

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS:**      **Lina M. Khan, Chair**  
                                 **Noah Joshua Phillips**  
                                 **Rebecca Kelly Slaughter**  
                                 **Christine S. Wilson**  
                                 **Alvaro M. Bedoya**

**In the Matter of:**

**Intuit Inc., a corporation.**

**Docket No. 9408**

**RESPONDENT INTUIT INC.'S SUPPLEMENTAL RESPONSE TO COMPLAINT  
COUNSEL'S STATEMENT OF MATERIAL FACTS AS TO WHICH  
THERE IS NO GENUINE ISSUE FOR TRIAL**

Pursuant to Rule 3.24 of the Commission's Rules of Practice, on August 30, 2022, Respondent Intuit Inc. submitted, in support of its opposition to Complaint Counsel's motion for Summary Decision, responses to Complaint Counsel's statement of material facts. In response to developments in the evidentiary record in this proceeding, Intuit submits this supplemental response with respect to Complaint Counsel's Statement of Material Fact No. 132.

**Specific Response and Objections**

*132. Consumer Sentinel Network ("Sentinel"), the FTC's consumer complaint database, had received 571 consumer complaints about "free" TurboTax between January 1, 2016, and March 28, 2022. (Shiller Dec. ¶ 220; GX 338 & 339.) Of these complaints, 60 were filed between November 1, 2021, and March 28, 2022. (Shiller Dec. ¶ 221) Of the 60 complaints, (a) 57 were from consumers who thought they were filing for free with TurboTax, (b) 27 mentioned that the*

*consumers saw advertising indicating their tax filing would be free, and (c) 55 were from consumers who paid TurboTax when they thought their tax filing would be free. (Id.)*

**Supplemental Response to SOF ¶ 132: Disputed.** Intuit disputes Paragraph 132 because, since filing their Motion for Summary Decision and Statement of Material Facts as to Which There Is No Genuine Issue for Trial, Complaint Counsel have recognized that at least two-thirds of the 571 complaints originally identified as being “about ‘free’ TurboTax” are not. In response to concerns raised by Intuit, on September 14, 2022, Complaint Counsel served on Intuit revised initial disclosures that removed 344 of the complaints originally included in the set of 571 offered in support of Paragraph 132. As a result, it is simply not the case that Intuit received 571 consumer complaints about “free” TurboTax. Similarly, many of the 57 complaints identified as potentially relevant in Ms. Shiller’s declaration likely are no longer relevant to this proceeding—although it is impossible to assess whether those complaints are still part of this case because Complaint Counsel never identified those specific complaints. Given that Complaint Counsel have conceded that most of the complaints identified in Paragraph 132 are no longer relevant to this proceeding, Complaint Counsel have failed to establish the facts set forth in Paragraph 132, and summary decision should be denied as a result.

Further, Intuit disputes Paragraph 132 for all the reasons previously stated in its Statement of Material Facts as to Which There Exists a Genuine Issue for Trial, submitted on August 30, 2022.

**CERTIFICATE OF SERVICE**

I certify that on September 23, 2022 I caused the foregoing document to be served via email to:

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*Counsel Supporting the Complaint*

Dated: September 23, 2022

Respectfully submitted,

/s/ Phoebe Silos  
Phoebe Silos  
*Counsel for Intuit Inc.*