

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

In the Matter of:

Intuit Inc., a corporation.

Docket No. 9408

**RESPONDENT INTUIT INC.'S MOTION FOR
IN CAMERA REVIEW OF CERTAIN TRIAL EXHIBITS**

Pursuant to 16 C.F.R. §3.45(b), and the First Revised Scheduling Order entered in this matter, Respondent Intuit Inc. respectfully moves for *in camera* treatment of confidential and competitively sensitive information on Complaint Counsel's and Intuit's final proposed exhibit lists served on December 16, 2022, and January 13, 2023, respectively.¹ Those documents are identified in Attachment A, and copies of those documents have been provided along with the motion. As explained here and in the accompanying declaration of Jack Rubin, Vice President, Marketing, Partnerships & Advertising Operations at Intuit, the public disclosure of this information "will likely result in a clearly defined, serious injury" to Intuit. 16 C.F.R. §3.45(b).

I. LEGAL STANDARD

Under 16 C.F.R. §3.45(b), *in camera* treatment of trial exhibits is permitted when "public disclosure will likely result in a clearly defined, serious injury" to the company requesting *in camera* treatment or if the material "constitutes sensitive personal information." 16 C.F.R. §3.45(b). To show a "clearly defined, serious injury," applicants must show, by affidavit or

¹ Intuit reserves the right to seek *in camera* treatment of any exhibits subsequently added to the exhibit lists.

declaration, “that the information concerned is sufficiently secret and sufficiently material to their business that disclosure would result in serious competitive injury.” *Altria Grp., Inc., and Juul Labs, Inc.*, No. 9393, 2021 WL 2258803, at *2 (F.T.C. May 19, 2021).

A court considers the following factors to determine whether information is sufficiently secret or material to warrant *in camera* treatment: (1) the extent to which the information is known outside of the business; (2) the extent to which it is known by employees and others involved in the business; (3) the extent of measures taken to guard the secrecy of the information; (4) the value of the information to the business and to its competitors; (5) the amount of effort or money expended in developing the information; and (6) the ease or difficulty with which the information could be properly acquired or duplicated by others. *Bristol-Meyers Co.*, 90 F.T.C. 455, 456-457 (1977). Once an applicant makes a clear showing of a clearly defined serious injury, the importance of the information in explaining the rationale of an FTC decision is the “principal countervailing consideration weighing in favor of disclosure.” See *Altria Grp., Inc.*, 2021 WL 2258803, at *2.

In camera treatment may be appropriate for trade secrets, such as secret formulas, processes, secret technical information, or information that is privileged. *H. P. Hood & Sons, Inc.*, 58 F.T.C. 1184 (1961). *In camera* treatment may also be appropriate for business plans, marketing plans, and sales documents. See *Otto Bock Healthcare N. Am., Inc., A Corp., Respondent.*, No. 9378, 2018 WL 3491602, at *2 (F.T.C. July 2, 2018). In addition, material that includes “sensitive personal information,” including an individual’s taxpayer identification number, financial account number, and date of birth, should be placed *in camera*. 16 C.F.R. §3.45(b).

Although there is a presumption that *in camera* treatment will not be accorded to information that is three or more years old, applicants can overcome this presumption by providing

a declaration showing that such information remains competitively sensitive. *See Altria Grp.*, 2021 WL 2258803, at *2.

II. ARGUMENT

The parties' final proposed exhibit lists in this case contain confidential and competitively sensitive material that, if disclosed, would cause serious injury to Intuit. *See* Rubin Decl. ¶¶4-7. Intuit therefore seeks *in camera* treatment of these documents—or selected portions thereof²—for categories of the documents identified in the chart below. The following categories of documents are further broken down by category in the Rubin declaration and by individual document in Attachment A.

Category	Declaration	Time period for <i>in camera</i> treatment
Trade Secrets and Product Development	¶¶20-21, 27, 28, 38-41, 52	10 years
Financial Data	¶¶14, 15, 24, 31-32, 43, 53-54	5 years
Pricing and Pricing Strategy	¶¶16, 35-36, 46-47, 55-56	5 years
Sales and Marketing Strategy	¶¶17-18, 25-26, 33-34, 44-45, 51, 57	5 years
Business Strategy/ Strategic Initiatives	¶¶22-23, 29-30, 49-50, 58-59	5 years
Regulatory Strategy	¶¶37, 48	5 years
Arbitration Documents	¶61	5 years
IRS Free File Documents	¶¶63-64	5 years

² Where Intuit seeks partial *in camera* treatment, it has identified those portions in yellow highlighting in the copies submitted with this Motion.

Sensitive Personal Information	¶19	Indefinite
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A. Trade Secrets and Product Development

Trade secrets such as secret formulas, processes, and other secret technical information, or privileged information warrant *in camera* treatment. *Altria Grp.*, 2021 WL 2258803, at *2; *Gen. Foods Corp.*, 95 F.T.C. 352, 352 (1980). The documents in this category (detailed in Attachment A) reveal how Intuit tests and evaluates new TurboTax features and the results of those tests, the metrics Intuit uses to track effectiveness and profitability of its products, as well as metrics related to the success of Intuit's marketing. The information in these documents also include customer usage of TurboTax products and an analysis of the financial effect of certain business decisions.

This information is competitively sensitive, and as such, Intuit endeavors to guard this information as highly confidential and limits access to these documents to key Intuit employees. Although some of the documents identified in this category are dated earlier than 2020, the use of these trade secrets is ongoing, and the information remains confidential. Intuit uses the information to develop and implement the company's business strategy.

Public disclosure of Intuit's trade secrets would harm Intuit by allowing competitors the opportunity to replicate Intuit's products, evaluative methodologies and design strategies, and devise commercial strategies to compete with Intuit now and in the future, placing Intuit at a competitive disadvantage. Because Intuit would experience a clearly defined, serious injury if its trade secrets and product developments plans were publicly disclosed, Intuit respectfully requests ten years of protection for these documents.

B. Financial Data

The documents in this category depict detailed information about Intuit's revenues, expenses, profits, losses, and other financial metrics that are not publicly reported. Documents in this category include data about the number of tax returns filed using specific TurboTax products, Intuit's comprehensive customer purchase records, and financial and revenue projections. This detailed information is not publicly disclosed, and only employees whose professional duties require this information have access to this material. Intuit expends great time, money, and effort to protect this financial data in the ordinary course of business and relies on it in making strategic business decisions. Although there are some documents in this category that pre-date 2020, the use of the information in these documents remains confidential and continue to impact Intuit's current business strategy.

Courts have acknowledged that documents that include financial data or "financial metrics" may cause serious injury to a company warranting *in camera* treatment. See *Altria Grp.*, 2021 WL 2258803, at *5 (protecting financial data that is fundamental to company's operations); *1-800 Contacts, Inc.*, 2017 FTC LEXIS 55, *9 (Apr. 4, 2017) (documents containing "financial metrics" accorded *in camera* treatment).

Disclosure of Intuit's financial data would cause serious injury to Intuit. Competitors and other third parties would gain insight about Intuit's financial health and business strategies, including revenue impacts associated with particular customer segments. Disclosure of Intuit's confidential financial and business would also allow competitors to identify Intuit's customer base to which they could market competing products. This would give competitors an unfair advantage against Intuit and allow competitors to undermine Intuit's competitive standing. Because the disclosure of confidential financial data would cause a clearly defined, serious injury to Intuit, Intuit requests *in camera* treatment of this information for five years.

C. Sales and Marketing Strategy

Information relating to Intuit's sales, marketing and advertising strategies, including Intuit's reasons for making key decisions about the marketing and promotion of its products and the process by which Intuit reaches those decisions, should be protected. *See Benco Dental Supply Co.*, 2018 WL 5292624, at *4 (F.T.C. Oct. 11, 2018) (granting *in camera* treatment of information relating to "sales, non-public pricing, rebates, discounts and member feedback," as well as strategic business plans); *see also Otto Bock*, 2018 WL 3491602, at *2 (identifying "marketing plans" and "sales documents" as documents that may receive *in camera* treatment). Specifically, documents in this category reveal highly confidential internal business and marketing strategies and information underlying those strategies, including metrics and tools deployed by Intuit to track customer usage of its products and product performance that are currently in use by Intuit and central to the development of the company's business and marketing strategies.

Although some of the documents in this category are older than three years, the information in these documents reveal methods Intuit still uses to evaluate customer satisfaction. Intuit also continues to utilize the marketing strategies revealed in these documents, and they remain confidential.

If this information is publicly disclosed, Intuit's competitors would gain direct insight into Intuit's marketing strategies and the process by which Intuit reaches key decisions related to sales and marketing, and it would allow competitors to counter Intuit's marketing techniques. Competitors could use this information to revise their own sales and marketing strategy to better compete with Intuit, placing Intuit at a competitive disadvantage. Intuit respectfully request *in camera* treatment of documents containing sales and marketing strategy for five years. *See*

Meta, No. 9411, 2022 WL 18273876, at *2 (F.T.C. December 23, 2022) (“Five years of *in camera* treatment is routinely granted for ... marketing strategies.”).

D. Pricing and Pricing Strategy

Confidential information relating to Intuit’s prices and pricing strategies also warrants *in camera* treatment. *See, e.g., 1-800 Contacts*, 2017 FTC LEXIS 55, at *4-5 (protecting documents containing information on non-party’s “pricing, competitive position, marketing and bidding strategies, and internal analyses of customer demographics and buying patterns”). Documents in this category include non-public pricing information and information about Intuit’s pricing strategy, including Intuit’s internal analyses of customer demographics and buying patterns. Although some of the information here is more than three years old, Intuit still uses this information in making strategic business decisions.

