Dep.) at 35-36; GX137 (DuKatz (Consumer) Dep.) at 18-19, 56, 63-64; GX142 (Keahiolalo (Consumer) Dep.) at 37-38; GX135 (Phyfer (Consumer) Dep.) at 66-67, 75-76, 92-93; GX141 (Robinson (Consumer) Dep.) at 41-42, 58-59); GX136 (Schulte (Consumer) Dep.) at 70).

670. One consumer testified that they “ha[d] no idea unless it told me — Unless TurboTax explicitly told me ‘You qualify for free,’ I would have no idea ... So I am putting my trust in them to do that” and that the phrase simple tax returns “has no connotation to me because I don’t understand what is and is not a simple tax return.” (GX137 (DuKatz (Consumer) Dep.) at 56).

671. One consumer testified that they spent between 30 and 45 minutes entering their tax information on TurboTax before learning they could not file for free. (GX138 (Adamson (Consumer) Dep.) at 58).

672. Other consumers testified that by the time they realized they would have to pay to file their taxes they did not want to switch providers. (GX124 (Bodi (Consumer) Dep.) at 33; GX139 (Derscha (Consumer) Dep.) at 57; GX137 (DuKatz (Consumer) Dep.) at 80-82).

673. One consumer described it the following ways:

I’d already spent the time. It’s like if you were – Let’s say you ordered something from IKEA and you were building, like, a wardrobe, and you spent four hours on the wardrobe, and then you

realize that you have to go buy another piece to do it -- to complete it. You're going to go buy that piece. You're not just going to, like, throw it in the dumpster. Like, it has to be done now. (GX 137 (DuKatz (Consumer) Dep.) at 80).

...

It would be like if you bought a plane ticket, you got on an airplane, they flew you across the country, and then to leave the airplane, they were like, "Actually, it's \$100 to leave the airplane. Otherwise we're just going to fly you back." And you're like, "But I already paid for my vacation, like for my hotel and stuff," and they're like, "You're going to have to pay the \$100 to get out of the airplane." So that's the way that I would phrase that.

(GX137 (DuKatz (Consumer) Dep.) at 81).

674. One consumer testified that disclaimers on the TurboTax website were not "obvious." (GX125 (Beck (Consumer) Dep.) at 35-36).

675. One consumer, in discussing Intuit's disclosures that were behind a hyperlink, testified that "it is highly unlikely that people will click through to an external link." (GX135 (Phyfer (Consumer) Dep.) at 67-68).

F. Consumer Sentinel Network Complaints

676. Consumer Sentinel Network ("Sentinel"), the FTC's consumer complaint database, had received no fewer than 218 complaints between January 1, 2016, and March 28, 2022, that pertain to Count One of the Complaint. (*See* Complaint Counsel's Reply to Respondent Intuit Inc.'s Supplemental Response to the Statement of Material Facts As to Which There Is No Genuine Issue for Trial (filed Sep. 30, 2022) at p. 3 & Attachment A (summarizing GX502 & GX503 (Complaint Counsel) (Sentinel Complaints received Jan. 1, 2016 to Mar. 28, 2022)); *see also* GX504 (Complaint Counsel) at CC-00012478 to -00013150 (Sentinel Complaints received Mar. 29, 2022 to Aug. 31, 2022)).

677. Of the 218 complaints, 43 were recorded between January 1, 2021, and March 28, 2022, and 26 were recorded between November 1, 2021, and March 28, 2022. (Complaint Counsel's Reply to Respondent Intuit Inc.'s Supplemental Response to the Statement of Material Facts As to Which There Is No Genuine Issue for Trial (filed Sep. 30, 2022) at p. 3 & Attachment A (summarizing GX502 & GX503 (Complaint Counsel) (Sentinel Complaints received Jan. 1,

2016 to Mar. 28, 2022)); *see also* GX504 (Complaint Counsel) at CC-00012478 to -00013150 (Sentinel Complaints received Mar. 29, 2022 to Aug. 31, 2022)).

678. Of the 26 complaints referenced above:

- a) 26 of 26 consumers indicated that they believed or TurboTax communicated that filing taxes with TurboTax would be free;
- b) 22 of 26 consumers mentioned advertising about a free TurboTax option; and
- c) 20 of 26 consumers indicated they were charged for or paid for TurboTax.

(Complaint Counsel's Reply to Respondent Intuit Inc.'s Supplemental Response to the Statement of Material Facts As to Which There Is No Genuine Issue for Trial (filed Sep. 30, 2022) at p. 3 & Attachment A (summarizing GX502 & GX503 (Complaint Counsel) (Sentinel Complaints received Jan. 1, 2016 to Mar. 28, 2022)); *see also* GX504 (Complaint Counsel) at CC-00012478 to -00013150 (Sentinel Complaints received Mar. 29, 2022 to Aug. 31, 2022)).

IV. Intuit's Experts

679. Intuit engaged four experts: Professor John Hauser, Professor Peter Golder, Ms. Rebecca Kirk Fair, and Mr. Bruce Deal. (RX1017 (Hauser Expert Report); RX1018 (Golder Expert Report); RX1016-A (Kirk Fair Expert Report); RX1027 (Deal Expert Report)).

680. Intuit's experts provide no direct evidence that consumers were not deceived by its advertising, relying instead on a collection of unreliable and irrelevant evidence, speculation, and logical fallacies. (*See* GX749 (Novemsky Rebuttal Expert Report) §§ IV–VIII; GX743 (Yoeli Rebuttal Expert Report) §§ IV–VI).

681. None of Intuit's experts undertake a survey that directly addresses the question whether or not, and to what extent, consumers believe they can use TurboTax for free. (GX749 (Novemsky Rebuttal Expert Report) ¶ 192; *see also* Novemsky (Complaint Counsel) Tr. 1764-1765).

A. Intuit Expert Professor Peter Golder

682. Professor Golder submitted an expert report on Intuit's behalf and testified at trial. (RX1018 (Golder Expert Report)).

683. Professor Golder does not have a degree in psychology. (RX1018 (Golder Expert Report) ¶ 2, Appendix A; Golder (Intuit) Tr. 1042-1043, 1216; Novemsky (Complaint Counsel) Tr. 1766).

1. Professor Golder Did Not Conduct a Consumer Survey

684. Professor Golder did not conduct any consumer survey as part of his work on behalf of Intuit. (RX1018 (Golder Expert Report) ¶25; Golder (Intuit) Tr. 1058; RX1394 (Golder (Intuit) Dep.) at 46)).

685. Professor Golder did not ask any consumers about whether they thought TurboTax was free for them. (Golder (Intuit) Tr. 1242).

686. Professor Golder did not think it was necessary to conduct a survey as part of his work on this matter. (RX1394 (Golder (Intuit) Dep.) at 184-185).

687. Professor Golder did not ask any consumers about their understanding regarding TurboTax. (Golder (Intuit) Tr. 1242).

2. Professor Golder's Advertisement Review is Uninformative

688. Professor Golder opined that TurboTax's ads are very central to this case. (Golder (Intuit) Tr. 1055-1056).

689. His review of advertising consisted of his own opinions after reviewing ads and comparing ads to those run by other companies. (RX1018 (Golder Expert Report) ¶ 25; Golder (Intuit) Tr. 1099).

3. Professor Golder's Opinions Related to Intuit's Disclaimers is Speculative and Unsupported

690. Professor Golder's conclusions about the effectiveness of Intuit's TurboTax disclosures are speculative and unsupported. (GX749 (Novemsky Rebuttal Expert Report) ¶ 6).

691. In reviewing the disclaimers used by Intuit, Professor Golder compared TurboTax ads against a set of criteria he claimed established whether disclosures are effective or not, but

those criteria are incomplete and did not include that consumers should be able to understand the disclosure and how it applies to their personal situation. (Golder (Intuit) Tr. 1104-1105, 1113).

692. Professor Golder opined that a full assessment of whether an individual's tax return is simple or complex is not feasible in an advertisement. ((RX1018 (Golder Expert Report) at 71 (section heading)).

693. Professor Golder did not ask any consumers about whether they could see Intuit's disclaimers. (Golder (Intuit) Tr. 1243).

694. Professor Golder did not ask consumers about whether they had a correct understanding of the term "simple returns." (RX1018 (Golder Expert Report) ¶ 25; Golder (Intuit) Tr. 1058; RX1394 (Golder (Intuit) Dep.) at 46)).

695. Using a disclaimer that people do not correctly apply to their own tax situation is not effective at mitigating deception. (GX749 (Novemsky Rebuttal Expert Report) ¶ 222; Novemsky (Complaint Counsel) Tr. 1767).

696. Professor Golder opined that use by other tax preparation services of "simple returns" disclaimers means that consumers are familiar with the concept (RX1018 (Golder Expert Report) ¶¶ 107–113; Golder (Intuit) Tr. 1121-1122), but the use of the term by some of Intuit's competitors does not make the term more effective. (GX749 (Novemsky Rebuttal Expert Report) ¶ 223; Novemsky (Complaint Counsel) Tr. 1767).

697. Other tax preparation companies use the term "simple returns" differently than Intuit does. (*See* RX1018 (Golder Expert Report) Figure 17 & 27; RX1017 (Hauser Expert Report) ¶ 48 Fn. 87).

698. The fact that Intuit's competitors use the term differently than Intuit does may contribute to consumer confusion about its meaning. (GX749 (Novemsky Rebuttal Expert Report) ¶ 223 Fn. 393).

699. Professor Golder opined that consumers may not read written disclosures in a TV advertisement, and that consumers do not have to read written disclosures for those disclosures to be effective. (Golder (Intuit) Tr. 1111-1112).

700. Professor Golder also compared the manner in which Intuit’s disclaimers appear to disclaimers used by other companies. (RX1018 (Golder Expert Report) ¶¶ 112-128 & Figure 20; Golder (Intuit) Tr. 1132-1133).

701. Professor Golder’s advertising benchmarking analysis is unsupported by anything other than his observations, assertions, and an analysis of “industry standard disclosures” which is entirely irrelevant to determining whether or not Intuit’s ads were misleading. (GX749 (Novemsky Rebuttal Expert Report) ¶ 221; *see also* Novemsky (Complaint Counsel) Tr. 1769).

702. Professor Golder did not ask any consumers about whether they understood disclaimers used by the benchmark companies he considered. (Golder (Intuit) Tr. 1249; *see also* GX749 (Novemsky Rebuttal Expert Report) ¶ 221; Novemsky (Complaint Counsel) Tr. 1769).

703. The ads by third parties Professor Golder used for benchmarking contained different claims than Intuit’s “free” claims related to TurboTax, and some third-party ads did not include any “free” claims. (RX1018 (Golder Expert Report) Appendix I-1 ¶ 2; Golder (Intuit) Tr. 1245-1246).

704. Professor Golder’s advertising benchmarking analysis did not include any analysis about whether consumers understood the “simple returns” disclaimer. (GX749 (Novemsky Rebuttal Expert Report) ¶ 221; Novemsky (Complaint Counsel) Tr. 1769-1770).

705. Professor Golder also opined about the challenges related to providing more detailed disclaimers in video advertising. (Golder (Intuit) Tr. 1170-1171), but it does not follow that deceptive advertisements are acceptable just because curing a misimpression would be challenging. (GX749 (Novemsky Rebuttal Expert Report) ¶ 226; Novemsky (Complaint Counsel) Tr. 1780-1781).

4. Professor Golder’s Analysis of the TurboTax Website Is Not Evidence of Lack of Deception

706. When he compared Intuit ads to ads of other companies, Professor Golder did not do anything to determine whether other companies’ ads complied with the law. (*See, e.g.*, Golder (Intuit) Tr. 1229).

707. Intuit engages in search engine optimization. (RX582 (Intuit) at INTUIT-FTC-PART3-000601290, FTC-PART3-000601293; GX108 (Intuit) at CC-00001088 (“Organic search Organic Search . . . Goal is to ensure that TurboTax Free Edition ranks #1. . . Searches for ‘free’ keywords are optimized to show TTO Free results”); Golder (Intuit) Tr. 1231).

708. Search engine optimization is a part of marketing strategy and involves having a website appear higher in search results, which may lead to more consumers clicking on a link for the site. (Golder (Intuit) Tr. 1230, 1231-1232, 1268-1269).

709. Organic search is one of the ways consumers come to Intuit’s TurboTax website. (RX1018 (Golder Expert Report) ¶ 158 & Figure 24 (citing RX825 (Intuit))).

710. Professor Golder did not conduct any benchmarking of email ads or paid or organic search results for proximity and placement of disclaimers. (RX1018 (Golder Expert Report) ¶¶ 139-140; RX1394 (Golder (Intuit) Dep.) at 172-173).

711. Consumers consider ads when making purchase decisions. (RX1394 (Golder (Intuit) Dep.) at 182).

712. Professor Golder has studied and analyzed Intuit’s “simple return” disclosures and the manner in which information appears behind hyperlinks on the TurboTax website. (RX1018 (Golder Expert Report) Section V; Golder (Intuit) Tr. 1119, 1130-1131).

713. Professor Golder does not know all situations that disqualify taxpayers from being able to use Free Edition. (Golder (Intuit) Tr. 1255-1256).

714. Professor Golder agreed that the pop-up that appears when consumers click on the “simple returns” hyperlink does not provide information about all tax situations not eligible for Free Edition. (Golder (Intuit) Tr. 1255-1256, 1258).

715. Professor Golder had to visit a page on the TurboTax website (separate from the pop-up) that contained more detailed information about tax forms not found in the pop-up to confirm whether a tax situation was covered by Free Edition. (Golder (Intuit) Tr. 1255-1256 (discussing RX1359 (Intuit))).

716. Professor Golder also inconsistently opined that consumers did *not* need to see the website with more detailed information about tax forms to understand whether they qualify for Free Edition. (RX1394 (Golder (Intuit) Dep.) at 228-229).

717. Professor Golder opined and testified about the Products and Pricing page, and the manner in which consumers encounter it on the TurboTax website. (RX1018 (Golder Expert Report) ¶¶ 193, 196-197, 201, Figures 33, 34 & 36; Golder (Intuit) Tr. 1125, 1217).

718. The tiles on Intuit's Products and Pricing page do not cover all situations that do or do not qualify for Free Edition. *See, e.g.*, RX944 (including widgets for the following tax situations: maximizing deductions and credits, W-2, homeownership, paying rent, donating to charity, and having children or dependents); RX1359 (listing dozens of tax situations not covered by Free Edition not listed in the Products and Pricing widgets, for example income related to farming, self-employment income, student loan interest, unemployment income, cancelation of debt, child and dependent care expense, or moving expenses).

719. When consumers select that they have children or dependents in the tiles on the Products and Pricing page, Intuit recommends Free Edition. (RX1018 (Golder Expert Report) ¶ 201; Golder (Intuit) Tr. 1218).

720. Free Edition does not cover deductions for certain child and dependent care expenses. (RX1359 (Intuit); Golder (Intuit) Tr. 1222-1223).

721. [REDACTED]
[REDACTED] (RX53 (Intuit) at INTUIT-FTC-PART3-000601883; RX1018 (Golder Expert Report) ¶ 204).

5. Professor Golder's Analysis of Consumer Complaints Is Not Evidence of Lack of Deception

722. In his complaint analysis, Professor Golder only considered complaints in Consumer Sentinel placed into evidence by Complaint Counsel or that were made to the Better Business Bureau. (RX1018 (Golder Expert Report) ¶¶ 68, 85-86; Golder (Intuit) Tr. 1192-1193, 1208-1209).

723. Professor Golder did not consider complaints made directly to Intuit outside of his aggregate consideration of customer reviews. (Golder (Intuit) Tr. 1241).

724. The most reliable and likely place consumers may complain about Intuit is Intuit itself. (GX749 (Novemsky Rebuttal Expert Report) ¶ 218 & fn. 378; Novemsky (Complaint Counsel) Tr. 1773-1774).

725. An absence of consumer complaints is not a reliable measure of an absence of deception. (GX749 (Novemsky Rebuttal Expert Report) ¶ 217; Novemsky (Complaint Counsel) Tr. 1770).

726. There are several reasons that consumers who were deceived by a company would not complain. (GX749 (Novemsky Rebuttal Expert Report) ¶¶ 203, 207, 210, 218; Novemsky (Complaint Counsel) Tr. 1770-1773).

727. First of all, consumers would need to be aware that they had been deceived, which they may not have been when interacting with TurboTax. (GX749 (Novemsky Rebuttal Expert Report) ¶ 207; Novemsky (Complaint Counsel) Tr. 1770-1771).

728. There is a difference between objective deception, which takes place outside of the consumer's mind, not necessarily perceived by the consumer, and perceived deception, which encompasses the consumer's feeling that a marketer is responsible for trying to set a false belief with any type of marketing communication. (GX749 (Novemsky Rebuttal Expert Report) ¶ 207 (citing Held, Johana and Germelmann, Claas Christian, "Deception in consumer behavior research: A literature review on objective and perceived deception," *Projectics*, 201)).

729. In order to complain, consumers would also have to attribute the deception to TurboTax rather than themselves, even though consumers may attribute the difference between the price they expected and the price they paid to their own tax situation, not Intuit's deception, particularly considering the language used by Intuit on its hard stop screens. (GX749 (Novemsky Rebuttal Expert Report) ¶ 203; Novemsky (Complaint Counsel) Tr. 1771).

730. Consumers would also have to believe that Intuit deceived them on purpose in order to be motivated to complain. (GX749 (Novemsky Rebuttal Expert Report) ¶¶ 203, 207, 218; Novemsky (Complaint Counsel) Tr. 1771-1772).

731. Consumers would also have to decide that making a complaint was worth the time and effort. (GX749 (Novemsky Rebuttal Expert Report) ¶ 218; Novemsky (Complaint Counsel) Tr. 1772).

732. Finally, consumers would have to know where to complain. (GX749 (Novemsky Rebuttal Expert Report) ¶ 218).

733. [REDACTED]

[REDACTED] (RX765-A (Intuit) at p. 7).

734. Professor Golder compared the Intuit complaint rate against complaint rates at other companies. (RX1018 (Golder Expert Report) ¶ 86; Golder (Intuit) Tr. 1189), but in conducting that comparison and calculating the complaint rate, Professor Golder included complaints for all of Intuit, including for other non-tax related products like Mint or QuickBooks (RX1018 (Golder Expert Report) Appendix G-2; Golder (Intuit) Tr. 1237-1238), which inappropriately dilutes any effect of complaints related to TurboTax. (GX749 (Novemsky Rebuttal Expert Report) ¶ 219; Novemsky (Complaint Counsel) Tr. 1775).

735. Comparing complaint rates from companies in different industries is not informative about whether there was any deception related to TurboTax. (GX749 (Novemsky Rebuttal Expert Report) ¶¶ 219-220; Novemsky (Complaint Counsel) Tr. 1774-1775).

736. Moreover, in Professor Golder's keyword complaint analysis, Intuit had the highest complaint rates in all but one category as compared to its competitors. (RX1018 (Golder Expert Report) Figure 11; RX1394 (Golder (Intuit) Dep.) at 90; GX749 (Novemsky Rebuttal Expert Report) ¶ 220).

737. While Professor Golder relied on TurboTax retention rates in forming his opinions, (RX1018 (Golder Expert Report) ¶ 87; Golder (Intuit) Tr. 1189), retention rates are not useful indicators of an absence of deception. (GX749 (Novemsky Rebuttal Expert Report) ¶¶ 205, 208-210; Novemsky (Complaint Counsel) Tr. 1775-1776).

6. Additional Opinions and Evidence Discussed by Professor Golder Support Complaint Counsel's Allegations

738. Professor Golder opined that tax preparation services are a high-involvement buying process (RX1018 (Golder Expert Report) ¶ 144; Golder (Intuit) Tr. 1073-1076), but that is not necessarily true. (GX749 (Novemsky Rebuttal Expert Report) ¶¶ 227, 234; Novemsky (Complaint Counsel) Tr. 1776-1777).

739. There are a number of high-value transactions that research shows are not high involvement transactions, for example decisions around retirement savings. (GX749 (Novemsky Rebuttal Expert Report) ¶ 227 & n. 402; Novemsky (Complaint Counsel) Tr. 1776-1777).

740. In 2019, Intuit research showed that 49% of consumers were confident that Free Edition was truly free. (RX597 (Intuit) at INTUIT-FTC-PART3-000601665; RX1018 (Golder Expert Report) ¶ 169).

741. In the context of consumer skepticism of Free Edition, Professor Golder opined that both 29% and 22% were substantial, and that 29% was a “large portion” of consumers. (RX1018 (Golder Expert Report) ¶ 169; RX1394 (Golder (Intuit) Dep.) at 186).

742. According to Professor Golder, “the question about whether a particular individual’s return qualifies as simple or complex is an individual assessment requiring an understanding of one’s specific tax situation. Because the U.S. tax code itself is complex, a substantial amount of detailed tax information may be required to fully identify whether a particular return would be simple or complex.” (RX1018 (Golder Expert Report) ¶ 114).

B. Intuit Expert Professor John Hauser

743. Professor Hauser submitted an expert report on Intuit’s behalf and testified at trial. (RX1017 (Hauser Expert Report); Hauser (Intuit) Tr. 844-845).

744. Professor Hauser does not have a degree in psychology. (RX1017 (Hauser Expert Report) ¶ 5, Appendix A); *see also* RX1391 (Hauser (Intuit) Dep.) at 16 (“I am not a psychologist”).

745. Professor Hauser did not test consumer comprehension of the phrase “simple return.” (Hauser (Intuit) Tr. 957).

746. Professor Hauser also did not study consumer perceptions about the price of TurboTax. (RX1391 (Hauser (Intuit) Dep.) at 41).

1. Professor Hauser’s Disclosure Efficacy Survey Is Not Evidence That Intuit Did Not Deceive Consumers

747. Professor Hauser conducted a Disclosure Efficacy Survey in which the respondents were shown stimuli (a video advertisement and webpages) about a fictitious company called Vertax (a disguised brand name for TurboTax) and asked questions about their consideration of starting their tax preparation with Vertax, as well as their choice of Vertax products. (RX1017 (Hauser Expert Report) ¶¶ 16, 85- 86; Hauser (Intuit) Tr. 856; GX749 (Novemsky Rebuttal Expert Report) ¶ 104).

748. Professor Hauser’s Disclosure Efficacy Survey assumed that some ads containing free claims would be more likely than others to have an effect on consumers. (RX1391 (Hauser (Intuit) Dep.) at 43).

749. Professor Hauser’s Disclosure Efficacy Survey did not measure the effects of a multiyear, multichannel, multi-ad advertising and marketing campaign. (Hauser (Intuit) Tr. 968).

750. Professor Hauser’s Disclosure Efficacy Survey results cannot show whether either of Professor Hauser’s original or revised stimuli deceived respondents. (GX749 (Novemsky Rebuttal Expert Report) ¶ 106); Novemsky (Complaint Counsel) Tr. 1783-1784).

751. The Disclosure Efficacy Survey merely measured the difference between the test and control stimuli. (RX1391 (Hauser (Intuit) Dep.) at 85).

752. Professor Hauser’s Disclosure Efficacy Survey shows that changes to disclosures related to Free Edition eligibility, as tested in the Disclosure Efficacy Survey, are unlikely to

have a material impact on consumers' consideration of using TurboTax to start their tax return. (RX1017 (Hauser Expert Report) ¶¶ 16, 91; *see also* Hauser (Intuit) Tr. 979); *see also* Novemsky (Complaint Counsel) Tr. 183).

753. Professor Hauser found that there was no statistically significant difference between groups in respondents' consideration of starting their taxes using Vertax. (RX1017 (Hauser Expert Report) ¶ 91).

754. Professor Hauser did not test whether and to what extent the changes he made to the original stimuli in his survey had any effect on consumers' misimpression that they could file their taxes for free when that was not the case. (GX749 (Novemsky Rebuttal Expert Report) ¶ 119; Novemsky (Complaint Counsel) Tr. 1781-1782, 1786).

755. The revised stimuli do not account for numerous aspects of TurboTax marketing materials identified as deceptive. (GX749 (Novemsky Rebuttal Expert Report) ¶ 121).

756. In his revised stimuli video, Professor Hauser shows a disclaimer for eight seconds rather than 5 seconds in the original stimulus, (RX1548 (Intuit); RX1549 (Intuit); GX749 (Novemsky Rebuttal Expert Report) ¶ 123); *see also* Novemsky (Complaint Counsel) Tr. 1786), but Professor Hauser provides no evidence that this is a meaningful change that would have an impact on consumer misimpressions. (GX749 (Novemsky Rebuttal Expert Report) ¶ 123); *see also* Novemsky (Complaint Counsel) Tr. 1786).

757. In the revised stimuli video, five sentences are spoken (before the disclosure), two of which are "at least your taxes are free," and the other three do not relate to any other aspect of TurboTax. (RX1549 (Intuit); Hauser (Intuit) Tr. 861-862; GX749 (Novemsky Rebuttal Expert Report) ¶ 124); *see also* Novemsky (Complaint Counsel) Tr. 1785).

758. In his Disclosure Efficacy Survey, Professor Hauser used two ads that were substantially similar to ads at issue in this matter that contain free claims alleged to be deceptive (the primary difference was the use of the disguised brand "Vertax" and an orange color scheme). (Hauser (Intuit) Tr. 988); RX1017 (Hauser Expert Report) ¶ 87, Appendix C ¶ 7).

759. In the revised stimuli video, the font of the disclaimer is slightly larger than the font in the original stimuli, but the disclosure text remains smaller than the text emphasizing that the service is free, which is still more prominent, (RX1548 (Intuit); RX1549 (Intuit); GX749 (Novemsky Rebuttal Expert Report) ¶ 125), and Professor Hauser provides no evidence that this adjustment is meaningfully different and would generate a different reaction from survey respondents. (GX749 (Novemsky Rebuttal Expert Report) ¶ 125).

760. The original video stimuli include the written phrase “for simple U.S. returns only” and the revised video stimuli included (in writing and in a voiceover) the phrase “[f]or simple returns only” (RX1548 (Intuit); RX1549 (Intuit); GX749 (Novemsky Rebuttal Expert Report) ¶ 128); *see also* Novemsky (Complaint Counsel) Tr. 1786-1787), but the revised stimuli do not include any more indication as to what should be understood by “simple” (as used by TurboTax). (RX1549 (Intuit); GX749 (Novemsky Rebuttal Expert Report) ¶ 128).

761. Both the original and the revised website stimuli included the phrases “FREE,” “\$0” and “File for \$0.” (RX1017 (Hauser Expert Report) C-1-38, C-1-41; GX749 (Novemsky Rebuttal Expert Report) ¶ 131, Figures 10 & 11).

762. The free claims on both the original and the revised stimuli website are prominent. (Novemsky (Complaint Counsel) Tr. 1787; Hauser (Intuit) Tr. 993-994, 1005).

763. On some revised stimuli websites, Professor Hauser only includes additional information about what “simple tax returns” are behind a hyperlink. (Hauser (Intuit) Tr. 858, 867-868; GX749 (Novemsky Rebuttal Expert Report) ¶¶ 132-133, Figure 10; Novemsky (Complaint Counsel) Tr. 1788-1789), and Professor Hauser did not measure how many, if any, respondents clicked on the hyperlink, and importantly whether his revisions increased the number of consumers clicking on the hyperlink to review terms and conditions. (Hauser (Intuit) Tr. 1004; GX749 (Novemsky Rebuttal Expert Report) ¶ 133).

764. Professor Hauser does not present any empirical evidence showing that either the original or his revised stimuli prevent consumers from being misled by the free claims contained in both stimuli. (GX749 (Novemsky Rebuttal Expert Report) ¶ 107).

765. Professor Hauser's Disclosure Efficacy Survey showed that over 75% of respondents in both original and revised disclosure groups indicate that they "would consider starting" their taxes with Vertax. (RX1017 (Hauser Expert Report) ¶ 92, Table 4, Figure 10, Exhibit 3; Hauser (Intuit) Tr. 870); RX1391 (Hauser (Intuit) Dep.) at 137-138, 139).

766. The Disclosure Efficacy Survey also showed that of respondents who would consider starting their taxes with Vertax, 64.3% of respondents in the revised disclosure group and 56.1% of respondents in the original disclosure group selected a Vertax Free Edition as the product that they "would be most likely to start with" (RX1017 (Hauser Expert Report) ¶ 95, Exhibit 4a; Hauser (Intuit) Tr. 871).

767. The Disclosure Efficacy Survey also showed that respondents reported that on average it would be between "probable" and "very probable" that they will start their taxes with a Vertax product. (RX1017 (Hauser Expert Report) Exhibit 5a).

768. These results illustrate the persuasive power of the TurboTax's free-themed ads in getting the consumers to start trying the product advertised for free. (GX749 (Novemsky Rebuttal Expert Report) ¶¶ 143-144).

769. Professor Hauser's results are consistent with the interpretation that both the original and the revised stimuli used in the survey are equally ineffective in curing the deceptive impression left by the "free" claims in both stimuli. (GX749 (Novemsky Rebuttal Expert Report) ¶ 136; Novemsky (Complaint Counsel) Tr. 1812).

770. Professor Hauser's Disclosure Efficacy Survey included a number of demand artifacts. (GX749 (Novemsky Rebuttal Expert Report) ¶¶ 137-144).

771. Survey participants may have understood the purpose of the survey to be an examination of a new tax brand called Vertax and responded to survey questions accordingly. (GX749 (Novemsky Rebuttal Expert Report) ¶¶ 138-140).

772. Both the original and revised product page stimuli that respondents can review while answering these questions explicitly state that respondents can "Start for Free" any of the

three Vertax paid products (Deluxe, Premium, and Self-Employed). (RX1017 (Hauser Expert Report) Appendix C-1-21; GX749 (Novemsky Rebuttal Expert Report) ¶ 141).

773. The Disclosure Efficacy Survey asked respondents, after viewing the stimuli, whether based on their review they would consider starting their taxes on Vertax. (RX1017 (Hauser Expert Report) ¶ 92).

774. These elements of the stimuli, combined with the phrasing of the question likely means that respondents are less likely to think carefully about the answers to the questions asked, and instead will offer the responses they think the survey researcher wants from them. (GX749 (Novemsky Rebuttal Expert Report) ¶ 141).

775. Professor Hauser's Disclosure Efficacy Survey included a typo in the survey instrument in that the product information webpage stimulus refers to a "Premier" product, while the survey question offered respondents the ability to choose "Vertax Premium" as one of the available products. (RX1017 (Hauser Expert Report) ¶ 95 fn. 204).

776. A total of 36 respondents in the original disclosures group, and 32 respondents in the revised disclosures group indicated that they would "most likely" start their taxes with "Vertax Premium," with a high degree of likelihood even though that was not included as an option in the stimuli. (RX1017 (Hauser Expert Report) Table 5, Exhibit 5a).

777. The typo illustrates that respondents of the Professor Hauser's Disclosure Efficacy Survey were not reviewing the stimuli and answering the questions carefully. (GX749 (Novemsky Rebuttal Expert Report) ¶ 146).

2. Professor Hauser's Purchase Driver Survey Is Not Evidence That Intuit Did Not Deceive Consumers

778. Professor Hauser conducted an online survey (the "Purchase Driver Survey") that purports to measure the research that taxpayers may conduct, and the factors consumers consider important when selecting a tax preparation method/provider. (RX1017 (Hauser Expert Report) ¶ 103).

779. Professor Hauser's Purchase Driver Survey did not measure whether consumers were deceived by TurboTax advertisements (Novemsky (Complaint Counsel) Tr. 1789).

780. The Purchase Driver Survey did not use a test/control survey design. (Hauser (Intuit) Tr. 961).

781. The sample population for the Purchase Driver Survey included consumers who were eligible for Free Edition. (RX1017 (Hauser Expert Report) ¶ 103, Appendix D ¶ 3; GX749 (Novemsky Rebuttal Expert Report) ¶ 189).

782. Professor Hauser did not collect any information that could be used to determine whether his respondents were eligible to file their taxes for free with TurboTax. (RX1017 (Hauser Expert Report) Appendix D ¶¶ 7-14; GX749 (Novemsky Rebuttal Expert Report) ¶ 190).

783. The Purchase Driver Survey results show that 55.7% of all survey respondents did not consider switching tax preparation methods. (RX1017 (Hauser Expert Report) Figure 20, Exhibit 9).

784. The Purchase Driver Survey results show that 32.3% of survey respondents used the same tax preparation method as in the previous year but did not switch methods. (RX1017 (Hauser Expert Report) Figure 20, Exhibit 9).

785. The Purchase Driver Survey results show that 11% of survey respondents actually switched tax preparation methods year over year. (RX1017 (Hauser Expert Report) Figure 20, Exhibit 9).

786. The Purchase Driver Survey does not ask any questions about information consumers gain passively about tax preparation providers. (RX1017 (Hauser Expert Report) Appendix D ¶ 18 (questions limited to "research" consumers conduct); GX749 (Novemsky Rebuttal Expert Report) ¶ 158), and instead asks consumers what, if any, research they conducted into potential tax preparation methods / providers and whether there was anything else they would like to add about the research that they conducted when choosing a tax preparation method / provider. (RX1017 (Hauser Expert Report) Appendix D ¶ 18, D-2-7, D-2-8).

787. By asking respondents what “research” they conducted, Professor Hauser discourages respondents from indicating they viewed advertisements, because even respondents who gleaned information from advertisements they viewed would likely not consider that activity “research.” (GX749 (Novemsky Rebuttal Expert Report) ¶ 184).

788. Professor Hauser’s question “what research did you conduct,” (RX1017 (Hauser Expert Report) Appendix D ¶ 18, D-2-7), is subject to demand artifacts because respondents are likely to understand from the framing and emphasis of this question that the researcher believes they should have done research, encouraging them to provide examples of research they might have conducted, whether or not they in fact undertook those activities. (GX749 (Novemsky Rebuttal Expert Report) ¶ 187).

789. The question emphasis is also likely to lead respondents to report activities that they actively pursued, and activities they think would be considered “research,” which is unlikely to include the context in which most individuals would view advertisements. (GX749 (Novemsky Rebuttal Expert Report) ¶ 187).

790. Response options to the closed-ended research question Professor Hauser asked survey respondents included “Explored tax preparation software / services websites” and “Tried out one or more online tax website(s) without filing” (RX1017 (Hauser Expert Report) Appendix D ¶ 18, D-2-8), and options available in the list Professor Hauser provided to respondents may overlap with one another, artificially inflating the number of activities respondents would report. (GX749 (Novemsky Rebuttal Expert Report) ¶ 164).

791. Respondents may consider “Explored tax preparation software / services websites” and “Tried out one or more online tax website(s) without filing” as similar activities, and check both after having spent a few minutes answering initial questions about their tax situation on a single website. (GX749 (Novemsky Rebuttal Expert Report) ¶ 164).

792. The most common response to Professor Hauser’s Purchase Driver Survey open-ended questions regarding activities consumers undertook as research in selecting their tax preparation method and provider relate to using a search engine, with 38% of responses listing

search engine. (RX1017 (Hauser Expert Report) Exhibit 11b; GX749 (Novemsky Rebuttal Expert Report) ¶ 179; *see also* Hauser (Intuit) 963-964).

793. Consumers using a search engine and going to a TurboTax website encounter TurboTax advertising and/or marketing. (GX749 (Novemsky Rebuttal Expert Report) ¶ 179; *see also* GX156 (Ryan (Intuit) IHT) at 30-31; RX582 (Intuit) at INTUIT-FTC-PART3-000601293; Golder (Intuit) Tr. 1231).

794. Survey respondents were not provided with a “search engine” option for closed-ended responses. (RX1017 (Hauser Expert Report) Figure 14, Exhibit 11a; Hauser (Intuit) Tr. 965; RX1391 (Hauser (Intuit) Dep.) at 129-130).

795. It is possible that consumers who described “search engine” in their open-ended responses may have selected the option or options most like “search engine,” which could have been “Explor[ing] tax preparation software / service websites” or “Explor[ing] the IRS or state government websites.” (RX1391 (Hauser (Intuit) Dep.) at 132-133; GX749 (Novemsky Rebuttal Expert Report) ¶ 163 fn. 264).

796. Results of the Purchase Driver Survey related to research and important factors in tax preparation are based on only those respondents that considered switching (or actually switched) tax preparation providers, which is less than half of respondents, (RX1017 (Hauser Expert Report) Figure 20, ¶ 103 fn. 225), and because most survey results are based on less than half of respondents, the Purchase Driver Survey leads to inflated results and unreliable conclusions. (GX749 (Novemsky Rebuttal Expert Report) ¶¶ 5, 152, 154-155, 161).

797. Professor Hauser provides no justification for why individuals who did not consider switching tax preparation methods or providers (55.7% of the sample) were not asked how they selected the tax preparation service they use, and as a consequence, why they are excluded from the main analyses in the report. (GX749 (Novemsky Rebuttal Expert Report) ¶ 181).

798. Professor Hauser fails to account for two important facts related to information from family and friends, namely that: 1) family and friends may also have been influenced by

Intuit's advertising; and 2) even if an individual's family and friends have accurate information, they may not have the same tax situation as the individual, and thus may not provide accurate information to the individual on whether or not they can file for free using TurboTax. (GX749 (Novemsky Rebuttal Expert Report) ¶ 186).

799. Professor Hauser assumes, without support, that individuals could not be misled by TurboTax's advertising unless they relied solely on advertising in researching tax preparation providers, because (according to Professor Hauser) any other sources of information (including word of mouth from family and friends, or reading articles from third-party sources) would not be influenced by TurboTax's marketing, and would completely correct any misimpression about one's ability to file for free. (GX749 (Novemsky Rebuttal Expert Report) ¶ 149, 162).

800. Word-of-mouth is influenced by advertising a substantial amount of the time, with one study showing that up to 25% of conversations about brands mention advertising. (GX749 (Novemsky Rebuttal Expert Report) fn. 421 (citing Ed Keller and Brad Fay, "Word-of-Mouth Advocacy A New Key to Advertising Effectiveness," *Journal of Advertising Research* 52, no. 4, 2012, pp. 459–464 at 462)).

