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22 *Pro hac vice application forthcoming

23 Attorneys for Plaintiff
24 Samesurf, Inc.

25 **UNITED STATES DISTRICT COURT**
26 **SOUTHERN DISTRICT OF CALIFORNIA**
27 **SAN DIEGO DIVISION**

28 Samesurf, Inc.,

Plaintiff,

vs.

Intuit, Inc.,

Defendant.

) Case No. 2:22-cv-2060

) **COMPLAINT FOR PATENT**
) **INFRINGEMENT**

) **DEMAND FOR JURY TRIAL**

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

11 In support thereof, Samesurf respectfully alleges as follows:

12 **THE PARTIES**

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

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

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

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

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

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JURISDICTION AND VENUE

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

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

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

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

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

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

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

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



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

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

28 ³ Source: <https://goo.gl/maps/HOZi9nnWIP8tJBq47>, also shown above.

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

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

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

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

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

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

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

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

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

26 ⁶ See https://www.glassdoor.com/Location/Intuit-San-Diego-Location-EI_IE2293.0,6_IL.7,16_IC_1147311.htm

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