Disclosure of Intuit’s confidential pricing information would give competitors insight into Intuit’s pricing methods and strategies, and Intuit’s customer base. Disclosure of this pricing information would allow Intuit’s competitors to undermine Intuit’s business strategy or to identify segments of Intuit’s customer base to which they could market competing products. Intuit respectfully requests that this Court grants *in camera* treatment for documents in this category for five years.

E. Business Strategy/Strategic Initiatives

Intuit seeks to keep documents identifying its business strategies and strategic initiatives confidential. These confidential documents contain information relating to Intuit’s business model, its revenue and market-share goals, and evaluate TurboTax’s position relative to its competitors. It also includes Intuit’s internal business strategy, including future plans and strategy goals relating to Intuit’s free and paid commercial products as well as specific metrics and methods used by Intuit to track the effectiveness and profitability of its products.

Documents within this category warrant *in camera* treatment. See *Benco Dental*, 2018 FTC LEXIS 156, at *23 (granting *in camera* treatment for “strategic business plans”); *1-800 Contacts*, 2017 FTC LEXIS 55, at *9 (granting *in camera* treatment of “evaluations of market factors, market risks, company advantages, company disadvantages, and company risks, and which also review future strategic plans, including financial metrics, customer and supplier data, and market growth indicators”); *McWane*, 2012 FTC LEXIS 143, at *7-8 (August 17, 2012) (protecting documents containing “business strategies and negotiating strategies”).

Intuit has dedicated huge amounts of time, money, and energy in developing business strategies, pricing, innovation, and products. Many of Intuit’s business strategies are currently in use, despite being dated over three years ago. As such, disclosure of this information could result in serious injury to Intuit because it would reveal Intuit’s internal analyses of its business, including its strengths and weaknesses. Competitors and third parties could use this information to competitively disadvantage Intuit, such as replicating Intuit’s business strategies or using the confidential information to harm Intuit’s future initiatives. Intuit requests that this Court grant *in camera* treatment of these documents for five years.

F. Regulatory Strategy

Intuit’s confidential information reflecting interactions with governmental entities and regulatory strategy also warrants *in camera* treatment. See *Altria Grp.*, 2021 WL 2258803, at *5. The documents in this category concern highly confidential regulatory strategy, including strategies for working with various government entities and central to the development of the company’s regulatory strategy. Although some of these documents are dated earlier than 2020, the use of these regulatory strategies is ongoing and remains confidential.

If Intuit’s confidential information relating to its regulatory strategy gets disclosed, competitors would gain detailed insight into Intuit’s regulatory strategy and could revise their

own strategies based on that information. Competitors could also exploit this information and use it to competitively harm Intuit. Intuit respectfully requests that this Court grant *in camera* treatment of documents containing confidential information of its regulatory strategy for five years.

G. Arbitration Documents

Intuit seeks *in camera* treatment of documents on its exhibit list pertaining to arbitration. These documents include Intuit's settlement agreements and associated releases with several consumers which remain confidential. Many of the agreements expressly require that the agreements remain confidential, along with other information from the arbitration proceedings. If this information were released, it would violate the agreements and the protective orders in the arbitration proceedings and seriously injure Intuit and the consumers involved. These documents also contain consumers' sensitive personal information, including names, contact information, date of birth, and citizenship status. Intuit therefore requests that these documents remain *in camera* for five years.

H. IRS Free File Documents

Intuit confidential information concerning the IRS Free File Program also warrants *in camera* treatment. The documents in this category are internal communications, presentations, and reports related to the IRS Free File Program that, either in whole or in part, contain highly sensitive and competitive information pertaining to strategic initiatives, financial data, regulatory strategy, sales and marketing strategy and trade secrets and product development. Each of the documents in this category are also addressed in one of the categories identified above, and thus *in camera* status is appropriate even setting aside that the documents relate to the Free File program. Those justifications for *in camera* treatment are reinforced by the fact that the Free File-related information is wholly irrelevant to Complaint Counsel's claim. Intuit exited the IRS

Free File program in 2021. This proceeding concerns only Intuit's commercial free marketing and has nothing to do with its prior participation in the IRS program. *See* Compl. ¶¶119-122.

The Commission therefore has no interest in ensuring that those irrelevant documents are made public, whereas Intuit reasonably seeks to protect its confidential information.

I. Sensitive Personal Information

Finally, documents containing “sensitive personal information” should be placed *in camera* permanently. 16 C.F.R. §3.45(b). “Sensitive personal information” is defined as including “an individual’s Social Security number, taxpayer identification number, financial account number, credit card or debit card number, driver’s license number, state-issued identification number, passport number, date of birth (other than year), and any sensitive health information identifiable by individual, such as an individual’s medical records.” *Id.* Intuit’s documents in this category are spreadsheets that reveal consumer names and taxpayers’ information. These documents therefore warrant indefinite *in camera* treatment.

III. CONCLUSION

Intuit respectfully requests that its Motion be granted.

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ATTACHMENT A

Exhibit No.	Description	Date	Beg Bates	In Camera Treatment	Partial or Complete In Camera Treatment ³	Duration of In Camera Treatment
GX 004		10/18/2013	CC-00000018	Sales and Marketing Strategy; Trade Secrets and Product Development	CC-00000059	Ten Years
GX 012		6/4/2019	CC-00000155	Sales and Marketing Strategy; Trade Secrets and Product Development	CC-00000161; 163; 165; 166–168; 171–174; 176; 179; 181–188; 192; 195–197; 199; 206; 208	Ten Years
GX 014		6/14/2013	CC-00000239	Regulatory Strategy	All Pages	Five Years
GX 015		8/12/2013	CC-00000243	Regulatory Strategy	All Pages	Five Years
GX 016		8/15/2013	CC-00000258	Regulatory Strategy	All Pages	Five Years
GX 017		12/17/2013	CC-00000265	Regulatory Strategy	All Pages	Five Years
GX 018		1/14/2014	CC-00000269	Regulatory Strategy	All Pages	Five Years
GX 020		7/5/2016	CC-00000274	Regulatory Strategy	All Pages	Five Years
GX 021		6/12/2017	CC-00000278	Regulatory Strategy	CC-00000278	Five Years
GX 024		10/21/2016	CC-00000284	Regulatory Strategy	All Pages	Five Years
GX 025		10/21/2016	CC-00000285	Regulatory Strategy	All Pages	Five Years
GX 026		2/21/2018	CC-00000286	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 027		9/9/2016	CC-00000312	Trade Secrets and Product Development	All Pages	Ten Years

³ To the extent Intuit seeks *in camera* treatment for a portion of a document, such portion(s) are noted in Attachment A by page number and marked in yellow highlight in the versions submitted to the Court in connection with this Motion.

Exhibit No.	Description	Date	Beg Bates	In Camera Treatment	Partial or Complete In Camera Treatment ³	Duration of In Camera Treatment
GX 028		9/11/2016	CC-00000317	Trade Secrets and Product Development	All Pages	Ten Years
GX 029		10/3/2014	CC-00000334	Regulatory Strategy	All Pages	Five Years
GX 034		10/8/2014	CC-00000351	Regulatory Strategy	All Pages	Five Years
GX 035		10/9/2014	CC-00000356	Regulatory Strategy	All Pages	Five Years
GX 038		11/13/2014	CC-00000373	Regulatory Strategy	All Pages	Five Years
GX 040		3/30/2015	CC-00000426	Trade Secrets and Product Development	All Pages	Ten Years
GX 042		2/24/2015	CC-00000434	Trade Secrets and Product Development	All Pages	Ten Years
GX 045		11/12/2015	CC-00000455	Trade Secrets and Product Development	All Pages	Ten Years
GX 047		11/12/2015	CC-00000472	Trade Secrets and Product Development	All Pages	Ten Years
GX 049		11/1/2018	CC-00000514	Financial Data; Sales and Marketing Strategy	CC-00000515-517; 519; 521-522	Five Years
GX 051		3/21/2016	CC-00000545	Trade Secrets and Product Development	All Pages	Ten Years
GX 062		3/3/2016	CC-00000688	Trade Secrets and Product Development	All Pages	Ten Years
GX 063		2/22/2019	CC-00000692	Sales and Marketing Strategy	All Pages	Five Years
GX 066		5/27/2016	CC-00000714	Sales and Marketing Strategy; Trade Secrets and Product Development	CC-00000717	Ten Years
GX 067		7/10/2018	CC-00000718	Sales and Marketing Strategy	CC-00000719	Five Years
GX 068		7/12/2018	CC-00000721	Financial Data; Sales and Marketing Strategy; Trade Secrets and Product Development	CC-00000721; 724	Ten Years