801. Professor Hauser claims that the process of selecting a tax preparation provider is high-involvement, (RX1017 (Hauser Expert Report) ¶¶ 102, 105, 107), but none of the academic sources he cites to for this proposition relate to tax preparation. (RX1017 (Hauser Expert Report) ¶¶ 102 fn. 222, (citing RX546 (Intuit) at FTC-PART3-000595158- FTC-PART3-000595159) & RX772 (Intuit) (a report from JP Morgan Chase), 105 fn. 228 (citing RX546 (Intuit) at FTC-PART3-000595173); GX749 (Novemsky Rebuttal Expert Report) ¶ 165).

802. Many individuals file close to the filing deadline and may not have the time before the deadline to perform the extensive research. (GX303 (Novemsky Expert Report) ¶ 22 fn. 20; GX749 (Novemsky Rebuttal Expert Report) ¶ 165).

803. Individuals also may not have the inclination to research different tax preparation services. (GX749 (Novemsky Rebuttal Expert Report) ¶¶ 165, 227, 234; *see also* Novemsky (Complaint Counsel) Tr. 1776-1777).

804. The Purchase Driver Survey confirms that price is an important factor that consumers considered in choosing a tax preparation provider. (RX1017 (Hauser Expert Report) ¶ 112).

805. The Purchase Driver Survey shows that that 70.4% of respondents consider price an important factor in their choice of a tax preparation provider. (RX1017 (Hauser Expert Report) ¶ 113; Hauser (Intuit) Tr. 967); RX1391 (Hauser (Intuit) Dep.) at 112).

806. Price was the most commonly cited factor important to consumers shopping for tax services. (RX1017 (Hauser Expert Report) ¶ 113; Hauser (Intuit) Tr. 967; Novemsky (Complaint Counsel) Tr. 1789-1790).

807. Professor Hauser did not ask survey respondents to rank which factor was most important to them in selecting a tax preparation service provider. (RX1017 (Hauser Expert Report) ¶ 113 fn. 260; RX1391 (Hauser (Intuit) Dep.) at 126-127; GX749 (Novemsky Rebuttal Expert Report) ¶ 169), and the Purchase Driver Survey has no way of determining how respondents would consider or weigh the importance of each of the factors named (including price), and thus cannot reliably conclude that respondents made trade-offs between factors when making a decision of which tax preparation method or service to use, or that “free” was not a driver of consumer choice. (GX749 (Novemsky Rebuttal Expert Report) ¶ 169).

808. The Hauser Purchase Driver Survey is not designed to evaluate whether consumers feel “locked in” after having filled in their personal and financial information. (RX1017 (Hauser Expert Report) ¶ 125; GX749 (Novemsky Rebuttal Expert Report) ¶ 174).

C. Intuit Expert Bruce Deal

809. Bruce Deal submitted an expert report on behalf of Intuit and testified at trial. (*See generally* RX1027 (Deal Expert Report); Deal (Intuit) Tr. 1291-1496).

810. Mr. Deal does not have a PhD. (RX1027 (Deal Expert Report) Appendix A-1; Deal (Intuit) Tr. 1292, 1389).

811. Mr. Deal does not have any background in consumer psychology. (Deal (Intuit) Tr. 1389).

812. Mr. Deal has spent the majority of his career, at least 25 years, working for Analysis Group. (Deal (Intuit) Tr. 1381-1382; *see* RX1027 (Deal Expert Report) Appendix A-1).

813. Mr. Deal has acted as an expert “many, many times” in “a variety of different industries.” (Deal (Intuit) Tr. 1382-86; *see* RX1027 (Deal Expert Report) Appendix A-18-23; RX1395 (Deal (Intuit) Dep.) at 23-25).

814. Mr. Deal provides expert testimony at a trial or at an arbitration “probably once a month or maybe even a little more. (Deal (Intuit) Tr. 1385-1386; *see* RX1027 (Deal Expert Report) Appendix A-18-23; RX1395 (Deal (Intuit) Dep.) at 24).

815. Mr. Deal “file[s] lots of reports and [does] lots of depositions in various trials and hearings.” (Deal (Intuit) Tr. 1386; *see* RX1027 (Deal Expert Report) Appendix A-18-23; RX1395 (Deal (Intuit) Dep.) at 24-25).

816. Dr. Erez Yoeli was hired by Complaint Counsel as an expert in economics to rebut Mr. Deal. (GX743 (Yoeli Expert Report) ¶¶ 8-10).

817. Dr. Yoeli has a Ph.D. in economics from the University of Chicago Booth School of Business. (GX743 (Yoeli Expert Report) ¶ 1).

818. Dr. Yoeli is a research scientist at the Massachusetts Institute of Technology’s Sloan School of Management, and the founder and co-director of its Applied Cooperation Team. Prior to joining MIT’s Sloan School of Management in 2018, he held academic and research positions at Harvard and Yale universities. Dr. Yoeli has also taught undergraduate and graduate courses on economics topics at Harvard University, Stanford Graduate School of Business, MIT, Boston College, University of California San Diego, Johns Hopkins University, and Technion. (GX743 (Yoeli Expert Report) ¶¶ 1-4).

819. Dr. Yoeli has published in numerous top scientific and economics journals, including Nature, the Proceedings of the National Academy of Sciences, the New England Journal of Medicine, British Medical Journal Global Health, and the Journal of Economic Behavior and Organization. In 2022, Dr. Yoeli co-authored a book on game theory, titled

“Hidden Games: The Surprising Power of Game Theory to Explain Irrational Human Behavior.” (GX743 (Yoeli Expert Report) ¶ 5).

820. From 2009 to 2015, Dr. Yoeli worked as an economist at the U.S. Federal Trade Commission. (GX743 (Yoeli Expert Report) ¶ 6).

1. Mr. Deal’s Methodology

821. Mr. Deal did not survey any consumers. (*See generally* RX1027 (Intuit) at IV to VII; Deal (Intuit) Tr. 1459 (“Q: ...you never did any analysis to find out consumer’s expectations, right? You didn’t survey any consumers? A: The answer is still no, I didn’t survey any consumers.”)).

822. Mr. Deal “can’t speak to what any individual consumer might do or perceive.” (Deal (Intuit) Tr. 1394).

823. Mr. Deal defines deception as occurring: “from the perspective of an economist and the type of work that I’ve done in this and other cases, but it would be developing an inaccurate perception, presumably as a result of some type of representation by a company that’s not accurate, and then not being able to realize that expectation.” (Deal (Intuit) Tr. 1404).

2. Intuit Economic Incentives

824. Mr. Deal argues that Intuit’s economic incentives are inconsistent with deception. His analysis of Intuit’s economic incentives “assumes rational economic behavior to firms.” (RX1027 (Deal Expert Report) Section IV; RX1395 (Deal (Intuit) Dep.) at 28-29).

825. It is possible, however, for firms to act against their economic best interest and, in doing so, break the law. (GX743 (Yoeli Expert Report) ¶ 30; *see* RX1395 (Deal (Intuit) Dep. at 29-32).

826. Whether firms will act in an economically rational way can depend on “managements’ and employees’ abilities and knowledge at the time.” (RX1395 (Deal (Intuit) Dep. at 31-32).

827. Intuit’s economic incentives do not preclude deception. (Deal (Intuit) Tr. 1388; GX743 (Yoeli Expert Report) ¶ 32).

828. If consumers who were deceived into visiting turbotax.com have some tendency towards using a tax preparation solution that is in front of them, then deception could be in Intuit's economic best interest. (GX743 (Yoeli Expert Report) ¶ 18).

829. If consumers who were deceived into visiting turbotax.com have some tendency towards preparing their taxes using the same service they used in the previous year, then deception could be in Intuit's economic best interest. (GX743 (Yoeli Expert Report) ¶ 18).

830. If consumers who were deceived into visiting turbotax.com prefer not to start afresh in another solution, then deception could be in Intuit's economic best interest. (GX743 (Yoeli Expert Report) ¶ 18).

831. If consumers who were deceived into visiting turbotax.com tend to discount other firms' advertising claims after encountering Intuit's deception, then deception could be in Intuit's economic best interest. (GX743 (Yoeli Expert Report) ¶ 18).

a. Mr. Deal Assumes (Incorrectly) that Repeated Interactions Preclude Deception Because Consumers Will Abandon

832. Mr. Deal argues that the deception outlined by Complaint Counsel, which Mr. Deal characterizes as "bait and switch," is inconsistent with the economic framework that firms will act to maximize firm value where the firm (here Intuits) relies on repeated interactions with customers who can (i) detect deception early on, and (ii) can switch to a competitor. The "main economic intuition for this result comes from [Mr. Deal's] analysis of repeated games in game theory." (RX1027 (Deal Expert Report) at ¶¶ 24-25). As explained below (*see* FF-833—FF-834), however, analysis of repeated interactions in the field of game theory show that repeated interactions do not preclude deception. (GX743 (Yoeli Expert Report) ¶ 52).

833. Specifically, (i) empirical studies of repeated games, (ii) computer simulations of repeated games, and (iii) theoretical models of repeated games all demonstrate that parties often do not behave in others' interest. (GX743 (Yoeli Expert Report) ¶ 52).

834. There is theoretical literature that focuses on deception by firms, and finds deception is possible even when there are repeated interactions, or reputations are otherwise important. (GX743 (Yoeli Expert Report) ¶ 52).

835. Deception has often been perpetrated by firms that interact with consumers repeatedly. (GX743 (Yoeli Expert Report) ¶ 52).

836. Firms that interact repeatedly with consumers and, over time have developed good reputations can, under the right conditions, benefit by engaging in “reputation mining” and deceive consumers at some cost to their reputations. (GX743 (Yoeli Expert Report) ¶ 52).

837. The fact that Intuit has repeated interactions with customers does not preclude deception. (Deal (Intuit) Tr. 1390-1391).

838. Economics provides a “way of describing interactions and -- incentives and interactions” but “can’t tell us what any one specific consumer would do.” (Deal (Intuit) Tr. 1396).

839. Mr. Deal’s economic analysis “assume[s] that if Intuit was engaged in deception, consumers would cease using TurboTax and file with a different tax provider once they realized they were deceived.” In Mr. Deal’s “view, a rational consumer who detects true deception would defect” “every time.” (Deal (Intuit) Tr. 1397).

840. Mr. Deal did not establish empirically that consumers would cease using TurboTax and file with a different tax provider once they realized they were deceived. (GX743 (Yoeli Expert Report) ¶ 32, 39; *see generally* RX1027 (Deal Expert Report) at Sections IV to VII).

841. Consumers may not cease using TurboTax if the consumer lacks certainty about whether they were deceived. (GX743 (Yoeli Expert Report) ¶ 41; *see* Deal (Intuit) Tr. 1395).

842. A firm might even leverage the customer’s ignorance to create uncertainty about whether there was a deception or merely a misunderstanding. The initial promise could be framed through the use of industry-specific jargon which can be explained in the course of the upsell, for example having promised free tax preparation of “simple” returns to a consumer base

that is largely unequipped to know intuitively what that means. (GX743 (Yoeli Expert Report) ¶ 41).

843. Some consumers may not cease using TurboTax if the consumer perceives the deception as ‘sunk’ and not especially informative about the relationship going forward. (GX743 (Yoeli Expert Report) ¶ 41; *see* Deal (Intuit) Tr. 1396-97).

b. Mr. Deal Assumes (Incorrectly) that Switching Costs Are Low

844. Throughout his report, Mr. Deal presumes that switching from an online DIY tax preparation service, here TurboTax, is relatively low cost. (*See* RX1027 (Deal Expert Report) Sections IV.A., IV.B.4., V.D., and VI.C.).

845. Low switching costs do not preclude deception. (GX743 (Yoeli Expert Report) ¶ 59). Switching costs can be low for Intuit to benefit from its deception. (GX743 (Yoeli Expert Report) ¶¶ 33, 60-61).

846. There are some psychological factors that can increase the perceived cost of switching. For instance, consumers might exhibit a status quo bias which would lead them to give preference to the tax preparation method they are already working with. (GX743 (Yoeli Expert Report) ¶ 46; GX749 (Novemsky Rebuttal Expert Report) ¶¶ 205, 269).

847. Status quo bias can develop even over very short time periods and can lead consumers to make suboptimal choices. (GX743 (Yoeli Expert Report) ¶ 46).

c. Mr. Deal’s Economic Analysis Ignores the Anticompetitive Benefits of Deception

848. One effect of deception is that it makes it more difficult for consumers to rely on ads. This means the deceiving firm can benefit not only because it unfairly acquires consumers, but also because it makes it harder for its competitors to acquire consumers. (*See* GX743 (Yoeli Expert Report) ¶¶ 62-63).

849. Intuit’s free claims would have made it harder for competitors to advertise their own free products, because, after encountering Intuit’s deception, consumers would have come to doubt that those products are, in fact, free. (GX743 (Yoeli Expert Report) ¶ 63).

850. Intuit’s deception made it harder for consumers to understand and rely upon ads for tax preparation services. This would not only disincentivize TurboTax customers from searching for alternatives, but also impact consumers who don’t use TurboTax. For all of these consumers, they would, likewise be less likely to search, and thus end up in a product that does not suit their needs as well. It could also lead consumers to distrust DIY services and, thus, pay more for ‘live’ ones. In other words, deception does not just lead to ill-gotten gains for the perpetrator of the deception, it also harms all consumers by making it harder to make well-informed decisions in the marketplace, which has implications for the products they purchase, and the gains they obtain from engaging in the marketplace. (GX743 (Yoeli Expert Report) ¶ 64).

3. Intuit Customer Level Data

851. While consumers visited the TurboTax website approximately [REDACTED] times in TY21, (RX1027 (Deal Expert Report) ¶ 98 at Figure 9 (*citing* RX052)), Mr. Deal started his data analysis with those 55.5 million TY21 consumers who arrived at the TurboTax website and either created a new account or logged into an existing account—Deal’s “TY 21 customer base.” (RX1027 (Deal Expert Report) ¶ 98; Deal (Intuit) Tr. 1398-99).

852. Mr. Deal’s TY21 customer base excludes anyone who saw an Intuit advertisement (including television ads), went to the TurboTax website, but left the website before logging into an account. (Deal (Intuit) Tr. 1399; GX743 (Yoeli Expert Report) ¶ 93 (“Mr. Deal begins his analysis by restricting his dataset to the 55.5 million customers who “logged into their existing TurboTax account or created new accounts...”, calling this TurboTax’s “customer base.”).

853. This methodology omits from the TY21 customer base the [REDACTED] consumers who visited the TurboTax website in TY21 but left before logging into an account. (GX743 (Yoeli Expert Report) ¶ 94 (as corrected by GX748 (Yoeli Expert Report Errata) at p. 3); GX749 (Novemsky Rebuttal Expert Report) ¶ 283 (“[T]his measure sets aside, without any reason or support, that millions of consumers who come to the TurboTax website because of Intuit’s free advertising may very well have been deceived by that marketing.”)).

854. Mr. Deal also omits from the TY21 customer base consumers who saw Intuit's ads but did not choose to visit turbotax.com. Mr. Deal does not present an estimate of how many such consumers there were, though we know, for example, that Intuit ran 16,128 free-themed advertisements nationwide in the first 5 months of 2020, receiving over 3.9 billion impressions. (GX743 (Yoeli Expert Report) ¶ 95; *see also supra* at FF-215—FF-448 (setting out the billions of total impressions for Intuit's free-themed advertisements)).

855. Mr. Deal performs a data analysis of the TY21 customer base, and argues that 97.6% of those customers exhibit characteristics contradicting Complaint Counsel's theory of harm. Mr. Deal, however, "can't preclude deception for any specific one of those consumers." (RX1027 (Deal Expert Report) ¶ 100; Deal (Intuit) Tr. 1399).

856. Mr. Deal admits that it is "too strong" to say "that none of those [97.6%] consumers were deceived." (Deal (Intuit) Tr. 1389).

857. Mr. Deal did not "do[] an analysis of any subjective views that [the consumers in the 97.6] may have." (Deal (Intuit) Tr. 1389).

858. Of the 55.5 million consumers in the TY21 customer base, Mr. Deal first opines that the data of 17.6 million consumers is inconsistent with deception on the sole basis that those consumers did not complete filing their taxes with TurboTax. (Deal (Intuit) Tr. 1400 (Q. ...And the only methodological basis for a consumer being included in the 17.6 million customers is that they either didn't start a return or started a return and abandoned it at some point before concluding the filing, right? A. I agree.)).

859. Mr. Deal excludes those consumers even though they demonstrate behavior consistent with how a deceived consumer might act. (GX743 (Yoeli Expert Report) ¶¶ 102 and 108 ("It is possible that these customers came to TurboTax's website expecting to file their taxes for free and on discovering that was the case, left TurboTax."); GX749 (Novemsky Rebuttal Expert Report) ¶ 284 ("Mr. Deal sets these 17.6 million consumers aside even though ... it may be that the only reason they did not ultimately file is because they arrived with the false notion that they could file for free, based on TurboTax advertisements, and switched away from

TurboTax either before or after starting their return because they realized that they could not actually file for free with TurboTax.”); *see also* Novemsky (Complaint Counsel) Tr. 1792-1993 (“So the idea that that pattern that somehow rules out deception, again, just defies logic for me. I don’t understand how he’s drawing that conclusion from that assumption or observation.”).

860. For those 17.6 million consumers, Mr. Deal “do[es]n’t know whether they saw any Intuit ads,” “didn’t look” to test whether the consumer saw any Intuit ads, and doesn’t know whether the consumers “expected TurboTax to be free for them.” (Deal (Intuit) Tr. 1404-1405; *see* RX1395 (Deal (Intuit) Dep. at 104 (Q. “But you don’t know for any given person in that 17.6 million whether they expected TurboTax to be free for them? A. I mean, if you’re asking, have I done any individual inquiry of what’s inside each person’s head and exactly what they saw and what their history was, no, obviously I haven’t done that. I’m using the available data for my analysis.”))).

861. Mr. Deal’s analysis does not rule out that any of these 17.6 million consumers were deceived. (Deal (Intuit) Tr. 1401 (“Q. So included in this analysis could be a consumer who saw an ad, arrived at the expectation that TurboTax would be free for them, or arrived at the website expecting TurboTax to be free, created an account, went through the whole filing process, got to the end, learned that TurboTax. . . was not free for them and then they leave. That consumer could not have been deceived according to your analysis, right? A. Again, I think the way you asked the question earlier was that I don’t rule out any specific customer perception, but the data would not be consistent with a rational customer being deceived.”))).

862. Mr. Deal assumes that “these customers took advantage of the low switching costs and eventually decided to seek alternative filing options.” Mr. Deal, however, did not survey consumers to determine whether those consumers left TurboTax only after learning that they did not qualify for to file their taxes for free. (*See* RX1027 (Deal Expert Report) ¶ 101).

863. Deception is a function of consumers’ beliefs prior to arriving at the TurboTax website, and thus prior to considering switching. (GX743 (Yoeli Expert Report) ¶ 106).

864. Consumers can be deceived irrespective of switching costs. (GX743 (Yoeli Expert Report) ¶ 106).

865. Mr. Deal admits that, in TY21 “for any customers who may have expected to file their returns for free and would not have been willing to pay for TurboTax products,” half of those customers did not see an upgrade screen informing them that they may not qualify for Free Edition until thirty minutes into their tax filing process. (RX1027 (Deal Expert Report) ¶ 105-107; GX743 (Yoeli Expert Report) ¶ 47).

866. While Mr. Deal asserts that the 15 minutes and 30 minutes that 25% and 50% (respectively) of consumers spent before hitting an upgrade screen are a “small” amount of time, he cannot rule out that it is a meaningful amount of time to consumers. (GX743 (Yoeli Expert Report) ¶ 47; GX749 (Novemsky Rebuttal Expert Report) ¶ 296 (“Mr. Deal fails to offer any evidence to support the assumption that a time investment of 15 or 30 minutes is sufficiently low that a customer would not be inclined to honor that sunk cost by continuing with TurboTax.”)).

867. Mr. Deal made a “professional judgment” that the amount of time a consumer spends using TurboTax is not material for the purposes of assessing switching costs until it reaches an hour. Mr. Deal did not survey any consumers and does not have any expertise in consumer psychology to support that conclusion. (Deal (Intuit) Tr. 1406-1407).

868. Mr. Deal does not “know how any individual consumer” whose data he analyzed would respond to the length of time they spent on the TurboTax website before hitting an upgrade screen. (Deal (Intuit) Tr. 1408–09).

869. The relevant trial testimony appears below:

Q. Well, you’ve said, you know, it’s your professional judgment that an hour is sort of material, so I’m asking for the consumer for whom they spend 55 minutes before hitting an upgrade screen, do you know that they will behave any differently than someone who hits an upgrade screen at 61 minutes?

A [Mr. Deal]. Not an individual consumer, no.

Q. What about 30 minutes?

A [Mr. Deal]. Again, same answer.

Q. You don't actually know how any individual consumer would respond, right?

A [Mr. Deal]. I think that's – that's accurate. That's not the data I'm looking at.

(Deal (Intuit) Tr. 1408-1409).

870. For the 17.6 million consumers that Mr. Deal says could not have been deceived because they explored TurboTax but pursued other options: they could have faced high switching costs, they could have been deceived, and, in fact, they behaved in line with consumers who were deceived. (GX743 (Yoeli Expert Report ¶ 108).

871. Mr. Deal next focuses on 23.1 million consumers in the TY21 customer base who paid to file their taxes and meet one of his criteria. Mr. Deal does not foreclose that some of these consumers may have been deceived. (RX1027 (Deal Expert Report) ¶ 111 (explaining that the evidence “*suggests*” the consumers were not deceived) (emphasis added)); Deal (Intuit) Tr. 1432-1433 (“Q. Okay. So it’s your -- is it your opinion that in this last slice of the -- of the pie, these 23.1 million people who paid to file, that no one in this bucket was deceived? A. No.”); Deal (Intuit) Tr. 1438 (For these people in these buckets, are you saying none of them were deceived? A: No.”)); *see also* GX749 (Novemsky Rebuttal Expert Report) ¶¶ 285-287; Novemsky (Complaint Counsel) Tr. 1790-1792).

872. The most significant portion of these 23.1 million customers are the 22.1 million customers who Mr. Deal identifies as having “awareness of Turbo Tax paid products.” Mr. Deal argues that because these customers had a prior interaction with a Turbo Tax paid product, they could not have been deceived. “That’s a tall order.” (GX743 (Yoeli Expert Report) ¶ 113).

873. Mr. Deal’s analysis would include as a consumer for whom deception was unlikely in TY21, for example, any consumer who in TY19 started their tax filing process, got a couple minutes into the process, and abandoned after hitting an upgrade screen in TY19. (Deal (Intuit) Tr. 1438-1439; *see* GX743 (Yoeli Expert Report) ¶ 113 (“Deal assumes that, for instance, a customer who saw an upgrade screen in 2019 could not have been deceived because two years

later, they would remember this upgrade screen, and, making the connection, would conclude that their taxes in 2021 would not qualify as simple.”)).

874. Mr. Deal, however, has no way to know whether that consumer would remember having spent a couple of minutes on the TurboTax website two years prior. (Deal (Intuit) Tr. 1439-1440 (“Q. Sure. A. Yeah, I’m not – I’m not opining on what any individual consumer remembers. I’m opining on what a reasonable consumer, whether the data would be consistent with or not consistent with, so the data in the last couple years, but not any individual. Q. Right, because you don’t know what any one of these millions of consumers remembers, right? A. Correct.”))

875. Mr. Deal did not conduct any consumer surveys to test whether consumers would remember their prior, brief experience using TurboTax. (Deal (Intuit) Tr. 1439–40 (“Q. And you didn’t conduct any surveys ...to determine what people remembered about their past interactions on the TurboTax website, right? A. Correct.”)).

876. Mr. Deal also doesn’t know whether a change in a consumer’s tax filing status between TY19 and TY21 could change their expectation about whether TurboTax would be free for them. (Deal (Intuit) Tr. 1442-1443).

877. Mr. Deal did not analyze the Intuit data that he had to determine whether, for any of the consumers that he excluded because of their past use of TurboTax, those consumers had experienced a change in tax filing status between TY19 or TY20 and TY21. (Deal (Intuit) Tr. 1444).

878. Tax regulations, Intuit’s policies, and consumers tax situations are not static. A consumer who believed these might have changed—and Intuit’s ads may well have prompted them to believe this—could have expected Turbo Tax to be free for them in a given year, even if it hadn’t been in past years. (GX743 (Yoeli Expert Report) ¶ 114).

879. The perception survey shows very directly that a substantial number of consumers who paid to file with TurboTax do have the misimpression that they could file for free with TurboTax in the current tax year based on TurboTax advertising and the TurboTax website.

Consumers may be under this misimpression because their tax situation changed from prior years, they correctly believe that the criteria for filing for free with TurboTax can vary from year to year, or simply that TurboTax would not be repeating “Free, Free, Free” if their product was not currently free for them. (GX749 (Novemsky Rebuttal Expert Report) ¶ 287).

880. Circumstances surrounding a specific consumer’s experiences, such as their tax filing status, when they saw ads, and what ads they saw when they went to the TurboTax website, all could influence that consumer’s expectation about whether TurboTax was free for them. Mr. Deal, however, did not “consider[] any of those subjective components” in his data analysis. (Deal (Intuit) Tr. 1460 (“Q. So isn’t it fair to say that a consumer’s specific circumstance around their tax filing status, when they saw ads, what ads they saw when they went to the TurboTax website, all could influence their expectation about whether TurboTax was free for them? A. Certainly there’s a subjective view of that, yes. Q. You haven’t considered any of those subjective components, right? A. I’m modeling what a rational consumer would know.”)).

881. Finally, Mr. Deal is left with 1.3 million consumers who paid to file their Taxes with TurboTax, but do not fall into one of the categories described above. For these consumers, like the other tens of millions of customers whose data Mr. Deal analyzes, he cannot opine that none were deceived. (*See* Deal (Intuit) Tr. 1461-1462).

882. Mr. Deal draws conclusions from customers past behavior going back as early as TY14 – to determine if the consumer could have been deceived in TY21, and removes from his analysis consumers who, according to Mr. Deal, “demonstrated awareness of alternatives to TurboTax products.” Specifically, Mr. Deal concludes that there is allegedly not evidence of deception for [REDACTED] customers who logged into Turbo Tax accounts, but either did not start a return or abandoned a partial or fully prepared return at least once between TY14 and TY20; more than [REDACTED] customers who filed their taxes using TurboTax at least once in TY14-19 and “skipped” at least one year of filing on TurboTax before returning in TY21; and [REDACTED] who used the IRS free file program. This analysis, however, confuses how switching costs work, makes assumptions about what consumers remember, presumes that the consumers expectation around

the free product or their tax filing status is stagnant, and omits the effect of sunk costs. (*Compare* RX1027 (Deal Expert Report) ¶¶ 145-148; *with* GX743 (Yoeli Expert Report) ¶¶ 119-121).

883. Mr. Deal's analysis excludes even those consumers whose past experience filing with TurboTax was exclusively related to the use of Free Edition. (Deal (Intuit) Tr. 1463-64 ("Q. So anyone who has experience with TurboTax is removed from your analysis, right? A. I agree. Q. And that's true regardless of whether they filed with Free Edition, right? A. I agree.")).

884. Mr. Deal also removes from his count of potentially deceived customers 776,000 consumers who he claims arrived at the Turbo Tax website from some means other than directly from a clickable Intuit advisement (such as a banner ad or email, *e.g.*). (RX1027 (Deal Expert Report) ¶¶ 150; *see* Deal (Intuit) Tr. 1462 ("I don't have information as to whether they arrived via a TurboTax ad.")).

885. This analysis ignores, for example, consumers who saw a TurboTax advertisement on television and went directly to TurboTax's website. (GX743 (Yoeli Expert Report) ¶¶ 124; Deal (Intuit) Tr. 1463 ("Q. ...[Y]ou don't know if they saw, for example, a TV ad and then went to the TurboTax website and started, right? A. I agree.")).

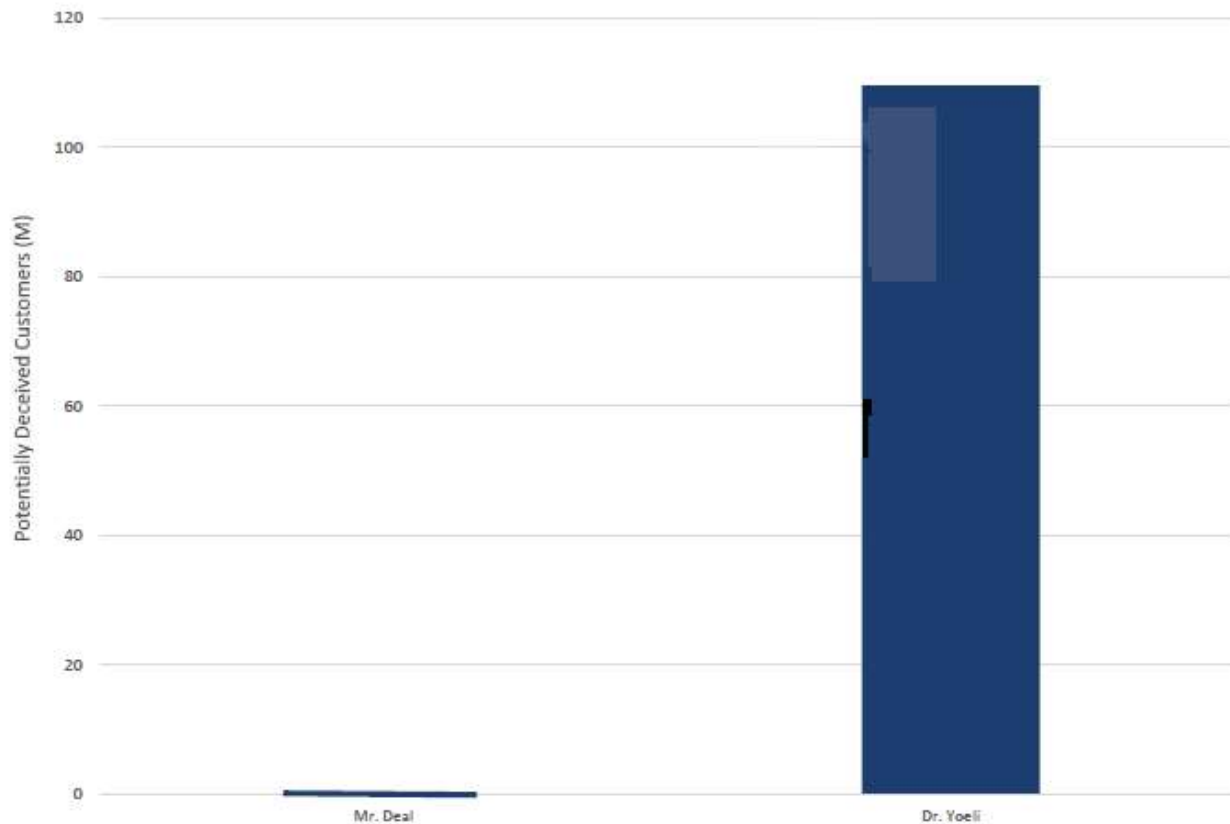
886. Using these two criteria, Mr. Deal eliminates all but 135,000 of the 1.3 million consumers, finding that these are the only set that are both new to TurboTax and arrived at the website via a clickable link. Mr. Deal then further excludes from the 135,000 remaining consumers any customers who saw the first upgrade screen an hour or more into their tax filing process. Mr. Deal, however, provides no rationale for using a cut off of time to hit a first upgrade screen at one hour. (*Compare* RX1027 (Deal Expert Report) ¶¶ 151-152; *with* GX743 (Yoeli Expert Report) ¶¶ 126-128; *see* Deal (Intuit) Tr. 1466 ("Q. ... The only analysis that gets you from 134,000 -- roughly 134,000 consumers to the 43,000 consumers is looking at the amount of time that they spent before they hit the first upgrade screen, right? A. I agree with that.")).

887. 60 minutes is not a talisman for deception. (GX743 (Yoeli Expert Report) ¶¶ 128).

888. Mr. Deal offers no empirical evidence that 60 minutes is a significant amount of time to consumers. (See generally RX1027 (Deal Expert Report at ¶¶ 151-153); see also Deal (Intuit) Tr. 1406-1407).

889. Mr. Deal's estimate of the number of potentially deceived consumers is vastly smaller than that of Dr. Yoeli's (conservative) estimate, as depicted below.

TY 2021—Mr. Deal vs. Dr. Yoeli's Potentially Deceived Customers



(GX743 (Yoeli Expert Report) ¶ 134 and Figure 6).

D. Intuit Expert Rebecca Kirk Fair

890. Rebecca Kirk Fair submitted an expert report on Intuit's behalf and testified during a trial deposition. (RX1016-A (Kirk Fair Expert Report); RX1555 (Kirk Fair (Intuit) Dep.)).

891. Ms. Kirk Fair does not have a degree in psychology. (RX1016-A (Kirk Fair Expert Report) Appendix A; RX1555 (Kirk Fair (Intuit) Dep.) at 6-7).

892. Ms. Kirk Fair's survey was not designed to assess deception resulting from TurboTax marketing, the main issue addressed by Professor Novemsky's survey and report. (GX749 (Novemsky Rebuttal Expert Report) ¶ 257); *see also* RX1016-A (Kirk Fair Expert Report) ¶ 19 ("The purpose of my Disclosure Survey was to assess whether and to what extent the information presented to prospective TurboTax customers through the software's upgrade screens affects their selection of various tax preparation solutions.")).

893. Ms. Kirk Fair's survey contained a number of methodological and design flaws that mean that the inferences Ms. Kirk Fair makes about potentially misled consumers are baseless and cannot be supported by the results of her survey. (GX749 (Novemsky Rebuttal Expert Report) ¶ 259).

894. One design flaw of Ms. Kirk Fair's survey is that she included in her survey sample consumers who are and are not eligible for Free Edition and did not ask any questions to determine whether the respondents in her survey were or were not qualified for Free Edition, (RX1016-A (Kirk Fair Expert Report) ¶ 19 Appendix C ¶ 8), making it impossible to evaluate the results of her survey separately for the group of potentially misled consumers. (GX749 (Novemsky Rebuttal Expert Report) ¶ 260).

895. Ms. Kirk Fair's survey also provides no insight into whether respondents believe they could file their taxes for free using TurboTax online software. (GX749 (Novemsky Rebuttal Expert Report) ¶ 261).

896. Ms. Kirk Fair's survey also fails to replicate the real-world environment in which consumers would be moving through the TurboTax software, and particularly does not replicate the time and effort that taxpayers may experience when using TurboTax to file their taxes. (GX749 (Novemsky Rebuttal Expert Report) ¶ 263).

897. Once the main questionnaire in the Kirk Fair Disclosure Survey begins, there are only five screens before the respondents reach the upgrade screen and are asked to answer questions, (RX1016-A (Kirk Fair Expert Report) Appendix D.2) with four of them show an image for at least 10-seconds (RX1016-A (Kirk Fair Expert Report) Appendix C ¶ 12), so a

respondent could proceed to answering survey questions as quickly as about 40 seconds, when in reality, consumers [REDACTED] (RX749 (Novemsky Rebuttal Expert Report) ¶ 263; RX55 (Intuit) at INTUIT-FTC-PART3-000601463).

898. Ms. Kirk Fair claims that her survey results instead reflect a world where respondents “appear to understand that they have a choice to upgrade and pay for that upgrade, continue pursuing the free option, or to pursue other tax filing solutions, and they are willing to do research to understand their best options” (RX1016-A (Kirk Fair Expert Report) ¶ 17), but the existence of a subset of respondents like those Ms. Kirk Fair describes is irrelevant to the question of whether consumers were deceived about whether they could file for free before encountering the hard stop, and does not address whether or not a significant number of consumers continue to upgrade to TurboTax paid products because they feel they do not have a good alternative given the investment they made in the TurboTax website. (GX749 (Novemsky Rebuttal Expert Report) ¶ 268).

899. Ms. Kirk Fair does not address the psychological factors that may prevent consumers from switching to a different tax preparation service after starting to use TurboTax. (GX749 (Novemsky Rebuttal Expert Report) ¶ 269).

900. For example, status quo bias, the psychological tendency to maintain one’s current or previous decision when faced with alternatives, may lead consumers to stay with TurboTax once they begun using it. (See GX749 (Novemsky Rebuttal Expert Report) ¶¶ 205, 269).

901. Consumers also encounter costs, like the cost of switching and loss aversion, and transaction costs, which may stop them from using a different tax preparation provider. (GX749 (Novemsky Rebuttal Expert Report) ¶¶ 205, 213-215).

902. Ms. Kirk Fair states that if consumers had been deceived by Intuit’s ads as alleged, she would expect to see substantial, statistically significant differences in respondent choices upon learning about an additional free option at the point of the hard stop (RX1016-A

(Kirk Fair Expert Report) ¶ 16), these conclusions do not in fact follow from the evidence she cites, because the fact that consumers upgrade when faced with a hard stop at similar rates whether or not they are told about the IRS Free File Program does not mean that they did not arrive at the site expecting to file for free and still desiring to file for free when they encounter the upgrade screen. (GX749 (Novemsky Rebuttal Expert Report) ¶ 271).

903. While Ms. Kirk Fair claims to be evaluating whether “TurboTax upgrade screens induce customers to upgrade to a Paid TurboTax product” by comparing upgrade rates across different versions of the upgrade screen, (RX1016-A (Kirk Fair Expert Report) ¶ 24), to draw conclusions about the impact of the upgrade screen, she would have had to include a version of her survey in which respondents *did not* encounter an upgrade screen, which she did not do. (GX749 (Novemsky Rebuttal Expert Report) ¶ 274)

904. The TurboTax upgrade screens likely induced upgrading in that customers who chose to use TurboTax Free Edition undoubtedly would have continued using Free Edition had they not encountered an upgrade screen. (GX749 (Novemsky Rebuttal Expert Report) ¶ 274).