Exhibit No.	Description	Date	Beg Bates	In Camera Treatment	Partial or Complete In Camera Treatment ³	Duration of In Camera Treatment
GX 069		9/12/2018	CC-00000725	Financial Data; Sales and Marketing Strategy; Trade Secrets and Product Development	CC-00000727-728	Ten Years
GX 070		7/25/2018	CC-00000729	Financial Data; Sales and Marketing Strategy; Trade Secrets and Product Development	CC-00000729; 739	Ten Years
GX 071		10/4/2018	CC-00000742	Financial Data; Sales and Marketing Strategy; Trade Secrets and Product Development	CC-00000752; 754; 760-762; 772-774; 780-782; 784	Ten Years
GX 072		10/10/2018	CC-00000789	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy	All Pages	Five Years
GX 073		10/10/2018	CC-00000790	Sales and Marketing Strategy	All Pages	Five Years
GX 074		4/24/2019	CC-00000792	Sales and Marketing Strategy	CC-00000792	Five Years
GX 075		4/25/2019	CC-00000796	Trade Secrets and Product Development	CC-00000796-798	Ten Years
GX 076		4/26/2019	CC-00000799	Sales and Marketing Strategy	CC-00000799	Five Years
GX 079		5/14/2018	CC-00000825	Business Strategy/Strategic Initiatives; Trade Secrets and Product Development	CC-00000831-835	Ten Years
GX 080		7/31/2020	CC-00000836	Financial Data; Trade Secrets and Product Development	CC-00000838-841, 845-848, 850, 858-862, 868-874, 876-878, 886-888	Ten Years
GX 081		10/29/2018	CC-00000889	Financial Data; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 082		10/24/2018	CC-00000894	Trade Secrets and Product Development	All Pages	Ten Years
GX 083		11/9/2018	CC-00000897	Sales and Marketing Strategy	All Pages	Five Years
GX 084		12/5/2018	CC-00000898	Sales and Marketing Strategy	All Pages	Five Years

Exhibit No.	Description	Date	Beg Bates	In Camera Treatment	Partial or Complete In Camera Treatment ³	Duration of In Camera Treatment
GX 085		10/2/2018	CC-00000899	Financial Data; Sales and Marketing Strategy	All Pages	Five Years
GX 089		11/13/2018	CC-00000941	Sales and Marketing Strategy	All Pages	Five Years
GX 092		7/24/2018	CC-00000961	Financial Data; Sales and Marketing Strategy	CC-00000691; 971	Five Years
GX 097		2/28/2016	CC-00000988	Trade Secrets and Product Development	All Pages	Ten Years
GX 098		7/31/2019	CC-00000996	Business Strategy/Strategic Initiatives; Financial Data; Pricing and Pricing Strategy	Bottom of CC-00001004- most of 1007	Five Years
GX 100		10/4/2018	CC-00001028	Sales and Marketing Strategy	All Pages	Five Years
GX 103		1/15/2019	CC-00001043	Business Strategy/Strategic Initiatives	All Pages	Five Years
GX 107		5/17/2018	CC-00001061	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy	CC-00001080	Five Years
GX 108		10/1/2018	CC-00001081	Trade Secrets and Product Development	CC-00001083; 089	Ten Years
GX 109		2/14/2019	CC-00001090	Trade Secrets and Product Development	CC-00001090-091	Ten Years
GX 110		5/5/2019	CC-00001094	Sales and Marketing Strategy	All Pages	Five Years
GX 112		1/16/2019	CC-00001102	Business Strategy/Strategic Initiatives	CC-00001103-105; 108	Five Years
GX 113		2/9/2019	CC-00001116	Business Strategy/Strategic Initiatives	CC-00001117-118	Five Years
GX 114		2/10/2019	CC-00001119	Business Strategy/Strategic Initiatives; Regulatory Strategy	All Pages	Five Years
GX 115		2/11/2019	CC-00001122	Business Strategy/Strategic Initiatives; Regulatory Strategy	CC-00001124	Five Years
GX 116		10/10/2019	CC-00001127	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy	All Pages	Five Years

Exhibit No.	Description	Date	Beg Bates	In Camera Treatment	Partial or Complete In Camera Treatment ³	Duration of In Camera Treatment
GX 144		11/8/2022	CC-00002584	Business Strategy/Strategic Initiatives; Pricing and Pricing Strategy; Sales and Marketing Strategy; Trade Secrets and Product Development	CC-00002600-601; 604-606; 609-611; 619-621; 624-633, 635-636; 648-65, 660-667; 669-697; 700-702; 704; 706-707; 709-713; 719-722	Ten Years
GX 145		11/15/2022	CC-00002726	Business Strategy/Strategic Initiatives; Pricing and Pricing Strategy; Sales and Marketing Strategy; Trade Secrets and Product Development	CC-00002746-756; 758- 769; 771-780; 782-807; 809-813; 815-819; 822; 824-848; 850-881	Ten Years
GX 146		11/18/2022	CC-00002885	Financial Data; Sales and Marketing Strategy; Trade Secrets and Product Development	CC-00002906-912; 917-923; 927-933; 2941-3016; 3019-3021	Ten Years
GX 147		11/22/2022	CC-00003025	Sales and Marketing Strategy; Trade Secrets and Product Development	CC-00003038-057; 061; 063-071; 073-074; 076-084; 086-087; 090-097; 102-104; 114-128; 131-145; 148-168	Ten Years
GX 148		11/22/2022	CC-00003172	Sales and Marketing Strategy; Trade Secrets and Product Development	CC-00003175; 189; 195; 198-201; 205; 207; 214; 220-223; 228; 230-235; 238-240; 242; 244-245; 248-260	Ten Years
GX 149		11/30/2022	CC-00003268	Sales and Marketing Strategy; Trade Secrets and Product Development	CC-00003270-271; 279-281; 283-284; 286-294; 296-306; 310-314; 317-389	Ten Years
GX 150		10/23/2020	CC-00003393	Sales and Marketing Strategy	CC-00003470-471	Five Years
GX 151		10/15/2020	CC-00003676	Sales and Marketing Strategy	CC-00003757-758; 802-814; 832; 845	Five Years
GX 152		9/29/2020	CC-00003866	Sales and Marketing Strategy	CC-00003883-3884; 3900-3902; 4013; 4022; 4054-4055	Five Years
GX 153		10/20/2020	CC-00004084	Business Strategy/Strategic Initiatives	CC-00004247-249	Five Years
GX 154		10/1/2020	CC-00004304	Sales and Marketing Strategy	CC-00004487, 488, 490	Five Years
GX 155		10/30/2020	CC-00004546	Sales and Marketing Strategy	CC-00004722, 723, 727, 732-738, 741-744	Five Years

Exhibit No.	Description	Date	Beg Bates	In Camera Treatment	Partial or Complete In Camera Treatment ³	Duration of In Camera Treatment
GX 156		20/9/2020	CC-00004770	Sales and Marketing Strategy	CC-00004835–841, 844, 845, 849, 850, 852–855, 918–920, 926, 927, 950, 951	Five Years
GX 157		10/7/2020	CC-00004959	Regulatory Strategy; Sales and Marketing Strategy; Trade Secrets and Product Development	CC-00005003–007, 101–106, 108–112, 115–118	Ten Years
GX 159		11/18/2022	CC-00005199	Sales and Marketing Strategy; Trade Secrets and Product Development	CC-00005233	Ten Years
GX 160		11/29/2022	CC-00005259	Sales and Marketing Strategy; Trade Secrets and Product Development	CC-00005279, 285–287, 293, 296, 319, 327–329, 331–334, 339, 343–348	Ten Years
GX 284		6/21/2018	CC-00005976	Business Strategy/Strategic Initiatives; Financial Data	CC-00005981	Five Years
GX 290		5/16/2018	CC-00006223	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 294		10/17/2019	CC-00006276	Pricing and Pricing Strategy; Sales and Marketing Strategy	All Pages	Five Years
GX 296		6/5/2019	CC-00006356	Sales and Marketing Strategy; Trade Secrets and Product Development	CC-00006358-359; 361-365; 368-369; 372-403; 405; 407-409	Ten Years
GX 297		9/20/2018	CC-00006410	Business Strategy/Strategic Initiatives; Financial Data; Sales and Marketing Strategy; Trade Secrets and Product Development	CC-00006418; 425-429; 431-432; 434-440	Ten Years
GX 298		11/1/2018	CC-00006441	Business Strategy/Strategic Initiatives; Financial Data	CC-00006444-450; 453-458	Five Years
GX 303		12/9/2022	CC-00006504	Sales and Marketing Strategy	CC-00006541-542	Five Years
GX 340		2018	CC-00006843	Sales and Marketing Strategy	All Pages	Five Years
GX 341		1/5/2015	CC-00006897	Sales and Marketing Strategy	All Pages	Five Years

Exhibit No.	Description	Date	Beg Bates	In Camera Treatment	Partial or Complete In Camera Treatment ³	Duration of In Camera Treatment
GX 392		1/25/2022	CC-00007192	Financial Data; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 393		9/16/2021	CC-00007248	Business Strategy/Strategic Initiatives; Trade Secrets and Product Development	All Pages	Ten Years
GX 394		10/22/2021	CC-00007325	Business Strategy/Strategic Initiatives; Trade Secrets and Product Development	All Pages	Ten Years
GX 395		2/22/2022	CC-00007338	Pricing and Pricing Strategy	All Pages	Five Years
GX 396		6/2/2021	CC-00007341	Business Strategy/Strategic Initiatives; Financial Data; Trade Secrets and Product Development	All Pages	Ten Years
GX 397		1/21/2022	CC-00007349	Trade Secrets and Product Development	All Pages	Ten Years
GX 398		TY20	CC-00007361	Financial Data; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 399		TY21	CC-00007391	Business Strategy/Strategic Initiatives; Financial Data; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 400		TY21	CC-00007421	Business Strategy/Strategic Initiatives	All Pages	Five Years
GX 401		TY20	CC-00007435	Financial Data; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 402		11/5/2021	CC-00007465	Business Strategy/Strategic Initiatives; Financial Data; Trade Secrets and Product Development	All Pages	Ten Years
GX 403		TY21	CC-00007485	Business Strategy/Strategic Initiatives; Financial Data; Trade Secrets and Product Development	All Pages	Ten Years

Exhibit No.	Description	Date	Beg Bates	In Camera Treatment	Partial or Complete In Camera Treatment ³	Duration of In Camera Treatment
GX 409		11/14/2022	CC-00007532	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 409-A		11/14/2022	CC-00007546	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 410		TY21	CC-00007560	Business Strategy/Strategic Initiatives; Financial Data; Trade Secrets and Product Development	All Pages	Ten Years
GX 411		3/26/2016	CC-00007561	Trade Secrets and Product Development	All Pages	Ten Years
GX 413		TY18	CC-00007578	Sales and Marketing Strategy	All Pages	Five Years
GX 414		1/22/2019	CC-00007580	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 415		1/21/2019	CC-00007582	Trade Secrets and Product Development	All Pages	Ten Years
GX 416		5/31/2018	CC-00007598	Financial Data; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 418		TY19	CC-00007676	Sales and Marketing Strategy	All Pages	Five Years
GX 419		2019	CC-00007677	Sales and Marketing Strategy	All Pages	Five Years
GX 420		1/25/2019	CC-00007678	Sales and Marketing Strategy	All Pages	Five Years
GX 421		2019	CC-00007679	Sales and Marketing Strategy	All Pages	Five Years
GX 422		7/26/2019	CC-00007680	Sales and Marketing Strategy	All Pages	Five Years
GX 423		9/18/2019	CC-00007681	Sales and Marketing Strategy	All Pages	Five Years
GX 424			CC-00007682	Sales and Marketing Strategy	All Pages	Five Years
GX 425		3/12/2018	CC-00007683	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years

Exhibit No.	Description	Date	Beg Bates	In Camera Treatment	Partial or Complete In Camera Treatment ³	Duration of In Camera Treatment
GX 426		TY17	CC-00007684	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 427		3/13/2019	CC-00007686	Pricing and Pricing Strategy; Sales and Marketing Strategy	All Pages	Five Years
GX 428		2019	CC-00007688	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 431		TY21	CC-00007852	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 432		TY21	CC-00007853	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 433		TY21	CC-00007854	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 434		TY21	CC-00007855	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 435		TY21	CC-00007856	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 436		TY20	CC-00007857	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 437		6/29/2021	CC-00007858	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 439		8/29/2022	CC-00007867	Sales and Marketing Strategy	CC-00007868; 870-871	Five Years
GX 440		3/18/2019	CC-00007878	Financial Data; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years

Exhibit No.	Description	Date	Beg Bates	In Camera Treatment	Partial or Complete In Camera Treatment ³	Duration of In Camera Treatment
GX 441		TY21	CC-00007889	Financial Data; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 442		TY20	CC-00007930	Financial Data; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 443		1/7/2021	CC-00008027	Business Strategy/Strategic Initiatives	All Pages	Five Years
GX 444		3/22/2022	CC-00008056	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 445		7/22/2018	CC-00008057	Sales and Marketing Strategy	All Pages	Five Years
GX 446		TY20	CC-00008066	Sales and Marketing Strategy	All Pages	Five Years
GX 447		2/14/2021	CC-00008083	Business Strategy/Strategic Initiatives; Financial Data; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 447-A		2/14/2021	CC-00008122	Business Strategy/Strategic Initiatives; Financial Data; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 448-A		TY18	CC-00008164	Sales and Marketing Strategy	All Pages	Five Years
GX 448-B		TY18	CC-00008275	Sales and Marketing Strategy	All Pages	Five Years
GX 451		1/11/2022	CC-00008475	Financial Data; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 452		TY20	CC-00008536	Financial Data; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 452-A		TY20	CC-00008724	Financial Data; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years

Exhibit No.	Description	Date	Beg Bates	In Camera Treatment	Partial or Complete In Camera Treatment ³	Duration of In Camera Treatment
GX 453		3/25/2021	CC-00008969	Financial Data; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 453-A		3/25/2021	CC-00009022	Financial Data; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 454		4/11/2019	CC-00009107	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 455		3/6/2019	CC-00009150	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy	All Pages	Five Years
GX 456		12/1/2020	CC-00009257	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 457		TY19	CC-00009304	Business Strategy/Strategic Initiatives; Financial Data; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 458-A		4/5/2019	CC-00009517	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 460		9/1/2020	CC-00009536	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 461		TY21	CC-00009575	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 463		10/23/2018	CC-00009654	Sales and Marketing Strategy	All Pages	Five Years
GX 464		2/12/2019	CC-00009682	Sales and Marketing Strategy	All Pages	Five Years
GX 465		2/12/2019	CC-00009684	Financial Data; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 466		4/5/2019	CC-00009733	Sales and Marketing Strategy	All Pages	Five Years

Exhibit No.	Description	Date	Beg Bates	In Camera Treatment	Partial or Complete In Camera Treatment ³	Duration of In Camera Treatment
GX 467		4/2/2019	CC-00009736	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 468		1/31/2022	CC-00009798	Sales and Marketing Strategy	All Pages	Five Years
GX 469		3/27/2022	CC-00009800	Sales and Marketing Strategy	All Pages	Five Years
GX 470		3/20/2019	CC-00009807	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 471		4/11/2019	CC-00009845	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 472		TY21	CC-00009916	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 473		2/22/2022	CC-00009917	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 474		TY20	CC-00010028	Sales and Marketing Strategy	All Pages	Five Years
GX 475		TY21	CC-00010029	Sales and Marketing Strategy	All Pages	Five Years
GX 476		12/9/2022	CC-00010030	Sales and Marketing Strategy	CC-00010033-038; 100-104; 109; 111-115; 120; 134-135; 138-140	Five Years
GX 631		11/14/2022	CC-00013277	Trade Secrets and Product Development	CC-00013293; 297; 299-300	Ten Years
GX 632		TY21	CC-00013304	Sales and Marketing Strategy	All Pages	Five Years
GX 633		TY21	CC-00013305	Financial Data; Sales and Marketing Strategy	All Pages	Five Years
GX 634		12/11/2020	CC-00013306	Sales and Marketing Strategy	All Pages	Five Years

Exhibit No.	Description	Date	Beg Bates	In Camera Treatment	Partial or Complete In Camera Treatment ³	Duration of In Camera Treatment
GX 635		2/12/2021	CC-00013312	Sales and Marketing Strategy	All Pages	Five Years
GX 636		4/2021	CC-00013317	Business Strategy/Strategic Initiatives; Pricing and Pricing Strategy; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 637		TY20	CC-00013587	Business Strategy/Strategic Initiatives	All Pages	Five Years
GX 638		1/18/2022	CC-00013619	Business Strategy/Strategic Initiatives; Financial Data	All Pages	Five Years
GX 639		2/2022	CC-00013630	Business Strategy/Strategic Initiatives; Financial Data	All Pages	Five Years
GX 640		11/9/2020	CC-00013644	Sales and Marketing Strategy	All Pages	Five Years
GX 641		12/11/2020	CC-00013646	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy	All Pages	Five Years
GX 642		2016	CC-00013652	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 643		TY20	CC-00013718	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 644		12/14/2020	CC-00013770	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 645		TY20	CC-00013810	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 646		9/2020	CC-00013816	Sales and Marketing Strategy	All Pages	Five Years

Exhibit No.	Description	Date	Beg Bates	In Camera Treatment	Partial or Complete In Camera Treatment ³	Duration of In Camera Treatment
GX 647		TY20	CC-00013838	Sales and Marketing Strategy	All Pages	Five Years
GX 648		10/26/2021	CC-00013855	Sales and Marketing Strategy	All Pages	Five Years
GX 649		9/26/2021	CC-00013879	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 650		11/4/2021	CC-00013976	Sales and Marketing Strategy	All Pages	Five Years
GX 651		10/26/2021	CC-00013978	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 652		4/2/2019	CC-00013995	Sales and Marketing Strategy	All Pages	Five Years
GX 653		TY21	CC-00014009	Sales and Marketing Strategy	All Pages	Five Years
GX 654		2/11/2020	CC-00014104	Sales and Marketing Strategy	All Pages	Five Years
GX 655		2/1/2022	CC-00014105	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 656		8/5/2019	CC-00014110	Sales and Marketing Strategy	All Pages	Five Years
GX 657		9/10/2019	CC-00014114	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy	All Pages	Five Years
GX 658		6/24/2021	CC-00014176	Financial Data; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 659		6/10/2021	CC-00014201	Business Strategy/Strategic Investments; Financial Data; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 660		TY21	CC-00014471	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years

Exhibit No.	Description	Date	Beg Bates	In Camera Treatment	Partial or Complete In Camera Treatment ³	Duration of In Camera Treatment
GX 661		TY21	CC-00014472	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
GX 662		8/2020	CC-00014473	Sales and Marketing Strategy	All Pages	Five Years
GX 664		2/2022	CC-00014484	Sales and Marketing Strategy	All Pages	Five Years
GX 665		8/2021	CC-00014538	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
RX 001		3/27/2018	INTUIT-FFA-FTC-000483176	Financial Data; Sales and Marketing Strategy	All Pages	Five Years
RX 027		1/27/2018	INTUIT-FFA-FTC-000054707	Sales and Marketing Strategy	All Pages	Five Years
RX 028		12/28/2018	INTUIT-FTC-PART3-000613902	Sales and Marketing Strategy	INTUIT-FTC-PART3-000613902	Five Years
RX 034		5/2017	INTUIT-FFA-FTC-000549928	Trade Secrets and Product Development; Sales and Marketing Strategy	All Pages	Ten Years
RX 036		8/7/2015	INTUIT-FFA-FTC-000477258	Financial Data	All Pages	Five Years
RX 037		4/25/2017	INTUIT-FFA-FTC-000316307	Sales and Marketing Strategy	All Pages	Five Years
RX 038		6/2019	INTUIT-FTC-PART3-000602794	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
RX 039		9/2021	INTUIT-FTC-PART3-000485022	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years