V. Investigation and Litigation History

A. This Matter

905. The Commission voted to issue the Complaint in this matter on March 28, 2022. (Compl. pg. 27).

906. The Complaint in this matter was the culmination of a detailed investigation into Intuit’s acts and practices by Bureau of Consumer Protection staff along with several state Attorneys General’s offices beginning in May 2019. (*See* GX312 (Complaint Counsel) ¶¶ 3–9, 12–18, 20–26 & App.).

907. Complaint Counsel and Intuit executed a tolling agreement as of January 6, 2022, which was subsequently extended by agreement of the parties. (GX312 (Complaint Counsel) ¶ 28(b)).

908. The Complaint in this matter was issued after Bureau of Consumer Protection staff along with several state Attorneys General's offices engaged in lengthy compromise negotiations with Intuit. (*See* GX312 (Complaint Counsel) ¶¶ 27–32 & App.).

909. Throughout the course of the investigation and settlement negotiations that led to the issuance of this Complaint, Intuit continued making “free” claims in its advertising for TurboTax. (*See* GX Summary 001 (Complaint Counsel) at ‘Ads w-Program Count’ (summarizing TV ad dissemination data produced by Intuit for TV ads that made free claims principally in calendar years 2021 and 2022); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ (summarizing Online ad dissemination data produced by Intuit for online ads that made free claims in TY 2020 and 2021 (calendar years 2021 and 2022))).

910. Throughout the course of the investigation and settlement negotiations that led to the issuance of this Complaint, Intuit continued airing ads in its “Free, free, free” campaign until just after its meeting with FTC Chair Lina Khan on March 24, 2022. (*See* GX Summary 001 (Complaint Counsel) at ‘Ads w-Program Count’ (summarizing TV ad dissemination data produced by Intuit for TV ads that made free claims principally in calendar years 2021 and 2022); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ (summarizing Online ad dissemination data produced by Intuit for online ads that made free claims in TY 2020 and 2021 (calendar years 2021 and 2022)); GX438 (Intuit) ¶ 16 (Cathleen Ryan, Intuit’s Senior Vice President of Marketing, declared in part: “After our general counsel Kerry McLean and outside counsel met with FTC Chair Lina Khan to discuss the FTC’s concerns regarding Intuit’s advertising, at approximately 7 p.m. PST on Thursday, March 24, 2022, Intuit decided to discontinue all current video advertising campaigns for TurboTax Free Edition for the remainder of the Tax Year 2021 tax season. Upon making the decision, Intuit began the process of removing any such advertisements from all media it purchases or otherwise controls.”)).

911. At the same time the Commission voted to issue this Complaint, it also authorized Bureau of Consumer Protection staff to seek a Temporary Restraining Order and Preliminary Injunction in the United States District Court for the Northern District of California. (*See*

Complaint, *FTC v. Intuit Inc.*, No. 22-cv-01973-CRB (Mar. 28, 2022), ECF No. 1; Plaintiff's Emergency Motion for Temporary Restraining Order and Preliminary Injunction, *FTC v. Intuit Inc.*, No. 22-cv-01973-CRB (Mar. 28, 2022), ECF No. 6).

912. On April 22, 2022, Judge Charles R. Breyer of the United States District Court for the Northern District of California denied the FTC's request for a TRO, stating:

The Court denies the FTC's motion for emergency relief for three reasons. First, Tax Day, which was April 18, 2022, has passed. Most taxpayers have already filed their taxes. Intuit represented in its briefing and at oral argument that its advertising is largely done for this tax season. See Opp. (dkt. 45) at vi. Any prospective harm is therefore attenuated. Second, even before Tax Day, Intuit had removed several of the most plausibly deceptive advertisements—that is, three videos that repeated the word “free” a dozen or more times over 30 seconds before a very brief disclaimer. See Shiller decl. (dkt. 7-13, GX 301) ¶¶ 16-31 (describing these ads); Ryan decl. (dkt. 45-3) ¶¶ 16-26 (noting their removal). Third, to the extent other advertisements might violate the FTC Act, the Court notes that the FTC has brought an administrative proceeding against Intuit, with a hearing set for September 14, 2022. See 15 U.S.C. § 45(b); AMG Cap. Mgmt., LLC v. Fed. Trade Comm'n, 141 S. Ct. 1341, 1346 (2021) (detailing the administrative process). An Administrative Law Judge (ALJ) with expertise in these matters will hear (and likely rule) before Intuit resumes its advertising campaign in the lead-up to Tax Day 2023.

(Order Denying Motion for Emergency Relief, *FTC v. Intuit Inc.*, No. 22-cv-01973-CRB (Apr. 22, 2022), ECF No. 66).

913. On May 4, 2022, Intuit filed a Motion to Withdraw Matter from Adjudication pursuant to Commission Rule 3.26(c). (Motion to Withdraw Matter from Adjudication, *In re Intuit Inc.*, D09408 (F.T.C. May 4, 2022)).

914. By operation of Rule 3.26(c), on May 6, 2022, the Commission issued an Order Withdrawing Matter from Adjudication Pursuant to Rule 3.26(c) of the Commission Rules of Practice. (Order Withdrawing Matter from Adjudication Pursuant to Rule 3.26(c) of the Commission Rules of Practice, *In re Intuit Inc.*, D09408 (F.T.C. May 4, 2022)).

915. On August 19, 2022, the Commission issued an Order Returning the Matter to Adjudication and Setting a New Evidentiary Hearing Date, stating: “The Commission has deliberated and determined that the public interest warrants further litigation.” (Order Returning

the Matter to Adjudication and Setting a New Evidentiary Hearing Date, *In re Intuit Inc.*, D09408 (F.T.C. May 4, 2022)).

916. On January 31, 2023, the Commission, acting on Complaint Counsel's Motion for Summary Decision, issued an Opinion and Order Denying Summary Decision, stating in part:

To summarize, although we find that Complaint Counsel have presented a strong case for summary decision with respect to at least some of the video ads, we are denying summary decision at this time. Deferring the ruling until after trial will allow the Commission to have the benefit of a full factual record, including any relevant and admissible extrinsic evidence, and will facilitate a cohesive decision that addresses all of the relevant ads at once. Our denial of summary decision, however, should not be taken as an indication that the evidence presented is necessarily insufficient and that liability cannot attach unless Complaint Counsel produce additional evidence of deception at trial. Evidence that may not be sufficient for liability when the Commission must resolve all ambiguities and draw all justifiable inferences in Respondent's favor may nevertheless be sufficient to support a liability finding when Respondent is not entitled to such deference.

(Opinion and Order Denying Summary Decision, *In re Intuit Inc.*, D09408 (F.T.C. May 4, 2022) at 16).

B. Related Matters

917. On May 6, 2019, the People of the State of California, by and through the Los Angeles City Attorney, filed a Complaint for Injunctive Relief, Restitution, and Civil Penalties for Violations of the Unfair Competition Law (Bus. & Prof. Code §§ 17200 et seq.) ("L.A. City Complaint") against Intuit (GX873 (Complaint Counsel) (publicly available from Cal. Super. Ct. L.A. Cnty.) at CC-00015738).

918. Among other averments, the L.A. City Complaint alleged Intuit engaged in unfair, fraudulent, and deceptive business acts and practices by: "advertising 'FREE Guaranteed' tax filing services when in fact only a small percentage of consumers are able to complete their tax returns for free on the TurboTax Main Website." (GX873 (Complaint Counsel) (publicly available from Cal. Super. Ct. L.A. Cnty.) ¶ 79(c)).

919. On September 6, 2019, the People of the State of California, by and through the Santa Clara County Counsel, filed a Complaint for Violations of California False Advertising

Law, Seeking Restitution, Civil Penalties, and Injunctive Relief (“Santa Clara County Complaint”) against Intuit. (GX874 (Complaint Counsel) (publicly available from Cal. Super. Ct. Santa Clara Cnty.) at CC-00015763).

920. Among other averments, the Santa Clara County Complaint alleged: “Intuit deliberately implemented a scheme to draw taxpayers to TurboTax’s revenue-producing URL with false representations that they could file their taxes for free using TurboTax and then to charge taxpayers significant sums to file through additional false and misleading statements.” (GX874 (Complaint Counsel) (publicly available from Cal. Super. Ct. Santa Clara Cnty.) ¶ 74).

921. The Santa Clara County Complaint further alleged: “Intuit made and disseminated myriad statements that are likely to deceive members of the public on its website and in advertisements.” (GX874 (Complaint Counsel) (publicly available from Cal. Super. Ct. Santa Clara Cnty.) ¶ 75).

922. The Santa Clara County Complaint further alleged “Examples of Intuit’s false or misleading statements include ... Falsely representing in numerous television advertisements that if taxpayers used TurboTax Free Edition they would be able to file for free, including in an ad campaign using the tagline: ‘Free, free free free,’” and “Falsely representing in extensive online advertisements that if taxpayers used the TurboTax Free Edition they would be able to file for free.” (GX874 (Complaint Counsel) (publicly available from Cal. Super. Ct. Santa Clara Cnty.) ¶ 75(a)).

923. On September 13, 2019, a Consolidated Class Action Complaint was filed against Intuit in the matter captioned *In re Intuit Free File Litigation*, in the United States District Court for the Northern District of California (“Consolidated Class Action Complaint”). (GX875 (Complaint Counsel) (publicly available from N.D. Cal.) at CC-00015807).

924. Among other averments, the Consolidated Class Action Complaint alleged that: “Intuit implemented a pervasive, nationwide marketing and advertising campaign during the 2018 tax filing season promoting its offering of ‘free’ tax filing services, even though the vast majority of users would actually be charged to file their returns.” (GX875 (Complaint Counsel)

(publicly available from N.D. Cal.) ¶ 83; *see also* GX875 (Complaint Counsel) (publicly available from N.D. Cal.) ¶¶ 83–94).

925. Count II of the Consolidated Class Action Complaint alleged fraudulent business acts and practices and deceptive advertising in violation of California Business & Professions Code § 17200, *et seq.*; specifically, the Complaint plead that:

Intuit’s deceptive advertising and fraudulent conduct included affirmative misrepresentations, active concealment of material facts, and partial representations paired with suppression of material facts. Intuit’s conduct violative of the fraudulent prong includes at least the following acts and omissions: ... In a pervasive nationwide advertising campaign, Intuit falsely advertised its TurboTax commercial website as being free, causing confusion and deceiving Class members, eligible for free tax filing, into paying Intuit for tax-filing services.

(GX875 (Complaint Counsel) (publicly available from N.D. Cal.) ¶ 134; *see also* GX875 (Complaint Counsel) (publicly available from N.D. Cal.) ¶¶ 129–39).

926. Between October 1, 2019 and October 23, 2020, approximately 127,000 current and former Intuit customers filed demands for individual arbitration against Intuit with the American Arbitration Association (AAA) through counsel with the firm Keller Lenkner LLC. (GX876 (Complaint Counsel) (publicly available from N.D. Cal.) ¶ 5).

927. Each arbitration claimant alleged “that while Intuit created a free tax filing service for low- and middle income taxpayers, it also steered these consumers away from the free option and toward its paid products.” (GX876 (Complaint Counsel) (publicly available from N.D. Cal.) ¶ 23).

928. These consumers further alleged they “were lured to Intuit’s website with promises of its Free Edition, only to learn later that they were ineligible for that free product and would have to pay to use TurboTax.” (GX876 (Complaint Counsel) (publicly available from N.D. Cal.) ¶ 23).

929. On March 5, 2021, Judge Charles R. Breyer of the United States District Court for the Northern District of California denied a Motion for Preliminary Approval of Class Action

Settlement in the *In re Intuit Free File Litigation*, Case No. 19-cv-02546 (N.D. Cal. Mar. 5, 2021). (GX877 (Complaint Counsel) (publicly available from N.D. Cal.).

930. Among other reasons, Judge Breyer denied preliminary class settlement because “the proposed settlement provides class members with inadequate compensation.” (GX877 (Complaint Counsel) (publicly available from N.D. Cal.) at CC-00016018).

931. Judge Breyer noted that, because the plaintiffs had not provided an estimate of Intuit’s potential exposure in the matter, “[t]he Court is left to do a back-of-the envelope calculation: for a projected class of 19 million people, who paid an average of \$100 per-year for at least one year, a conservative estimate of Intuit’s potential liability is \$1.9 billion.” (GX877 (Complaint Counsel) (publicly available from N.D. Cal.) at CC-00016030).

932. Judge Breyer further noted:

Strangely, the proposed settlement provides for the same award regardless whether a class member paid fees for more than one year. Plaintiffs’ argument that “eligible free-filers who paid a TurboTax fee in more than one year . . . arguably should have known they would be charged in the subsequent year,” Mot. for Preliminary Approval at 14, hardly resolves the matter. Plaintiffs have characterized this action as “a bait-and-switch case.” Hearing Tr. at 32. A person induced into paying for services that the person initially expected to get for free, and who continues to pay for those services annually, can trace the cumulative harm suffered back to the initial deception. Without that deception, the person would have known they could file for free from the start, and presumably would have done so each year.

(GX877 (Complaint Counsel) (publicly available from N.D. Cal.) at CC-00016032).

933. Throughout the course of the litigations and arbitrations instigated by the L.A. City Complaint, the Santa Clara County Complaint, the Consolidated Class Action Complaint, and the demands for individual arbitration against Intuit discussed above, Intuit continued making “free” claims in its advertising for TurboTax. (See GX Summary 001 (Complaint Counsel) at ‘Ads w-Program Count’ (summarizing TV ad dissemination data produced by Intuit for TV ads that made free claims principally in calendar years 2021 and 2022); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ (summarizing Online ad dissemination data

produced by Intuit for online ads that made free claims in TY 2020 and 2021 (calendar years 2021 and 2022)).

934. Throughout the course of the litigations and arbitrations instigated by the L.A. City Complaint, the Santa Clara County Complaint, the Consolidated Class Action Complaint, and the demands for individual arbitration against Intuit discussed above, Intuit continued airing ads in its “Free, free, free” campaign until just after its meeting with FTC Chair Lina Khan on March 24, 2022. (*See* GX Summary 001 (Complaint Counsel) at ‘Ads w-Program Count’ (summarizing TV ad dissemination data produced by Intuit for TV ads that made free claims principally in calendar years 2021 and 2022); GX Summary 002 (Complaint Counsel) at ‘Summary-Online_Ads’ (summarizing Online ad dissemination data produced by Intuit for online ads that made free claims in TY 2020 and 2021 (calendar years 2021 and 2022); GX438 (Intuit) ¶ 16 (Cathleen Ryan, Intuit’s Senior Vice President of Marketing, declared in part: “After our general counsel Kerry McLean and outside counsel met with FTC Chair Lina Khan to discuss the FTC’s concerns regarding Intuit’s advertising, at approximately 7 p.m. PST on Thursday, March 24, 2022, Intuit decided to discontinue all current video advertising campaigns for TurboTax Free Edition for the remainder of the Tax Year 2021 tax season. Upon making the decision, Intuit began the process of removing any such advertisements from all media it purchases or otherwise controls.”)).

935. On April 28, 2022, Intuit entered into a settlement agreement with the attorneys general of each state and the District of Columbia “to resolve an investigation of the Attorneys General into Intuit’s marketing, advertising, promotion, and sale of certain online tax preparation products and whether Intuit’s conduct constituted deceptive or unfair business acts or practices in violation of the States’ consumer protection laws.” (RX76 (Intuit) at INTUIT-FTC-PART3-000614655).

936. In the settlement with Intuit, the States and DC made findings including:

- 1) “Since at least 2017, Intuit has called its ‘freemium’ product ‘TurboTax Free Edition.’ In 2016, Intuit called its ‘freemium’ product ‘Federal Free Edition.’”
- 2) “This TurboTax ‘freemium’ product is only available to consumers with ‘simple’ tax returns, as defined by Intuit; other consumers are required to upgrade to paid products to file through Intuit.”
- 3) “Many of Intuit’s ads contain a fine print disclaimer at the end of the commercial informing consumers that the offer is limited to consumers with ‘simple tax returns’ or ‘simple U.S. returns only.’ This fine print disclaimer was not conveyed audibly.”
- 4) “The disclaimers are inadequate to cure the express representation that the advertised products are free.”
- 5) “A reasonable consumer could believe that the products Intuit advertises as free are free for them, given that online products in many industries, including in online tax preparation, are routinely offered to consumers completely free of charge.”
- 6) “Intuit’s false statements or representations that Turbo Tax is free, without adequately disclosing the limitations of its free offer, have induced consumers to begin using TurboTax and, after discovering they are not eligible for Intuit’s ‘freemium’ product (as described below), to pay for paid Turbo Tax products.”
- 7) “When consumers who saw Intuit’s advertisements visited the TurboTax website, the website’s home page failed to adequately disclose the limitations on eligibility for Intuit’s ‘freemium’ product.”
- 8) Intuit neither admitted nor denied these findings.

(RX76 (Intuit) at INTUIT-FTC-PART3-000614660 to -000614671).

937. Intuit’s settlement with the States allows for “Space-Constrained Advertisements” in which Intuit need only disclose that “eligibility requirements apply” and provide a hyperlink to more fulsome disclosures. (RX76 (Intuit) at INTUIT-FTC-PART3-000614673).

938. The settlement with the States also allows for visual-only disclosures in “Space-Constrained Video Advertisements,” allowing the audio portion to disclose only “that not all taxpayers qualify”—and not even that in a video of 8 seconds or less, as is often the case for social media video posts; and this provision sunsets after ten years. (RX76 (Intuit) at INTUIT-FTC-PART3-000614673).

939. The State settlement defines “Space-Constrained Advertisements” as any “that has space, time, format, size, or technological restrictions that limit Intuit from being able to make the disclosures required by this Assurance.” (RX76 (Intuit) at INTUIT-FTC-PART3-000614658 to -000614659).

940. The state settlement allows hyperlinks to disclosures on Intuit’s website, without specifying that information integral to the claim cannot be hidden behind a hyperlink. (RX76 (Intuit) at INTUIT-FTC-PART3-000614674).

941. Finally, the state settlement only provides monetary relief for “Covered Consumer[s]” harmed from 2016 to 2018. (RX76 (Intuit) at INTUIT-FTC-PART3-000614657 & INTUIT-FTC-PART3-000614675 to -000676).

VI. Stipulated Facts on JX1

A. Respondent

942. Respondent Intuit Inc. is a Delaware corporation with its principal office or place of business at 2700 Coast Ave., Mountain View, California 94043. (Compl. ¶ 1; Answer ¶ 1.) It advertises, markets, promotes, distributes, and sells TurboTax, an online tax preparation service. (Answer ¶ 2.). (JX-1 ¶ 6).

B. TurboTax Services

1. General Background

943. Intuit uses the term “Tax Year” to refer to the calendar year preceding the period during which consumers prepare and file their annual individual tax returns. For example, Tax Year 2021 refers to tax returns filed in calendar year 2022 for income earned in calendar year 2021. (JX-1 ¶ 7).

2. TurboTax Background

944. “TurboTax” is the brand name of a suite of online tax preparation products and services offered by Intuit that enable consumers to prepare and file their individual federal and state income tax returns. (JX-1 ¶ 8).

945. From Tax Year 2013 to 2016, TurboTax Free Edition was known as “Federal Free Edition.” (JX-1 ¶ 9).

946. Consumers that file an IRS Form 1040 without any attached forms or schedules (or, before Tax Year 2018, by a IRS Form 1040A or Form 1040EZ) qualify to use Free Edition. (JX-1 ¶ 10).

947. Taxpayers qualified to use IRS Forms 1040EZ or 1040A if they made less than \$100,000, were only claiming the standard deduction, and met certain other qualifications, such as claiming no dependents (Form 1040EZ) or only reporting limited types of income (Form 1040A). (JX-1 ¶ 11).

948. Before Tax Year 2018, Congress passed tax reform legislation. In response, the IRS eliminated Forms 1040EZ and 1040A and launched in its place a new Form 1040. Form 1040 became the most basic individual tax form. (JX-1 ¶ 12).

949. Beginning in Tax Year 2018, Intuit modified its definition of simple tax returns to refer to returns that could be filed on a Form 1040 without any attached forms or schedules. (JX-1 ¶ 13).

950. RX095 shows that of the 157,682,637 returns filed with the IRS in 2020, 57,671,912 returns included only Form 1040 with no Schedules 1-6 or Schedule A attached. (JX-1 ¶ 14).

3. Intuit's Business Model

951. TurboTax software products and services “are designed to enable customers to prepare and file their federal and state income tax returns.” (GX288 at 8). (JX-1 ¶ 15).

C. Intuit's Advertising Practices

1. Overview

952. Intuit advertises for its individual free and paid TurboTax SKUs, as well as the TurboTax brand generally. (JX-1 ¶ 16).

953. Intuit markets both its free and paid TurboTax SKUs in numerous advertising channels, including linear television advertisements; online video and audio advertisements; non-video display, mobile, and paid social media advertisements; paid search advertisements; and direct email marketing. (JX-1 ¶ 17).

954. Intuit uses different advertising channels to advertise TurboTax products and services, including direct response, holistic search marketing, display/social/mobile marketing, and brand advertising. (GX156 at 25:22-26:4 & 29:6-15; 39:9-13). (JX-1 ¶ 18).

955. Intuit uses the brand advertising channel to promote TurboTax products and services, for example through TV, radio, audio, and video ads, advertising in traditional broadcast and cable-type environments. (GX156 at 41:16-42:2). (JX-1 ¶ 19).

956. Intuit has advertised TurboTax products and services on Facebook, Instagram, Twitter, SnapChat, and TikTok. (GX156 at 28:21-29:2). (JX-1 ¶ 20).

957. Intuit uses direct response marketing to promote TurboTax products and services through emails. (GX156 at 40:13-24). (JX-1 ¶ 21).

2. Television Ads

958. A true and correct copy of the 60-second “Boston Tea Party” TV ad that aired in Tax Year 2014 is at RX200. (JX-1 ¶ 22).

959. A true and correct copy of the 45-second “Anthem” TV ad that aired in Tax Year 2017 is at RX1096. (JX-1 ¶ 23).

960. A true and correct copy of the 15-second “Baby” TV ad that aired in Tax Year 2017 is at RX1097. (JX-1 ¶ 24).

961. A true and correct copy of the 30-second “Cruise” TV ad that aired in Tax Year 2017 is at RX1098. (JX-1 ¶ 25).

962. A true and correct copy of the 15-second “Fish” TV ad that aired in Tax Year 2017 is at RX1006. (JX-1 ¶ 26).

963. A true and correct copy of the 15-second “Guzman” TV ad that aired in Tax Year 2017 is at RX1101. (JX-1 ¶ 27).

964. A true and correct copy of the 30-second “Big Kick” TV ad that aired in Tax Year 2018 is at RX1102. (JX-1 ¶ 28).

965. A true and correct copy of the 15-second “Court Reporter” TV ad that aired in Tax Year 2018 is at RX1104. (JX-1 ¶ 29).

966. A true and correct copy of the 15-second “Credits” TV ad that aired in Tax Year 2018 is at RX1108. (JX-1 ¶ 30).

967. A true and correct copy of the 30-second “Credits” TV ad that aired in Tax Year 2018 is at RX1117. (JX-1 ¶ 31).

968. A true and correct copy of the 15-second “Game Show” TV ad that aired in Tax Year 2018 is at GX356. (JX-1 ¶ 32).

969. A true and correct copy of the 15-second “Crossword” TV ad that aired in Tax Year 2018 is at RX1113. (JX-1 ¶ 33).

970. A true and correct copy of the 30-second “Game Show” TV ad that aired in Tax Year 2018 is at RX1116. (JX-1 ¶ 34).

971. A true and correct copy of the 30-second “Lawyer” TV ad that aired in Tax Year 2018 is at RX1106. (JX-1 ¶ 35).

972. A true and correct copy of the 15-second “Spelling Bee” TV ad that aired in Tax Year 2018 is at RX1110. (JX-1 ¶ 36).
973. A true and correct copy of the 30-second “Spelling Bee” TV ad that aired in Tax Year 2018 is at RX1118. (JX-1 ¶ 37).
974. A true and correct copy of the 15-second “Court Reporter” TV ad that aired in Tax Year 2019 is at RX1112. (JX-1 ¶ 38).
975. A true and correct copy of the 15-second “Credits” TV ad that aired in Tax Year 2019 is at RX1400. (JX-1 ¶ 39).
976. A true and correct copy of the 15-second “Crossword” TV ad that aired in Tax Year 2019 is at RX1398. (JX-1 ¶ 40).
977. A true and correct copy of the 15-second “Game Show” TV ad that aired in Tax Year 2019 is at RX1115. (JX-1 ¶ 41).
978. A true and correct copy of the 15-second “Spelling Bee” TV ad that aired in Tax Year 2019 is at RX1399. (JX-1 ¶ 42).
979. A true and correct copy of the 15-second “Auctioneer” TV ad that aired in Tax Year 2020 is at RX1408. (JX-1 ¶ 43).
980. A true and correct copy of the 15-second “Dance Workout” TV ad that aired in Tax Year 2020 is at RX1122. (JX-1 ¶ 44).
981. A true and correct copy of the 30-second “Dance Workout” TV ad that aired in Tax Year 2020 is at RX1412. (JX-1 ¶ 45).
982. A true and correct copy of the 15-second “Dog Show” TV ad that aired in Tax Year 2020 is at RX1120. (JX-1 ¶ 46).
983. A true and correct copy of the 30-second “Dog Show” TV ad that aired in Tax Year 2020 is at RX1403. (JX-1 ¶ 47).
984. A true and correct copy of the 30-second “Freeloader” TV ad that aired in Tax Year 2020 is at RX1401. (JX-1 ¶ 48).

985. A true and correct copy of the 15-second “Auctioneer” TV ad that aired in Tax Year 2021 is at RX1119. (JX-1 ¶ 49).

986. A true and correct copy of the 15-second “Dance Workout” TV ad that aired in Tax Year 2021 is at RX1417. (JX-1 ¶ 50).

987. A true and correct copy of the 15-second “Spit Take” TV ad that aired in Tax Year 2021 is at RX1121. (JX-1 ¶ 51).

3. TurboTax Website

988. A version of the TurboTax homepage available to consumers in Tax Year 2016 is found at RX1211. (JX-1 ¶ 52).

989. A version of the TurboTax homepage available to consumers in Tax Year 2017 is found at RX1212. (JX-1 ¶ 53).

990. A version of the TurboTax homepage available to consumers in Tax Year 2018 is found at RX022. (JX-1 ¶ 54).

991. A version of the TurboTax homepage available to consumers in Tax Year 2019 is found at RX1214. (JX-1 ¶ 55).

992. A version of the TurboTax homepage available to consumers in Tax Year 2020 is found at RX019. (JX-1 ¶ 56).

993. A version of the TurboTax homepage available to consumers in Tax Year 2021 is found at RX007. (JX-1 ¶ 57).

994. A version of the TurboTax homepage available to consumers in Tax Year 2022 is found at RX1500. (JX-1 ¶ 58).

4. Additional Information on TurboTax Advertisements

a. Online Video Advertisements

995. Consumers who clicked on GX601-608, 613-616, 620-626, 628 and 629 were immediately directed to a webpage on the TurboTax website, <https://turbotax.intuit.com/>. (JX-1 ¶ 59).

b. Non-Video Display, Mobile, and Social Media Advertisements

996. Intuit also runs non-video advertisements, such as banner or social media advertisements, on multiple online platforms. (JX-1 ¶ 60).

997. Consumers who clicked on GX505-508, 524, 527, 534-536, 543, 548-556, 560, 563-566, 568-569, 572-575, 580, 583-588, 594-596, 598, and 600, and RX139, were immediately directed to a webpage on the TurboTax website, <https://turbotax.intuit.com/>, or to an application store to download the TurboTax mobile application. (JX-1 ¶ 61).

c. Paid Search Advertisements

998. Consumers who clicked on GX178-180, 190-195, or 723-729 were immediately directed to a webpage on the TurboTax website, <https://turbotax.intuit.com/>. (JX-1 ¶ 62).

d. Direct Email Advertisements

999. Consumers who clicked on GX181-182, 371-381, 383, 386, 477, 480, and 501, were immediately directed to a webpage on the TurboTax website, <https://turbotax.intuit.com/>. (JX-1 ¶ 63).

Respectfully submitted,

Dated: May 23, 2023

/s/ Roberto Anguizola

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| Name | Title | Company | Transcript Cite | | Transcript Cite | | Date | Volume |
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| | | | **Total** | **Moving In Camera** | **In Camera (Total)** | | | |
| Diana Shiller | Investigator | Federal Trade Commission, Bureau of Consumer Protection, Division of Marketing Practices | 138:03 - 278:14 | | None | 3/27/2023 | Volume # 1 | |
| Megan Baburek | Data Analyst | Federal Trade Commission, Bureau of Consumer Protection | 290:13 - 341:14 | 314:23 | 315:01 - 327:15 | 3/28/2023 | Volume # 2 | |
| Nathan Novemsky (Ph.D) | Expert & Professor | Yale University | 347:13 - 536:05 1762:19 - 1828:05 | 509:21 | 510:01 - 520:08 | 3/30/2023 4/10/2023 | Volume # 3 Volume # 8 | |
| Erez Yoeli (Ph.D) | Expert | Harvard University Stanford University | 1655:02 - 1762:12 | 1705:18 | 1706:01 - 1708:13 | 4/10/2023 | Volume # 8 | |

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|----------------|------------|---|---|-------------------------------------|-----------------------------------|----------------|---|--|---------------------------|
| GX 1 | 7/20/2020 | CC-00000001 | CC-00000014 | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 2 | 9/1/2020 | CC-00000015 | CC-00000016 | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 3 | 10/18/2013 | CC-00000017 | CC-00000017 | INTUIT-FFA-FTC-000069931 | INTUIT-FFA-FTC-000069931 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 4 | 10/18/2013 | CC-00000018 | CC-00000105 | INTUIT-FFA-FTC-000069932 | INTUIT-FFA-FTC-000070019 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 5 | 10/18/2013 | CC-00000106 | CC-00000107 | INTUIT-FFA-FTC-000239278 | INTUIT-FFA-FTC-000239279 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 6 | 10/18/2013 | CC-00000108 | CC-00000113 | INTUIT-FFA-FTC-000229280 | INTUIT-FFA-FTC-000229285 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 7 | 12/1/2017 | CC-00000114 | CC-00000114 | INTUIT-FFA-FTC-000069957 | INTUIT-FFA-FTC-000069957 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 8 | 12/1/2017 | CC-00000115 | CC-00000121 | INTUIT-FFA-FTC-000069958 | INTUIT-FFA-FTC-000069964 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 9 | 10/29/2013 | CC-00000122 | CC-00000122 | INTUIT-FFA-FTC-000112397 | INTUIT-FFA-FTC-000112397 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 10 | 10/29/2013 | CC-00000123 | CC-00000150 | INTUIT-FFA-FTC-000112398 | INTUIT-FFA-FTC-000112425 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
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| GX 12 | 6/4/2019 | CC-00000155 | CC-00000224 | INTUIT-FFA-FTC-000111537 | INTUIT-FFA-FTC-000111606 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 13 | 7/20/2020 | CC-00000225 | CC-00000238 | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 14 | 6/14/2013 | CC-00000239 | CC-00000242 | INTUIT-FFA-FTC-000033086 | INTUIT-FFA-FTC-000033089 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 15 | 8/12/2013 | CC-00000243 | CC-00000257 | INTUIT-FFA-FTC-000033168 | INTUIT-FFA-FTC-000033182 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
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| GX 17 | 12/17/2013 | CC-00000265 | CC-00000288 | INTUIT-FFA-FTC-000070477 | INTUIT-FFA-FTC-000070480 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
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| GX 28 | 9/11/2016 | CC-00000317 | CC-00000333 | INTUIT-FFA-FTC-000121102 | INTUIT-FFA-FTC-000121118 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
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| GX 32 | | CC-00000346 | CC-00000346 | | INTUIT-FFA-FTC-000146847 | INTUIT-FFA-FTC-000146849 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 33 | | CC-00000349 | CC-00000350 | | INTUIT-FFA-FTC-000438530 | INTUIT-FFA-FTC-000438531 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 34 | | CC-00000351 | CC-00000355 | | INTUIT-FFA-FTC-000188791 | INTUIT-FFA-FTC-000188795 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
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| GX 37 | | CC-00000359 | CC-00000372 | | | | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 38 | | CC-00000373 | CC-00000417 | | INTUIT-FFA-FTC-000434068-001 | INTUIT-FFA-FTC-000434068-045 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 39 | | CC-00000418 | CC-00000425 | | INTUIT-FFA-FTC-000313260 | INTUIT-FFA-FTC-000313267 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 40 | | CC-00000426 | CC-00000429 | | INTUIT-FFA-FTC-000175514 | INTUIT-FFA-FTC-000175520 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 41 | | CC-00000430 | CC-00000433 | | INTUIT-FFA-FTC-000139387 | INTUIT-FFA-FTC-000139390 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 42 | | CC-00000434 | CC-00000434 | | INTUIT-FFA-FTC-000190082 | INTUIT-FFA-FTC-000190082 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 43 | | CC-00000435 | CC-00000442 | | INTUIT-FFA-FTC-000198539 | INTUIT-FFA-FTC-000198546 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 44 | | CC-00000443 | CC-00000454 | | INTUIT-FFA-FTC-000397299 | INTUIT-FFA-FTC-000397310 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 45 | | CC-00000455 | CC-00000461 | | INTUIT-FFA-FTC-000240210 | INTUIT-FFA-FTC-000240216 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 46 | | CC-00000462 | CC-00000471 | | INTUIT-FFA-FTC-000396005 | INTUIT-FFA-FTC-000396014 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 47 | | CC-00000472 | CC-00000504 | | INTUIT-FFA-FTC-000240217 | INTUIT-FFA-FTC-000240249 | RX 806 | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 48 | | CC-00000505 | CC-00000513 | | INTUIT-FFA-FTC-000549368 | INTUIT-FFA-FTC-000549376 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 49 | | CC-00000514 | CC-00000538 | | INTUIT-FFA-FTC-000528405 | INTUIT-FFA-FTC-000528423 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 50 | | CC-00000539 | CC-00000544 | | INTUIT-FFA-FTC-000549618 | INTUIT-FFA-FTC-000549623 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 51 | | CC-00000545 | CC-00000562 | | INTUIT-FFA-FTC-000241703 | INTUIT-FFA-FTC-000241720 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 52 | | CC-00000563 | CC-00000576 | | | | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 53 | | CC-00000577 | CC-00000590 | | | | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 54 | | CC-00000591 | CC-00000617 | | | | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 55 | | CC-00000618 | CC-00000626 | | | | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 56 | | CC-00000627 | CC-00000630 | | | | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 57 | | CC-00000631 | CC-00000657 | | INTUIT-FFA-FTC-000388337 | INTUIT-FFA-FTC-000388363 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |

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|----------------|-------------|------------|---|---|-------------------------------------|-----------------------------------|----------------|---|-----------|---------------------------|
| GX 58 | | 10/26/2015 | CC-00000658 | CC-00000661 | INTUIT-FFA-FTC-000114446 | INTUIT-FFA-FTC-000114449 | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 59 | | 10/21/2020 | CC-00000662 | CC-00000662 | | | RX 1105 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 60 | | 10/11/2020 | CC-00000663 | CC-00000680 | INTUIT-FFA-FTC-C005,01 | INTUIT-FFA-FTC-C005,018 | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 61 | | 7/1/2020 | CC-00000681 | CC-00000687 | INTUIT-FFA-FTC-C012,01 | INTUIT-FFA-FTC-C012,07 | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 62 | | 3/3/2016 | CC-00000688 | CC-00000691 | INTUIT-FFA-FTC-000298365 | INTUIT-FFA-FTC-000298368 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 63 | | 2/22/2019 | CC-00000692 | CC-00000695 | INTUIT-FFA-FTC-000499393 | INTUIT-FFA-FTC-000499396 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 64 | | 7/20/2020 | CC-00000696 | CC-00000709 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 65 | | 11/22/2013 | CC-00000710 | CC-00000713 | INTUIT-FFA-FTC-000368231 | INTUIT-FFA-FTC-000368234 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 66 | | 5/27/2016 | CC-00000714 | CC-00000717 | INTUIT-FFA-FTC-000040604 | INTUIT-FFA-FTC-000040604 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 67 | | 7/10/2018 | CC-00000718 | CC-00000720 | INTUIT-FFA-FTC-000012645 | INTUIT-FFA-FTC-000012647 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 68 | | 7/12/2018 | CC-00000721 | CC-00000724 | INTUIT-FFA-FTC-000012670 | INTUIT-FFA-FTC-000012673 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 69 | | 9/12/2018 | CC-00000725 | CC-00000728 | INTUIT-FFA-FTC-000012731 | INTUIT-FFA-FTC-000012734 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 70 | | 7/25/2018 | CC-00000729 | CC-00000741 | INTUIT-FFA-FTC-000012705 | INTUIT-FFA-FTC-000012717 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 71 | | 10/4/2018 | CC-00000742 | CC-00000788 | INTUIT-FFA-FTC-000013686 | INTUIT-FFA-FTC-000013732 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 72 | | 10/10/2018 | CC-00000789 | CC-00000789 | INTUIT-FFA-FTC-000013903 | INTUIT-FFA-FTC-000013903 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 73 | | 10/10/2018 | CC-00000790 | CC-00000791 | INTUIT-FFA-FTC-000013904 | INTUIT-FFA-FTC-000013905 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 74 | | 4/24/2019 | CC-00000792 | CC-00000795 | INTUIT-FFA-FTC-000068143 | INTUIT-FFA-FTC-000068146 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 75 | | 4/25/2019 | CC-00000796 | CC-00000798 | INTUIT-FFA-FTC-000369012 | INTUIT-FFA-FTC-000369014 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 76 | | 4/26/2019 | CC-00000799 | CC-00000800 | INTUIT-FFA-FTC-000526024 | INTUIT-FFA-FTC-000526025 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 77 | | 6/28/2019 | CC-00000801 | CC-00000820 | | | | (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 78 | | 8/30/2019 | CC-00000821 | CC-00000824 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 79 | | 5/14/2018 | CC-00000825 | CC-00000835 | INTUIT-FFA-FTC-0000101743 | INTUIT-FFA-FTC-0000101745-008 | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 80 | | 7/31/2020 | CC-00000836 | CC-00000886 | INTUIT-FFA-FTC-C013,01 | INTUIT-FFA-FTC-C013,053 | RX 065 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 81 | | 10/29/2018 | CC-00000889 | CC-00000893 | INTUIT-FFA-FTC-000013886 | INTUIT-FFA-FTC-000013890 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 82 | | 10/24/2018 | CC-00000894 | CC-00000896 | INTUIT-FFA-FTC-000013865 | INTUIT-FFA-FTC-000013867 | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 83 | | 11/9/2018 | CC-00000897 | CC-00000897 | INTUIT-FFA-FTC-000013902 | INTUIT-FFA-FTC-000013902 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 84 | | 12/5/2018 | CC-00000898 | CC-00000898 | INTUIT-FFA-FTC-000013926 | INTUIT-FFA-FTC-000013926 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 85 | | 10/2/2018 | CC-00000899 | CC-00000901 | INTUIT-FFA-FTC-000013583 | INTUIT-FFA-FTC-000013585 | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 86 | | 11/1/2019 | CC-00000902 | CC-00000904 | | | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | 1520 |