Exhibit No.	Description	Date	Beg Bates	In Camera Treatment	Partial or Complete In Camera Treatment ³	Duration of In Camera Treatment
RX 040		1/30/2019	INTUIT-FFA-FTC-000422206	Trade Secrets and Product Development; Pricing and Pricing Strategy	All Pages	Ten Years
RX 042		5/1/2015	INTUIT-FFA-FTC-000043560	Business Strategy/Strategic Initiatives; Pricing and Pricing Strategy	All Pages	Five Years
RX 045		1/11/2022	INTUIT-FTC-PART3-000484779	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy	All Pages	Five Years
RX 046		4/2/2019	INTUIT-FFA-FTC-000485983	Sales and Marketing Strategy	All Pages	Five Years
RX 047		7/2018	INTUIT-FFA-FTC-000419505	Financial Data; Pricing and Pricing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
RX 049		11/19/2018	INTUIT-FFA-FTC-000066940	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy	All Pages	Five Years
RX 050		5/16/2019	INTUIT-FFA-FTC-000526541	Financial Data; Pricing and Pricing Strategy	All Pages	Five Years
RX 051		TY19	INTUIT-FTC-PART3-000601173	Business Strategy/Strategic Initiatives; Financial Data; Pricing and Pricing Strategy	All Pages	Five Years
RX 052		6/2/2022	INTUIT-FTC-PART3-000602247	Trade Secrets and Product Development; Sales and Marketing Strategy	All Pages	Ten Years
RX 053		TY19	INTUIT-FTC-PART3-000601811	Business Strategy/Strategic Initiatives; Financial Data; Pricing and Pricing Strategy; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
RX 054		TY19	INTUIT-FTC-PART3-000602494	Business Strategy/Strategic Initiatives; Financial Data; Sales and Marketing Strategy	All Pages	Five Years

Exhibit No.	Description	Date	Beg Bates	In Camera Treatment	Partial or Complete In Camera Treatment ³	Duration of In Camera Treatment
RX 055		TY20	INTUIT-FTC-PART3-000601463	Trade Secrets and Product Development	All Pages	Ten Years
RX 056		3/2019	INTUIT-FFA-FTC-000525622	Sales and Marketing Strategy	All Pages	Five Years
RX 057		2021	INTUIT-FTC-PART3-000602289	Sales and Marketing Strategy	All Pages	Five Years
RX 059		6/8/2021	INTUIT-FTC-PART3-000602174	Financial Data; Pricing and Pricing Strategy	All Pages	Five Years
RX 060		7/2020	INTUIT-FTC-PART3-000602376	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy	All Pages	Five Years
RX 061		2/2021	INTUIT-FTC-PART3-000602321	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy	All Pages	Five Years
RX 062		10/2/2018	INTUIT-FFA-FTC-000490070	Sales and Marketing Strategy	All Pages	Five Years
RX 065		7/31/2020		Sales and Marketing Strategy; Trade Secrets and Product Development	Pg. 3; 4; 5; 6; 10–13; 15; 23–27; 33–39; 41–43; 51–53	Ten Years
RX 067		10/25/2021	INTUIT-FTC-PART3-000613952	Arbitration Document	All Pages	Five Years
RX 068		10/19/2021	INTUIT-FTC-PART3-000001043	Arbitration Document	All Pages	Five Years
RX 069		11/8/2021	INTUIT-FTC-PART3-000001342	Arbitration Document	All Pages	Five Years
RX 106		8/29/2022		Financial Data	All Pages	Five Years
RX 121		TY19		Sensitive Personal Information	All Pages	Indefinite
RX 137		TY21		Sensitive Personal Information	All Pages	Indefinite

Exhibit No.	Description	Date	Beg Bates	In Camera Treatment	Partial or Complete In Camera Treatment ³	Duration of In Camera Treatment
RX 146		TY21		Sensitive Personal Information	All Pages	Indefinite
RX 153		TY21		Sensitive Personal Information	All Pages	Indefinite
RX 157		TY21		Sensitive Personal Information	All Pages	Indefinite
RX 207		TY21		Sensitive Personal Information	All Pages	Indefinite
RX 223		TY18		Sensitive Personal Information	All Pages	Indefinite
RX 232		TY21		Sensitive Personal Information	All Pages	Indefinite
RX 239		TY20		Sensitive Personal Information	All Pages	Indefinite
RX 260		6/25/2022		Pricing and Pricing Strategy; Trade Secrets and Product Development	Pg. 3; 4; 8; 12; 14; 18–21; 23; 24	Ten Years
RX 286		8/14/2014	INTUIT-FFA-FTC-000275240	Business Strategy/Strategic Initiatives; Financial Data; Pricing and Pricing Strategy; Regulatory Strategy; Sales and Marketing Strategy	INTUIT-FFA-FTC-000275262–266	Five Years
RX 290		12/7/2015	INTUIT-FFA-FTC-000144065	Financial Data; Regulatory Strategy; Sales and Marketing Strategy	All Pages	Five Years
RX 297		1/23/2018	INTUIT-FFA-FTC-000249470	Business Strategy/Strategic Initiatives; Financial Data; Sales and Marketing Strategy	All Pages	Five Years
RX 298		8/21/2018	INTUIT-FFA-FTC-000325087	Business Strategy/Strategic Initiatives; Financial Data; Pricing and Pricing Strategy; Sales and Marketing Strategy	All Pages	Five Years
RX 299		10/3/2018	INTUIT-FTC-PART3-000608460	Sales and Marketing Strategy	All Pages	Five Years
RX 300		10/17/2018	INTUIT-FFA-FTC-000169278	Sales and Marketing Strategy	All Pages	Five Years

Exhibit No.	Description	Date	Beg Bates	In Camera Treatment	Partial or Complete In Camera Treatment ³	Duration of In Camera Treatment
RX 302		11/6/2018	INTUIT-FTC-PART3-000608464	Sales and Marketing Strategy	All Pages	Five Years
RX 304		12/20/2018	INTUIT-FTC-PART3-000608560	Trade Secrets and Product Development	All Pages	Ten Years
RX 305		1/21/2019	INTUIT-FTC-PART3-000608561	Business Strategy/Strategic Initiatives; Trade Secrets and Product Development	All Pages	Ten Years
RX 306		12/2018	INTUIT-FTC-PART3-000608564	Sales and Marketing Strategy	All Pages	Five Years
RX 307		1/23/2019	INTUIT-FFA-FTC-000549473	Pricing and Pricing Strategy; Sales and Marketing Strategy	All Pages	Five Years
RX 308		2/5/2019	INTUIT-FFA-FTC-000422264	Business Strategy/Strategic Initiatives; Financial Data	All Pages	Five Years
RX 309		3/15/2019	INTUIT-FFA-FTC-000330251	Financial Data; Sales and Marketing Strategy	All Pages	Five Years
RX 310		3/20/2019	INTUIT-FFA-FTC-000057988	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
RX 312		4/9/2019	INTUIT-FFA-FTC-000423732	Financial Data; Pricing and Pricing Strategy; Sales and Marketing Strategy	All Pages	Five Years
RX 313		4/17/2019	INTUIT-FFA-FTC-000156106	Financial Data; Sales and Marketing Strategy	All Pages	Five Years
RX 314		4/23/2019	INTUIT-FFA-FTC-000480165	Financial Data; Pricing and Pricing Strategy Sales and Marketing Strategy	All Pages	Five Years
RX 317		6/26/2019	INTUIT-FTC-PART3-000490320	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy	All Pages	Five Years

Exhibit No.	Description	Date	Beg Bates	In Camera Treatment	Partial or Complete In Camera Treatment ³	Duration of In Camera Treatment
RX 322		9/18/2019	INTUIT-FFA-FTC-000368135	Business Strategy/Strategic Initiatives; Financial Data; Pricing and Pricing Strategy; Sales and Marketing Strategy	All Pages	Five Years
RX 325		2/25/2020	INTUIT-FTC-PART3-000608494	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy	All Pages	Five Years
RX 328		7/30/2020	INTUIT-FFA-FTC-000549996	Financial Data	All Pages	Five Years
RX 334		10/25/2021	INTUIT-FTC-PART3-000608484	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
RX 365		2/8/2021	INTUIT-FTC-PART3-000607742	Sales and Marketing Strategy	All Pages	Five Years
RX 366		4/19/2022	INTUIT-FTC-PART3-000607754	Sales and Marketing Strategy	All Pages	Five Years
RX 368		5/13/2021	INTUIT-FTC-PART3-000607750	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy	All Pages	Five Years
RX 370		2/2/2021	INTUIT-FTC-PART3-000608081	Sales and Marketing Strategy	INTUIT-FTC-PART3-000608136; 137; 219; 223; 272; 275; 277	Five Years
RX 371		6/29/2021	INTUIT-FTC-PART3-000490288	Sales and Marketing Strategy	All Pages	Five Years
RX 377		5/16/2019	INTUIT-FTC-PART3-000608473	Business Strategy/Strategic Initiatives; Financial Data	All Pages	Five Years
RX 379		9/1/2020	INTUIT-FTC-PART3-000490565	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy	All Pages	Five Years

Exhibit No.	Description	Date	Beg Bates	In Camera Treatment	Partial or Complete In Camera Treatment ³	Duration of In Camera Treatment
RX 383		2021-2022	INTUIT-FTC-PART3-000000546 to INTUIT-FTC-PART3-000002561[1]	Arbitration Document	All Pages	Five Years
RX 384		2/23/2022	INTUIT-FTC-PART3-000002562	Arbitration Document	All Pages	Five Years
RX 385		5/25/2022	INTUIT-FTC-PART3-000002587	Arbitration Document	All Pages	Five Years
RX 386		2021-2022	INTUIT-FTC-PART3-000002612 to INTUIT-FTC-PART3-0000484353[2]	Arbitration Document	All Pages	Five Years
RX 392		8/30/2022		Sales and Marketing Strategy	Pg. 7	Five Years
RX 401		8/30/2022		Financial Data; Sales and Marketing Strategy	Pg. 3; 8; 9; 21; 24; 29-34; 57; 58; 60-63; 65; 72-75; 77; 79-82; 85; 86; 91-94; C-1 to C-3; D2	Five Years
RX 402		8/30/2022		Financial Data; Sales and Marketing Strategy	Pg. 38; 42; 45; 46; B-1	Five Years
RX 571		8/30/2022	INTUIT-FTC-PART3-000603004	Financial Data	All Pages	Five Years
RX 572		8/30/2022	INTUIT-FTC-PART3-000603000	Financial Data	All Pages	Five Years
RX 573		8/30/2022	INTUIT-FTC-PART3-000603001	Financial Data	All Pages	Five Years

Exhibit No.	Description	Date	Beg Bates	In Camera Treatment	Partial or Complete In Camera Treatment ³	Duration of In Camera Treatment
RX 574		8/30/2022	INTUIT-FTC-PART3-000602999	Financial Data	All Pages	Five Years
RX 575		8/30/2022	INTUIT-FTC-PART3-000603002	Financial Data	All Pages	Five Years
RX 576		8/30/2022	INTUIT-FTC-PART3-000603029	Financial Data	All Pages	Five Years
RX 579		TY21	INTUIT-FTC-PART3-000602936	Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
RX 580		3/27/2019	INTUIT-FTC-PART3-000601465	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy	All Pages	Five Years
RX 582		4/11/2019	INTUIT-FTC-PART3-000601283	Sales and Marketing Strategy	All Pages	Five Years
RX 583		6/2017	INTUIT-FTC-PART3-000602784	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
RX 585		6/10/2016	INTUIT-FTC-PART3-000602881	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
RX 586		7/23/2019	INTUIT-FTC-PART3-000602782	Sales and Marketing Strategy	All Pages	Five Years
RX 589		7/2/2015	INTUIT-FTC-PART3-000602906	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
RX 592		8/2021	INTUIT-FTC-PART3-000602627	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years

Exhibit No.	Description	Date	Beg Bates	In Camera Treatment	Partial or Complete In Camera Treatment ³	Duration of In Camera Treatment
RX 593		Jun-18	INTUIT-FTC-PART3-000601699	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
RX 594		TY20	INTUIT-FTC-PART3-000601354	Business Strategy/Strategic Initiatives; Financial Data; Sales and Marketing Strategy	All Pages	Five Years
RX 595		3/16/2019	INTUIT-FTC-PART3-000602709	Sales and Marketing Strategy	All Pages	Five Years
RX 596		Feb-22	INTUIT-FTC-PART3-000602728	Sales and Marketing Strategy	All Pages	Five Years
RX 597		4/10/2019	INTUIT-FTC-PART3-000601645	Sales and Marketing Strategy	All Pages	Five Years
RX 599		3/28/2022		Financial Data; Pricing and Pricing Strategy; Sales and Marketing Strategy	Pg. 3, 4, 8, 14, 18–21, 23, 24	Five Years
RX 600		8/22/2022		Financial Data; Pricing and Pricing Strategy; Sales and Marketing Strategy	Pg. 3; 6–10; 17; 21; 22; 27; 32; Statement of Material Facts 1; 2; 4–6; 8; 9; 11–16	Five Years
RX 698		11/4/2020		Financial Data; Sales and Marketing Strategy	All Pages	Five Years
RX 700		3/27/2019	INTUIT-FTC-PART3-000594144	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy	All Pages	Five Years
RX 702		TY18	INTUIT-FTC-PART3-000594591	Business Strategy/Strategic Initiatives; Financial Data; Sales and Marketing Strategy	All Pages	Five Years
RX 704		5/16/2019	INTUIT-FTC-PART3-000607308	Financial Data; Pricing and Pricing Strategy	All Pages	Five Years
RX 706		8/2021	INTUIT-FTC-PART3-000607412	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years

Exhibit No.	Description	Date	Beg Bates	In Camera Treatment	Partial or Complete In Camera Treatment ³	Duration of In Camera Treatment
RX 723		1/16/2019	INTUIT-FFA-FTC-000329046	Financial Data; Pricing and Pricing Strategy; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
RX 724		5/28/2019	INTUIT-FFA-FTC-000169067	Sales and Marketing Strategy	All Pages	Five Years
RX 728		7/31/2019	INTUIT-FTC-PART3-000609947	Financial Data	All Pages	Five Years
RX 730		11/21/2018	INTUIT-FFA-FTC-000259551	Sales and Marketing Strategy	All Pages	Five Years
RX 765		9/2/2019	INTUIT-FTC-PART3-000607561	Pricing and Pricing Strategy; Sales and Marketing Strategy	All Pages	Five Years
RX 793		2/6/2019	INTUIT-FFA-FTC-000206456	Sales and Marketing Strategy	All Pages	Five Years
RX 794		5/5/2019	INTUIT-FFA-FTC-000526090	Pricing and Pricing Strategy; Sales and Marketing Strategy	All Pages	Five Years
RX 795		5/14/2019	INTUIT-FFA-FTC-000066726	Financial Data; Pricing and Pricing Strategy	All Pages	Five Years
RX 796		7/19/2019	INTUIT-FTC-PART3-000608467	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy; Trade Secrets and Product Development	All Pages	Ten Years
RX 803		12/3/2018	INTUIT-FFA-FTC-000057252	Business Strategy/Strategic Initiatives; Financial Data; Sales and Marketing Strategy	All Pages	Five Years
RX 804		5/8/2019	INTUIT-FFA-FTC-000066459	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy	All Pages	Five Years
RX 807		8/12/2019	INTUIT-FFA-FTC-000376922	Business Strategy/Strategic Initiatives; Financial Data; Sales and Marketing Strategy	All Pages	Five Years

Exhibit No.	Description	Date	Beg Bates	In Camera Treatment	Partial or Complete In Camera Treatment ³	Duration of In Camera Treatment
RX 809		3/29/2022	INTUIT-FTC-PART3-000608488	Sales and Marketing Strategy	All Pages	Five Years
RX 810		7/8/2021	INTUIT-FTC-PART3-000616733	Business Strategy/Strategic Initiatives; Financial Data; Sales and Marketing Strategy	All Pages	Five Years
RX 811		5/6/2021	INTUIT-FTC-PART3-000608578	Business Strategy/Strategic Initiatives; Financial Data; Sales and Marketing Strategy	All Pages	Five Years
RX 812		5/20/2022	INTUIT-FTC-PART3-000609964	Financial Data	All Pages	Five Years
RX 814		8/31/2021	INTUIT-FTC-PART3-000616784	Business Strategy/Strategic Initiatives; Sales and Marketing Strategy	All Pages	Five Years
RX 815		TY21	INTUIT-FTC-PART3-000490339	Sales and Marketing Strategy	All Pages	Five Years
RX 816		TY21	INTUIT-FTC-PART3-000490341	Sales and Marketing Strategy	All Pages	Five Years
RX 817		2022	INTUIT-FTC-PART3-000608568	Sales and Marketing Strategy	All Pages	Five Years
RX 818		TY21	INTUIT-FTC-PART3-000608569	Sales and Marketing Strategy	All Pages	Five Years
RX 819		TY21	INTUIT-FTC-PART3-000608570	Pricing and Pricing Strategy; Sales and Marketing Strategy	All Pages	Five Years
RX 820		TY20	INTUIT-FTC-PART3-000608571	Pricing and Pricing Strategy; Sales and Marketing Strategy	All Pages	Indefinite
RX 821		TY21	INTUIT-FTC-PART3-000608572	Pricing and Pricing Strategy; Sales and Marketing Strategy	All Pages	Indefinite
RX 822		TY20	INTUIT-FTC-PART3-000608573	Pricing and Pricing Strategy; Sales and Marketing Strategy	All Pages	Five Years