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| GX 87 | | 7/20/2020 | CC-00000905 | CC-00000918 | INTUIT-FFA-FTC-0004,01 | INTUIT-FFA-FTC-0004,022 | | Prehrig Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 88 | | 9/13/2019 | CC-00000919 | CC-00000940 | INTUIT-FFA-FTC-000112223 | INTUIT-FFA-FTC-000112224 | | Prehrig Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 89 | | 11/13/2018 | CC-00000941 | CC-00000942 | INTUIT-FFA-FTC-000112223 | INTUIT-FFA-FTC-000112224 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 90 | | 7/20/2020 | CC-00000943 | CC-00000956 | INTUIT-FFA-FTC-000069589 | INTUIT-FFA-FTC-000069592 | | Prehrig Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 91 | | 8/12/2013 | CC-00000957 | CC-00000960 | INTUIT-FFA-FTC-000012635 | INTUIT-FFA-FTC-000012635 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 92 | | 7/24/2018 | CC-00000961 | CC-00000973 | INTUIT-FFA-FTC-000012688 | INTUIT-FFA-FTC-000012700 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 93 | | | CC-00000974 | CC-00000979 | | | | Prehrig Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 94 | | | CC-00000980 | CC-00000980 | INTUIT-FFA-FTC-000012635 | INTUIT-FFA-FTC-000012635 | | Prehrig Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 95 | | 9/2/2015 | CC-00000981 | CC-00000983 | INTUIT-FFA-FTC-000181602 | INTUIT-FFA-FTC-000181604 | | Prehrig Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 96 | | 6/29/2015 | CC-00000984 | CC-00000987 | INTUIT-FFA-FTC-000282906 | INTUIT-FFA-FTC-000282909 | | Prehrig Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 97 | | 2/28/2016 | CC-00000988 | CC-00000995 | INTUIT-FFA-FTC-000242082 | INTUIT-FFA-FTC-000242089 | | Prehrig Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 98 | | 7/31/2019 | CC-00000996 | CC-00001011 | INTUIT-FFA-FTC-0002,01 | INTUIT-FFA-FTC-0002,016 | | Prehrig Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 99 | | | CC-00001012 | CC-00001027 | INTUIT-FFA-FTC-000032611; INTUIT-FFA-FTC-000032620; INTUIT-FFA-FTC-000032622; INTUIT-FFA-FTC-000032623; INTUIT-FFA-FTC-000032624; INTUIT-FFA-FTC-000032640; INTUIT-FFA-FTC-000032644; INTUIT-FFA-FTC-000032744 | INTUIT-FFA-FTC-000032744 | | Prehrig Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 100 | | 10/4/2018 | CC-00001028 | CC-00001032 | INTUIT-FFA-FTC-000420474 | INTUIT-FFA-FTC-000420478 | | Prehrig Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| GX 101 | | | CC-00001032.1 | CC-00001041 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 102 | | 1/15/2019 | CC-00001042 | CC-00001042 | INTUIT-FFA-FTC-000066140 | INTUIT-FFA-FTC-000066140 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 103 | | 1/15/2019 | CC-00001043 | CC-00001044 | INTUIT-FFA-FTC-000066141 | INTUIT-FFA-FTC-000066142 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 105 | | 7/20/2020 | CC-00001045 | CC-00001058 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 106 | | 8/4/2020 | CC-00001059 | CC-00001060 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 107 | | 5/17/2018 | CC-00001061 | CC-00001080 | INTUIT-FFA-FTC-000101780 | INTUIT-FFA-FTC-000101799 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 108 | | 10/1/2018 | CC-00001061 | CC-00001089 | INTUIT-FFA-FTC-000135111 | INTUIT-FFA-FTC-000135119 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | In Part--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 109 | | 2/14/2019 | CC-00001090 | CC-00001093 | INTUIT-FFA-FTC-000495189 | INTUIT-FFA-FTC-000495192 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 110 | | 5/6/2019 | CC-00001094 | CC-00001097 | INTUIT-FFA-FTC-000496267 | INTUIT-FFA-FTC-000496270 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 111 | | 8/3/2018 | CC-00001098 | CC-00001101 | INTUIT-FFA-FTC-000508828 | INTUIT-FFA-FTC-000508831 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 112 | | 1/16/2019 | CC-00001102 | CC-00001115 | INTUIT-FFA-FTC-000119703 | INTUIT-FFA-FTC-000119716 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 113 | | 2/9/2019 | CC-00001116 | CC-00001118 | INTUIT-FFA-FTC-000550078 | INTUIT-FFA-FTC-000550080 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 114 | | 2/10/2019 | CC-00001119 | CC-00001121 | INTUIT-FFA-FTC-000511650 | INTUIT-FFA-FTC-000511652 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | In Full--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 115 | | 2/11/2019 | CC-00001122 | CC-00001126 | INTUIT-FFA-FTC-000509480 | INTUIT-FFA-FTC-000509485 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 116 | | 10/10/2019 | CC-00001127 | CC-00001133 | INTUIT-FFA-FTC-000518338 | INTUIT-FFA-FTC-000518394 | | Order Memorializing Bench Rulings (Mar. 28, 2023) | | |
| GX 117 | | | CC-00001134 | CC-00001136 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 118 | | 1/10/2019 | CC-00001137 | CC-00001142 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 119 | | 10/23/2019 | CC-00001143 | CC-00001146 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 120 | | 1/1/2020 | CC-00001147 | CC-00001149 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 121 | | 1/31/2020 | CC-00001150 | CC-00001154 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 122 | | 9/14/2022 | CC-00001155 | CC-00001197 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 123 | | 9/30/2022 | CC-00001198 | CC-00001286 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 124 | | 10/5/2022 | CC-00001287 | CC-00001354 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |

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| GX 125 | | 10/13/2022 | CC-00001355 | CC-00001457 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 126 | | 10/19/2022 | CC-00001458 | CC-00001473 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 127 | | 10/20/2022 | CC-00001474 | CC-00001487 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 128 | | 10/25/2022 | CC-00001488 | CC-00001569 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 129 | | 10/26/2022 | CC-00001570 | CC-00001584 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 130 | | 11/3/2022 | CC-00001585 | CC-00001655 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 131 | | 11/8/2022 | CC-00001656 | CC-00001688 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 132 | | 11/9/2022 | CC-00001689 | CC-00001747 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 133 | | 11/15/2022 | CC-00001748 | CC-00001761 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 134 | | 11/15/2022 | CC-00001762 | CC-00001798 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 135 | | 11/18/2022 | CC-00001799 | CC-00001933 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 136 | | 11/18/2022 | CC-00001934 | CC-00002031 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 137 | | 11/22/2022 | CC-00002032 | CC-00002152 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 138 | | 11/22/2022 | CC-00002153 | CC-00002244 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 139 | | 11/29/2022 | CC-00002245 | CC-00002364 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 140 | | 12/1/2022 | CC-00002365 | CC-00002378 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 141 | | 11/29/2022 | CC-00002379 | CC-00002468 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 141-A | | 12/2/2022 | CC-00002469 | CC-00002469 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 142 | | 11/30/2022 | CC-00002470 | CC-00002566 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 143 | | 12/1/2022 | CC-00002567 | CC-00002583 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 144 | | 11/8/2022 | CC-00002584 | CC-00002725 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 145 | | 11/15/2022 | CC-00002726 | CC-00002884 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 146 | | 11/18/2022 | CC-00002885 | CC-00003024 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 147 | | 11/22/2022 | CC-00003025 | CC-00003171 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |

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| GX 148 | | 11/22/2022 | CC-00003172 | CC-00003267 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 149 | | 11/30/2022 | CC-00003268 | CC-00003392 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 150 | | 10/23/2020 | CC-00003393 | CC-00003675 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 151 | | 10/15/2020 | CC-00003676 | CC-00003965 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 152 | | 9/29/2020 | CC-00003966 | CC-00004083 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Part--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 153 | | 10/20/2020 | CC-00004084 | CC-00004303 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Part--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 154 | | 10/11/2020 | CC-00004304 | CC-00004545 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 155 | | 10/30/2020 | CC-00004546 | CC-00004769 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 156 | | 20/9/2020 | CC-00004770 | CC-00004958 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 157 | | 10/7/2020 | CC-00004959 | CC-00005146 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Part--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 158 | | 11/15/2022 | CC-00005147 | CC-00005198 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 159 | | 11/18/2022 | CC-00005199 | CC-00005258 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 160 | | 11/29/2022 | CC-00005259 | CC-00005357 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 161 | | 12/8/2022 | CC-00005358 | CC-00005803 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 162 | | | CC-00005804 | CC-00005804 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 163 | | | CC-00005805 | CC-00005805 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 164 | | | CC-00005806 | CC-00005806 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 165 | | | CC-00005807 | CC-00005807 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 166 | | | CC-00005808 | CC-00005808 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 166-A | | 3/4/2020 | CC-00005808.1 | CC-00005808.1 | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | 229 |
| GX 167 | | | CC-00005809 | CC-00005809 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 168 | | | CC-00005810 | CC-00005810 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 259 |
| GX 168-A | | 7/10/2020 | CC-00005810.1 | CC-00005810.1 | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | 258 |
| GX 169 | | | CC-00005811 | CC-00005811 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| GX 171 | | | CC-00005813 | CC-00005813 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 172 | | | CC-00005814 | CC-00005814 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 173 | | | CC-00005815 | CC-00005815 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 174 | | | CC-00005816 | CC-00005816 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 174-A | | | CC-00005816.1 | CC-00005816.1 | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| GX 175 | | | CC-00005817 | CC-00005817 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 175-A | | | CC-00005817.1 | CC-00005817.1 | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| GX 176 | | | CC-00005818 | CC-00005818 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 177 | | | CC-00005819 | CC-00005819 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 178 | | | CC-00005820 | CC-00005820 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 741 |
| GX 179 | | | CC-00005821 | CC-00005821 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 180 | | | CC-00005822 | CC-00005822 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 44 |
| GX 181 | | | CC-00005823 | CC-00005823 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 45 |
| GX 182 | | | CC-00005824 | CC-00005824 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 183 | | | CC-00005825 | CC-00005825 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 183-A | | | CC-00005825.1 | CC-00005825.1 | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| GX 184 | | | CC-00005826 | CC-00005826 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 185 | | | CC-00005827 | CC-00005827 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 186 | | | CC-00005828 | CC-00005828 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 187 | | | CC-00005829 | CC-00005829 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 188 | | | CC-00005830 | CC-00005830 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 189 | | | CC-00005831 | CC-00005831 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 248 |
| GX 189-A | | | CC-00005831.1 | CC-00005831.1 | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | 248 |

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| GX 190 | | | CC-00005832 | CC-00005832 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 191 | | | CC-00005833 | CC-00005833 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 192 | | | CC-00005834 | CC-00005834 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 193 | | | CC-00005835 | CC-00005835 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 49 |
| GX 194 | | | CC-00005836 | CC-00005836 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 195 | | | CC-00005837 | CC-00005837 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 196 | | | CC-00005838 | CC-00005838 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 197 | | | CC-00005839 | CC-00005839 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 198 | | | CC-00005840 | CC-00005840 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 199 | | | CC-00005841 | CC-00005841 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 200 | | 2022 | CC-00005842 | CC-00005842 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 201 | | | CC-00005843 | CC-00005843 | | | Also appears within GX 342 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 202 | | 2022 | CC-00005844 | CC-00005844 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 203 | | 2022 | CC-00005845 | CC-00005847 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| GX 205 | | 2022 | CC-00005849 | CC-00005851 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 206 | | 2022 | CC-00005852 | CC-00005852 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 208 | | 2022 | CC-00005853 | CC-00005853 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 209 | | 2022 | CC-00005854 | CC-00005856 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 211 | | | CC-00005858 | CC-00005859 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 213 | | | CC-00005861 | CC-00005862 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 215 | | | CC-00005864 | CC-00005865 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 217 | | | CC-00005867 | CC-00005868 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 219 | | | CC-00005870 | CC-00005871 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| GX 221 | | | CC-00005873 | CC-00005874 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 223 | | | CC-00005876 | CC-00005878 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 225 | | | CC-00005880 | CC-00005881 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 227 | | | CC-00005883 | CC-00005884 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 229 | | | CC-00005886 | CC-00005887 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 231 | | | CC-00005889 | CC-00005890 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 233 | | | CC-00005892 | CC-00005893 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 235 | | | CC-00005895 | CC-00005896 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 237 | | | CC-00005898 | CC-00005900 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 239 | | | CC-00005902 | CC-00005903 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| GX 241 | | | CC-00005905 | CC-00005910 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| GX 247 | | | CC-00005917 | CC-00005918 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 249 | | | CC-00005920 | CC-00005921 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 251 | | | CC-00005923 | CC-00005924 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 253 | | | CC-00005926 | CC-00005927 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 255 | | | CC-00005929 | CC-00005930 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 257 | | | CC-00005932 | CC-00005934 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 259 | | | CC-00005936 | CC-00005937 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 261 | | | CC-00005939 | CC-00005940 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 263 | | | CC-00005942 | CC-00005943 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 265 | | | CC-00005945 | CC-00005946 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| GX 269 | | | CC-00005951 | CC-00005952 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 271 | | | CC-00005954 | CC-00005955 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 273 | | | CC-00005957 | CC-00005958 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| GX 277 | | | CC-00005965 | CC-00005967 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 279 | | | CC-00005969 | CC-00005970 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 281 | | | CC-00005972 | CC-00005973 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 283 | | | CC-00005975 | CC-00005975 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| GX 285 | | 2022 | CC-00005982 | CC-00005989 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 286 | | 2022 | CC-00005990 | CC-00006000 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 287 | | 2022 | CC-00006001 | CC-00006001 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| GX 289 | | | CC-00006221 | CC-00006222 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 290 | | 5/16/2018 | CC-00006223 | CC-00006226 | INTUIT-FFA-FTC-000151731 | INTUIT-FFA-FTC-000151734 | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 291 | | 5/9/2016 | CC-00006227 | CC-00006231 | INTUIT-FFA-FTC-000243007 | INTUIT-FFA-FTC-000243011 | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 292 | | 5/19/2016 | CC-00006232 | CC-00006241 | INTUIT-FFA-FTC-000114967 | INTUIT-FFA-FTC-000114970 | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 293 | | 10/24/2017 | CC-00006242 | CC-00006275 | INTUIT-FFA-FTC-000150143 | INTUIT-FFA-FTC-000150176 | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 294 | | 10/17/2019 | CC-00006276 | CC-00006312 | INTUIT-FFA-FTC-000462351-001 | INTUIT-FFA-FTC-000462351-037 | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 295 | | 8/22/2017 | CC-00006313 | CC-00006355 | INTUIT-FFA-FTC-000255861 | INTUIT-FFA-FTC-000255903 | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 296 | | 6/6/2019 | CC-00006356 | CC-00006409 | INTUIT-FFA-FTC-000067103 | INTUIT-FFA-FTC-000067156 | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Part--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 297 | | 9/20/2018 | CC-00006410 | CC-00006440 | INTUIT-FFA-FTC-000478239 | INTUIT-FFA-FTC-000478240-030 | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Part--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 298 | | 11/1/2018 | CC-00006441 | CC-00006458 | INTUIT-FFA-FTC-000105757 | INTUIT-FFA-FTC-000105774 | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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|----------------|-------------|-----------------------------|---------------|-----------------------------|---------------|--------------------------|-----------|-------------------------|-----------|----------------|---|-----------|--|
| | | No. Begin Bates | No. End Bates | No. Begin Bates | No. End Bates | Begin Bates | End Bates | Begin Bates | End Bates | | | | |
| GX 299 | | CC-00006459 | CC-00006459 | CC-00006459 | CC-00006459 | INTUIT-FFA-FTC-000169121 | | | | RX 1109 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 300 | | CC-00006460 | CC-00006460 | CC-00006460 | CC-00006460 | INTUIT-FFA-FTC-000528222 | | | | RX 1106 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 301 | | CC-00006461 | CC-00006461 | CC-00006461 | CC-00006461 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 302 | | CC-00006490 | CC-00006490 | CC-00006503 | CC-00006503 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 303 | | CC-00006504 | CC-00006504 | CC-00006615 | CC-00006615 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 388, 422, 425, 433, 455, 473, 497, 528 |
| GX 304 | | CC-00006616 | CC-00006616 | CC-00006619 | CC-00006619 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 305 | | CC-00006620 | CC-00006620 | CC-00006630 | CC-00006630 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 306 | | CC-00006631 | CC-00006631 | CC-00006635 | CC-00006635 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 307 | | CC-00006636 | CC-00006636 | CC-00006636 | CC-00006636 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 308 | | CC-00006637 | CC-00006637 | CC-00006641 | CC-00006641 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 309 | | CC-00006642 | CC-00006642 | CC-00006642 | CC-00006642 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 310 | | CC-00006643 | CC-00006643 | CC-00006650 | CC-00006650 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 311 | | CC-00006651 | CC-00006651 | CC-00006665 | CC-00006665 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 312 | | CC-00006666 | CC-00006666 | CC-00006690 | CC-00006690 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 313 | | CC-00006691 | CC-00006691 | CC-00006714 | CC-00006714 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 314 | | CC-00006715 | CC-00006715 | CC-00006718 | CC-00006718 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 315 | | CC-00006719 | CC-00006719 | CC-00006723 | CC-00006723 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 316 | | CC-00006724 | CC-00006724 | CC-00006776 | CC-00006776 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 317 | | CC-00006777 | CC-00006777 | CC-00006778 | CC-00006778 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 318 | | CC-00006779 | CC-00006779 | CC-00006780 | CC-00006780 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 319 | | CC-00006781 | CC-00006781 | CC-00006789 | CC-00006789 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 320 | | CC-00006790 | CC-00006790 | CC-00006793 | CC-00006793 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 321 | | CC-00006794 | CC-00006794 | CC-00006794 | CC-00006794 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| GX 322 | | | CC-00006795 | CC-00006798 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 323 | | | CC-00006799 | CC-00006799 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 33, 660, 715 |
| GX 324 | | | CC-00006800 | CC-00006800 | INTUIT-FFA-FTC-000169116 | | RX 1007 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 325 | | | CC-00006801 | CC-00006801 | INTUIT-FFA-FTC-000528212 | | RX 1006 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 326 | | | CC-00006802 | CC-00006802 | | | RX 1113 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 327 | | | CC-00006803 | CC-00006803 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 328 | | | CC-00006804 | CC-00006804 | INTUIT-FFA-FTC-000169120 | | RX 1107 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 329 | | | CC-00006805 | CC-00006805 | INTUIT-FFA-FTC-000528222 | | RX 1106 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 330 | | | CC-00006806 | CC-00006806 | INTUIT-FFA-FTC-000528226 | | RX 1117 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 331 | | | CC-00006807 | CC-00006807 | INTUIT-FFA-FTC-000528225 | | RX 1108 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 332 | | | CC-00006808 | CC-00006808 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 333 | | | CC-00006809 | CC-00006809 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 334 | | | CC-00006810 | CC-00006816 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 335 | | | CC-00006817 | CC-00006827 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 336 | | | CC-00006828 | CC-00006836 | | | RX 1518 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 337 | | | CC-00006837 | CC-00006842 | | | RX 095, RX 1519 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 340 | | 2018 | CC-00006843 | CC-00006896 | INTUIT-FFA-FTC-000169646 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 55, 128, 722, 816, 834 |
| GX 341 | | | CC-00006897 | CC-00006904 | INTUIT-FFA-FTC-000210399 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 54, 80, 713, 815 |
| GX 342 | | 6/9/2022 | CC-00006905 | CC-00007010 | | | Portions admitted as separate exhibits (marked in this column) | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 232 |
| GX 343 | | 5/5/2022 | CC-00007011 | CC-00007012 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 344 | | | CC-00007013 | CC-00007013 | INTUIT-FFA-FTC-000528209 | | RX 1101 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 345 | | | CC-00007014 | CC-00007014 | INTUIT-FFA-FTC-000169117 | | RX 1098 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| GX 346 | | | CC-00007015 | CC-00007015 | INTUIT-FFA-FTC-000528210 | | RX 1097 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 347 | | | CC-00007016 | CC-00007016 | INTUIT-FFA-FTC-000528211 | | RX 1096 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 348 | | | CC-00007017 | CC-00007017 | INTUIT-FFA-FTC-000528219 | | RX 1104 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 349 | | | CC-00007018 | CC-00007018 | INTUIT-FFA-FTC-000169119 | | RX 1103 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 350 | | | CC-00007019 | CC-00007019 | INTUIT-FFA-FTC-000169122 | | RX 1111 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 351 | | | CC-00007020 | CC-00007020 | INTUIT-FFA-FTC-000528221 | | RX 1118 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 352 | | 3/24/2022 | CC-00007021 | CC-00007022 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 353 | | 12/3/2018 | CC-00007023 | CC-00007024 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 354 | | 9/13/2011 | CC-00007025 | CC-00007034 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 355 | | 11/20/2007 | CC-00007035 | CC-00007046 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 356 | | | CC-00007047 | CC-00007047 | INTUIT-FFA-FTC-000528223 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 357 | | 9/20/2019 | CC-00007048 | CC-00007048 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 358 | | | CC-00007049 | CC-00007049 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 359 | | 8/9/2022 | CC-00007050 | CC-00007095 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 360 | | 1/30/2001 | CC-00007096 | CC-00007098 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 361 | | 8/2/2022 | CC-00007099 | CC-00007100 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 362 | | 8/17/2009 | CC-00007101 | CC-00007107 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 363 | | 4/7/2020 | CC-00007108 | CC-00007110 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 364 | | 8/16/2018 | CC-00007111 | CC-00007133 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 365 | | 4/20/2009 | CC-00007134 | CC-00007137 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 366 | | 9/26/2017 | CC-00007138 | CC-00007142 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 367 | | 2/28/2019 | CC-00007143 | CC-00007144 | | | RX 281 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 368 | | 4/29/2019 | CC-00007145 | CC-00007146 | | | RX 115 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 369 | | | CC-00007147 | CC-00007147 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |

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| GX 370 | | | CC-00007148 | CC-00007149 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 371 | | 4/11/2018 | CC-00007150 | CC-00007151 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 372 | | 12/18/2016 | CC-00007152 | CC-00007154 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 373 | | 2/6/2017 | CC-00007155 | CC-00007157 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 374 | | 12/10/2017 | CC-00007158 | CC-00007160 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | 35 |
| GX 375 | | 1/14/2018 | CC-00007161 | CC-00007162 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 376 | | 1/20/2018 | CC-00007163 | CC-00007164 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 377 | | 12/9/2018 | CC-00007165 | CC-00007166 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 378 | | 12/23/2018 | CC-00007167 | CC-00007168 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 379 | | 1/4/2019 | CC-00007169 | CC-00007170 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 380 | | 2/5/2019 | CC-00007171 | CC-00007172 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 381 | | 2/10/2019 | CC-00007173 | CC-00007174 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 382 | | 12/22/2019 | CC-00007175 | CC-00007176 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 383 | | 1/17/2020 | CC-00007177 | CC-00007179 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | 40 |
| GX 384 | | | CC-00007180 | CC-00007180 | | | Also appears within GX 342 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 385 | | | CC-00007181 | CC-00007181 | | | Also appears within GX 342 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 386 | | 1/5/2020 | CC-00007182 | CC-00007182 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 387 | | 4/4/2019 | CC-00007183 | CC-00007183 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 388 | | 12/9/2016 | CC-00007184 | CC-00007184 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | 34 |
| GX 389 | | 1/13/2017 | CC-00007185 | CC-00007185 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 390 | | 1/20/2017 | CC-00007186 | CC-00007186 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 391 | | | CC-00007187 | CC-00007191 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 392 | | 1/25/2022 | CC-00007192 | CC-00007247 | INTUIT-FTC-PART3-000489526 | INTUIT-FTC-PART3-000489526 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 393 | | 9/16/2021 | CC-00007248 | CC-00007324 | INTUIT-FTC-PART3-000485097 | INTUIT-FTC-PART3-000485173 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |

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| GX 394 | | 10/22/2021 | CC-00007325 | CC-00007337 | INTUIT-FTC-PART3-000489337 | INTUIT-FTC-PART3-000489349 | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 395 | | 2/22/2022 | CC-00007338 | CC-00007340 | INTUIT-FTC-PART3-000485307 | INTUIT-FTC-PART3-000485309 | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 396 | | 6/2/2021 | CC-00007341 | CC-00007348 | INTUIT-FTC-PART3-000489271 | INTUIT-FTC-PART3-000489278 | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 397 | | 1/21/2022 | CC-00007349 | CC-00007360 | INTUIT-FTC-PART3-000489224 | INTUIT-FTC-PART3-000489235 | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 398 | | | CC-00007361 | CC-00007390 | INTUIT-FTC-PART3-000489236 | INTUIT-FTC-PART3-000489265 | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 399 | | | CC-00007391 | CC-00007420 | INTUIT-FTC-PART3-000489380 | INTUIT-FTC-PART3-000489409 | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 400 | | | CC-00007421 | CC-00007434 | INTUIT-FTC-PART3-000489323 | INTUIT-FTC-PART3-000489336 | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 401 | | | CC-00007435 | CC-00007464 | INTUIT-FTC-PART3-000489350 | INTUIT-FTC-PART3-000489379 | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 402 | | 11/5/2021 | CC-00007465 | CC-00007484 | INTUIT-FTC-PART3-000489544 | INTUIT-FTC-PART3-000489583 | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 403 | | | CC-00007485 | CC-00007501 | INTUIT-FTC-PART3-000489527 | INTUIT-FTC-PART3-000489543 | GX 410 (native version) | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 404 | | 10/14/2022 | CC-00007502 | CC-00007508 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 405 | | 11/10/2022 | CC-00007509 | CC-00007514 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 406 | | 10/14/2022 | CC-00007515 | CC-00007516 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 407 | | 11/14/2022 | CC-00007517 | CC-00007528 | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 408 | | 7/14/2016 | CC-00007529 | CC-00007531 | INTUIT-FFA-FTC-000170388 | INTUIT-FFA-FTC-000170390 | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 409 | | 11/14/2022 | CC-00007532 | CC-00007545 | INTUIT-FFA-FTC-000170391 | INTUIT-FFA-FTC-000170404 | GX 409-A (PDF as produced) | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 409-A | | 11/14/2022 | CC-00007546 | CC-00007559 | INTUIT-FFA-FTC-000170391 | INTUIT-FFA-FTC-000170404 | GX 409 (PDF from native version) | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 410 | | | CC-00007560 | CC-00007560 | INTUIT-FTC-PART3-000489527 | | GX 403 (PDF version) | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 411 | | | CC-00007561 | CC-00007571 | INTUIT-FFA-FTC-000434237 | INTUIT-FFA-FTC-000434247 | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 412 | | 2/5/2019 | CC-00007572 | CC-00007577 | INTUIT-FFA-FTC-000482473 | INTUIT-FFA-FTC-000482478 | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 413 | | | CC-00007578 | CC-00007579 | INTUIT-FFA-FTC-000485351 | INTUIT-FFA-FTC-000485352 | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 414 | | 1/22/2019 | CC-00007580 | CC-00007581 | INTUIT-FFA-FTC-000478461 | INTUIT-FFA-FTC-000478462 | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 415 | | 1/21/2019 | CC-00007582 | CC-00007597 | INTUIT-FFA-FTC-000478463 | INTUIT-FFA-FTC-000478478 | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 416 | | 5/31/2018 | CC-00007598 | CC-00007674 | INTUIT-FFA-FTC-000434361 | INTUIT-FFA-FTC-000434437 | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |

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| GX 417 | | 7/11/2019 | CC-00007675 | CC-00007675 | INTUIT-FFA-FTC-000132348 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 418 | | | CC-00007676 | CC-00007676 | INTUIT-FFA-FTC-000132349 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 419 | | | CC-00007677 | CC-00007677 | INTUIT-FFA-FTC-000268158 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 420 | | | CC-00007678 | CC-00007678 | INTUIT-FFA-FTC-000429728 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 421 | | | CC-00007679 | CC-00007679 | INTUIT-FFA-FTC-000427191 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 422 | | | CC-00007680 | CC-00007680 | INTUIT-FFA-FTC-000169129 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 423 | | | CC-00007681 | CC-00007681 | INTUIT-FFA-FTC-000264139 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 424 | | | CC-00007682 | CC-00007682 | INTUIT-FFA-FTC-000267960 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 425 | | 3/12/2018 | CC-00007683 | CC-00007683 | INTUIT-FFA-FTC-000212612 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 426 | | | CC-00007684 | CC-00007685 | INTUIT-FFA-FTC-000212613 | INTUIT-FFA-FTC-000212614 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 427 | | 3/13/2019 | CC-00007686 | CC-00007687 | INTUIT-FFA-FTC-000131981 | INTUIT-FFA-FTC-000131982 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 428 | | 2019 | CC-00007688 | CC-00007689 | INTUIT-FFA-FTC-000066940 | INTUIT-FFA-FTC-000067102 | RX 049 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | 646 |
| GX 430 | | 7/1/2017 | CC-00007851 | CC-00007851 | INTUIT-FTC-PART3-00490334 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 431 | | | CC-00007852 | CC-00007852 | INTUIT-FTC-PART3-000490335 | | summarized on GX Summary 001 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Part-Order on Motions for In Camera Treatment (Apr. 24, 2023) | 293 |
| GX 432 | | | CC-00007853 | CC-00007853 | INTUIT-FTC-PART3-000490336 | | summarized on GX Summary 001 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Part-Order on Motions for In Camera Treatment (Apr. 24, 2023) | 294 |
| GX 433 | | | CC-00007854 | CC-00007854 | INTUIT-FTC-PART3-000490337 | | summarized on GX Summary 001 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Part-Order on Motions for In Camera Treatment (Apr. 24, 2023) | 295 |
| GX 434 | | | CC-00007855 | CC-00007855 | INTUIT-FTC-PART3-000490338 | | RX 1030; summarized on GX Summary 002 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Part-Order on Motions for In Camera Treatment (Apr. 24, 2023) | 329 |
| GX 435 | | | CC-00007856 | CC-00007856 | INTUIT-FTC-PART3-000490339 | | RX 815 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Part-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 436 | | | CC-00007857 | CC-00007857 | INTUIT-FTC-PART3-000490439 | | summarized on GX Summary 001 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Part-Order on Motions for In Camera Treatment (Apr. 24, 2023) | 296 |
| GX 437 | | 6/29/2021 | CC-00007858 | CC-00007858 | INTUIT-FTC-PART3-000490440 | | summarized on GX Summary 001 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Part-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 438 | | 4/1/2022 | CC-00007859 | CC-00007866 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 439 | | 8/29/2022 | CC-00007867 | CC-00007877 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 440 | | 3/18/2019 | CC-00007878 | CC-00007888 | INTUIT-FTC-PART3-000488615 | INTUIT-FTC-PART3-000488625 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 441 | | | CC-00007889 | CC-00007929 | INTUIT-FTC-PART3-000486724-001 | INTUIT-FTC-PART3-000486724-041 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |

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| GX 442 | | | CC-00007930 | CC-00008026 | INTUIT-FTC-PART3-000487379 | INTUIT-FTC-PART3-000487475 | GX 649 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 443 | | 1/7/2021 | CC-00008027 | CC-00008055 | INTUIT-FTC-PART3-000486514 | INTUIT-FTC-PART3-000486515-028 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | 320, 793 |
| GX 444 | | | CC-00008056 | CC-00008056 | INTUIT-FTC-PART3-000485804 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 445 | | 7/22/2018 | CC-00008057 | CC-00008065 | INTUIT-FFA-FTC-000054680 | INTUIT-FFA-FTC-000054688 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 446 | | | CC-00008066 | CC-00008082 | INTUIT-FTC-PART3-000485449 | INTUIT-FTC-PART3-000485465 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 447 | | 2/14/2021 | CC-00008083 | CC-00008121 | INTUIT-FTC-PART3-000485310 | INTUIT-FTC-PART3-000485348 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 447-A | | 2/14/2021 | CC-00008122 | CC-00008160 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 448 | | 8/30/2018 | CC-00008161 | CC-00008163 | INTUIT-FFA-FTC-000153386 | INTUIT-FFA-FTC-000153388 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 448-A | | | CC-00008164 | CC-00008274 | INTUIT-FFA-FTC-000153389 | INTUIT-FFA-FTC-000153493 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 448-B | | | CC-00008275 | CC-00008461 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 449 | | 11/11/2015 | CC-00008462 | CC-00008464 | INTUIT-FFA-FTC-000143908 | INTUIT-FFA-FTC-000143910 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 450 | | 11/16/2015 | CC-00008465 | CC-00008474 | INTUIT-FFA-FTC-000487093 | INTUIT-FFA-FTC-000487102 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 451 | | 1/11/2022 | CC-00008475 | CC-00008535 | INTUIT-FTC-PART3-000485555 | INTUIT-FTC-PART3-000485615 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 452 | | | CC-00008536 | CC-00008723 | INTUIT-FTC-PART3-000485616 | INTUIT-FTC-PART3-000485603 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 452-A | | | CC-00008724 | CC-00008968 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 453 | | 3/25/2021 | CC-00008969 | CC-00009021 | INTUIT-FTC-PART3-000485349 | INTUIT-FTC-PART3-000485401 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 453-A | | 3/25/2021 | CC-00009022 | CC-00009106 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 454 | | 4/11/2019 | CC-00009107 | CC-00009149 | INTUIT-FFA-FTC-000207322 | INTUIT-FFA-FTC-000207364 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 455 | | 3/6/2019 | CC-00009150 | CC-00009256 | INTUIT-FFA-FTC-000057829 | INTUIT-FFA-FTC-000057935 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 456 | | 12/1/2020 | CC-00009257 | CC-00009303 | INTUIT-FTC-PART3-000485402 | INTUIT-FTC-PART3-000485448 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 457 | | | CC-00009304 | CC-00009514 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 458 | | 4/5/2019 | CC-00009515 | CC-00009516 | INTUIT-FFA-FTC-000207170 | INTUIT-FFA-FTC-000207171 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 458-A | | 4/5/2019 | CC-00009517 | CC-00009534 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 459 | | | CC-00009535 | CC-00009535 | | | Also appears within GX 342 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| GX 460 | | 9/1/2020 | CC-00009536 | CC-00009574 | INTUIT-FTC-PART3-(TBD)-001 | INTUIT-FTC-PART3-(TBD)-039 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 364, 501, 735, 821, 876 |
| GX 461 | | | CC-00009575 | CC-00009651 | INTUIT-FTC-PART3-000486134 | INTUIT-FTC-PART3-000486210 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 462 | | 1/17/2018 | CC-00009652 | CC-00009653 | INTUIT-FFA-FTC-000057362 | INTUIT-FFA-FTC-000057363 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 463 | | 10/23/2018 | CC-00009654 | CC-00009681 | INTUIT-FFA-FTC-000057364 | INTUIT-FFA-FTC-000057391 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 464 | | 2/12/2019 | CC-00009682 | CC-00009683 | INTUIT-FFA-FTC-000206469 | INTUIT-FFA-FTC-000206470 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 465 | | 2/12/2019 | CC-00009684 | CC-00009732 | INTUIT-FFA-FTC-000206471 | INTUIT-FFA-FTC-000206524 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 466 | | 4/5/2019 | CC-00009733 | CC-00009735 | INTUIT-FFA-FTC-000207189 | INTUIT-FFA-FTC-000207191 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 467 | | 4/2/2019 | CC-00009736 | CC-00009797 | INTUIT-FFA-FTC-000207192 | INTUIT-FFA-FTC-000207253 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 468 | | 1/31/2022 | CC-00009798 | CC-00009799 | INTUIT-FTC-PART3-000487067 | INTUIT-FTC-PART3-000487068 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 469 | | 3/27/2022 | CC-00009800 | CC-00009806 | INTUIT-FFA-FTC-000155917 | INTUIT-FFA-FTC-000155923 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 470 | | 3/20/2019 | CC-00009807 | CC-00009844 | INTUIT-FFA-FTC-000155924 | INTUIT-FFA-FTC-000155960 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 471 | | 4/11/2019 | CC-00009845 | CC-00009815 | INTUIT-FFA-FTC-000058151 | INTUIT-FFA-FTC-000058221 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 472 | | | CC-00009816 | CC-00009816 | INTUIT-FTC-PART3-00048691 | INTUIT-FTC-PART3-00048691 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 473 | | | CC-00009917 | CC-00010027 | INTUIT-FTC-PART3-00048696 | INTUIT-FTC-PART3-00048696 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 474 | | | CC-00010028 | CC-00010028 | INTUIT-FTC-PART3-000490340 | INTUIT-FTC-PART3-000490340 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 475 | | | CC-00010029 | CC-00010029 | INTUIT-FTC-PART3-000490341 | INTUIT-FTC-PART3-000490341 | RX 816 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 669, 1415, 1419, 1466, 1472, 1481 |
| GX 476 | | 12/9/2022 | CC-00010030 | CC-00010141 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 477 | | | CC-00010142 | CC-00010142 | | | Also appears within GX 342 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 50, 252 |
| GX 478 | | | CC-00010143 | CC-00010143 | | | Also appears within GX 342 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 479 | | | CC-00010144 | CC-00010144 | | | Also appears within GX 342 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 480 | | | CC-00010145 | CC-00010145 | | | Also appears within GX 342 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 255 |
| GX 481 | | | CC-00010146 | CC-00010146 | | | Also appears within GX 342 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 482 | | | CC-00010147 | CC-00010147 | | | Also appears within GX 342 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 483 | | | CC-00010148 | CC-00010148 | | | Also appears within GX 342 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| Exhibit Number | Description | Date | Complaint Counsel Control No. Begin Bates | Complaint Counsel Control No. End Bates | Intuit/Other Production Begin Bates | Intuit/Other Production End Bates | Also Marked As | Admitted | In Camera | Trial Transcript Citation |
|----------------|-------------|-----------|---|---|-------------------------------------|-----------------------------------|----------------------------|---|---|---------------------------|
| GX 485-A | | 3/31/2022 | CC-00010148.1 | CC-00010148.1 | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| GX 484 | | | CC-00010149 | CC-00010149 | | | Also appears within GX 342 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 485 | | | CC-00010150 | CC-00010150 | | | Also appears within GX 342 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 486 | | | CC-00010151 | CC-00010151 | | | Also appears within GX 342 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 357, 372 |
| GX 487 | | | CC-00010152 | CC-00010152 | | | Also appears within GX 342 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 488 | | | CC-00010153 | CC-00010153 | | | Also appears within GX 342 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 489 | | | CC-00010154 | CC-00010154 | | | Also appears within GX 342 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 490 | | | CC-00010155 | CC-00010155 | | | Also appears within GX 342 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 491 | | | CC-00010156 | CC-00010156 | | | Also appears within GX 342 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 492 | | | CC-00010157 | CC-00010157 | | | Also appears within GX 342 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 493 | | | CC-00010158 | CC-00010158 | | | Also appears within GX 342 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 494 | | | CC-00010159 | CC-00010159 | | | Also appears within GX 342 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 495 | | | CC-00010160 | CC-00010160 | | | Also appears within GX 342 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 496 | | | CC-00010161 | CC-00010161 | | | Also appears within GX 342 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 497 | | | CC-00010162 | CC-00010162 | | | Also appears within GX 342 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 498 | | | CC-00010163 | CC-00010163 | | | Also appears within GX 342 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 499 | | | CC-00010164 | CC-00010164 | | | Also appears within GX 342 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 500 | | 1/26/2019 | CC-00010165 | CC-00010167 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 501 | | 1/13/2020 | CC-00010168 | CC-00010170 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 502 | | 3/28/2022 | CC-00010171 | CC-00012468 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 503 | | 3/28/2022 | CC-00012469 | CC-00012477 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 504 | | 8/31/2022 | CC-00012478 | CC-00013150 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| GX 505 | | | CC-00013151 | CC-00013151 | INTUIT-FTC-PART3-000000025 | INTUIT-FTC-PART3-000000025 | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 506 | | | CC-00013152 | CC-00013152 | INTUIT-FTC-PART3-000000029 | INTUIT-FTC-PART3-000000029 | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 44 |