Exhibit No.	Description	Date	Beg Bates	In Camera Treatment	Partial or Complete In Camera Treatment ³	Duration of In Camera Treatment
RX 823		TY21	INTUIT-FTC-PART3-000608574	Pricing and Pricing Strategy; Sales and Marketing Strategy	All Pages	Five Years
RX 824		7/2022	INTUIT-FTC-PART3-000608575	Sales and Marketing Strategy	All Pages	Five Years
RX 825		TY21	INTUIT-FTC-PART3-000608576	Sales and Marketing Strategy	All Pages	Five Years
RX 1009		6/15/2018	INTUIT-FTC-PART3-000616732	Sales and Marketing Strategy	All Pages	Five Years
RX 1010		5/21/2018	INTUIT-FTC-PART3-000617283	Sales and Marketing Strategy	All Pages	Five Years
RX 1016		1/13/2023		Financial Data; Sales and Marketing Strategy	Pg. 43; 44; 52; 53; 136; 137	Five Years
RX 1017		1/13/2023		Financial Data; Sales and Marketing Strategy	Pg. 48–54; 61; 66; 67; 69; 70; 72; 73; 75; 76; 78; 80; 84; 85; 91; 196; C-1-16; D-1-11	Five Years
RX 1018		1/13/2023		Financial Data; Sales and Marketing Strategy	Pg. 11; 12; 18–20; 22–24; 26–28; 32–35; 37; 38; 44; 47; 53; 54; 62; 64; 66–68; 72; 76–80; 92–99; 102–105; 110; 113; 114; 119; 124; 126–131; 133; 134; 136; 144–147; C-1 to C-4; C-14; C-18; C-37; C-38; F-2	Five Years
RX 1027		1/13/2023		Financial Data; Sales and Marketing Strategy	Pg. 2; 5–11; 13; 14; 17–19; 32; 33; 38; 40; 42; 43; 44; 46–52; 54–58; 61–72; 74–83; 85–89; 91; 93; 94–116; B1; B-17; C-33; D-2; D-3; D-6; D-10; D-11 to D-27; D-29 to D-32; D-34 to D-39	Five Years
RX 1030		TY21	INTUIT-FTC-PART3-000490338	Sales and Marketing Strategy	All Pages	Five Years

Exhibit No.	Description	Date	Beg Bates	In Camera Treatment	Partial or Complete In Camera Treatment ³	Duration of In Camera Treatment
RX 1336		6/2019	INTUIT-FTC- PART3-000602794	Business Strategy/Strategic Initiatives; Financial Data; Sales and Marketing Strategy	All Pages	Five Years

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

In the Matter of:

Intuit Inc., a corporation.

Docket No. 9408

**DECLARATION OF JACK RUBIN IN SUPPORT OF
INTUIT INC.'S MOTION FOR *IN CAMERA* TREATMENT OF DOCUMENTS**

I, Jack Rubin, declare as follows:

1. Since 2018, I have served as Vice President in the Consumer Group at Intuit. Since June 2021, I have served as Vice President, Marketing, Partnerships & Advertising Operations at Intuit. From March 2020 to June 2021, I served as Vice President, Business Practices and Strategy at Intuit. And from 2018 to March 2020, I served as Vice President, Marketing at Intuit.
2. I submit this declaration in support of Intuit's Motion for *In Camera* Treatment of Documents.
3. Intuit seeks *in camera* treatment of exhibits or portions of exhibits included on either Intuit's exhibit list or Complaint Counsel's exhibit list. Those exhibits are identified herein and in Attachment A to Intuit's Motion for *In Camera* Treatment of Documents.
4. Given my years of experience at Intuit, I have personal knowledge of the information contained in the exhibits discussed in this declaration, their competitive significance to Intuit, and the confidential treatment they obtain at Intuit. Based on my review of the exhibits and conversations with individuals who reviewed the documents at my direction, my knowledge

of Intuit's business, my familiarity with the confidential nature of Intuit's business and its information and documents, and my understanding of the highly competitive industry that Intuit operates within, I attest that the public disclosure and dissemination of the exhibits or portions of exhibits identified in this declaration and Attachment A to Intuit's Motion for *In Camera* Treatment of Documents would result in substantial injury to Intuit.

5. Intuit treats the information and documents for which it seeks *in camera* treatment as confidential and limits its disclosure to Intuit employees or agents that need to know the information to perform their work on behalf of the company. Intuit also takes reasonable steps to protect its network and otherwise limit access to this information.

6. As explained in greater detail below, the exhibits identified below and in Attachment A contain confidential information regarding Intuit's financial data, pricing and pricing strategy, sales and marketing strategy, trade secrets and product development, business strategy and strategic initiatives, and/or regulatory strategy. They also include confidential information relating to Intuit's arbitrations with consumers and the IRS Free File program.

7. Disclosing this confidential information would allow Intuit's competitors to review and replicate Intuit's proprietary business methods for their own use and would allow Intuit's competitors to gain key insight into Intuit's internal business strategy and competitive decision making. Disclosing this information would also give Intuit's competitors direct insight into how Intuit measures the success of its business and, by disclosing how these metrics are used as part of business analysis and strategic planning, would allow competitors to better position themselves to counter Intuit's business strategy. Intuit's competitors could also use the confidential data regarding revenue Intuit received from specific groups of consumers to undermine Intuit's business strategy or to identify segments of Intuit's customer base to which

they could market competing products. Because the online tax preparation industry is extremely competitive, with some of Intuit's competitors running advertisements that mention Intuit's products and pricing by name, Intuit's competitors would likely exploit this information for their own gain. The public disclosure of this information thus would substantially prejudice Intuit by causing the company irreparable competitive and financial harm.

8. The motion for *in camera* treatment is narrowly tailored to protect Intuit's confidential information.

9. Intuit has grouped the exhibits on the parties' respective exhibit lists into the following categories, by document type:

- a. Internal Intuit Data
- b. Internal Intuit White Papers, Creative Briefs, Strategy Documents, and Other Reports
- c. Internal Intuit Emails
- d. Internal Intuit Presentations
- e. Internal Intuit Messaging
- f. Depositions and Other Litigation Documents

10. Intuit has further grouped the confidential information contained within those document types into the following categories, each of which represent a category of confidential and competitively sensitive information:

- a. Financial Data
- b. Pricing and Pricing Strategy
- c. Sales and Marketing Strategy
- d. Trade Secrets and Product Development

- e. Business Strategy/Strategic Initiatives
- f. Regulatory Strategy

11. Intuit has also identified confidential documents relating to arbitrations with consumers, specifically non-public arbitration decisions, confidential settlement agreements relating to arbitrations, and sensitive consumer releases related to arbitrations. Disclosure of these documents would violate the contractual terms of the settlement agreements and the protective orders in the arbitration proceedings, injuring both Intuit and the consumers.

12. Moreover, Intuit has identified confidential information in documents that relate in whole or in part to the IRS Free File program. In addition to those documents containing confidential information that warrants *in camera* treatment, those documents are wholly irrelevant to Intuit's marketing of its commercial free product that is the focus of this proceeding.

13. Many exhibits within the different document types include more than one category of confidential information and are therefore listed more than once.

A. Internal Intuit Data

14. Financial Data (2020 and Later). **RX 106, 328, 571–576, and 812** are spreadsheets and other data compilations that contain information about revenue Intuit has received from customers, data about the number of tax returns filed using specific TurboTax products, and financial and revenue projections. Some documents in this category include comprehensive customer-purchase records. This information is non-public, and Intuit expends great time, money, and effort to protect this financial data in the ordinary course of business. Intuit also relies on this financial data in making strategic business decisions. If this confidential data was disclosed, Intuit's competitors could use it to undermine Intuit's business strategy or to identify segments of Intuit's customer base to which they could market competing products.

15. Financial Data (Pre-2020). **RX 36** is a spreadsheet containing information about revenue Intuit has received from customers, data about the number of tax returns filed using specific TurboTax products, and financial and revenue projections. This information is non-public, and Intuit expends great time, money, and effort to protect this financial data in the ordinary course of business. Intuit also relies on this financial data in making strategic business decisions. Although this spreadsheet is more than three years old, the financial metrics it contains continue to be used by Intuit.

16. Pricing and Pricing Strategy (2020 and Later). **RX 819–823** are spreadsheets and other data compilations that contain non-public pricing information and information about Intuit's pricing strategy, including internal analyses of customer demographics and buying patterns. Disclosure of this pricing information would allow Intuit's competitors to identify revenue impacts associated with discrete customer segments and undercut Intuit's competitive standing with respect to certain customer segments.

17. Sales and Marketing Strategy (2020 and Later). **GX 431–437, 444, 474–475, and 660–661 and RX 579, 815–823, 825, and 1030** are spreadsheets and other data compilations evidencing Intuit's marketing strategies. Those documents record Intuit interactions with consumers, divulge methods Intuit uses to track customer satisfaction and retention, and reveal metrics used to track the performance of advertising campaigns. If publicly disclosed, this information would give Intuit's competitors direct insight into how Intuit measures the success of its marketing and would allow competitors to counter Intuit's marketing techniques.

18. Sales and Marketing Strategy (Pre-2020). **GX 418–424 and 445 and RX 37 and 1009** are spreadsheets and other data compilations evidencing Intuit's marketing strategies. Those documents record Intuit interactions with consumers, divulge methods Intuit uses to track

customer satisfaction and retention, and reveal metrics used to track the performance of advertising campaigns. If publicly disclosed, this information would give Intuit's competitors direct insight into how Intuit measures the success of its marketing and would allow competitors to counter Intuit's marketing techniques. Although these documents are more than three years old, they are competitively sensitive because they reveal methods Intuit still uses to evaluate customer satisfaction.

19. Sensitive Personal Information. **RX 121, 137, 146, 153, 157, 207, 223, 232, and 239** contain information recording the tax history of TurboTax consumers who submitted complaints relied upon by the FTC during its investigation of Intuit. These spreadsheets contain consumer names and taxpayers' information. Because this information relates to third parties' financial and tax history, it reveals sensitive personal information and should be afforded indefinite *in camera* treatment.