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|----------------|-------------|------|---|---|-------------------------------------|-----------------------------------|----------------|--|-----------|---------------------------|
| GX 507 | | | CC-00013153 | CC-00013153 | INTUIT-FTC-PART3-00000030 | INTUIT-FTC-PART3-00000030 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 508 | | | CC-00013154 | CC-00013154 | INTUIT-FTC-PART3-00000031 | INTUIT-FTC-PART3-00000031 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 509 | | | CC-00013155 | CC-00013155 | INTUIT-FTC-PART3-00000034 | INTUIT-FTC-PART3-00000034 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 510 | | | CC-00013156 | CC-00013156 | INTUIT-FTC-PART3-00000037 | INTUIT-FTC-PART3-00000037 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 511 | | | CC-00013157 | CC-00013157 | INTUIT-FTC-PART3-00000038 | INTUIT-FTC-PART3-00000038 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 43 |
| GX 512 | | | CC-00013158 | CC-00013158 | INTUIT-FTC-PART3-00000041 | INTUIT-FTC-PART3-00000041 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 513 | | | CC-00013159 | CC-00013159 | INTUIT-FTC-PART3-00000044 | INTUIT-FTC-PART3-00000044 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 514 | | | CC-00013160 | CC-00013160 | INTUIT-FTC-PART3-00000045 | INTUIT-FTC-PART3-00000045 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 515 | | | CC-00013161 | CC-00013161 | INTUIT-FTC-PART3-00000046 | INTUIT-FTC-PART3-00000046 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 516 | | | CC-00013162 | CC-00013162 | INTUIT-FTC-PART3-00000047 | INTUIT-FTC-PART3-00000047 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 517 | | | CC-00013163 | CC-00013163 | INTUIT-FTC-PART3-00000050 | INTUIT-FTC-PART3-00000050 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 518 | | | CC-00013164 | CC-00013164 | INTUIT-FTC-PART3-00000051 | INTUIT-FTC-PART3-00000051 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 519 | | | CC-00013165 | CC-00013165 | INTUIT-FTC-PART3-00000052 | INTUIT-FTC-PART3-00000052 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 520 | | | CC-00013166 | CC-00013166 | INTUIT-FTC-PART3-00000055 | INTUIT-FTC-PART3-00000055 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 521 | | | CC-00013167 | CC-00013167 | INTUIT-FTC-PART3-00000056 | INTUIT-FTC-PART3-00000056 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 522 | | | CC-00013168 | CC-00013168 | INTUIT-FTC-PART3-00000057 | INTUIT-FTC-PART3-00000057 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 523 | | | CC-00013169 | CC-00013169 | INTUIT-FTC-PART3-00000058 | INTUIT-FTC-PART3-00000058 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 524 | | | CC-00013170 | CC-00013170 | INTUIT-FTC-PART3-00000061 | INTUIT-FTC-PART3-00000061 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 525 | | | CC-00013171 | CC-00013171 | INTUIT-FTC-PART3-00000069 | INTUIT-FTC-PART3-00000069 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 526 | | | CC-00013172 | CC-00013172 | INTUIT-FTC-PART3-00000070 | INTUIT-FTC-PART3-00000070 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 527 | | | CC-00013173 | CC-00013173 | INTUIT-FTC-PART3-00000073 | INTUIT-FTC-PART3-00000073 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 528 | | | CC-00013174 | CC-00013174 | INTUIT-FTC-PART3-00000082 | INTUIT-FTC-PART3-00000082 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 529 | | | CC-00013175 | CC-00013175 | INTUIT-FTC-PART3-00000085 | INTUIT-FTC-PART3-00000085 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 530 | | | CC-00013176 | CC-00013176 | INTUIT-FTC-PART3-00000086 | INTUIT-FTC-PART3-00000086 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| GX 531 | | | CC-00013177 | CC-00013177 | INTUIT-FTC-PART3-00000087 | INTUIT-FTC-PART3-00000087 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 532 | | | CC-00013178 | CC-00013178 | INTUIT-FTC-PART3-00000088 | INTUIT-FTC-PART3-00000088 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 533 | | | CC-00013179 | CC-00013179 | INTUIT-FTC-PART3-00000089 | INTUIT-FTC-PART3-00000089 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 534 | | | CC-00013180 | CC-00013180 | INTUIT-FTC-PART3-00000092 | INTUIT-FTC-PART3-00000092 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 535 | | | CC-00013181 | CC-00013181 | INTUIT-FTC-PART3-00000093 | INTUIT-FTC-PART3-00000093 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 536 | | | CC-00013182 | CC-00013182 | INTUIT-FTC-PART3-00000097 | INTUIT-FTC-PART3-00000097 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 537 | | | CC-00013183 | CC-00013183 | INTUIT-FTC-PART3-00000108 | INTUIT-FTC-PART3-00000108 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 538 | | | CC-00013184 | CC-00013184 | INTUIT-FTC-PART3-00000114 | INTUIT-FTC-PART3-00000114 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 539 | | | CC-00013185 | CC-00013185 | INTUIT-FTC-PART3-00000121 | INTUIT-FTC-PART3-00000121 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 47 |
| GX 540 | | | CC-00013186 | CC-00013186 | INTUIT-FTC-PART3-00000128 | INTUIT-FTC-PART3-00000128 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 541 | | | CC-00013187 | CC-00013187 | INTUIT-FTC-PART3-00000131 | INTUIT-FTC-PART3-00000131 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 542 | | | CC-00013188 | CC-00013188 | INTUIT-FTC-PART3-00000140 | INTUIT-FTC-PART3-00000140 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 543 | | | CC-00013189 | CC-00013189 | INTUIT-FTC-PART3-00000143 | INTUIT-FTC-PART3-00000143 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 544 | | | CC-00013190 | CC-00013190 | INTUIT-FTC-PART3-00000145 | INTUIT-FTC-PART3-00000145 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 545 | | | CC-00013191 | CC-00013191 | INTUIT-FTC-PART3-00000146 | INTUIT-FTC-PART3-00000146 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 733 |
| GX 546 | | | CC-00013192 | CC-00013192 | INTUIT-FTC-PART3-00000147 | INTUIT-FTC-PART3-00000147 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 547 | | | CC-00013193 | CC-00013193 | INTUIT-FTC-PART3-00000150 | INTUIT-FTC-PART3-00000150 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 548 | | | CC-00013194 | CC-00013194 | INTUIT-FTC-PART3-00000184 | INTUIT-FTC-PART3-00000184 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 549 | | | CC-00013195 | CC-00013195 | INTUIT-FTC-PART3-00000185 | INTUIT-FTC-PART3-00000185 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 550 | | | CC-00013196 | CC-00013196 | INTUIT-FTC-PART3-00000188 | INTUIT-FTC-PART3-00000188 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 551 | | | CC-00013197 | CC-00013197 | INTUIT-FTC-PART3-00000198 | INTUIT-FTC-PART3-00000198 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 552 | | | CC-00013198 | CC-00013198 | INTUIT-FTC-PART3-00000199 | INTUIT-FTC-PART3-00000199 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 553 | | | CC-00013199 | CC-00013199 | INTUIT-FTC-PART3-00000200 | INTUIT-FTC-PART3-00000200 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 554 | | | CC-00013200 | CC-00013200 | INTUIT-FTC-PART3-00000202 | INTUIT-FTC-PART3-00000202 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| GX 555 | | | CC-00013201 | CC-00013201 | INTUIT-FTC-PART3-00000204 | INTUIT-FTC-PART3-00000204 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 582 |
| GX 556 | | | CC-00013202 | CC-00013202 | INTUIT-FTC-PART3-00000205 | INTUIT-FTC-PART3-00000205 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 557 | | | CC-00013203 | CC-00013203 | INTUIT-FTC-PART3-00000208 | INTUIT-FTC-PART3-00000208 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 558 | | | CC-00013204 | CC-00013204 | INTUIT-FTC-PART3-00000213 | INTUIT-FTC-PART3-00000213 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 559 | | | CC-00013205 | CC-00013205 | INTUIT-FTC-PART3-00000216 | INTUIT-FTC-PART3-00000216 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 560 | | | CC-00013206 | CC-00013206 | INTUIT-FTC-PART3-00000240 | INTUIT-FTC-PART3-00000240 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 561 | | | CC-00013207 | CC-00013207 | INTUIT-FTC-PART3-00000252 | INTUIT-FTC-PART3-00000252 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 562 | | | CC-00013208 | CC-00013208 | INTUIT-FTC-PART3-00000260 | INTUIT-FTC-PART3-00000260 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 563 | | | CC-00013209 | CC-00013209 | INTUIT-FTC-PART3-00000270 | INTUIT-FTC-PART3-00000270 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 564 | | | CC-00013210 | CC-00013210 | INTUIT-FTC-PART3-00000294 | INTUIT-FTC-PART3-00000294 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 565 | | | CC-00013211 | CC-00013211 | INTUIT-FTC-PART3-00000295 | INTUIT-FTC-PART3-00000295 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 566 | | | CC-00013212 | CC-00013212 | INTUIT-FTC-PART3-00000297 | INTUIT-FTC-PART3-00000297 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 567 | | | CC-00013213 | CC-00013213 | INTUIT-FTC-PART3-00000309 | INTUIT-FTC-PART3-00000309 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 568 | | | CC-00013214 | CC-00013214 | INTUIT-FTC-PART3-00000311 | INTUIT-FTC-PART3-00000311 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 569 | | | CC-00013215 | CC-00013215 | INTUIT-FTC-PART3-00000312 | INTUIT-FTC-PART3-00000312 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 570 | | | CC-00013216 | CC-00013216 | INTUIT-FTC-PART3-00000316 | INTUIT-FTC-PART3-00000316 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 571 | | | CC-00013217 | CC-00013217 | INTUIT-FTC-PART3-00000317 | INTUIT-FTC-PART3-00000317 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 572 | | | CC-00013218 | CC-00013218 | INTUIT-FTC-PART3-00000318 | INTUIT-FTC-PART3-00000318 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 573 | | | CC-00013219 | CC-00013219 | INTUIT-FTC-PART3-00000319 | INTUIT-FTC-PART3-00000319 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 574 | | | CC-00013220 | CC-00013220 | INTUIT-FTC-PART3-00000323 | INTUIT-FTC-PART3-00000323 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 575 | | | CC-00013221 | CC-00013221 | INTUIT-FTC-PART3-00000331 | INTUIT-FTC-PART3-00000331 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 576 | | | CC-00013222 | CC-00013222 | INTUIT-FTC-PART3-00000332 | INTUIT-FTC-PART3-00000332 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 577 | | | CC-00013223 | CC-00013223 | INTUIT-FTC-PART3-00000333 | INTUIT-FTC-PART3-00000333 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 578 | | | CC-00013224 | CC-00013224 | INTUIT-FTC-PART3-00000334 | INTUIT-FTC-PART3-00000334 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| GX 579 | | | CC-00013225 | CC-00013225 | INTUIT-FTC-PART3-00000335 | INTUIT-FTC-PART3-00000335 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 580 | | | CC-00013226 | CC-00013226 | INTUIT-FTC-PART3-00000342 | INTUIT-FTC-PART3-00000342 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 581 | | | CC-00013227 | CC-00013227 | INTUIT-FTC-PART3-00000344 | INTUIT-FTC-PART3-00000344 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 582 | | | CC-00013228 | CC-00013228 | INTUIT-FTC-PART3-00000345 | INTUIT-FTC-PART3-00000345 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 583 | | | CC-00013229 | CC-00013229 | INTUIT-FTC-PART3-00000356 | INTUIT-FTC-PART3-00000356 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 584 | | | CC-00013230 | CC-00013230 | INTUIT-FTC-PART3-00000359 | INTUIT-FTC-PART3-00000359 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 585 | | | CC-00013231 | CC-00013231 | INTUIT-FTC-PART3-00000373 | INTUIT-FTC-PART3-00000373 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 586 | | | CC-00013232 | CC-00013232 | INTUIT-FTC-PART3-00000374 | INTUIT-FTC-PART3-00000374 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 587 | | | CC-00013233 | CC-00013233 | INTUIT-FTC-PART3-00000375 | INTUIT-FTC-PART3-00000375 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 588 | | | CC-00013234 | CC-00013234 | INTUIT-FTC-PART3-00000396 | INTUIT-FTC-PART3-00000396 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 589 | | | CC-00013235 | CC-00013235 | INTUIT-FTC-PART3-00000398 | INTUIT-FTC-PART3-00000398 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 590 | | | CC-00013236 | CC-00013236 | INTUIT-FTC-PART3-00000401 | INTUIT-FTC-PART3-00000401 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 591 | | | CC-00013237 | CC-00013237 | INTUIT-FTC-PART3-00000405 | INTUIT-FTC-PART3-00000405 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 592 | | | CC-00013238 | CC-00013238 | INTUIT-FTC-PART3-00000419 | INTUIT-FTC-PART3-00000419 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 593 | | | CC-00013239 | CC-00013239 | INTUIT-FTC-PART3-00000423 | INTUIT-FTC-PART3-00000423 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 594 | | | CC-00013240 | CC-00013240 | INTUIT-FTC-PART3-00000451 | INTUIT-FTC-PART3-00000451 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 595 | | | CC-00013241 | CC-00013241 | INTUIT-FTC-PART3-00000461 | INTUIT-FTC-PART3-00000461 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 596 | | | CC-00013242 | CC-00013242 | INTUIT-FTC-PART3-00000472 | INTUIT-FTC-PART3-00000472 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 597 | | | CC-00013243 | CC-00013243 | INTUIT-FTC-PART3-00000487 | INTUIT-FTC-PART3-00000487 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 49 |
| GX 598 | | | CC-00013244 | CC-00013244 | INTUIT-FTC-PART3-00000497 | INTUIT-FTC-PART3-00000497 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 599 | | | CC-00013245 | CC-00013245 | INTUIT-FTC-PART3-00000499 | INTUIT-FTC-PART3-00000499 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 600 | | | CC-00013246 | CC-00013246 | INTUIT-FTC-PART3-00000500 | INTUIT-FTC-PART3-00000500 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 601 | | | CC-00013247 | CC-00013247 | INTUIT-FTC-PART3-00000516 | INTUIT-FTC-PART3-00000516 | RX 1401 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 602 | | | CC-00013248 | CC-00013248 | INTUIT-FTC-PART3-00000517 | INTUIT-FTC-PART3-00000517 | RX 1402 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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|----------------|-------------|------|---|---|-------------------------------------|-----------------------------------|----------------|--|-----------|---------------------------|
| GX 603 | | | CC-00013249 | CC-00013249 | INTUIT-FTC-PART3-00000518 | INTUIT-FTC-PART3-00000518 | RX 1125 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 604 | | | CC-00013250 | CC-00013250 | INTUIT-FTC-PART3-00000519 | INTUIT-FTC-PART3-00000519 | RX 1403 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 605 | | | CC-00013251 | CC-00013251 | INTUIT-FTC-PART3-00000520 | INTUIT-FTC-PART3-00000520 | RX 1404 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 606 | | | CC-00013252 | CC-00013252 | INTUIT-FTC-PART3-00000521 | INTUIT-FTC-PART3-00000521 | RX 1405 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 607 | | | CC-00013253 | CC-00013253 | INTUIT-FTC-PART3-00000522 | INTUIT-FTC-PART3-00000522 | RX 1406 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 608 | | | CC-00013254 | CC-00013254 | INTUIT-FTC-PART3-00000523 | INTUIT-FTC-PART3-00000523 | RX 1122 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 609 | | | CC-00013255 | CC-00013255 | INTUIT-FTC-PART3-00000524 | INTUIT-FTC-PART3-00000524 | RX 1124 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 610 | | | CC-00013256 | CC-00013256 | INTUIT-FTC-PART3-00000525 | INTUIT-FTC-PART3-00000525 | RX 1407 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 611 | | | CC-00013257 | CC-00013257 | INTUIT-FTC-PART3-00000526 | INTUIT-FTC-PART3-00000526 | RX 1408 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 612 | | | CC-00013258 | CC-00013258 | INTUIT-FTC-PART3-00000527 | INTUIT-FTC-PART3-00000527 | RX 1409 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 613 | | | CC-00013259 | CC-00013259 | INTUIT-FTC-PART3-00000528 | INTUIT-FTC-PART3-00000528 | RX 1410 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 614 | | | CC-00013260 | CC-00013260 | INTUIT-FTC-PART3-00000529 | INTUIT-FTC-PART3-00000529 | RX 1126 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 615 | | | CC-00013261 | CC-00013261 | INTUIT-FTC-PART3-00000530 | INTUIT-FTC-PART3-00000530 | RX 1120 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 616 | | | CC-00013262 | CC-00013262 | INTUIT-FTC-PART3-00000531 | INTUIT-FTC-PART3-00000531 | RX 1411 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 617 | | | CC-00013263 | CC-00013263 | INTUIT-FTC-PART3-00000532 | INTUIT-FTC-PART3-00000532 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 57 |
| GX 618 | | | CC-00013264 | CC-00013264 | INTUIT-FTC-PART3-00000533 | INTUIT-FTC-PART3-00000533 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 619 | | | CC-00013265 | CC-00013265 | INTUIT-FTC-PART3-00000534 | INTUIT-FTC-PART3-00000534 | RX 1413 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 620 | | | CC-00013266 | CC-00013266 | INTUIT-FTC-PART3-00000535 | INTUIT-FTC-PART3-00000535 | RX 1414 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 621 | | | CC-00013267 | CC-00013267 | INTUIT-FTC-PART3-00000536 | INTUIT-FTC-PART3-00000536 | RX 1119 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 622 | | | CC-00013268 | CC-00013268 | INTUIT-FTC-PART3-00000537 | INTUIT-FTC-PART3-00000537 | RX 1121 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 623 | | | CC-00013269 | CC-00013269 | INTUIT-FTC-PART3-00000538 | INTUIT-FTC-PART3-00000538 | RX 1415 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 624 | | | CC-00013270 | CC-00013270 | INTUIT-FTC-PART3-00000539 | INTUIT-FTC-PART3-00000539 | RX 1416 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 625 | | | CC-00013271 | CC-00013271 | INTUIT-FTC-PART3-00000540 | INTUIT-FTC-PART3-00000540 | RX 1417 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 626 | | | CC-00013272 | CC-00013272 | INTUIT-FTC-PART3-00000541 | INTUIT-FTC-PART3-00000541 | RX 1418 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| GX 627 | | | CC-00013273 | CC-00013273 | INTUIT-FTC-PART3-00000542 | INTUIT-FTC-PART3-00000542 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 628 | | | CC-00013274 | CC-00013274 | INTUIT-FTC-PART3-00000543 | INTUIT-FTC-PART3-00000543 | RX 1412 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 629 | | | CC-00013275 | CC-00013275 | INTUIT-FTC-PART3-00000544 | INTUIT-FTC-PART3-00000544 | RX 1123 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 322 |
| GX 630 | | | CC-00013276 | CC-00013276 | INTUIT-FTC-PART3-00000545 | INTUIT-FTC-PART3-00000545 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 631 | | 11/14/2022 | CC-00013277 | CC-00013303 | INTUIT-FTC-PART3-000490437 | INTUIT-FTC-PART3-000490437 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Part--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 632 | | | CC-00013304 | CC-00013304 | INTUIT-FTC-PART3-000490438 | INTUIT-FTC-PART3-000490438 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 633 | | | CC-00013305 | CC-00013305 | INTUIT-FTC-PART3-000484354 | INTUIT-FTC-PART3-000484359 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 634 | | 12/11/2020 | CC-00013306 | CC-00013311 | INTUIT-FTC-PART3-000484383 | INTUIT-FTC-PART3-000484387 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 635 | | 2/12/2021 | CC-00013312 | CC-00013316 | INTUIT-FTC-PART3-000484389 | INTUIT-FTC-PART3-000484658 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 636 | | | CC-00013317 | CC-00013586 | INTUIT-FTC-PART3-000484659 | INTUIT-FTC-PART3-000484659 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 637 | | | CC-00013587 | CC-00013618 | INTUIT-FTC-PART3-000484768 | INTUIT-FTC-PART3-000484778 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 638 | | 1/18/2022 | CC-00013619 | CC-00013629 | INTUIT-FTC-PART3-000485006 | INTUIT-FTC-PART3-000485019 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 639 | | | CC-00013630 | CC-00013643 | INTUIT-FTC-PART3-000485805 | INTUIT-FTC-PART3-000485906 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 640 | | 11/9/2020 | CC-00013644 | CC-00013645 | INTUIT-FTC-PART3-000485807 | INTUIT-FTC-PART3-000485812 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 641 | | | CC-00013646 | CC-00013651 | INTUIT-FTC-PART3-000485824 | INTUIT-FTC-PART3-000485889 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 642 | | | CC-00013652 | CC-00013717 | INTUIT-FTC-PART3-000486302 | INTUIT-FTC-PART3-000486350 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 643 | | | CC-00013718 | CC-00013769 | INTUIT-FTC-PART3-000486406 | INTUIT-FTC-PART3-000486406 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 644 | | | CC-00013770 | CC-00013809 | INTUIT-FTC-PART3-000486679 | INTUIT-FTC-PART3-000486684 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 645 | | | CC-00013810 | CC-00013815 | INTUIT-FTC-PART3-000486685 | INTUIT-FTC-PART3-000486706 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 646 | | | CC-00013816 | CC-00013837 | INTUIT-FTC-PART3-000486707 | INTUIT-FTC-PART3-000486723 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 647 | | | CC-00013838 | CC-00013854 | INTUIT-FTC-PART3-000486888 | INTUIT-FTC-PART3-000486888 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 648 | | | CC-00013855 | CC-00013878 | INTUIT-FTC-PART3-000487379 | INTUIT-FTC-PART3-000487475 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 649 | | 9/26/2021 | CC-00013879 | CC-00013875 | INTUIT-FTC-PART3-000490028 | INTUIT-FTC-PART3-000490028 | GX 442 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 650 | | | CC-00013976 | CC-00013977 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| GX 651 | 10/26/2021 | CC-00013878 | CC-00013894 | INTUIT-FTC-000490251 PART3- | INTUIT-FTC-000490267 PART3- | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Part-Order on Motions for In Camera Treatment (Apr. 24, 2023) | 746, 825, 833 |
| GX 652 | 4/2/2019 | CC-00013895 | CC-00014008 | INTUIT-FTC-000490321 PART3- | INTUIT-FTC-000490333 PART3- | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 653 | 2/11/2020 | CC-00014009 | CC-00014103 | INTUIT-FTC-000490342 PART3- | INTUIT-FTC-000490436 PART3- | RX 1244 | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | 616, 730 |
| GX 654 | 2/1/2022 | CC-00014104 | CC-00014104 | INTUIT-FTC-000608478 PART3- | INTUIT-FTC-000608478 PART3- | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 655 | 2/1/2022 | CC-00014105 | CC-00014109 | INTUIT-FTC-000608479 PART3- | INTUIT-FTC-000608483 PART3- | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 656 | 8/5/2019 | CC-00014110 | CC-00014113 | INTUIT-FTC-000608494 PART3- | INTUIT-FTC-000608497 PART3- | RX 325 | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 657 | 9/10/2019 | CC-00014114 | CC-00014175 | INTUIT-FTC-000608498 PART3- | INTUIT-FTC-000608559 PART3- | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 658 | 6/24/2021 | CC-00014176 | CC-00014200 | INTUIT-FTC-000488979 PART3- | INTUIT-FTC-000488903 PART3- | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 659 | 6/10/2021 | CC-00014201 | CC-00014470 | INTUIT-FTC-000488969 PART3- | INTUIT-FTC-000488978 PART3- | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 660 | | CC-00014471 | CC-00014471 | INTUIT-FTC-000490023 PART3- | INTUIT-FTC-000490023 PART3- | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 661 | | CC-00014472 | CC-00014472 | INTUIT-FTC-000490024 PART3- | INTUIT-FTC-000490024 PART3- | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 662 | Aug. 2020 | CC-00014473 | CC-00014482 | INTUIT-FTC-000490507 PART3- | INTUIT-FTC-000490516 PART3- | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 663 | 5/4/2022 | CC-00014483 | CC-00014483 | INTUIT-FTC-000593209 PART3- | INTUIT-FTC-000593209 PART3- | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 664 | Feb. 2022 | CC-00014484 | CC-00014537 | INTUIT-FTC-000594712 PART3- | INTUIT-FTC-000594765 PART3- | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 665 | Aug. 2021 | CC-00014538 | CC-00014619 | INTUIT-FTC-000594785 PART3- | INTUIT-FTC-000594866 PART3- | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | 1622 |
| GX 666 | 5/24/2022 | CC-00014620 | CC-00014620 | | | RX 1222 | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 667 | 5/24/2022 | CC-00014621 | CC-00014621 | | | RX 1223 | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 668 | | CC-00014622 | CC-00014622 | INTUIT-FFA-FTC-000169115 PART3- | INTUIT-FFA-FTC-000169115 PART3- | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 669 | | CC-00014623 | CC-00014623 | INTUIT-FFA-FTC-000169118 PART3- | INTUIT-FFA-FTC-000169118 PART3- | RX 1116 | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 670 | | CC-00014624 | CC-00014624 | INTUIT-FFA-FTC-000528218 PART3- | INTUIT-FFA-FTC-000528218 PART3- | RX 1102 | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 671 | | CC-00014625 | CC-00014625 | INTUIT-FFA-FTC-000528220 PART3- | INTUIT-FFA-FTC-000528220 PART3- | RX 1110 | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 672 | | CC-00014626 | CC-00014626 | INTUIT-FFA-FTC-000528224 PART3- | INTUIT-FFA-FTC-000528224 PART3- | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 673 | | CC-00014627 | CC-00014628 | WK000000033 | WK000000034 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | 786 |
| GX 674 | | CC-00014629 | CC-00014639 | WK000000035 | WK000000045 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | 787, 795 |

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| Exhibit Number | Date | Complaint Counsel Control No. Begin Bates | Complaint Counsel Control No. End Bates | Intuit/Other Production Begin Bates | Intuit/Other Production End Bates | Also Marked As | Admitted | In Camera | Trial Transcript Citation |
|----------------|------|---|---|-------------------------------------|-----------------------------------|----------------|---|--|---------------------------|
| GX 675 | | CC-00014640 | CC-00014663 | WK000000046 | WK000000069 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | 788 |
| GX 676 | | CC-00014664 | CC-00014667 | WK000000070 | WK000000073 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 677 | | CC-00014668 | CC-00014671 | WK000000074 | WK000000077 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 678 | | CC-00014672 | CC-00014677 | WK000000078 | WK000000083 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 679 | | CC-00014678 | CC-00014686 | WK000000084 | WK000000092 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 680 | | CC-00014687 | CC-00014705 | WK000000093 | WK000000111 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 681 | | CC-00014706 | CC-00014734 | WK000000112 | WK000000140 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 682 | | CC-00014735 | CC-00014781 | WK000000141 | WK000000187 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | 778 |
| GX 683 | | CC-00014782 | CC-00014794 | WK000000188 | WK000000200 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 684 | | CC-00014795 | CC-00014799 | WK000000201 | WK000000205 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 685 | | CC-00014800 | CC-00014807 | WK000000206 | WK000000213 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 686 | | CC-00014808 | CC-00014819 | WK000000214 | WK000000225 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 687 | | CC-00014820 | CC-00014842 | WK000000226 | WK000000248 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 688 | | CC-00014843 | CC-00014906 | WK000000249 | WK000000312 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | 783 |
| GX 689 | | CC-00014907 | CC-00014959 | WK000000313 | WK000000365 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 690 | | CC-00014960 | CC-00015080 | WK000000366 | WK000000486 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 691 | | CC-00015081 | CC-00015081 | WK000000001 | WK000000001 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 692 | | CC-00015082 | CC-00015082 | WK000000002 | WK000000002 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 693 | | CC-00015083 | CC-00015083 | WK000000003 | WK000000003 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 694 | | CC-00015084 | CC-00015084 | WK000000004 | WK000000004 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 695 | | CC-00015085 | CC-00015085 | WK000000005 | WK000000005 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 696 | | CC-00015086 | CC-00015086 | WK000000006 | WK000000006 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 697 | | CC-00015087 | CC-00015087 | WK000000007 | WK000000007 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| GX 698 | | CC-00015088 | CC-00015088 | WK000000008 | WK000000008 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |

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| | | No. Begin Bates | No. End Bates | No. Begin Bates | No. End Bates | Begin Bates | End Bates | Begin Bates | End Bates | | | |
| GX 699 | | CC-00015089 | CC-00015089 | WK00000009 | WK00000009 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 700 | | CC-00015090 | CC-00015090 | WK00000010 | WK00000010 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 701 | | CC-00015091 | CC-00015091 | WK00000011 | WK00000011 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 702 | | CC-00015092 | CC-00015092 | WK00000012 | WK00000012 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 703 | | CC-00015093 | CC-00015093 | WK00000013 | WK00000013 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 704 | | CC-00015094 | CC-00015094 | WK00000014 | WK00000014 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 705 | | CC-00015095 | CC-00015095 | WK00000015 | WK00000015 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 706 | | CC-00015096 | CC-00015096 | WK00000016 | WK00000016 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 707 | | CC-00015097 | CC-00015097 | WK00000017 | WK00000017 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 708 | | CC-00015098 | CC-00015098 | WK00000018 | WK00000018 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 709 | | CC-00015099 | CC-00015099 | WK00000019 | WK00000019 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 710 | | CC-00015100 | CC-00015100 | WK00000020 | WK00000020 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 711 | | CC-00015101 | CC-00015101 | WK00000021 | WK00000021 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 712 | | CC-00015102 | CC-00015102 | WK00000022 | WK00000022 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 713 | | CC-00015103 | CC-00015103 | WK00000023 | WK00000023 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 714 | | CC-00015104 | CC-00015104 | WK00000024 | WK00000024 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 715 | | CC-00015105 | CC-00015105 | WK00000025 | WK00000025 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 716 | | CC-00015106 | CC-00015106 | WK00000026 | WK00000026 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 717 | | CC-00015107 | CC-00015107 | WK00000027 | WK00000027 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 718 | | CC-00015108 | CC-00015108 | WK00000028 | WK00000028 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 719 | | CC-00015109 | CC-00015109 | WK00000029 | WK00000029 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 720 | | CC-00015110 | CC-00015110 | WK00000030 | WK00000030 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 721 | | CC-00015111 | CC-00015111 | WK00000031 | WK00000031 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 722 | | CC-00015112 | CC-00015112 | WK00000032 | WK00000032 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| GX 723 | | CC-00015113 | CC-00015113 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 724 | | CC-00015114 | CC-00015114 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 725 | | CC-00015115 | CC-00015115 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 726 | | CC-00015116 | CC-00015116 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 727 | | CC-00015117 | CC-00015117 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 728 | | CC-00015118 | CC-00015118 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 729 | | CC-00015119 | CC-00015119 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 730 | | CC-00015120 | CC-00015120 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 731 | | CC-00015121 | CC-00015121 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 732 | | CC-00015122 | CC-00015122 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 733 | | CC-00015123 | CC-00015123 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 734 | | CC-00015124 | CC-00015124 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 735 | | CC-00015125 | CC-00015125 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 736 | | CC-00015126 | CC-00015126 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 737 | | CC-00015127 | CC-00015127 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 738 | | CC-00015128 | CC-00015128 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 739 | | CC-00015129 | CC-00015129 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 740 | | CC-00015130 | CC-00015130 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 741 | | CC-00015131 | CC-00015131 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 742 | | CC-00015132 | CC-00015140 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 743 | | CC-00015141 | CC-00015200 | | | RX 1362 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Part--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 744 | | CC-00015201 | CC-00015201 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 745 | | CC-00015202 | CC-00015214 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 746 | | CC-00015215 | CC-00015222 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |

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| GX 747 | | CC-00015223 | CC-00015226 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 748 | | CC-00015227 | CC-00015229 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 749 | | CC-00015230 | CC-00015361 | | | RX 1345 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Part--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 750 | | CC-00015362 | CC-00015362 | | | RX 1346 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 751 | | CC-00015363 | CC-00015363 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 752 | | CC-00015364 | CC-00015364 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 753 | | CC-00015365 | CC-00015365 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 754 | | CC-00015366 | CC-00015366 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 755 | | CC-00015367 | CC-00015367 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 756 | | CC-00015368 | CC-00015368 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 757 | | CC-00015369 | CC-00015369 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 432, 909 |
| GX 758 | | CC-00015370 | CC-00015370 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 759 | | CC-00015371 | CC-00015371 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 760 | | CC-00015372 | CC-00015372 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 761 | | CC-00015373 | CC-00015373 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 762 | | CC-00015374 | CC-00015374 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 763 | | CC-00015375 | CC-00015375 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 764 | | CC-00015376 | CC-00015376 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 765 | | CC-00015377 | CC-00015377 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 766 | | CC-00015378 | CC-00015378 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 767 | | CC-00015379 | CC-00015379 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 768 | | CC-00015380 | CC-00015380 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 769 | | CC-00015381 | CC-00015381 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 770 | | CC-00015382 | CC-00015382 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| GX 771 | | 2018 | CC-00015383 | CC-00015393 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 772 | | 2018 | CC-00015384 | CC-00015384 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 773 | | 2018 | CC-00015385 | CC-00015385 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 774 | | 2018 | CC-00015386 | CC-00015386 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 775 | | 2018 | CC-00015387 | CC-00015387 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 776 | | 2018 | CC-00015388 | CC-00015388 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 777 | | 2018 | CC-00015389 | CC-00015389 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 778 | | 2018 | CC-00015390 | CC-00015390 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 779 | | 2018 | CC-00015391 | CC-00015391 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 780 | | 2018 | CC-00015392 | CC-00015392 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 781 | | 2018 | CC-00015393 | CC-00015393 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 782 | | 2018 | CC-00015394 | CC-00015394 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 370 |
| GX 783 | | 2018 | CC-00015395 | CC-00015395 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 784 | | 2018 | CC-00015396 | CC-00015396 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 785 | | 2018 | CC-00015397 | CC-00015397 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 786 | | 2018 | CC-00015398 | CC-00015398 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 787 | | 2019 | CC-00015399 | CC-00015399 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 788 | | 2019 | CC-00015400 | CC-00015400 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 789 | | 2019 | CC-00015401 | CC-00015401 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 729 |
| GX 790 | | 2019 | CC-00015402 | CC-00015402 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 791 | | 2019 | CC-00015403 | CC-00015403 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 792 | | 2019 | CC-00015404 | CC-00015404 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 793 | | 2019 | CC-00015405 | CC-00015405 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 794 | | 2019 | CC-00015406 | CC-00015406 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| GX 795 | | 2019 | CC-00015407 | CC-00015407 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 796 | | 2019 | CC-00015408 | CC-00015408 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 797 | | 2019 | CC-00015409 | CC-00015409 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 798 | | 2019 | CC-00015410 | CC-00015410 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 799 | | 2019 | CC-00015411 | CC-00015411 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 800 | | 2019 | CC-00015412 | CC-00015412 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 801 | | 2019 | CC-00015413 | CC-00015413 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 802 | | 2019 | CC-00015414 | CC-00015414 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 803 | | 2019 | CC-00015415 | CC-00015415 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 804 | | 2019 | CC-00015416 | CC-00015416 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 805 | | 2019 | CC-00015417 | CC-00015417 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 806 | | 2019 | CC-00015418 | CC-00015418 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 807 | | 2019 | CC-00015419 | CC-00015419 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 808 | | 2020 | CC-00015420 | CC-00015420 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 809 | | 2020 | CC-00015421 | CC-00015421 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 810 | | 2020 | CC-00015422 | CC-00015422 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 811 | | 2020 | CC-00015423 | CC-00015423 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 812 | | 2020 | CC-00015424 | CC-00015424 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 813 | | 2020 | CC-00015425 | CC-00015425 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 814 | | 2020 | CC-00015426 | CC-00015426 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 815 | | 2020 | CC-00015427 | CC-00015427 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 816 | | 2020 | CC-00015428 | CC-00015428 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 817 | | 2020 | CC-00015429 | CC-00015429 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 818 | | 2020 | CC-00015430 | CC-00015430 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| GX 819 | | CC-00015431 | CC-00015431 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 820 | | CC-00015432 | CC-00015432 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 821 | | CC-00015433 | CC-00015433 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 822 | | CC-00015434 | CC-00015434 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 823 | | CC-00015435 | CC-00015435 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 824 | | CC-00015436 | CC-00015436 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 744 |
| GX 825 | | CC-00015437 | CC-00015437 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 826 | | CC-00015438 | CC-00015438 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 827 | | CC-00015439 | CC-00015439 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 828 | | CC-00015440 | CC-00015440 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 829 | | CC-00015441 | CC-00015441 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 830 | | CC-00015442 | CC-00015442 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 831 | | CC-00015443 | CC-00015443 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 832 | | CC-00015444 | CC-00015444 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 833 | | CC-00015445 | CC-00015445 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 834 | | CC-00015446 | CC-00015446 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 835 | | CC-00015447 | CC-00015447 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 836 | | CC-00015448 | CC-00015448 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 837 | | CC-00015449 | CC-00015449 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 355, 399 |
| GX 838 | | CC-00015450 | CC-00015450 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 839 | | CC-00015451 | CC-00015451 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 840 | | CC-00015452 | CC-00015452 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 841 | | CC-00015453 | CC-00015453 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 842 | | CC-00015454 | CC-00015454 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| GX 843 | | 2022 | CC-00015455 | CC-00015455 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 844 | | 2022 | CC-00015456 | CC-00015456 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 845 | | 2022 | CC-00015457 | CC-00015457 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 846 | | 2022 | CC-00015458 | CC-00015458 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 847 | | 2022 | CC-00015459 | CC-00015459 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 848 | | 2022 | CC-00015460 | CC-00015460 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 849 | | 2022 | CC-00015461 | CC-00015461 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 850 | | 2022 | CC-00015462 | CC-00015462 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 851 | | 2022 | CC-00015463 | CC-00015463 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 852 | | 2022 | CC-00015464 | CC-00015464 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 853 | | 2022 | CC-00015465 | CC-00015465 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 854 | | 2022 | CC-00015466 | CC-00015466 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 855 | | 2022 | CC-00015467 | CC-00015467 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 356, 372, 399, 1276 |
| GX 856 | | 2022 | CC-00015468 | CC-00015468 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 857 | | 2022 | CC-00015469 | CC-00015469 | INTUIT-FTC-PART INTUIT-FTC-PART RX 1372 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 858 | | 2022 | CC-00015470 | CC-00015470 | INTUIT-FTC-PART INTUIT-FTC-PARTS-000618569 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 859 | | 2022 | CC-00015471 | CC-00015471 | INTUIT-FTC-PART INTUIT-FTC-PARTS-000618570 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 860 | | 2022 | CC-00015472 | CC-00015472 | INTUIT-FTC-PART INTUIT-FTC-PARTS-000618571 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 861 | | 2022 | CC-00015473 | CC-00015473 | INTUIT-FTC-PART INTUIT-FTC-PARTS-000618572 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 862 | | 2022 | CC-00015474 | CC-00015474 | INTUIT-FTC-PART INTUIT-FTC-PARTS-000618573 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 863 | | 2022 | CC-00015475 | CC-00015475 | INTUIT-FTC-PART INTUIT-FTC-PARTS-000618574 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 864 | | 2022 | CC-00015476 | CC-00015476 | INTUIT-FTC-PART INTUIT-FTC-PARTS-000618575 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 865 | | 2022 | CC-00015477 | CC-00015477 | INTUIT-FTC-PART INTUIT-FTC-PARTS-000618576 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 866 | | 2022 | CC-00015478 | CC-00015478 | INTUIT-FTC-PART INTUIT-FTC-PARTS-000618577 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |

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| GX 867 | | | CC-00015479 | CC-00015479 | INTUIT-FTC-PARTINTUIT-FTC-PART3-000618578 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 868 | | | CC-00015480 | CC-00015480 | INTUIT-FTC-PARTINTUIT-FTC-PART1RX 1373 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| GX 869 | | 2/15/2023 | CC-00015481 | CC-00015482 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 871 | | | CC-00015706 | CC-00015709 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 872 | | | CC-00015710 | CC-00015713 | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| GX 873 | | | CC-00015714 | CC-00015738 | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| GX 874 | | | CC-00015739 | CC-00015765 | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| GX 875 | | | CC-00015766 | CC-00015808 | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| GX 876 | | | CC-00015809 | CC-00016016 | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| GX 877 | | | CC-00016017 | CC-00016036 | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| GX Summary 00 | | | | | | | summarizing data from GX 431, 432, 433, 436, & 437 | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | In Part-Order on Motions for In Camera Treatment (Apr. 24, 2023) | 297, 301, 315 |
| GX Summary 00 | | | | | | | summarizing data from GX 434 | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | In Part-Order on Motions for In Camera Treatment (Apr. 24, 2023) | 318, 328, 329, 331 |
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| RX 002 | | 8/26/2022 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 003 | | | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 210, 407, 594 |
| RX 004 | | 8/18/2022 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 005 | | 8/18/2022 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 006 | | 8/18/2022 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 007 | | 8/18/2022 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 008 | | 10/12/2020 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX.011 | | 8/18/2022 | INTUIT-FTC-PART3-000613897 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX.012 | | 8/18/2022 | INTUIT-FTC-PART3-000613938 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX.013 | | 11/12/2019 | INTUIT-FTC-PART3-000613899 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX.021 | | 10/12/2021 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX.022 | | 7/14/2019 | INTUIT-FFA-FTC-000266981 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 40 |
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| RX.024 | | 5/25/2018 | INTUIT-FFA-FTC-000116385 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX.025 | | 11/29/2017 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX.026 | | 1/12/2020 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX.027 | | 1/27/2018 | INTUIT-FFA-FTC-000064707 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX.028 | | 12/28/2018 | INTUIT-FTC-PART3-000613902 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX.029 | | 12/6/2018 | INTUIT-FFA-FTC-000528230 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX.030 | | 12/6/2018 | INTUIT-FFA-FTC-000528233 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX.031 | | 12/6/2018 | INTUIT-FFA-FTC-000528234 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 032 | | 08/2022 | INTUIT-FTC-PART3-000613801 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 033 | | 1/15/2015 | INTUIT-FFA-FTC-000139031 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 036 | | 8/7/2015 | INTUIT-FFA-FTC-000477258 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 037 | | 4/25/2017 | INTUIT-FFA-FTC-000316307 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 038 | | 06/2019 | INTUIT-FFA-FTC-000435635 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 038-A | | Jun-19 | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX 039 | | 09/2021 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 040 | | 1/30/2019 | INTUIT-FFA-FTC-000422206 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 041 | | 2/9/2017 | INTUIT-FTC-PART3-000613777 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 042 | | 5/1/2015 | INTUIT-FFA-FTC-000043360 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 044 | | 9/18/2017 | INTUIT-FFA-FTC-000117674 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 044-A | | 9/18/2017 | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX 045 | | 1/11/2022 | INTUIT-FTC-PART3-000484779 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 046 | | 4/2/2019 | INTUIT-FFA-FTC-000465993 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 047 | | 07/2018 | INTUIT-FFA-FTC-000419505 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 049 | | 11/19/2018 | INTUIT-FFA-FTC-000066940 | | | | GX 428 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | 646 |
| RX 050 | | 5/16/2019 | INTUIT-FFA-FTC-000526541 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 051 | | | INTUIT-FTC-PART3-000601173 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 052 | | 6/2/2022 | INTUIT-FTC-PART3-000602247 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 053 | | | INTUIT-FTC-PART3-000601811 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 054 | | | INTUIT-FTC-PART3-000602494 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 055 | | | INTUIT-FTC-PART3-000601463 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | 1289, 1481, 1486 |

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| RX 056 | | 03/2019 | INTUIT-FFA-FTC-000535622 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 057 | | | INTUIT-FTC-PART3-000602289 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Part—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 057-A | | | INTUIT-FTC-PART3-000602289 | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | In Part—Order on Motions for In Camera Treatment (Apr. 24, 2023) | 627, 631, 1619 |
| RX 058 | | 09/2021 | INTUIT-FTC-PART3-000599790 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 058-A | | 09/2021 | INTUIT-FTC-PART3-000599790 | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | 553 |
| RX 059 | | 6/8/2021 | INTUIT-FTC-PART3-000602174 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 060 | | 07/2020 | INTUIT-FTC-PART3-000602376 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 061 | | 02/2021 | INTUIT-FTC-PART3-000602321 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 062 | | 10/2/2018 | INTUIT-FFA-FTC-000490070 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | 1589 |
| RX 063 | | 8/18/2022 | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 064 | | 8/18/2022 | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 065 | | 7/31/2022 | | | | GX 80 | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Part—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 067 | | 10/25/2021 | INTUIT-FTC-PART3-000613952 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 068 | | 10/19/2021 | INTUIT-FTC-PART3-000001043 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 069 | | 11/8/2021 | INTUIT-FTC-PART3-000001342 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 070 | | 1/13/2022 | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 071 | | 3/21/2022 | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 072 | | 2/28/2022 | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 073 | | 4/21/2022 | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 074 | | 4/22/2022 | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 076 | | 5/4/2022 | INTUIT-FTC-PART3-000614654 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | 827 |
| RX 077 | | 6/12/2008 | INTUIT-FTC-PART3-000599183 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |

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| RX 078 | [REDACTED] | 4/2022 | | | | | RX 517 | Pehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 727, 728 |
| RX 079 | [REDACTED] | 4/29/2014 | INTUIT-FTC-PART3-000608341 | | | | | Pehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 080 | [REDACTED] | 4/18/2022 | | | | | | Pehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 081 | [REDACTED] | 8/19/2020 | | | | | | Pehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 719 |
| RX 082 | [REDACTED] | 4/1/2022 | INTUIT-FTC-PART3-000593910 | | | | | Pehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 083 | [REDACTED] | 8/29/2022 | INTUIT-FTC-PART3-000613880 | | | | | Pehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 084 | [REDACTED] | 2021 | | | | | | Pehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 085 | [REDACTED] | 8/24/2022 | | | | | | Pehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 086 | [REDACTED] | 8/25/2022 | | | | | | Pehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 087 | [REDACTED] | 8/29/2022 | | | | | | Pehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 088 | [REDACTED] | 8/29/2022 | | | | | | Pehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 089 | [REDACTED] | 7/30/2018 | INTUIT-FTC-PART3-000613913 | | | | | Pehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 090 | [REDACTED] | 3/5/2022 | INTUIT-FTC-PART3-000593850 | | | | | Pehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 091 | [REDACTED] | 8/19/2022 | INTUIT-FTC-PART3-000608379 | | | | | Pehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 092 | [REDACTED] | 3/24/2022 | | | | | | Pehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 093 | [REDACTED] | 2/2/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 094 | [REDACTED] | | | | INTUIT-FTC-PART3-000613979 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 095 | [REDACTED] | 2020 | | | INTUIT-FTC-PART3-000613776 | | RX 1519, GX 337 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 096 | [REDACTED] | 03/2013 | | | INTUIT-FTC-PART3-000600903 | | GX 316 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 1799 |
| RX 097 | [REDACTED] | 11/10/2022 | | | INTUIT-FTC-PART3-000599506 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 097-A | [REDACTED] | 11/10/2022 | | | INTUIT-FTC-PART3-000599506 | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX 098 | [REDACTED] | 5/31/2022 | | | INTUIT-FTC-PART3-000593919 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 099 | [REDACTED] | 2/14/2022 | | | INTUIT-FTC-PART3-000600813 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 100 | [REDACTED] | 6/3/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 101 | [REDACTED] | 2/26/2015 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 102 | [REDACTED] | 3/29/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 103 | [REDACTED] | 6/3/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 104 | [REDACTED] | 1/20/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 105 | [REDACTED] | 8/8/2016 | | | INTUIT-FTC-PART3-000613845 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 106 | | | | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 110 | | | | INTUIT-FTC-PART3-000613932 | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 111 | | | | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 112 | | | | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 113 | | | | INTUIT-FTC-PART3-000613986 | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 115 | | | | | | GX 368 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 117 | | | | INTUIT-FTC-PART3-000613861 | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 1560 |
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| RX 119 | | | | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 120 | | | | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 121 | | | | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 122 | | | | INTUIT-FTC-PART3-000613857 | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 123 | | | | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 128 | | | | INTUIT-FTC-PART3-000613935 | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 39 |
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| RX 130 | | | | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 131 | | | | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 133 | | | | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 136 | | 2/2/2020 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 137 | | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 138 | | 3/12/2021 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 139 | | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 141 | | 4/16/2019 | INTUIT-FTC-PART3-000613831 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 142 | | 3/7/2019 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 149 | | 6/24/2019 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 150 | | 4/15/2017 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 153 | | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
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| RX 155 | | 5/6/2019 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 157 | | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
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| RX 169 | | 10/19/2022 | | | INTUIT-FTC-PART3-000613990 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 170 | | 10/18/2022 | | | INTUIT-FTC-PART3-000613894 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 176 | | 10/7/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 178 | | 10/10/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 182 | | 10/19/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 184 | | 10/19/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 186 | | 10/19/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 188 | | 5/4/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 190 | | 4/22/2019 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 191 | | 5/20/2019 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 192 | | 10/6/2022 | | | INTUIT-FTC-PART3-000613769 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 193 | | 10/7/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 194 | | 10/7/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 195 | | 10/10/2022 | | | INTUIT-FTC-PART3-000613839 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 196 | | 10/10/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 197 | | 10/25/2022 | INTUIT-FTC-PART3-000613976 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 198 | | 5/4/2022 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 207 | | | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 208 | | 3/29/2022 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 209 | | 5/6/2022 | INTUIT-FTC-PART3-000613772 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 210 | | 4/5/2022 | INTUIT-FTC-PART3-000613872 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 406 |
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| RX 222 | | 1/26/2017 | INTUIT-FTC-PART3-000613877 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 223 | | | | | | | | | | |
| RX 225 | | 5/1/2019 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 226 | | 3/9/2019 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 229 | | 3/10/2020 | INTUIT-FTC-PART3-000613843 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 230 | | 5/23/2022 | INTUIT-FTC-PART3-000211950 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 231 | | 4/26/2021 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| RX 232 | | | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 233 | | 4/1/2022 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 236 | | 1/29/2021 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 238 | 8/26/2022 | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 239 | | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 240 | 11/6/2020 | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 241 | 11/10/2022 | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 244 | 8/26/2022 | | | INTUIT-FTC-PART3-000613965 | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 245 | 8/31/2022 | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 246 | 9/2/2022 | | | INTUIT-FTC-PART3-000613963 | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 248 | 11/23/2022 | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 249 | 11/25/2022 | | | INTUIT-FTC-PART3-000613925 | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 250 | 11/28/2022 | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 251 | 11/15/2022 | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 253 | 11/16/2022 | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 254 | 11/16/2022 | | | INTUIT-FTC-PART3-000613987 | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 255 | 12/1/2022 | | | INTUIT-FTC-PART3-000613983 | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 256 | 9/14/2020 | | | INTUIT-FTC-PART3-000613980 | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| RX 260 | 3/28/2022 | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Part—Order on Motions for In Camera Treatment (Apr. 24, 2023) | 1018, 1802 |
| RX 261 | 6/25/2022 | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
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| RX 263 | 9/19/2022 | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 264 | 11/10/2022 | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| RX 265 | 11/14/2022 | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 266 | No Date | CC-DFS-00000001 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |

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| RX 267 | | 2/22/2021 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 268 | | 5/27/2021 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 269 | | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| RX 270 | | 3/10/2021 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 271 | | 5/19/2020 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 272 | | 5/15/2020 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 273 | | 3/30/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 274 | | 12/23/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 275 | | 4/21/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 277 | | 9/29/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
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| RX 279 | | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| RX 280 | | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
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| RX 282 | | 4/29/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 283 | | 4/11/2018 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 285 | | 1/30/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 286 | | 8/14/2014 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 287 | | 10/22/2014 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 289 | | 11/6/2015 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 290 | | 12/7/2015 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 291 | | 6/28/2016 | INTUIT-FTC-PART3-000607737 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 292 | | 1/6/2017 | INTUIT-FTC-PART3-000490268 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 293 | | 4/9/2017 | INTUIT-FFA-FTC-000560002 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 294 | | 6/26/2017 | INTUIT-FFA-FTC-000549054 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 295 | | 6/26/2017 | INTUIT-FFA-FTC-000247368 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 295-A | | 6/26/2017 | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX 296 | | 7/28/2017 | INTUIT-FFA-FTC-000359465 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 297 | | 1/23/2018 | INTUIT-FFA-FTC-000249470 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 298 | | 8/21/2018 | INTUIT-FFA-FTC-000325087 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 299 | | 10/3/2018 | INTUIT-FTC-PART3-000608460 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 301 | | 10/31/2018 | INTUIT-FFA-FTC-000498602 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 301-A | | | INTUIT-FFA-FTC-000498602 | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX 302 | | 11/6/2018 | INTUIT-FTC-PART3-000608464 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 303 | | 12/6/2018 | INTUIT-FFA-FTC-000528235 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 304 | | 12/20/2018 | INTUIT-FTC-PART3-000608660 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 1545, 1636 |
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| RX 306 | | 1/21/2019 | INTUIT-FTC-PART3-000608664 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 307 | | 1/23/2019 | INTUIT-FFA-FTC-000549473 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 308 | | 2/5/2019 | INTUIT-FFA-FTC-000422264 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 309 | | 3/15/2019 | INTUIT-FFA-FTC-000330251 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 310 | | | | INTUIT-FFA-FTC-000057988 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 310-A | | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 311 | | | | INTUIT-FFA-FTC-000549899 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 312 | | | | INTUIT-FFA-FTC-000423732 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 313 | | | | INTUIT-FFA-FTC-000156106 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 314 | | | | INTUIT-FFA-FTC-000480165 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 315 | | | | INTUIT-FFA-FTC-000549891 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 316 | | | | INTUIT-FFA-FTC-000549862 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 317 | | | | INTUIT-FTC-PART3-000490320 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 320 | | | | INTUIT-FFA-FTC-000032609 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 321 | | | | INTUIT-FTC-PART3-000608353 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 322 | | | | INTUIT-FFA-FTC-000368135 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 323 | | | | INTUIT-FFA-FTC-000266640 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 324 | | | | INTUIT-FTC-PART3-000490270 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 325 | | | | INTUIT-FTC-PART3-000608494 | | GX 656 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 326 | | | | INTUIT-FFA-FTC-000549897 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 327 | | | | INTUIT-FTC-PART3-000608338 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 328 | | | | INTUIT-FFA-FTC-000549896 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 329 | | | | INTUIT-FFA-FTC-000550004 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 330 | | | | INTUIT-FTC-PART3-000608406 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 331 | | 4/14/2021 | INTUIT-FTC-PART3-000490030 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 332 | | 11/17/2020 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 333 | | 7/15/2021 | INTUIT-FTC-PART3-000608455 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 334 | | 10/26/2021 | INTUIT-FTC-PART3-000608484 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 335 | | 12/22/2021 | INTUIT-FTC-PART3-000608449 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 336 | | 12/31/2021 | INTUIT-FTC-PART3-000608410 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 337 | | 3/24/2022 | INTUIT-FTC-PART3-000608968 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 338 | | 3/24/2022 | INTUIT-FTC-PART3-000608397 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 339 | | 3/28/2022 | INTUIT-FTC-PART3-000608399 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 340 | | 9/13/2022 | INTUIT-FTC-PART3-000609974 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 341 | | 10/14/2022 | INTUIT-FTC-PART3-000607777 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 342 | | 10/17/2022 | INTUIT-FTC-PART3-000607760 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 343 | | 10/21/2022 | INTUIT-FTC-PART3-000609979 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 344 | | 10/21/2022 | INTUIT-FTC-PART3-000607800 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 345 | | 10/21/2022 | INTUIT-FTC-PART3-000607794 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 346 | | 10/24/2022 | INTUIT-FTC-PART3-000607798 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 347 | | 10/24/2022 | INTUIT-FTC-PART3-000607802 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 348 | | 10/25/2022 | INTUIT-FTC-PART3-000607773 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 352 | | 10/27/2022 | INTUIT-FTC-PART3-000607775 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 353 | | 10/27/2022 | INTUIT-FTC-PART3-000607767 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 354 | | 10/28/2022 | INTUIT-FTC-PART3-000607763 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 356 | | 10/17/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 357 | | 12/22/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | Order on Complaint Counsel's Motion for In Camera Treatment (Feb. 28, 2023) | |
| RX 358 | | 8/29/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 359 | | 12/2/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 360 | | 1/13/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 361 | | 1/16/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 362 | | 1/26/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 363 | | 10/25/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 364 | | 2/12/2019 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 365 | | 2/8/2021 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 366 | | 4/19/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 367 | | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 593 |
| RX 368 | | 5/13/2021 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 369 | | 3/7/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 370 | | 2/2/2021 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 371 | | 6/29/2021 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 372 | | 11/30/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 373 | | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 374 | | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 375 | | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 376 | | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 235 |
| RX 377 | | 5/16/2019 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |

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| RX 378 | | 2/2/2021 | | | | | | Pret'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 379 | | 9/1/2020 | INTUIT-FTC-PART3-000490565 | | | | | Pret'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 380 | | 12/23/2022 | | | | | | Pret'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 381 | | 9/14/2018 | INTUIT-FFA-FTC-000266745 | | | | | Pret'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 382 | | 5/16/2022 | | | | | | Pret'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 383 | | 2021-2022 | See Appendix A1 | | | | | Pret'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 384 | | 2/23/2022 | INTUIT-FTC-PART3-00002562 | | | | | Pret'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 384-A | | | INTUIT-FTC-PART3-000002560 | | | | | Pret'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 385 | | 5/25/2022 | INTUIT-FTC-PART3-000002597 | | | | | Pret'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 385-A | | | INTUIT-FTC-PART3-000638547 | | | | | Pret'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 386 | | 7/14/1905 | INTUIT-FTC-PART3-00002612 000006790; 000006790; INTUIT-FTC-PART3-000009792 0000484353; INTUIT-FTC-PART3-000490604 0000593204; INTUIT-FTC-PART3-000616580 000638546 INTUIT-FTC-PART3-000606971 | | | | | Pret'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 387 | | 4/19/2015 | | | | | | Pret'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 387-A | | 4/19/2015 | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX 388 | | 3/23/2016 | INTUIT-FTC-PART3-000606976 | | | | | Pret'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 389 | | 1/12/2017 | INTUIT-FTC-PART3-000606985 | | | | | Pret'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 390 | | 3/10/2019 | INTUIT-FTC-PART3-000606981 | | | | | Pret'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 391 | | 4/4/2022 | | | | | | Pret'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 392 | | 8/30/2022 | | | | | | Pret'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Part—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 393 | | 5/19/2016 | INTUIT-FFA-FTC-000114968 | | | | | Pret'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 394 | | | | | | | | Pret'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |

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| RX 395 | | | | INTUIT-FTC-PART3-000609965 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 396 | | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 397 | | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 398 | | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 399 | | | | INTUIT-FTC-PART3-000614004 to INTUIT-FTC-PART3-000616731 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 400 | | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 401 | | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Part--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 402 | | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Part--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 403 | | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 404 | | | | INTUIT-FTC-PART3-000600269 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 405 | | | | INTUIT-FTC-PART3-000606602 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 406 | | | | INTUIT-FTC-PART3-000600245 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 407 | | | | INTUIT-FTC-PART3-000593220 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 408 | | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 409 | | | | INTUIT-FTC-PART3-000599613 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 410 | | | | INTUIT-FTC-PART3-000600277 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 411 | | | | INTUIT-FTC-PART3-000593228 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 411-A | | | | INTUIT-FTC-PART3-000593228 | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |

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| RX 412 | | | | INTUIT-FTC-PART3-000600261 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 413 | | | | INTUIT-FTC-PART3-000603020 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 414 | | | | INTUIT-FTC-PART3-000593215 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 415 | | | | INTUIT-FTC-PART3-000600830 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 416 | | | | INTUIT-FTC-PART3-000600025 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 417 | | | | INTUIT-FTC-PART3-000600901 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 418 | | | | INTUIT-FTC-PART3-000600956 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 419 | | | | INTUIT-FTC-PART3-000600796 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 420 | | | | INTUIT-FTC-PART3-000600804 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 421 | | | | INTUIT-FTC-PART3-000593243 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 422 | | | | INTUIT-FTC-PART3-000600579 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 423 | | | | INTUIT-FTC-PART3-000600020 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 424 | | | | INTUIT-FTC-PART3-000593217 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 425 | | | | INTUIT-FTC-PART3-000598533 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 426 | | | | INTUIT-FTC-PART3-000598629 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 427 | | | | INTUIT-FTC-PART3-000600516 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 428 | | | | INTUIT-FTC-PART3-000600587 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 429 | | 7/13/2022 | INTUIT-FTC-PART3-000603003 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 430 | | 8/27/2022 | INTUIT-FTC-PART3-000593249 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 431 | | 6/12/2017 | INTUIT-FTC-PART3-000598529 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 432 | | 4/5/2019 | INTUIT-FTC-PART3-000599171 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 433 | | 11/10/2022 | INTUIT-FTC-PART3-000599008 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 434 | | 11/25/2020 | INTUIT-FTC-PART3-000600825 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 435 | | 3/16/2022 | INTUIT-FTC-PART3-000600270 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 436 | | 12/31/2021 | INTUIT-FTC-PART3-000599029 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 437 | | 12/31/2022 | INTUIT-FTC-PART3-000600293 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 438 | | 8/23/2022 | INTUIT-FTC-PART3-000600576 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 439 | | 7/20/2022 | INTUIT-FTC-PART3-000598621 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 439-A | | 7/20/2022 | INTUIT-FTC-PART3-000598621 | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | 565, 596, 662, 678 |
| RX 440 | | 6/1/2022 | INTUIT-FTC-PART3-000600873 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 441 | | 7/2022 | INTUIT-FTC-PART3-000599482 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 442 | | 3/17/2022 | INTUIT-FTC-PART3-000600262 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 443 | | | | INTUIT-FTC-PART3-000593222 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 444 | | | | INTUIT-FTC-PART3-000598808 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 445 | | | | INTUIT-FTC-PART3-000599399 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 446 | | | | INTUIT-FTC-PART3-000593213 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 447 | | | | INTUIT-FTC-PART3-000593231 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 448 | | | | INTUIT-FTC-PART3-000600605 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 449 | | | | INTUIT-FTC-PART3-000599625 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 450 | | | | INTUIT-FTC-PART3-000599375 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 451 | | | | INTUIT-FTC-PART3-000593216 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 452 | | | | INTUIT-FTC-PART3-000600868 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 453 | | | | INTUIT-FTC-PART3-000603027 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 454 | | | | INTUIT-FTC-PART3-000599397 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 455 | | | | INTUIT-FTC-PART3-000599389 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 456 | | | | INTUIT-FTC-PART3-000600591 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 457 | | | | INTUIT-FTC-PART3-000593229 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 458 | | | | INTUIT-FTC-PART3-000598534 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 459 | | | | INTUIT-FTC-PART3-000593248 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 460 | | | | INTUIT-FTC-PART3-000600973 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 461 | | | | INTUIT-FTC-PART3-000600996 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 462 | [REDACTED] | 2/4/2022 | INTUIT-FTC-PART3-000599407 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 463 | [REDACTED] | 12/3/2020 | INTUIT-FTC-PART3-000600851 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 464 | [REDACTED] | 7/22/2022 | INTUIT-FTC-PART3-000600655 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 465 | [REDACTED] | 7/19/2022 | INTUIT-FTC-PART3-000593227 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 466 | [REDACTED] | 8/17/2022 | INTUIT-FTC-PART3-000600961 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 467 | [REDACTED] | 10/22/2021 | INTUIT-FTC-PART3-000600803 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 468 | [REDACTED] | 7/12/2022 | INTUIT-FTC-PART3-000593218 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 469 | [REDACTED] | 2020 | INTUIT-FTC-PART3-000598532 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 470 | [REDACTED] | | INTUIT-FTC-PART3-000599174 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 471 | [REDACTED] | 6/15/2021 | INTUIT-FTC-PART3-000599525 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 472 | [REDACTED] | | INTUIT-FTC-PART3-000600252 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 473 | [REDACTED] | 7/6/2021 | INTUIT-FTC-PART3-000600887 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 474 | [REDACTED] | 2/24/2022 | INTUIT-FTC-PART3-000600089 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 475 | [REDACTED] | 8/27/2022 | INTUIT-FTC-PART3-000593251 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 476 | [REDACTED] | 7/13/2022 | INTUIT-FTC-PART3-000599022 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 477 | [REDACTED] | 10/21/1970 | INTUIT-FTC-PART3-000600859 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 478 | | 7/20/2022 | INTUIT-FTC-PART3-00060067 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 479 | | | INTUIT-FTC-PART3-00060074 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 480 | | 4/16/2015 | INTUIT-FTC-PART3-000600842 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 481 | | 8/27/2022 | INTUIT-FTC-PART3-000593245 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 482 | | | INTUIT-FTC-PART3-000600082 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 483 | | 12/19/2016 | INTUIT-FTC-PART3-000600272 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 484 | | | INTUIT-FTC-PART3-000600080 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 485 | | 9/23/2022 | INTUIT-FTC-PART3-000600584 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 486 | | 7/8/1905 | INTUIT-FTC-PART3-000601008 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 487 | | 11/2/2012 | INTUIT-FTC-PART3-000600865 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 488 | | | INTUIT-FTC-PART3-000599417 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 489 | | 8/11/2021 | INTUIT-FTC-PART3-000600898 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 490 | | 7/13/2022 | INTUIT-FTC-PART3-000593224 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 491 | | 4/26/2019 | INTUIT-FTC-PART3-000598531 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 492 | | 1/31/2020 | INTUIT-FTC-PART3-000599402 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 493 | [REDACTED] | | | INTUIT-FTC-PART3-000600986 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 494 | [REDACTED] | | | INTUIT-FTC-PART3-000599202 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 495 | [REDACTED] | | | INTUIT-FTC-PART3-000600018 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 496 | [REDACTED] | | | INTUIT-FTC-PART3-000593223 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 497 | [REDACTED] | | | INTUIT-FTC-PART3-000600870 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 498 | [REDACTED] | | | INTUIT-FTC-PART3-000600046 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 499 | [REDACTED] | | | INTUIT-FTC-PART3-000593240 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 500 | [REDACTED] | | | INTUIT-FTC-PART3-0006003005 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 501 | [REDACTED] | | | INTUIT-FTC-PART3-000593226 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 502 | [REDACTED] | | | INTUIT-FTC-PART3-000600083 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 503 | [REDACTED] | | | INTUIT-FTC-PART3-000599611 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 504 | [REDACTED] | | | INTUIT-FTC-PART3-000600984 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 505 | [REDACTED] | | | INTUIT-FTC-PART3-000601013 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 506 | [REDACTED] | | | INTUIT-FTC-PART3-000600699 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 507 | [REDACTED] | | | INTUIT-FTC-PART3-000593250 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 508 | [REDACTED] | 5/18/2022 | | | INTUIT-FTC-PART3-000600079 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 509 | [REDACTED] | 8/25/2022 | | | INTUIT-FTC-PART3-000600593 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 510 | [REDACTED] | 8/31/2021 | | | INTUIT-FTC-PART3-000600847 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 511 | [REDACTED] | 10/6/2022 | | | INTUIT-FTC-PART3-000600016 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 512 | [REDACTED] | 3/16/2022 | | | INTUIT-FTC-PART3-000599025 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 513 | [REDACTED] | 8/27/2022 | | | INTUIT-FTC-PART3-000593247 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 514 | [REDACTED] | 5/4/2018 | | | INTUIT-FTC-PART3-000598530 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 515 | [REDACTED] | 8/27/2022 | | | INTUIT-FTC-PART3-000593246 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 516 | [REDACTED] | 12/15/2021 | | | INTUIT-FTC-PART3-000600031 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 517 | [REDACTED] | 4/28/2022 | | | INTUIT-FTC-PART3-000599424 | | RX 078 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 518 | [REDACTED] | 5/2022 | | | INTUIT-FTC-PART3-000599920 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 519 | [REDACTED] | 7/11/2022 | | | INTUIT-FTC-PART3-000593212 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 520 | [REDACTED] | 8/27/2022 | | | INTUIT-FTC-PART3-000593244 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 521 | [REDACTED] | 8/23/2022 | | | INTUIT-FTC-PART3-000593214 | | RX 1067 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 522 | [REDACTED] | 2/25/2022 | | | INTUIT-FTC-PART3-000600279 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 523 | [REDACTED] | 8/17/2022 | | | INTUIT-FTC-PART3-000593241 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 524 | | 7/27/2022 | INTUIT-FTC-PART3-000593238 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 525 | | 7/12/2022 | INTUIT-FTC-PART3-000600280 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 526 | | 4/11/2022 | INTUIT-FTC-PART3-000596535 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 527 | | 7/12/2022 | INTUIT-FTC-PART3-000593219 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 528 | | 7/22/2022 | INTUIT-FTC-PART3-000593237 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 529 | | 2/8/2021 | INTUIT-FTC-PART3-000600861 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 530 | | 7/20/2022 | INTUIT-FTC-PART3-000600595 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 531 | | 9/6/2021 | INTUIT-FTC-PART3-000599641 | | | GX 288 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 532 | | 6/23/2022 | INTUIT-FTC-PART3-000599016 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 533 | | 4/7/2022 | INTUIT-FTC-PART3-000599421 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 534 | | 10/3/2019 | INTUIT-FFA-FTC-000507626 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 535 | | 7/26/2022 | INTUIT-FTC-PART3-000600792 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 536 | | 4/18/2019 | INTUIT-FTC-PART3-000600521 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 537 | | 8/27/2022 | INTUIT-FTC-PART3-000593242 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 538 | | 11/10/2022 | INTUIT-FTC-PART3-000599486 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 539 | | 7/13/2022 | INTUIT-FTC-PART3-000593225 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 540 | | | | INTUIT-FTC-PART3-000600989 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 541 | | | | INTUIT-FTC-PART3-000593221 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 542 | | | | INTUIT-FTC-PART3-000595336 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 543 | | | | INTUIT-FTC-PART3-000595267 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 544 | | | | INTUIT-FTC-PART3-000598459 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 545 | | | | INTUIT-FTC-PART3-000595439 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 546 | | | | INTUIT-FTC-PART3-000595153 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 547 | | | | INTUIT-FTC-PART3-000598396 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 548 | | | | INTUIT-FTC-PART3-000595446 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 549 | | | | INTUIT-FTC-PART3-000595360 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 550 | | | | INTUIT-FTC-PART3-000595219 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 551 | | | | INTUIT-FTC-PART3-000596068 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 552 | | | | INTUIT-FTC-PART3-000598329 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 553 | | | | INTUIT-FTC-PART3-000595424 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 554 | | | | INTUIT-FTC-PART3-000598454 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 555 | | | | INTUIT-FTC-PART3-000595280 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 556 | | 3/2/2020 | INTUIT-FTC-PART3-000596659 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 557 | | 9/1/2000 | INTUIT-FTC-PART3-000595119 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 558 | | 2/1/1985 | INTUIT-FTC-PART3-000595136 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 559 | | 8/24/2004 | INTUIT-FTC-PART3-000598504 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 560 | | 5/28/2015 | INTUIT-FTC-PART3-000597494 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 561 | | 5/1/2000 | INTUIT-FTC-PART3-000595299 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 562 | | 9/1/2014 | INTUIT-FTC-PART3-000596665 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 563 | | 2012 | INTUIT-FTC-PART3-000596682 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 564 | | 12/1/1998 | INTUIT-FTC-PART3-000595235 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 565 | | 9/2018 | INTUIT-FTC-PART3-000595396 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 566 | | 5/1/2006 | INTUIT-FTC-PART3-000595317 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 567 | | 4/1/2014 | INTUIT-FTC-PART3-000598490 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 568 | | 2017 | INTUIT-FTC-PART3-000595188 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 569 | | 3/1/2012 | INTUIT-FTC-PART3-000595202 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 570 | | 9/1/2004 | INTUIT-FTC-PART3-000598479 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 571 | | 8/30/2022 | INTUIT-FTC-PART3-000603004 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 572 | | 8/30/2022 | INTUIT-FTC-PART3-000603000 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 573 | | 8/30/2022 | INTUIT-FTC-PART3-000603001 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |

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| RX 574 | | 8/30/2022 | INTUIT-FTC-PART3-000602999 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 575 | | 8/30/2022 | INTUIT-FTC-PART3-000603002 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 576 | | 8/30/2022 | INTUIT-FTC-PART3-000603029 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 577 | | 10/14/2016 | INTUIT-FTC-PART3-000601484 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 578 | | 10/9/2017 | INTUIT-FTC-PART3-000601542 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 579 | | | INTUIT-FTC-PART3-000602936 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 580 | | 3/27/2019 | INTUIT-FTC-PART3-000601465 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 581 | | 9/28/2015 | INTUIT-FTC-PART3-000601704 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 582 | | 4/11/2019 | INTUIT-FTC-PART3-000601283 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Part-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 583 | | 06/20/17 | INTUIT-FTC-PART3-000602784 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 584 | | 2022 | INTUIT-FTC-PART3-000602934 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 585 | | 6/10/2016 | INTUIT-FTC-PART3-000602881 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 586 | | 7/23/2019 | INTUIT-FTC-PART3-000602782 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 587 | | 2/27/2013 | INTUIT-FTC-PART3-000601230 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 588 | | 3/7/2017 | INTUIT-FTC-PART3-000602937 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 589 | | 7/2/2015 | INTUIT-FTC-PART3-000602906 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 590 | | 2022 | INTUIT-FTC-PART3-000603030 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | 748 |
| RX 591 | | 10/16/2007 | INTUIT-FTC-PART3-000601673 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 592 | | 8/2/2021 | INTUIT-FTC-PART3-000602627 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 593 | | 6/2/2018 | INTUIT-FTC-PART3-000601689 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 594 | | | INTUIT-FTC-PART3-000601354 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | 790, 799 |
| RX 595 | | 3/16/2019 | INTUIT-FTC-PART3-000602709 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 596 | | 2/2/2022 | INTUIT-FTC-PART3-000602728 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |

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| RX 597 | | | | INTUIT-FTC-PART3-000601645 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 598 | | | | INTUIT-FTC-PART3-000602835 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 599 | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Part--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 600 | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Part--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 601 | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 602 | | | | INTUIT-FTC-PART3-000602892 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 603 | | | | INTUIT-FTC-PART3-000602839 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 604 | | | | INTUIT-FTC-PART3-000602976 | | RX 1239 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 605 | | | | INTUIT-FTC-PART3-000602894 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 606-A | | | | INTUIT-FTC-PART3-000602959 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 606-B | | | | INTUIT-FTC-PART3-000618431 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 607 | | | | INTUIT-FTC-PART3-000602891 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 608 | | | | INTUIT-FTC-PART3-000602972 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 609 | | | | INTUIT-FTC-PART3-000602890 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 610 | | | | INTUIT-FTC-PART3-000602954 | | RX 1047 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 611 | | | | INTUIT-FTC-PART3-000602837 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 612 | | | | INTUIT-FTC-PART3-000602856 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 613 | | | | INTUIT-FTC-PART3-000602858 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 614 | | | | INTUIT-FTC-PART3-000602944 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 615 | | | | INTUIT-FTC-PART3-000602970 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 616 | | | | INTUIT-FTC-PART3-000593239 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 617 | | | | INTUIT-FTC-PART3-000602951 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 618 | | | | INTUIT-FTC-PART3-000602990 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 619 | | | | INTUIT-FTC-PART3-000602938 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 620 | | | | INTUIT-FTC-PART3-000602962 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 621 | | | | INTUIT-FTC-PART3-000602968 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 622 | | | | INTUIT-FTC-PART3-000602945 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 623 | | | | INTUIT-FTC-PART3-000602950 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 624 | | | | INTUIT-FTC-PART3-000602947 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 625 | | | | INTUIT-FTC-PART3-000602957 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 626 | | | | INTUIT-FTC-PART3-000602946 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 627-A | | | | INTUIT-FTC-PART3-000602965 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 627-B | | | | INTUIT-FTC-PART3-000618449 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 628 | | | | INTUIT-FTC-PART3-000602978 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 629 | | | | INTUIT-FTC-PART3-000602987 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 630 | | | | INTUIT-FTC-PART3-000602963 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 631 | | | | INTUIT-FTC-PART3-000602985 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 632 | | | | INTUIT-FTC-PART3-000602992 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 633 | | | | INTUIT-FTC-PART3-000602955 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 634 | | | | INTUIT-FTC-PART3-000602979 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 635 | | | | INTUIT-FTC-PART3-000602977 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 636 | | | | INTUIT-FTC-PART3-000602983 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 637 | | | | INTUIT-FTC-PART3-000602940 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 638 | | | | INTUIT-FTC-PART3-000593230 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 639 | | | | INTUIT-FTC-PART3-000602943 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 640 | | | | INTUIT-FTC-PART3-000602964 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 641-A | | | | INTUIT-FTC-PART3-000602973 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 641-B | | | | INTUIT-FTC-PART3-000618447 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 642 | | | | INTUIT-FTC-PART3-000602942 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 643 | | | | INTUIT-FTC-PART3-000602989 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 644 | | | | INTUIT-FTC-PART3-000602981 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 645 | | | | INTUIT-FTC-PART3-000602993 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 646 | | | | INTUIT-FTC-PART3-000602941 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 647 | | | | INTUIT-FTC-PART3-000602948 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 648 | | | | INTUIT-FTC-PART3-000602993 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 649 | | | | INTUIT-FTC-PART3-000602994 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 650 | | | | INTUIT-FTC-PART3-000602969 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 651 | | | | INTUIT-FTC-PART3-000602986 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 652 | | | | INTUIT-FTC-PART3-000602988 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 653 | | | | INTUIT-FTC-PART3-000602992 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 654 | | | | INTUIT-FTC-PART3-000602971 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 655 | | | | INTUIT-FTC-PART3-000602967 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 656 | | | | INTUIT-FTC-PART3-000607376 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 657 | | 7/1/2022 | | | INTUIT-FTC-PART3-000607367 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 658 | | 7/1/2022 | | | INTUIT-FTC-PART3-000607370 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 659 | | 7/1/2022 | | | INTUIT-FTC-PART3-000607363 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 660 | | 7/1/2022 | | | INTUIT-FTC-PART3-000607369 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 661 | | 7/1/2022 | | | INTUIT-FTC-PART3-000607375 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 662 | | 7/1/2022 | | | INTUIT-FTC-PART3-000607378 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 663 | | 7/1/2022 | | | INTUIT-FTC-PART3-000607373 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 664 | | 7/1/2022 | | | INTUIT-FTC-PART3-000607371 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 665 | | 7/1/2022 | | | INTUIT-FTC-PART3-000607382 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 666 | | 7/1/2022 | | | INTUIT-FTC-PART3-000607361 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 667 | | 7/1/2022 | | | INTUIT-FTC-PART3-000607380 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 668 | | 7/1/2022 | | | INTUIT-FTC-PART3-000607377 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 669 | [REDACTED] | 7/1/2022 | INTUIT-FTC-PART3-000607383 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 670 | [REDACTED] | 7/1/2022 | INTUIT-FTC-PART3-000607379 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 671 | [REDACTED] | 7/1/2022 | INTUIT-FTC-PART3-000607368 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 672 | [REDACTED] | 7/1/2022 | INTUIT-FTC-PART3-000607364 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 673 | [REDACTED] | 7/1/2022 | INTUIT-FTC-PART3-000607372 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 674 | [REDACTED] | 7/1/2022 | INTUIT-FTC-PART3-000607381 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 675 | [REDACTED] | 7/1/2022 | INTUIT-FTC-PART3-000607374 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 676 | [REDACTED] | 7/1/2022 | INTUIT-FTC-PART3-000607366 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 677 | [REDACTED] | 7/1/2022 | INTUIT-FTC-PART3-000607362 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 678 | [REDACTED] | 7/1/2022 | INTUIT-FTC-PART3-000607365 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 679 | [REDACTED] | 4/4/2022 | INTUIT-FTC-PART3-000602998 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 680 | [REDACTED] | 4/4/2022 | INTUIT-FTC-PART3-000602996 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 681 | [REDACTED] | 4/4/2022 | INTUIT-FTC-PART3-000602995 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 682 | [REDACTED] | 4/4/2022 | INTUIT-FTC-PART3-000602997 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 683 | | 09/2012 | | | INTUIT-FTC-PART3-000593345 | | | Prehrig Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 684 | | 9/1/2004 | | | INTUIT-FTC-PART3-000593365 | | | Prehrig Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 685 | | 3/8/2021 | | | INTUIT-FTC-PART3-000593210 | | | Prehrig Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 686 | | 4/1/2022 | | | INTUIT-FTC-PART3-000595116 | | | Prehrig Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 687 | | 8/23/2022 | | | INTUIT-FTC-PART3-000593488 | | | Prehrig Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 688 | | 4/2/2022 | | | INTUIT-FTC-PART3-000593921 | | | Prehrig Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 689 | | 3/18/2022 | | | INTUIT-FTC-PART3-000593913 | | | Prehrig Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 690 | | 5/4/2022 | | | INTUIT-FTC-PART3-000593207 | | | Prehrig Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 691 | | 1/21/2021 | | | INTUIT-FTC-PART3-000593211 | | | Prehrig Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 692 | | 4/1/2022 | | | INTUIT-FTC-PART3-000593947 | | | Prehrig Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 693 | | 4/2/2022 | | | INTUIT-FTC-PART3-000593935 | | | Prehrig Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 694 | | 6/2021 | | | INTUIT-FTC-PART3-000593695 | | | Prehrig Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 695 | | 10/30/2019 | | | INTUIT-FTC-PART3-000593859 | | | Prehrig Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 696 | | 2/14/2022 | | | INTUIT-FTC-PART3-000593208 | | | Prehrig Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 697 | | 1/4/2022 | | | INTUIT-FTC-PART3-000593206 | | | Prehrig Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 698 | | 11/4/2020 | | | | | | Prehrig Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 699 | | | | | INTUIT-FTC-PART3-000594976 | | | Prehrig Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 700 | | 3/27/2019 | INTUIT-FTC-PART3-000594144 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 701 | | | INTUIT-FTC-PART3-000594977 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 702 | | | INTUIT-FTC-PART3-000594691 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 702-A | | | INTUIT-FTC-PART3-000594691 | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | 585 |
| RX 703 | | 11/10/2014 | INTUIT-FTC-PART3-000594163 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 704 | | 5/16/2019 | INTUIT-FTC-PART3-000607308 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 705 | | 4/4/2022 | INTUIT-FTC-PART3-000607385 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 706 | | 8/2021 | INTUIT-FTC-PART3-000607412 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 707 | | 1/2022 | INTUIT-FTC-PART3-000607494 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 708 | | 2012 | INTUIT-FTC-PART3-000608690 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 709 | | 2011 | INTUIT-FTC-PART3-000608615 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 711 | | 5/28/1905 | INTUIT-FTC-PART3-000608683 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 712 | | 7/2011 | INTUIT-FTC-PART3-000608694 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 713 | | 3/1975 | INTUIT-FTC-PART3-000608708 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 714 | | 2004 | INTUIT-FTC-PART3-000608720 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 715 | | 3/1/2018 | INTUIT-FTC-PART3-000609539 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 716 | | 3/25/2019 | INTUIT-FTC-PART3-000609540 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 716-A | | 3/25/2019 | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX 717 | | 4/5/2019 | INTUIT-FTC-PART3-000609543 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 718 | | 7/2004 | INTUIT-FTC-PART3-000609564 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 719 | | 3/23/2019 | INTUIT-FTC-PART3-000609845 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 719-A | | 3/23/2019 | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX 720 | | 10/30/2020 | INTUIT-FTC-PART3-000609848 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 721 | | 10/17/2020 | INTUIT-FTC-PART3-000609883 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 722 | | 10/17/2020 | INTUIT-FTC-PART3-000609887 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 725-A | | 10/17/2020 | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX 723 | | 1/16/2019 | INTUIT-FFA-FTC-000329046 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 724 | | 5/28/2019 | INTUIT-FFA-FTC-000169067 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 725 | | | INTUIT-FFA-FTC-000169124 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 726 | | | INTUIT-FFA-FTC-000169123 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 727 | | 2/18/2020 | INTUIT-FFA-FTC-000549993 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 728 | | 7/31/2019 | INTUIT-FTC-PART3-000609947 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 729 | | 10/15/2020 | INTUIT-FFA-FTC-000032766 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 730 | | 11/21/2018 | INTUIT-FFA-FTC-000259851 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 731 | | 10/15/2020 | INTUIT-FFA-FTC-000032744 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 732 | | 8/30/2022 | INTUIT-FTC-PART3-000609963 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 733 | | 8/30/2022 | INTUIT-FTC-PART3-000607960 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 734 | | 2/1999 | INTUIT-FTC-PART3-000606158 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 735 | | | | INTUIT-FTC-PART3-000605349 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 736 | | | | INTUIT-FTC-PART3-000606056 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 737 | | | | INTUIT-FTC-PART3-000603449 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 738 | | | | INTUIT-FTC-PART3-000606203 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 739 | | | | INTUIT-FTC-PART3-000606251 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 740 | | | | INTUIT-FTC-PART3-000605380 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 741 | | | | INTUIT-FTC-PART3-000605339 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 742 | | | | INTUIT-FTC-PART3-000606285 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 743 | | | | INTUIT-FTC-PART3-000606699 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 744 | | | | INTUIT-FTC-PART3-000606146 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 745 | | | | INTUIT-FTC-PART3-000606053 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 746 | | | | INTUIT-FTC-PART3-000606220 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 747 | | | | INTUIT-FTC-PART3-000606074 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 748 | | | | INTUIT-FTC-PART3-000606091 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 749 | | | | INTUIT-FTC-PART3-000606730 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 750 | | | | INTUIT-FTC-PART3-000606712 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 751 | | | | INTUIT-FTC-PART3-000604506 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 752 | | | | INTUIT-FTC-PART3-000603084 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 753 | [REDACTED] | 6/2003 | | | INTUIT-FTC-PART3-000603411 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 754 | [REDACTED] | 1951 | | | INTUIT-FTC-PART3-000606100 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 755 | [REDACTED] | 2020 | | | INTUIT-FTC-PART3-000606063 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 756 | [REDACTED] | 4/5/2009 | | | INTUIT-FTC-PART3-000606085 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 757 | [REDACTED] | 2015 | | | INTUIT-FTC-PART3-000606171 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 758 | [REDACTED] | 1976 | | | INTUIT-FTC-PART3-000606113 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 759 | [REDACTED] | 9/2011 | | | INTUIT-FTC-PART3-000603120 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 760 | [REDACTED] | 4/2010 | | | INTUIT-FTC-PART3-000606135 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 761 | [REDACTED] | 2002 | | | INTUIT-FTC-PART3-000603427 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 762 | [REDACTED] | 2009 | | | INTUIT-FTC-PART3-000606002 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 763 | [REDACTED] | 2016 | | | INTUIT-FTC-PART3-000606710 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 764 | [REDACTED] | 8/30/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 765 | [REDACTED] | 9/2/2019 | | | INTUIT-FTC-PART3-000607561 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 765-A | [REDACTED] | 9/2/2019 | | | INTUIT-FTC-PART3-000607561 | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | 1618, 1621 |
| RX 766 | [REDACTED] | 2020 | | | INTUIT-FTC-PART3-000607139 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 767 | [REDACTED] | 10/28/2019 | | | INTUIT-FTC-PART3-000607247 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 768 | | | | INTUIT-FTC-PART3-000607226 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 769 | | | | INTUIT-FTC-PART3-000606980 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 770 | | | | INTUIT-FTC-PART3-000607244 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 771 | | | | INTUIT-FTC-PART3-000607184 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 772 | | | | INTUIT-FTC-PART3-000606964 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 773 | | | | INTUIT-FTC-PART3-000607130 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 774 | | | | INTUIT-FTC-PART3-000606947 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 775 | | | | INTUIT-FTC-PART3-000607262 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 776 | | | | INTUIT-FTC-PART3-000606977 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 777 | | | | INTUIT-FTC-PART3-000607238 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 778 | | | | INTUIT-FTC-PART3-000607256 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 779 | | | | INTUIT-FTC-PART3-000607110 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 780 | | | | INTUIT-FTC-PART3-000607223 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 781 | | 9/23/2020 | INTUIT-FTC-PART3-000606986 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 782 | | 4/1/2022 | INTUIT-FTC-PART3-000607250 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 783 | | 2/2/2022 | INTUIT-FTC-PART3-000606933 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 784 | | | INTUIT-FTC-PART3-000607220 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 785 | | 4/3/1996 | INTUIT-FTC-PART3-000607099 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 786 | | 4/1/2022 | INTUIT-FTC-PART3-000606950 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 787 | | 4/7/2020 | INTUIT-FTC-PART3-000607121 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 788 | | 9/8/2020 | INTUIT-FTC-PART3-000606961 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 789 | | 3/17/2021 | INTUIT-FTC-PART3-000607242 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 790 | | 1/26/2018 | INTUIT-FTC-PART3-000607100 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 791 | | 4/3/2022 | INTUIT-FTC-PART3-000607291 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 792 | | 10/22/2015 | INTUIT-FFA-FTC-000054605 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 793 | | 2/6/2019 | INTUIT-FFA-FTC-000206456 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 794 | | 5/6/2019 | INTUIT-FFA-FTC-000526090 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 795 | | 5/14/2019 | INTUIT-FFA-FTC-000066726 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 796 | | 7/19/2019 | INTUIT-FTC-PART3-000608467 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 797 | | 1/26/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 798 | | 2/14/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 799 | | 3/28/2022 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 800 | | 7/20/2022 | INTUIT-FTC-PART3-000618503 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 801 | | 11/2016 | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 802 | | 8/5/2021 | INTUIT-FTC-PART3-000618208 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 803 | | 12/3/2018 | INTUIT-FFA-FTC-000057252 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 804 | | 5/8/2019 | INTUIT-FFA-FTC-000066459 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Part--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 805 | | 8/6/2014 | INTUIT-FFA-FTC-000103084 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 806 | | 11/12/2015 | INTUIT-FFA-FTC-000240217 | | | GX 47 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 807 | | 8/12/2019 | INTUIT-FFA-FTC-000376922 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 808 | | 10/2017 | INTUIT-FTC-PART3-000594381 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 809 | | 3/29/2022 | INTUIT-FTC-PART3-000608488 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 810 | | 7-8/2021 | INTUIT-FTC-PART3-000616733 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 811 | | 5/6/2021 | INTUIT-FTC-PART3-000608578 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 812 | | 5/20/2022 | INTUIT-FTC-PART3-000609664 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 813 | | | INTUIT-FTC-PART3-000613260 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 813-A | | 4/9/2022 | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | 679 |
| RX 814 | | 8/31/2021 | INTUIT-FTC-PART3-000616784 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Part--Order on Motions for In Camera Treatment (Apr. 24, 2023) | 591, 633 |
| RX 815 | | | INTUIT-FTC-PART3-000400339 | | | GX 435 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 816 | | | INTUIT-FTC-PART3-000490341 | | | GX 475 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full--Order on Motions for In Camera Treatment (Apr. 24, 2023) | 1415, 1419, 1466 |
| RX 817 | | | INTUIT-FTC-PART3-000608568 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |

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| RX 818 | [REDACTED] | | | | INTUIT-FTC-PART3-000608569 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 819 | [REDACTED] | | | | INTUIT-FTC-PART3-000608570 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 820 | [REDACTED] | | | | INTUIT-FTC-PART3-000608571 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 821 | [REDACTED] | | | | INTUIT-FTC-PART3-000608572 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 822 | [REDACTED] | | | | INTUIT-FTC-PART3-000608573 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 823 | [REDACTED] | | | | INTUIT-FTC-PART3-000608574 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 824 | [REDACTED] | | | | INTUIT-FTC-PART3-000608575 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 825 | [REDACTED] | | | | INTUIT-FTC-PART3-000608576 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 827 | [REDACTED] | 2020 | | | INTUIT-FTC-PART3-000613371 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 828 | [REDACTED] | 2002 | | | INTUIT-FTC-PART3-000613388 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 829 | [REDACTED] | 2015 | | | INTUIT-FTC-PART3-000613616 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 830 | [REDACTED] | 2020 | | | INTUIT-FTC-PART3-000613460 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 831 | [REDACTED] | 11/2006 | | | INTUIT-FTC-PART3-000613261 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 832 | [REDACTED] | 2015 | | | INTUIT-FTC-PART3-000613346 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 833 | [REDACTED] | 2018 | | | INTUIT-FTC-PART3-000613637 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 834 | [REDACTED] | 6/2019 | | | INTUIT-FTC-PART3-000616813 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 835 | [REDACTED] | 6/2002 | | | INTUIT-FTC-PART3-000613311 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 836 | [REDACTED] | 8/1981 | | | INTUIT-FTC-PART3-000613403 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 837 | | | | INTUIT-FTC-PART3-000613297 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 838 | | | | INTUIT-FTC-PART3-000613339 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 839 | | | | INTUIT-FTC-PART3-000613620 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 840 | | | | INTUIT-FTC-PART3-000613529 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 841 | | | | INTUIT-FTC-PART3-000613456 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 842 | | | | INTUIT-FTC-PART3-000613690 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 843 | | | | INTUIT-FTC-PART3-000613431 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 844 | | | | INTUIT-FTC-PART3-000610930 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 845 | | | | INTUIT-FTC-PART3-000611085 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 846 | | | | INTUIT-FTC-PART3-000610501 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 847 | | | | INTUIT-FTC-PART3-000610232 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 848 | | | | INTUIT-FTC-PART3-000610922 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 849 | | | | INTUIT-FTC-PART3-000611410 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 850 | | | | INTUIT-FTC-PART3-000611971 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 851 | | | | INTUIT-FTC-PART3-000611238 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 852 | | | | INTUIT-FTC-PART3-000610178 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 853 | | | | INTUIT-FTC-PART3-000610462 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 854 | | | | INTUIT-FTC-PART3-000610654 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 855 | | | | INTUIT-FTC-PART3-000610669 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 856 | | | | INTUIT-FTC-PART3-000613027 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 857 | | | | INTUIT-FTC-PART3-000610658 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 858 | | | | INTUIT-FTC-PART3-000612401 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 859 | | | | INTUIT-FTC-PART3-000610021 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 860 | | | | INTUIT-FTC-PART3-000612789 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 861 | | | | INTUIT-FTC-PART3-000612589 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 862 | | | | INTUIT-FTC-PART3-000611515 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 863 | | | | INTUIT-FTC-PART3-000610457 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 864 | | | | INTUIT-FTC-PART3-000611624 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 865 | | | | INTUIT-FTC-PART3-000610327 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 866 | | | | INTUIT-FTC-PART3-000611084 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 867 | | 10/18/2021 | | INTUIT-FTC-PART3-000613234 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 868 | | 10/18/2021 | | INTUIT-FTC-PART3-000610228 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 869 | | 6/30/2022 | | INTUIT-FTC-PART3-000610652 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 870 | | | | INTUIT-FTC-PART3-000612498 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 871 | | 4/5/2022 | | INTUIT-FTC-PART3-000610432 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 872 | | 9/2020 | | INTUIT-FTC-PART3-000612814 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 873 | | | | INTUIT-FTC-PART3-000610111 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 874 | | 9/13/2019 | | INTUIT-FTC-PART3-000610063 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 875 | | | | INTUIT-FTC-PART3-000611231 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 876 | | 3/25/2022 | | INTUIT-FTC-PART3-000611416 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 877 | | | | INTUIT-FTC-PART3-000610295 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 878 | | 4/6/2022 | | INTUIT-FTC-PART3-000610925 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 879 | | 2019 | | INTUIT-FTC-PART3-000610450 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 880 | | 6/29/2022 | | INTUIT-FTC-PART3-000610657 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 881 | [REDACTED] | 3/7/2019 | | | INTUIT-FTC-PART3-000610134 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 882 | [REDACTED] | | | | INTUIT-FTC-PART3-000611889 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 883 | [REDACTED] | | | | INTUIT-FTC-PART3-000610241 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 884 | [REDACTED] | | | | INTUIT-FTC-PART3-000610027 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 885 | [REDACTED] | | | | INTUIT-FTC-PART3-000611463 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 886 | [REDACTED] | | | | INTUIT-FTC-PART3-000610008 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 887 | [REDACTED] | | | | INTUIT-FTC-PART3-000610702 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 888 | [REDACTED] | | | | INTUIT-FTC-PART3-000610275 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 889 | [REDACTED] | | | | INTUIT-FTC-PART3-000613199 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 890 | [REDACTED] | 5/24/2022 | | | INTUIT-FTC-PART3-000612483 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 891 | [REDACTED] | | | | INTUIT-FTC-PART3-000612791 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 892 | [REDACTED] | | | | INTUIT-FTC-PART3-000611906 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 894 | [REDACTED] | | | | INTUIT-FTC-PART3-000612993 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 895 | [REDACTED] | | | | INTUIT-FTC-PART3-000611528 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 896 | [REDACTED] | 12/14/2018 | | | INTUIT-FTC-PART3-000612862 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 897 | [REDACTED] | 7/22/2022 | | | INTUIT-FTC-PART3-000610014 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 898 | [REDACTED] | 7/20/2018 | | | INTUIT-FTC-PART3-000611354 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 899 | [REDACTED] | 3/4/2022 | | | INTUIT-FTC-PART3-000610175 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 900 | [REDACTED] | | | | INTUIT-FTC-PART3-000610248 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 901 | [REDACTED] | | | | INTUIT-FTC-PART3-000612387 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 902 | [REDACTED] | | | | INTUIT-FTC-PART3-000612564 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 903 | [REDACTED] | | | | INTUIT-FTC-PART3-000612501 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 904 | [REDACTED] | | | | INTUIT-FTC-PART3-000611913 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 905 | [REDACTED] | 6/15/2021 | | | INTUIT-FTC-PART3-000611129 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 906 | [REDACTED] | 1/6/2021 | | | INTUIT-FTC-PART3-000610691 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 907 | [REDACTED] | 3/18/2021 | | | INTUIT-FTC-PART3-000611929 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 908 | [REDACTED] | 2/22/2022 | | | INTUIT-FTC-PART3-000610045 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 909 | [REDACTED] | 12/2/2022 | | | INTUIT-FTC-PART3-000613019 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 910 | | 1/10/2022 | INTUIT-FTC-PART3-000610692 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 911 | | 11/17/2021 | INTUIT-FTC-PART3-000610719 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 912 | | | INTUIT-FTC-PART3-000610019 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 913 | | | INTUIT-FTC-PART3-000610230 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 914 | | | INTUIT-FTC-PART3-000611467 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 915 | | 2/19/2014 | INTUIT-FTC-PART3-000612782 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 916 | | | INTUIT-FTC-PART3-000613259 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 917 | | 2021 | INTUIT-FTC-PART3-000611529 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 918 | | | INTUIT-FTC-PART3-000617826 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 919 | | | INTUIT-FTC-PART3-000610171 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 920 | | 8/31/2020 | INTUIT-FTC-PART3-000612614 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 921 | | 9/9/2021 | INTUIT-FTC-PART3-000613040 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 922 | | 9/2/2022 | INTUIT-FTC-PART3-000611692 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 923 | | 9/2021 | INTUIT-FTC-PART3-000610954 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 924-A | | 9/28/2022 | INTUIT-FTC-PART3-000618000 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 924-B | [REDACTED] | 9/28/2022 | INTUIT-FTC-PART3-000610770 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 1299 |
| RX 924-C | [REDACTED] | 9/28/2022 | INTUIT-FTC-PART3-000610770 | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX 925 | [REDACTED] | | INTUIT-FTC-PART3-000612769 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 926 | [REDACTED] | | INTUIT-FTC-PART3-000611674 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 927 | [REDACTED] | 7/27/2022 | INTUIT-FTC-PART3-000613227 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 928 | [REDACTED] | 1/21/2022 | INTUIT-FTC-PART3-000610307 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 929 | [REDACTED] | | INTUIT-FTC-PART3-000611122 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 930 | [REDACTED] | | INTUIT-FTC-PART3-000612408 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 931 | [REDACTED] | | INTUIT-FTC-PART3-000610548 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 932 | [REDACTED] | 7/12/2022 | INTUIT-FTC-PART3-000611413 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 933 | [REDACTED] | 4/15/2022 | INTUIT-FTC-PART3-000611615 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 934 | [REDACTED] | | INTUIT-FTC-PART3-000611117 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 935 | [REDACTED] | 1/18/2022 | | | INTUIT-FTC-PART3-000613219 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 936 | [REDACTED] | 3/6/2022 | | | INTUIT-FTC-PART3-000613223 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 937 | [REDACTED] | | | | INTUIT-FTC-PART3-000611392 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 938 | [REDACTED] | | | | INTUIT-FTC-PART3-000613238 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 939 | [REDACTED] | | | | INTUIT-FTC-PART3-000610673 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 940 | [REDACTED] | 7/2022 | | | INTUIT-FTC-PART3-000611469 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 941 | [REDACTED] | | | | INTUIT-FTC-PART3-000611969 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 942 | [REDACTED] | 12/7/2022 | | | INTUIT-FTC-PART3-000610493 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 943 | [REDACTED] | 8/1/2022 | | | INTUIT-FTC-PART3-000612599 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 943-A | [REDACTED] | 8/1/2022 | | | INTUIT-FTC-PART3-000612599 | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX 944 | [REDACTED] | 1/3/2023 | | | INTUIT-FTC-PART3-000612557 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 945 | [REDACTED] | 7/8/2022 | | | INTUIT-FTC-PART3-000611098 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 946 | [REDACTED] | 10/25/2022 | | | INTUIT-FTC-PART3-000612578 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 947 | [REDACTED] | 7/25/2022 | | | INTUIT-FTC-PART3-000610436 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 948 | [REDACTED] | 7/22/2022 | | | INTUIT-FTC-PART3-000612474 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 949 | [REDACTED] | 7/26/2022 | | | INTUIT-FTC-PART3-000610237 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 950 | [REDACTED] | 1/3/2023 | | | INTUIT-FTC-PART3-000610164 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 951 | [REDACTED] | 3/6/2022 | | | INTUIT-FTC-PART3-000612406 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 952 | | | | 1/21/2022 | | | INTUIT-FTC-PART3-000612533 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 953 | | | | 1/4/2022 | | | INTUIT-FTC-PART3-000612595 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 954 | | | | 1/19/2022 | | | INTUIT-FTC-PART3-000613037 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 955 | | | | 1/4/2022 | | | INTUIT-FTC-PART3-000610497 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 957 | | | | 1/4/2022 | | | INTUIT-FTC-PART3-000610484 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 958 | | | | | | | INTUIT-FTC-PART3-000610730 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 959 | | | | | | | INTUIT-FTC-PART3-000610301 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 959-A | | | | | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX 960 | | | | | | | INTUIT-FTC-PART3-000613009 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 961 | | | | | | | INTUIT-FTC-PART3-000610645 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 962 | | | | | | | INTUIT-FTC-PART3-000612411 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 963 | | | | | | | INTUIT-FTC-PART3-000611455 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 964 | | | | 5/4/2022 | | | INTUIT-FTC-PART3-000610534 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 965 | | | | INTUIT-FTC-PART3-000612381 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 966 | | | | INTUIT-FTC-PART3-000611671 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 967 | | | | INTUIT-FTC-PART3-000611879 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 968 | | | | INTUIT-FTC-PART3-000612773 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 969 | | | | INTUIT-FTC-PART3-000610707 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 970 | | | | INTUIT-FTC-PART3-000609991 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 971 | | | | INTUIT-FTC-PART3-000611871 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 972 | | | | INTUIT-FTC-PART3-000610114 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 973 | | | | INTUIT-FTC-PART3-000610939 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 974 | | | | INTUIT-FTC-PART3-000611633 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 975 | | | | INTUIT-FTC-PART3-000610579 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 976 | | | | INTUIT-FTC-PART3-000611941 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 977 | | | | INTUIT-FTC-PART3-000610516 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 978 | | | | INTUIT-FTC-PART3-000612996 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 979 | | | | INTUIT-FTC-PART3-000610467 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 980 | | | | INTUIT-FTC-PART3-000612421 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 981 | | | | INTUIT-FTC-PART3-000612535 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 982 | | | | INTUIT-FTC-PART3-000610122 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 983 | | | | INTUIT-FTC-PART3-000612418 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 984 | | | | INTUIT-FTC-PART3-000612465 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 985 | | | | INTUIT-FTC-PART3-000610928 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 986 | | | | INTUIT-FTC-PART3-000611669 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 987 | | | | INTUIT-FTC-PART3-000611631 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 988 | | | | INTUIT-FTC-PART3-000610514 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 989 | | | | INTUIT-FTC-PART3-000610638 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 990 | | | | INTUIT-FTC-PART3-000610309 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 991 | | | | INTUIT-FTC-PART3-000612760 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 992 | | | | INTUIT-FTC-PART3-000611920 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 993 | | | | INTUIT-FTC-PART3-000612850 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 994 | | | | INTUIT-FTC-PART3-000610219 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 995 | [REDACTED] | | | | INTUIT-FTC-PART3-000610721 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 996 | [REDACTED] | | | | INTUIT-FTC-PART3-000611921 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 997 | [REDACTED] | | | | INTUIT-FTC-PART3-000611510 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 998 | [REDACTED] | | | | INTUIT-FTC-PART3-000610488 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 999 | [REDACTED] | | | | INTUIT-FTC-PART3-000610128 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1000 | [REDACTED] | 1998 | | | INTUIT-FTC-PART3-000617064 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1001 | [REDACTED] | 2002 | | | INTUIT-FTC-PART3-000617112 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1002 | [REDACTED] | 2012 | | | INTUIT-FTC-PART3-000617020 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1003 | [REDACTED] | 2021 | | | INTUIT-FTC-PART3-000617190 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1004 | [REDACTED] | 2020 | | | INTUIT-FTC-PART3-000617179 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1005 | [REDACTED] | 2018 | | | INTUIT-FTC-PART3-000617050 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1006 | [REDACTED] | | | | INTUIT-FFA-FTC-000528212 | | GX 325 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 35 |
| RX 1007 | [REDACTED] | | | | INTUIT-FFA-FTC-000169116 | | GX 324 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 989 |
| RX 1008 | [REDACTED] | 2006 | | | INTUIT-FTC-PART3-000617061 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1009 | [REDACTED] | 6/15/2018 | | | INTUIT-FTC-PART3-000616732 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1010 | [REDACTED] | 5/21/2018 | | | INTUIT-FTC-PART3-000617283 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1011 | [REDACTED] | | | | INTUIT-FTC-PART3-000617243 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1012 | [REDACTED] | 1993 | | | INTUIT-FTC-PART3-000616994 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 1013 | | 2009 | | | INTUIT-FTC-PART3-000617072 | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1016 | | 1/13/2023 | | | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Part--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 1016-A | | 1/13/2023 | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | In Part--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 1017 | | 1/13/2023 | | | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Part--Order on Motions for In Camera Treatment (Apr. 24, 2023) | 844, 887, 960, 991, 1003, 1007, 1232, 1761 |
| RX 1018 | | 1/13/2023 | | | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Part--Order on Motions for In Camera Treatment (Apr. 24, 2023) | 1217, 1230, 1245, 1254 |
| RX 1019 | | 8/23/2022 | | | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1020 | | 8/19/2022 | | | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1021 | | 8/19/2022 | | | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1022 | | 8/19/2022 | | | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1023 | | | | | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1024 | | 8/12/2022 | | | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1025 | | 8/12/2022 | | | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1026 | | 8/12/2022 | | | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1027 | | 1/13/2023 | | | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Part--Order on Motions for In Camera Treatment (Apr. 24, 2023) | 1295, 1370, 1383, 1418, 1428, 1667, 1693, 1720 |
| RX 1030 | | | | | INTUIT-FTC-PART3-000490338 | | GX 434 | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full--Order on Motions for In Camera Treatment (Apr. 24, 2023) | 297, 318 |
| RX 1032 | | 4/14/2022 | | | INTUIT-FTC-PART3-000618167 | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1033 | | | | | INTUIT-FTC-PART3-000618165 | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1034 | | | | | INTUIT-FTC-PART3-000618247 | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1035 | | | | | INTUIT-FTC-PART3-000618235 | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1036 | | | | | INTUIT-FTC-PART3-000618217 | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 1037 | | | | | INTUIT-FTC-PART3-000618175 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1038 | | | | | INTUIT-FTC-PART3-000617820 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1039 | | | | | INTUIT-FTC-PART3-000618184 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1040 | | 1/4/2022 | | | INTUIT-FTC-PART3-000617818 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1041 | | | | | INTUIT-FTC-PART3-000617811 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1042 | | | | | INTUIT-FTC-PART3-000618486 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1043 | | | | | INTUIT-FTC-PART3-000617898 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1044 | | | | | INTUIT-FTC-PART3-000618164 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1045 | | | | | INTUIT-FTC-PART3-000618152 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1046 | | | | | INTUIT-FTC-PART3-000617959 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1047 | | | | | INTUIT-FTC-PART3-000602854 | | RX 610 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1048 | | | | | INTUIT-FTC-PART3-000618215 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1049 | | | | | INTUIT-FTC-PART3-000618241 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1050 | | | | | INTUIT-FTC-PART3-000617957 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1051 | | | | | INTUIT-FTC-PART3-000618206 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1052 | | | | | INTUIT-FTC-PART3-000618158 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1053 | | | | | INTUIT-FTC-PART3-000618220 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1054 | | | | | INTUIT-FTC-PART3-000618222 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1055 | | | | | INTUIT-FTC-PART3-000618249 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1057 | | | | | INTUIT-FTC-PART3-000618204 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 1058 | [REDACTED] | | | | INTUIT-FTC-PART3-000618155 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1059 | [REDACTED] | | | | INTUIT-FTC-PART3-000617823 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1060 | [REDACTED] | | | | INTUIT-FTC-PART3-000618162 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1061 | [REDACTED] | 4/1/2022 | | | INTUIT-FTC-PART3-000617788 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1062 | [REDACTED] | | | | INTUIT-FTC-PART3-000618219 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1063 | [REDACTED] | 2/1/2022 | | | INTUIT-FTC-PART3-000617940 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1064 | [REDACTED] | 12/29/2022 | | | INTUIT-FTC-PART3-000618170 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1065 | [REDACTED] | 8/3/2022 | | | INTUIT-FTC-PART3-000617961 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1066 | [REDACTED] | 7/21/2022 | | | INTUIT-FTC-PART3-000618177 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1067 | [REDACTED] | | | | INTUIT-FTC-PART3-000593214 | | RX 521 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1068 | [REDACTED] | | | | INTUIT-FTC-PART3-000617709 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1069 | [REDACTED] | | | | INTUIT-FTC-PART3-000617744 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1070 | [REDACTED] | | | | INTUIT-FTC-PART3-000617718 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1071 | [REDACTED] | | | | INTUIT-FTC-PART3-000617719 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1072 | [REDACTED] | | | | INTUIT-FTC-PART3-000617723 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 1073 | [REDACTED] | | INTUIT-FTC-PART3-000617733 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1074 | [REDACTED] | | INTUIT-FTC-PART3-000617724 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1075 | [REDACTED] | | INTUIT-FTC-PART3-000617738 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1076 | [REDACTED] | | INTUIT-FTC-PART3-000617741 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1077 | [REDACTED] | | INTUIT-FTC-PART3-000617725 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1078 | [REDACTED] | | INTUIT-FTC-PART3-000617736 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1079 | [REDACTED] | | INTUIT-FTC-PART3-000617739 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1080 | [REDACTED] | | INTUIT-FTC-PART3-000617729 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1081 | [REDACTED] | | INTUIT-FTC-PART3-000617720 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1082 | [REDACTED] | | INTUIT-FTC-PART3-000617731 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1083 | [REDACTED] | | INTUIT-FTC-PART3-000617743 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1084 | [REDACTED] | | INTUIT-FTC-PART3-000617728 | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 1085 | | | | INTUIT-FTC-PART3-000617734 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1086 | | | | INTUIT-FTC-PART3-000617737 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1087 | | | | INTUIT-FTC-PART3-000617742 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1088 | | | | INTUIT-FTC-PART3-000617727 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1089 | | | | INTUIT-FTC-PART3-000617740 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1090 | | | | INTUIT-FTC-PART3-000617722 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1091 | | | | INTUIT-FTC-PART3-000617721 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1092 | | | | INTUIT-FTC-PART3-000618434 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1093 | | | 10/7/2022 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1094 | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1095 | | | 9/2/2022 | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1096 | | | | INTUIT-FFA-FTC-000528211 | | GX 347 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1097 | | | | INTUIT-FFA-FTC-000528210 | | GX 346 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1098 | | | | INTUIT-FFA-FTC-000169117 | | GX 345 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1099 | | | | INTUIT-FFA-FTC-000528212 | | GX 325 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 1100 | | | | | INTUIT-FFA-FTC-000169116 | | GX 324 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1101 | | | | | INTUIT-FFA-FTC-000528209 | | GX 344 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1102 | | | | | INTUIT-FFA-FTC-000528218 | | GX 670 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1103 | | | | | INTUIT-FFA-FTC-000169119 | | GX 349 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1104 | | | | | INTUIT-FFA-FTC-000528219 | | GX 348 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1105 | | | CC-00000662 | | | | GX 59 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1106 | | | | | INTUIT-FFA-FTC-000528222 | | GX 300 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 15 |
| RX 1107 | | | | | INTUIT-FFA-FTC-000169120 | | GX 328 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1108 | | | | | INTUIT-FFA-FTC-000528225 | | GX 331 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1109 | | | | | INTUIT-FFA-FTC-000169121 | | GX 299 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1110 | | | | | INTUIT-FFA-FTC-000528220 | | GX 671 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 721 |
| RX 1111 | | | | | INTUIT-FFA-FTC-000169122 | | GX 350 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1112 | | | | | INTUIT-FFA-FTC-000551356 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 726 |
| RX 1113 | | | CC-00006902 | | | | GX 326 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1114 | | | | | INTUIT-FFA-FTC-000551350 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1115 | | | | | INTUIT-FFA-FTC-000551355 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1116 | | | | | INTUIT-FFA-FTC-000169118 | | GX 669 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 15 |
| RX 1117 | | | | | INTUIT-FFA-FTC-000528226 | | GX 330 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1118 | | | | | INTUIT-FFA-FTC-000528221 | | GX 351 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 38 |
| RX 1119 | | | | | INTUIT-FTC-PART3-000000536 | | GX 621 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 15, 753 |
| RX 1120 | | | | | INTUIT-FTC-PART3-000000530 | | GX 615 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 47 |
| RX 1121 | | | | | INTUIT-FTC-PART3-000000537 | | GX 622 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 400 |
| RX 1122 | | | | | INTUIT-FTC-PART3-000000523 | | GX 608 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1123 | | | | | INTUIT-FTC-PART3-000000544 | | GX 629 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 734, 835 |

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| RX 1124 | [REDACTED] | | | | INTUIT-FTC-PART3-00000524 | | GX 609 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1125 | [REDACTED] | | | | INTUIT-FTC-PART3-00000518 | | GX 603 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 743 |
| RX 1126 | [REDACTED] | | | | INTUIT-FTC-PART3-00000529 | | GX 614 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1127 | [REDACTED] | | | | INTUIT-FTC-PART3-000617392 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1128 | [REDACTED] | | | | INTUIT-FTC-PART3-000618497 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1129 | [REDACTED] | | | | INTUIT-FTC-PART3-000617496 | | RX 1168 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1130 | [REDACTED] | | | | INTUIT-FTC-PART3-000617358 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1131 | [REDACTED] | | | | INTUIT-FTC-PART3-000617549 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1132 | [REDACTED] | | | | INTUIT-FTC-PART3-000617501 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1133 | [REDACTED] | | | | INTUIT-FTC-PART3-000617399 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1134 | [REDACTED] | | | | INTUIT-FTC-PART3-000617471 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1135 | [REDACTED] | | | | INTUIT-FTC-PART3-000617475 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 1136 | [REDACTED] | | | | INTUIT-FTC-PART3-000617480 | | | Pehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1137 | [REDACTED] | | | | INTUIT-FTC-PART3-000618500 | | | Pehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1138 | [REDACTED] | | | | INTUIT-FTC-PART3-000617416 | | | Pehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1139 | [REDACTED] | | | | INTUIT-FTC-PART3-000617484 | | | Pehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1140 | [REDACTED] | | | | INTUIT-FTC-PART3-000617403 | | | Pehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1141 | [REDACTED] | | | | INTUIT-FTC-PART3-000617432 | | | Pehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1142 | [REDACTED] | | | | INTUIT-FTC-PART3-000617420 | | | Pehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1143 | [REDACTED] | | | | INTUIT-FTC-PART3-000617511 | | | Pehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1144 | [REDACTED] | | | | INTUIT-FTC-PART3-000617382 | | | Pehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1145 | [REDACTED] | | | | INTUIT-FTC-PART3-000617542 | | | Pehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 1146 | [REDACTED] | | | | INTUIT-FTC-PART3-000617355 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1147 | [REDACTED] | | | | INTUIT-FTC-PART3-000617524 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1148 | [REDACTED] | | | | INTUIT-FTC-PART3-000617396 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1149 | [REDACTED] | | | | INTUIT-FTC-PART3-000618524 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1150 | [REDACTED] | | | | INTUIT-FTC-PART3-000617360 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1151 | [REDACTED] | | | | INTUIT-FTC-PART3-000617517 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1152 | [REDACTED] | | | | INTUIT-FTC-PART3-000617535 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1153 | [REDACTED] | | | | INTUIT-FTC-PART3-000617450 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1154 | [REDACTED] | | | | INTUIT-FTC-PART3-000617439 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1155 | [REDACTED] | | | | INTUIT-FTC-PART3-000617424 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1156 | [REDACTED] | | | | INTUIT-FTC-PART3-000617519 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 1157 | | | | | INTUIT-FTC-PART3-000617364 | RX 1166 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | | |
| RX 1158 | | | | | INTUIT-FTC-PART3-000617456 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | | |
| RX 1159 | | | | | INTUIT-FTC-PART3-000617531 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | | |
| RX 1160 | | | | | INTUIT-FTC-PART3-000617434 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | | |
| RX 1161 | | | | | INTUIT-FTC-PART3-000617500 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | | |
| RX 1162 | | | | | INTUIT-FTC-PART3-000617413 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | | |
| RX 1163 | | | | | INTUIT-FTC-PART3-000617469 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | | |
| RX 1164-A | | | | | INTUIT-FTC-PART3-000617415 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | | |
| RX 1164-B | | | | | INTUIT-FTC-PART3-000617455 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | | |
| RX 1165-A | | | | | INTUIT-FTC-PART3-000617363 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | | |
| RX 1165-B | | | | | INTUIT-FTC-PART3-000617490 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | | |
| RX 1166 | | | | | INTUIT-FTC-PART3-000617364 | RX 1157 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | | |
| RX 1167 | | | | | INTUIT-FTC-PART3-000617402 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | | |

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| RX 1168 | [REDACTED] | | | | INTUIT-FTC-PART3-000617496 | | RX 1129 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1169 | [REDACTED] | | | | INTUIT-FTC-PART3-000617380 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1170 | [REDACTED] | | | | INTUIT-FTC-PART3-000617521 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1171 | [REDACTED] | | | | INTUIT-FTC-PART3-000617368 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1172-A | [REDACTED] | | | | INTUIT-FTC-PART3-000617541 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1172-B | [REDACTED] | | | | INTUIT-FTC-PART3-000617547 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1173 | [REDACTED] | | | | INTUIT-FTC-PART3-000617534 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1174 | [REDACTED] | | | | INTUIT-FTC-PART3-000617440 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1175 | [REDACTED] | | | | INTUIT-FTC-PART3-000617548 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1176 | [REDACTED] | | | | INTUIT-FTC-PART3-000617407 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1177 | [REDACTED] | | | | INTUIT-FTC-PART3-000617391 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1178 | [REDACTED] | | | | INTUIT-FTC-PART3-000617466 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 1179 | [REDACTED] | | | | INTUIT-FTC-PART3-000617495 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1180 | [REDACTED] | | | | INTUIT-FTC-PART3-000617362 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1181-A | [REDACTED] | | | | INTUIT-FTC-PART3-000617460 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1181-B | [REDACTED] | | | | INTUIT-FTC-PART3-000617509 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1182 | [REDACTED] | | | | INTUIT-FTC-PART3-000617546 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1183 | [REDACTED] | | | | INTUIT-FTC-PART3-000617478 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1184 | [REDACTED] | | | | INTUIT-FTC-PART3-000617516 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1185 | [REDACTED] | | | | INTUIT-FTC-PART3-000617398 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1186 | [REDACTED] | | | | INTUIT-FTC-PART3-000617494 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1187 | [REDACTED] | | | | INTUIT-FTC-PART3-000617522 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1188 | [REDACTED] | | | | INTUIT-FTC-PART3-000617468 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1189 | [REDACTED] | | | | INTUIT-FTC-PART3-000617538 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1190 | [REDACTED] | | | | INTUIT-FTC-PART3-000617395 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1191 | [REDACTED] | | | | INTUIT-FTC-PART3-000617431 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 1192 | [REDACTED] | | | | INTUIT-FTC-PART3-000617438 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1193-A | [REDACTED] | | | | INTUIT-FTC-PART3-000617444 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1193-B | [REDACTED] | | | | INTUIT-FTC-PART3-000617414 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1194 | [REDACTED] | | | | INTUIT-FTC-PART3-000617530 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1195 | [REDACTED] | | | | INTUIT-FTC-PART3-000617540 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1196 | [REDACTED] | | | | INTUIT-FTC-PART3-000617552 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1197 | [REDACTED] | | | | INTUIT-FTC-PART3-000617367 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1198 | [REDACTED] | | | | INTUIT-FTC-PART3-000617551 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1199 | [REDACTED] | | | | INTUIT-FTC-PART3-000617379 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1200 | [REDACTED] | | | | INTUIT-FTC-PART3-000617361 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1201-A | [REDACTED] | | | | INTUIT-FTC-PART3-000617539 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1201-B | [REDACTED] | | | | INTUIT-FTC-PART3-000617479 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1204 | [REDACTED] | 3/13/2016 | | | INTUIT-FTC-PART3-000617779 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1205 | [REDACTED] | 1/26/2017 | | | INTUIT-FTC-PART3-000617794 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 1206 | | | | INTUIT-FTC-PART3-000617772 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1206-A | | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX 1207 | | | | INTUIT-FTC-PART3-000617770 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1207-A | | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX 1208 | | | | INTUIT-FTC-PART3-000617782 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1209 | | | | INTUIT-FTC-PART3-000617784 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1210 | | | | INTUIT-FTC-PART3-000617805 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1211 | | | | INTUIT-FTC-PART3-000617808 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 35 |
| RX 1212 | | | | INTUIT-FTC-PART3-000617802 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 36 |
| RX 1213 | | | | INTUIT-FTC-PART3-000617801 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1214 | | | | INTUIT-FTC-PART3-000617806 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 42 |
| RX 1215 | | | | INTUIT-FTC-PART3-000617778 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1216 | | | | INTUIT-FTC-PART3-000617785 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1217 | | | | INTUIT-FTC-PART3-000617777 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1218 | | | | INTUIT-FTC-PART3-000617790 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1219 | | | | INTUIT-FTC-PART3-000617787 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1220 | | | | INTUIT-FTC-PART3-000617809 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 1221 | | | | INTUIT-FTC-PART3-000617776 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1222 | | CC-00014620 | | | GX 666 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1223 | | CC-00014621 | | | GX 667 | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1224 | | | | INTUIT-FTC-PART3-000617792 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1224-A | | | | INTUIT-FTC-PART3-000617792 | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | 572 |
| RX 1225 | | | | INTUIT-FTC-PART3-000618297 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1226 | | | | INTUIT-FTC-PART3-000617812 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1227 | | | | INTUIT-FTC-PART3-000618517 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1228 | | | | INTUIT-FTC-PART3-000618276 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1229 | | | | INTUIT-FTC-PART3-000618412 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1230 | | | | INTUIT-FTC-PART3-000617975 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1231 | | | | INTUIT-FTC-PART3-000617977 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1232 | | | | INTUIT-FTC-PART3-000616989 | | RX 1245 | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1233 | | | | INTUIT-FTC-PART3-000618224 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1234 | | | | INTUIT-FTC-PART3-000618561 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 1235 | | | INTUIT-FTC-PART3-000617946 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1236 | | 12/2009 | INTUIT-FTC-PART3-000618264 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1237 | | | INTUIT-FTC-PART3-000618186 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1238 | | | INTUIT-FTC-PART3-000617783 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1239 | | | INTUIT-FTC-PART3-000602976 | | | | RX 604 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1240 | | | INTUIT-FTC-PART3-000616801 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1241 | | | INTUIT-FTC-PART3-000616973 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1241-A | | | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX 1242 | | | INTUIT-FTC-PART3-000616974 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1242-A | | | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX 1243 | | | INTUIT-FTC-PART3-000616975 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1243-A | | | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX 1244 | | 9/27/2021 | INTUIT-FTC-PART3-000490342 | | | | GX 653 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1245 | | 10/1/2022 | INTUIT-FTC-PART3-000616989 | | | | RX 1232 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1245-A | | 10/1/2022 | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX 1246 | | | INTUIT-FTC-PART3-000616848 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1247 | | 11/2020 | INTUIT-FTC-PART3-000618454 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1247-A | | 11/2020 | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX 1248 | | 4/13/2015 | INTUIT-FTC-PART3-000616857 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 1249 | [REDACTED] | | | INTUIT-FTC-PART3-000616860 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1250 | [REDACTED] | | | INTUIT-FTC-PART3-000616862 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1251 | [REDACTED] | | | INTUIT-FTC-PART3-000616864 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1252 | [REDACTED] | | | INTUIT-FTC-PART3-000616865 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1253 | [REDACTED] | | | INTUIT-FTC-PART3-000616868 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1254 | [REDACTED] | | | INTUIT-FTC-PART3-000616871 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1255 | [REDACTED] | | | INTUIT-FTC-PART3-000616873 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1256 | [REDACTED] | | | INTUIT-FTC-PART3-000616979 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1257 | [REDACTED] | | | INTUIT-FTC-PART3-000616806 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1258 | [REDACTED] | | | INTUIT-FTC-PART3-000616889 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1259 | [REDACTED] | | | INTUIT-FTC-PART3-000616864 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 1259-A | | | | INTUIT-FTC-PART3-000616854 | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | 1515, 1633 |
| RX 1260 | | | | INTUIT-FTC-PART3-000616891 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1261 | | | | INTUIT-FTC-PART3-000616899 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1262 | | | | INTUIT-FTC-PART3-000616875 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1263 | | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 208, 212, 221 |
| RX 1263-A | | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX 1264 | | | | INTUIT-FTC-PART3-000617803 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 1265 | | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 1268 | | | | INTUIT-FTC-PART3-000616976 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 1269 | | | | INTUIT-FTC-PART3-000616977 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1269-A | | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX 1270 | | | | INTUIT-FTC-PART3-000616978 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 1271 | | | | INTUIT-FTC-PART3-000618479 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1271-A | | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |

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| RX 1272 | | | INTUIT-FTC-PART3-000618480 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1272-A | | | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX 1273 | | | INTUIT-FTC-PART3-000618481 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 1275 | | | INTUIT-FTC-PART3-000618483 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1275-A | | | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX 1276 | | | INTUIT-FTC-PART3-000618484 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1276-A | | | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX 1277 | | | INTUIT-FTC-PART3-000618485 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 1278 | | | INTUIT-FTC-PART3-000618526 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 1281 | | 1/21/2017 | INTUIT-FTC-PART3-000617780 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1282 | | 1/21/2017 | INTUIT-FTC-PART3-000617804 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1283 | | 1/21/2017 | INTUIT-FTC-PART3-000617810 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1284 | | 1/21/2017 | INTUIT-FTC-PART3-000617793 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1285 | | 1/5/2018 | INTUIT-FTC-PART3-000617771 | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 1286 | | 1/5/2018 | | | INTUIT-FTC-PART3-000617799 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1287 | | 1/28/2019 | | | INTUIT-FTC-PART3-000617775 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1288 | | 1/28/2019 | | | INTUIT-FTC-PART3-000617768 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1289 | | 1/26/2019 | | | INTUIT-FTC-PART3-000617789 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1290 | | 2/2/2020 | | | INTUIT-FTC-PART3-000617781 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1291 | | 2/2/2020 | | | INTUIT-FTC-PART3-000617773 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1292 | | 2/2/2020 | | | INTUIT-FTC-PART3-000617795 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1293 | | 1/26/2021 | | | INTUIT-FTC-PART3-000617786 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1294 | | 1/26/2021 | | | INTUIT-FTC-PART3-000617800 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1295 | | | | | INTUIT-FTC-PART3-000610031 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 1298 | | | | | INTUIT-FTC-PART3-000611679 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1299 | | | | | INTUIT-FTC-PART3-000612520 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 1301 | | | | | INTUIT-FTC-PART3-000610258 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 1303 | | | | | INTUIT-FTC-PART3-000611989 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 1306 | | | | | INTUIT-FTC-PART3-000612470 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1307 | | | | | INTUIT-FTC-PART3-000611389 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1308 | | | | | INTUIT-FTC-PART3-000611350 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1309 | | | | | INTUIT-FTC-PART3-000610042 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1310 | | | | | INTUIT-FTC-PART3-000611618 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1311 | | | | | INTUIT-FTC-PART3-000613243 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1312 | | | | | INTUIT-FTC-PART3-000610576 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1313 | | | | | INTUIT-FTC-PART3-000610024 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1314 | | | | | INTUIT-FTC-PART3-000610695 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1315 | | | | | INTUIT-FTC-PART3-000610552 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1316 | | | | | INTUIT-FTC-PART3-000610173 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1317 | | | | | INTUIT-FTC-PART3-000611922 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1318 | | | | | INTUIT-FTC-PART3-000612986 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1319 | | | | | INTUIT-FTC-PART3-000610949 | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 1321 | [REDACTED] | | | | INTUIT-FTC-PART3-000611512 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1322 | [REDACTED] | | | | INTUIT-FTC-PART3-000612754 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1323 | [REDACTED] | | | | INTUIT-FTC-PART3-000611901 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1324 | [REDACTED] | | | | INTUIT-FTC-PART3-000610481 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1325 | [REDACTED] | | | | INTUIT-FTC-PART3-000611505 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1326 | [REDACTED] | 4/15/2022 | | | INTUIT-FTC-PART3-000610215 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1327 | [REDACTED] | 2/2/2022 | | | INTUIT-FTC-PART3-000613189 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1328 | [REDACTED] | 9/19/2022 | | | INTUIT-FTC-PART3-000611623 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1329 | [REDACTED] | 3/30/2022 | | | INTUIT-FTC-PART3-000612571 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1330 | [REDACTED] | 10/18/2019 | | | INTUIT-FTC-PART3-000611893 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1331 | [REDACTED] | 3/3/2022 | | | INTUIT-FTC-PART3-000610138 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1332 | [REDACTED] | 8/24/2022 | | | INTUIT-FTC-PART3-000610735 | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

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| RX 1333 | | 1/4/2022 | | | INTUIT-FTC-PART3-000610664 | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1334 | | 12/21/2021 | | | INTUIT-FTC-PART3-000612864 | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1335 | | 1951 | | | INTUIT-FTC-PART3-000617335 | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1336 | | 6/2019 | | | INTUIT-FTC-PART3-000602794 | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1337 | | 12/29/2019 | | | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 477 |
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| RX 1344 | | 6/10/2019 | | | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 1348 | | 4/15/2016 | | | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 1352 | | 5/7/2019 | | | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1353 | | 5/7/2019 | | | | | | Preh'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 1355 | | 7/15/2020 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1356 | | 12/22/2020 | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1357 | | | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 1373 | | | | | INTUIT-FTC-PART3-000618579 | | GX 868 | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full--Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
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| RX 1378 | | | | | | | | Prehr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 1382 | | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1383 | | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1384 | | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
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| RX 1386 | | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Full-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 1387 | | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1388 | | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Part-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 1389 | | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | In Part-Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
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| RX 1522 | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1523 | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1524 | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 1547 |
| RX 1525 | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1526 | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 1269 |
| RX 1527 | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1528 | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1529 | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1530 | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 223 |
| RX 1531 | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 1564, 1567 |
| RX 1532 | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | 1570, 1613, 1639 |
| RX 1533 | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |
| RX 1534 | | | | | | | Prehrg Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Att. A) | | |

Complaint Counsel's Exhibit Index
In re: Intuit Inc., Docket No. 9408
May 23, 2023

| Exhibit Number | Description | Date | Complaint Counsel Control No. Begin Bates | Complaint Counsel Control No. End Bates | Intuit/Other Production Begin Bates | Intuit/Other Production End Bates | Also Marked As | Admitted | In Camera | Trial Transcript Citation |
|----------------|-------------|-----------|---|---|-------------------------------------|-----------------------------------|----------------|---|--|---------------------------|
| RX 1535 | | 1/14/2023 | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 1536 | | 1/14/2023 | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | 1575, 1579 |
| RX 1537 | | 1/14/2023 | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 1538 | | 1/14/2023 | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 1539 | | 1/14/2023 | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 1540 | | 1/14/2023 | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 1541 | | | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 1542 | | | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | |
| RX 1542-A | | | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX 1543 | | 3/6/2023 | INTUIT-FTC-PART3-000639648 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | 511, 516, 772, 773, 825 |
| RX 1544 | | 3/6/2023 | INTUIT-FTC-PART3-000639675 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 1545 | | 2/23/2023 | INTUIT-FTC-PART3-000639676 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 1546 | | 2/16/2023 | INTUIT-FTC-PART3-000639705 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | In Full—Order on Motions for In Camera Treatment (Apr. 24, 2023) | |
| RX 1547 | | | INTUIT-FTC-PART3-000639706 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | 514, 772 |
| RX 1548 | | 1/13/2023 | INTUIT-FTC-PART3-000639646 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | 860, 990 |
| RX 1549 | | 1/13/2023 | INTUIT-FTC-PART3-000639647 | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | 861, 989 |
| RX 1550 | | 7/12/2022 | | | | | | Pretr'g Conf. Tr. 24-25 (admitting JX2 and the exhibits listed on JX2 Alt. A) | | 440, 579 |
| RX 1551 | | | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX 1552 | | | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | 1746 |

Complaint Counsel's Exhibit Index
In re: Intuit Inc., Docket No. 9408
May 23, 2023

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|----------------|-------------|-----------|---|---|-------------------------------------|-----------------------------------|----------------------------------|--|-----------|---------------------------|
| RX 1553 | [REDACTED] | 1/9/2019 | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX 1554 | [REDACTED] | 7/20/2021 | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX 1555 | [REDACTED] | 4/12/2023 | | | | | | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX Summary 01 | [REDACTED] | | | | | | summarizing GX757 | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX Summary 02 | [REDACTED] | | | | | | summarizing RX1017 | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX Summary 03 | [REDACTED] | | | | | | summarizing RX1018 | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX Summary 04 | [REDACTED] | | | | | | summarizing RX821 | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX Summary 05 | [REDACTED] | | | | | | summarizing RX821 | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX Summary 06 | [REDACTED] | | | | | | summarizing RX819, RX821, RX 823 | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX Summary 09 | [REDACTED] | | | | | | summarizing RX820 to RX823 | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX Summary 10 | [REDACTED] | | | | | | summarizing RX821, RX823 | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX Summary 11 | [REDACTED] | | | | | | summarizing RX820 to RX823 | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX Summary 12 | [REDACTED] | | | | | | summarizing RX820 to RX823 | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |
| RX Summary 13 | [REDACTED] | | | | | | summarizing RX820 to RX823 | Order on JX2 and JX3 and Completion of Evidentiary Hearing (Apr. 24, 2023) | | |

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

In the matter of:

Intuit Inc.,
a corporation,

Respondent.

Docket No. 9408

[Proposed] INITIAL DECISION AND ORDER

On March 28, 2022, the Federal Trade Commission issued a Complaint in the above-entitled proceeding, charging Respondent with violations of Section 5(a) of the Federal Trade Commission Act, 15 U.S.C. § 45(a). An Answer was filed by the Respondent on April 14, 2022. The evidentiary hearing (also referred to herein as the “trial” or “administrative trial”) in the instant case began on March 27, 2023 and concluded on April 24, 2023. By Order dated April 27, 2023, the hearing record was closed.

Having reviewed the hearing record, including live testimony, deposition and investigational hearing transcripts, declarations, and exhibits submitted by both parties, and the parties’ proposed findings of fact and conclusions of law, replies to proposed findings of fact and conclusions of law, post-trial briefs, and reply briefs, the Court makes the following Findings, and issues the following Order:

Findings

1. Respondent Intuit Inc. is a Delaware corporation with its principal office or place of business at 2700 Coast Ave., Mountain View, California 94043.
2. The Commission has jurisdiction over the subject matter of this proceeding and over the Respondent, and the proceeding is in the public interest.
3. Respondent has advertised, marketed, promoted, distributed, and sold online tax preparation products and services, including TurboTax.

4. The acts and practices of Respondent alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act.

5. Respondent advertises, markets, promotes, distributes, and sells TurboTax, the most widely used tax preparation service in the country, that enables users to prepare and file their income tax returns online.

6. Respondent makes express and implied claims that TurboTax is “free.”

7. Much of Respondent’s advertising for TurboTax conveys the message that consumers can file their taxes for free using TurboTax, even going so far as to air commercials in which almost every word spoken is the word “free.”

8. The price of a product or service, including whether a product or service is free, is a central characteristic of such a product or service, and is material to consumers.

9. In truth, TurboTax is only free for some users, based on the complexity of their tax returns. Approximately two-thirds of American taxpayers are ineligible to file their taxes for free using TurboTax. Those consumers will need to upgrade to a paid TurboTax service to complete and file their taxes using TurboTax.

10. Therefore, because TurboTax is not free for many consumers, Intuit’s claims about a free offer are inconsistent with the meaning of “free.”

11. Many of Respondent’s TurboTax ads contain a fine print disclaimer at the end of the commercial informing consumers that the offer is limited to consumers with “simple tax returns” or “simple U.S. returns only.”

12. These disclaimers are inadequate to cure the misrepresentation that consumers can file their taxes for free using TurboTax, when in truth, in numerous instances Intuit does not permit consumers to file their taxes for free using TurboTax.

13. Given this advertising, consumers acting reasonably are misled that the TurboTax products and services Respondent advertises as free are, in fact, free for them—that they can file their taxes for free using TurboTax.

14. [If it pleases the Court, insert additional facts developed during the trial and set forth in Complaint Counsel's Proposed Findings of Fact.]

15. Thus, in numerous instances in connection with the advertising, marketing, promotion, offering for sale, or sale of online tax preparation products or services, Respondent represented, directly or indirectly, expressly or by implication, that consumers could file their taxes for free using TurboTax.

16. In truth, in numerous instances Respondent does not permit consumers to file their taxes for free using TurboTax.

17. Therefore, the making of the representations as set forth in the Complaint in the above-entitled proceeding, and more fully described in the hearing record, constitute unfair or deceptive acts or practices in or affecting commerce in violation of Section 5(a) of the Federal Trade Commission Act.

Definitions

For the purposes of this Order, the following definitions apply:

A. **"Clearly and Conspicuously"** means that a required disclosure is difficult to miss (i.e., easily noticeable) and easily understandable by ordinary consumers, including in all of the following ways:

- 1) In any communication that is solely visual or solely audible, the disclosure must be made through the same means through which the communication is presented. In any communication made through both visual and audible means, such as a television advertisement, the disclosure must be presented simultaneously in both the visual and audible portions of the communication even if the representation requiring the disclosure is made in only one means.
- 2) A visual disclosure, by its size, contrast, location, the length of time it appears, and other characteristics, must stand out from any accompanying

text or other visual elements so that it is easily noticed, read, and understood.

- 3) An audible disclosure, including by telephone or streaming video, must be delivered in a volume, speed, and cadence sufficient for ordinary consumers to easily hear and understand it.
 - 4) In any communication using an interactive electronic medium, such as the Internet or software, the disclosure must be unavoidable.
 - 5) On a product label, the disclosure must be presented on the principal display panel.
 - 6) The disclosure must use diction and syntax understandable to ordinary consumers and must appear in each language in which the representation that requires the disclosure appears.
 - 7) The disclosure must comply with these requirements in each medium through which it is received, including all electronic devices and face-to-face communications.
 - 8) The disclosure must not be contradicted or mitigated by, or inconsistent with, anything else in the communication.
 - 9) When the representation or sales practice targets a specific audience, such as older adults, “ordinary consumers” includes reasonable members of that group.
- B. “Free” means that the consumer pays nothing for a good or service.

Provisions

I. Prohibition Concerning “Free” Offers

It is ordered that Respondent, Respondent’s officers, agents, employees, and attorneys, and all other persons in active concert or participation with them, who receive actual notice of this Order by personal service or otherwise, whether acting directly or indirectly, in connection

with the advertising, marketing, promoting, or offering for sale of any goods or services, must not represent that a good or service is “Free” unless:

- A. Respondent offers the good or service for Free to all consumers; or
- B. All the terms, conditions, and obligations upon which receipt and retention of the “Free” good or service are contingent are set forth Clearly and Conspicuously at the outset of the offer so as to leave no reasonable probability that the terms of the offer might be misunderstood.
- C. Further, if the goods or services are not Free for a majority of U.S. taxpayers, such a fact is disclosed Clearly and Conspicuously at the outset of any disclosures required by II.B.

II. Prohibited Misrepresentations

It is further ordered that Respondent, Respondent’s officers, agents, employees, and attorneys, and all other persons in active concert or participation with them, who receive actual notice of this Order by personal service or otherwise, whether acting directly or indirectly, in connection with the advertising, marketing, promoting, or offering for sale of any goods or services, must not misrepresent or assist others in misrepresenting, expressly or by implication, any material fact, including:

- A. The cost of any of Respondent’s goods or services, including any TurboTax product or service;
- B. That consumers can only file their taxes online accurately if they use a paid TurboTax product or service;
- C. That consumers can only claim a tax credit or deduction if they use a paid TurboTax product or service; and
- D. Any other fact material to consumers concerning any good or service, such as: the total costs; any refund policy; any material restrictions, limitations, or conditions; or any material aspect of its performance, efficacy, nature, or central characteristics.

III. Acknowledgments of the Order

It is further ordered that Respondent obtain acknowledgments of receipt of this Order:

- A. Respondent, within 10 days after the effective date of this Order, must submit to the Commission an acknowledgment of receipt of this Order sworn under penalty of perjury.
- B. For 20 years after the issuance date of this Order, Respondent must deliver a copy of this Order to: (1) all principals, officers, directors, and LLC managers and members; (2) all employees having managerial responsibilities for conduct related to the subject matter of the Order and all agents and representatives who participate in conduct related to the subject matter of the Order; and (3) any business entity resulting from any change in structure as set forth in the Provision titled Compliance Report[s] and Notices. Delivery must occur within 10 days after the effective date of this Order for current personnel. For all others, delivery must occur before they assume their responsibilities.
- C. From each individual or entity to which a Respondent delivered a copy of this Order, that Respondent must obtain, within 30 days, a signed and dated acknowledgment of receipt of this Order.

IV. Compliance Reports and Notices

It is further ordered that Respondent make timely submissions to the Commission:

- A. One year after the issuance date of this Order, Respondent must submit a compliance report, sworn under penalty of perjury, in which Respondent must:
 - 1) Identify the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the Commission, may use to communicate with Respondent;
 - 2) Identify all of Respondent's businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses;
 - 3) Describe the activities of each business, including the goods and services offered, the means of advertising, marketing, and sales;

- 4) Describe in detail whether and how that Respondent is in compliance with each Provision of this Order, including a discussion of all of the changes the Respondent made to comply with the Order; and
- 5) Provide a copy of each Acknowledgment of the Order obtained pursuant to this Order, unless previously submitted to the Commission.

B. After the effective date of this Order, Respondent must submit a compliance notice, sworn under penalty of perjury, within 14 days of any change in the following:

- 1) Any designated point of contact; or
- 2) The structure of Respondent or any entity that Respondent has any ownership interest in or controls directly or indirectly that may affect compliance obligations arising under this Order, including: creation, merger, sale, or dissolution of the entity or any subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order.

C. After the effective date of this Order, Respondent must submit notice of the filing of any bankruptcy petition, insolvency proceeding, or similar proceeding by or against Respondent within 14 days of its filing.

D. Any submission to the Commission required by this Order to be sworn under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as by concluding: “I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on: _____” and supplying the date, signatory’s full name, title (if applicable), and signature.

E. Unless otherwise directed by a Commission representative in writing, all submissions to the Commission pursuant to this Order must be emailed to DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin: In re Intuit Inc., Docket No. 9408.

V. Recordkeeping

It is further ordered that Respondent must create certain records for 20 years after issuance of the Order, and retain each such record for 5 years. Specifically, Respondent must create and retain the following records:

- A. Accounting records showing the revenues from all goods or services sold, the costs incurred in generating those revenues, and resulting net profit or loss;
- B. Personnel records showing, for each person providing services in relation to any aspect of the Order, whether as an employee or otherwise, that person's: name; addresses; telephone numbers; job title or position; dates of service; and (if applicable) the reason for termination;
- C. Copies or records of all consumer complaints and refund requests, whether received directly or indirectly, such as through a third party, and any response;
- D. All records necessary to demonstrate full compliance with each provision of this Order, including all submissions to the Commission; and
- E. A copy of each unique Advertisement or other marketing material relating to TurboTax products or services.

VI. Compliance Monitoring

It is further ordered that, for the purpose of monitoring Respondent's compliance with this Order:

- A. After the effective date, within 10 days of receipt of a written request from a representative of the Commission, Respondent must: submit additional compliance reports or other requested information, which must be sworn under penalty of perjury, and produce records for inspection and copying.
- B. For matters concerning this Order, representatives of the Commission are authorized to communicate directly with Respondent. Respondent must permit representatives of

the Commission to interview anyone affiliated with Respondent who has agreed to such an interview. The interviewee may have counsel present.

C. The Commission may use all other lawful means, including posing through its representatives as consumers, suppliers, or other individuals or entities, to Respondent or any individual or entity affiliated with Respondent, without the necessity of identification or prior notice. Nothing in this Order limits the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1.

VII. Order Effective Date

It is further ordered that the final and effective date of this Order is the 60th day after this Order is served. This Order will terminate 20 years from the date of its issuance (which date may be stated at the end of this Order, near the Commission's seal), or 20 years from the most recent date that the United States or the Commission files a complaint (with or without an accompanying settlement) in federal court alleging any violation of this Order, whichever comes later; provided, however, that the filing of such a complaint will not affect the duration of:

- A. Any Provision in this Order that terminates in less than 20 years;
- B. This Order if such complaint is filed after the Order has terminated pursuant to this Provision.

Provided, further, that if such complaint is dismissed or a federal court rules that Respondent did not violate any provision of the Order, and the dismissal or ruling is either not appealed or upheld on appeal, then the Order will terminate according to this Provision as though the complaint had never been filed, except that the Order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

Dated: _____

D. Michael Chappell
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2023, I electronically filed public redacted versions of the foregoing Post-Trial Filings, including Complaint Counsel's Post-Trial Brief, Proposed Findings of Fact, Proposed Conclusions of Law, Proposed Order, Exhibit Appendix, and Witness Appendix, electronically using the FTC's E-Filing system, and I caused the foregoing document to be sent via email to:

April Tabor
Office of the Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW
Suite CC-5610
Washington, DC 20580
ElectronicFilings@ftc.gov

*Secretary of the Commission
Clerk of the Court*

Hon. D. Michael Chappell
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, NW
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Washington, DC 20580

Administrative Law Judge

I further certify that on May 24, 2023, I caused the foregoing documents to be served via email on:

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