20. Trade Secrets and Product Development (2020 and Later). **GX 431–437, 444, and 660–661 and RX 55 and 579** are spreadsheets and other data compilations that reveal how Intuit tests and evaluates new TurboTax features as well as the results of those tests. Their disclosure would be harmful to Intuit by allowing competitors to replicate Intuit's evaluative methodologies and design strategies.

21. Trade Secrets and Product Development (Pre-2020). **RX 304** is a spreadsheet that reveals how Intuit tests and evaluates new TurboTax features as well as the results of those tests. Their disclosure would be harmful to Intuit by allowing competitors to replicate Intuit's evaluative methodologies and design strategies. Although these exhibits predate 2020, the use of these trade secrets is ongoing and the information remains confidential.

B. Internal Intuit White Papers, Creative Briefs, Strategy Documents, and Other Reports

22. Business Strategy/Strategic Initiatives (2020 and Later). **GX 396, 638, 639, and 641 and RX 368, 811, and 814** are white papers, creative briefs, strategy documents, and other reports that discuss Intuit's business model, its revenue and market-share goals, and evaluate TurboTax's position relative to its competitors. Some of them also reveal TurboTax revenue and user numbers. Disclosure of these documents would allow Intuit's competitors to replicate or counter its business strategies.

23. Business Strategy/Strategic Initiatives (Pre-2020). **GX 103, 428, and 642 and RX 49 and 804** are white papers, creative briefs, strategy documents, and other reports that discuss Intuit's business model, its revenue and market-share goals, and evaluate TurboTax's position relative to its competitors. Some of them also reveal TurboTax revenue and user numbers. Although these documents are more than three years old, the strategies they divulge are still being pursued by Intuit and their disclosure would allow Intuit's competitors to replicate or counter its business strategies.

24. Financial Data (2020 and Later). **GX 396, 638, and 639 and RX 811** are internal Intuit reports, portions of which reveal Intuit's financial strategies, non-public financial projections and data, as well as the confidential metrics and methods Intuit uses to make those projections. This information is non-public, and Intuit expends great time, money, and effort to protect this financial data in the ordinary course of business. Intuit also relies on this financial data in making strategic business decisions. If this confidential information were publicly disclosed, Intuit's competitors would gain direct insight into Intuit's financial health and business strategies and, by disclosing how Intuit's confidential metrics are used as part of

business analysis, would allow competitors to better position themselves to counter Intuit's business strategy.

25. Sales and Marketing Strategy (2020 and Later). **GX 634, 635, 640, 641, 650, and 654 and RX 365, 366, 368, 811, and 814** are white papers, creative briefs, strategy documents, and other reports that reveal highly confidential internal business and marketing strategy, including Intuit's reasons for making key decisions about the marketing and promotion of its products and the process by which Intuit reached those decisions. If Intuit's confidential marketing strategy and business metrics were disclosed, Intuit's competitors would gain detailed insight into Intuit's strategy and could revise their own business strategy to take advantage of that information.

26. Sales and Marketing Strategy (Pre-2020). **GX 4, 12, 413, 428, and 642 and RX 34, 49, 804, and 1010** are strategy reports that reveals Intuit's confidential marketing strategy, including methods for evaluating customer sentiment and the results of its consumer analysis continue to inform Intuit's business practices. Disclosure of these documents would give Intuit's competitors detailed insight into Intuit's marketing strategies and goals. Although these exhibits are dated earlier than 2020, the use of these marketing strategies is ongoing, and the information remains confidential. If this confidential information were publicly disclosed, Intuit's competitors would gain detailed insight into Intuit's marketing strategies and metrics and could revise their own marketing strategies to take advantage of that information.

27. Trade Secrets and Product Development (2020 and Later). **GX 396** is a white paper containing highly confidential trade secrets, including the metrics Intuit uses to track the effectiveness and profitability of its products. By disclosing how confidential metrics are used as

part of business analysis, this information would allow Intuit's competitors to better position themselves to counter Intuit's business strategy.

28. Trade Secrets and Product Development (Pre-2020). **GX 4, 12, 428 and 642 and RX 34** are strategy reports, portions of which contain highly confidential trade secrets including the metrics Intuit uses to track the effectiveness and profitability of its products. Although these exhibits predate 2020, the use of these trade secrets is ongoing and the information remains confidential. If this confidential information were publicly disclosed, Intuit's competitors would gain detailed insight into Intuit's business strategies and metrics and could revise their own business strategies to take advantage of that information. By disclosing how confidential metrics are used as part of business analysis, this information would allow Intuit's competitors to better position themselves to counter Intuit's business strategy.

C. Internal Intuit Emails

29. Business Strategy/Strategic Initiatives (2020 and Later). **GX 393 and 443** are internal Intuit email communications, some of which contain accompanying internal presentations, regarding financial forecasts, market and consumer trends, and future initiatives. Portions of these exhibits discuss confidential business strategy relating to Intuit's free and paid commercial products. The documents reveal Intuit's internal business strategy, including future plans and strategy goals, relating to Intuit's free and paid commercial products as well as specific metrics and methods used by Intuit to track the effectiveness and profitability of its products, and how those metrics are used as part of an analysis to shape future business decisions. If this confidential information were publicly disclosed, Intuit's competitors would gain detailed insight into Intuit's business strategies and metrics and could revise their own business strategies to take advantage of that information.

30. Business Strategy/Strategic Initiatives (Pre-2020). **GX 26, 72, 79, 107, 112–116, 284, 297, 298, and 455 and RX 305 and 308** are internal Intuit email communications regarding financial forecasts, market and consumer trends, and future initiatives. The documents reveal Intuit's internal business strategy, including future plans and strategy goals, relating to Intuit's free and paid commercial products as well as specific metrics and methods used by Intuit to track the effectiveness and profitability of its products, and how those metrics are used as part of an analysis to shape future business decisions. Although these exhibits are dated earlier than 2020, the use of these business strategies is ongoing and the information remains confidential. If this confidential information were publicly disclosed, Intuit's competitors would gain detailed insight into Intuit's business strategies and metrics and could revise their own business strategies to take advantage of that information.

31. Financial Data (2020 and Later). **GX 658** is an internal Intuit email communication, which contains an accompanying internal presentation, regarding earnings results and financial forecasts. Portions of this exhibit discusses Intuit's financial strategies, non-public financial projections and data, as well as the confidential metrics and methods Intuit uses to make those projections. This information is non-public, and Intuit expends great time, money, and effort to protect this financial data in the ordinary course of business. Intuit also relies on this financial data in making strategic business decisions. If this confidential information were publicly disclosed, Intuit's competitors would gain direct insight into Intuit's financial health and business strategies and, by disclosing how Intuit's confidential metrics are used as part of business analysis, would allow competitors to better position themselves to counter Intuit's business strategy.

32. Financial Data (Pre-2020). **GX 69–71, 81, 85, 92, 284, 297, 298, and 440 and RX 308** are internal Intuit email communications that discuss Intuit’s financial strategies, non-public financial projections and data, as well as the confidential metrics and methods Intuit uses to make those projections. These documents discuss and compare campaign performances, including revenue drivers, spending rates, and response rates. Although these email communications are dated earlier than 2020, the use of this non-public financial data is ongoing, and the information remains confidential. Intuit also relies on this financial data in making strategic business decisions. If this confidential information were publicly disclosed, Intuit’s competitors would gain detailed insight into Intuit’s financial metrics and could revise their own marketing strategies to take advantage of that information.

33. Sales and Marketing Strategy (2020 and Later). **GX 468, 469, 655 and 658 and RX 334** are internal Intuit email communications, some of which contain accompanying internal presentations, regarding advertisement spending allocations, go-to-market plans, market and consumer trends, consumer reviews, and other marketing strategies. Portions of these exhibits reveal confidential marketing strategy, including key marketing decisions, as well as metrics and tools deployed by Intuit to track customer usage of its products and product performance that are currently in use by Intuit and central to the development of the company’s business strategy. If this confidential information were publicly disclosed, Intuit’s competitors would gain detailed insight into Intuit’s business strategy and metrics and could revise their own business strategy to take advantage of that information.

34. Sales and Marketing Strategy (Pre-2020). **GX 26, 63, 67, 69–74, 83–85, 89, 92, 100, 107, 110, 116, 290, 296, 297, 341, 414, 425, 427, 440, 454, 455, 463, 464, and 466 and RX 28 and 307** are internal Intuit email communications regarding marketing strategy and consumer

trends, including consumer testing results. Disclosure of these email communications would give Intuit's competitors detailed insight into Intuit's marketing strategies and goals. Although these email communications are dated earlier than 2020, the use of these marketing strategies is ongoing and the information remains confidential. If this confidential information were publicly disclosed, Intuit's competitors would gain detailed insight into Intuit's marketing strategies and metrics and could revise their own marketing strategies to take advantage of that information.

35. Pricing and Pricing Strategy (2020 and Later). **GX 395** is an internal Intuit email communication, which discusses Intuit's pricing strategies and current financial trends used to inform those strategies. This information is non-public, and Intuit relies on it in making strategic business decisions. If this confidential information were publicly disclosed, Intuit's competitors would gain direct insight into Intuit's financial health and business strategies and, by disclosing how Intuit's confidential metrics are used as part of business analysis, would allow competitors to better position themselves to counter Intuit's business strategy.

36. Pricing and Pricing Strategy (Pre-2020). **GX 427 and RX 307** are internal Intuit email communications regarding business strategy and market trends. Portions of these exhibits reveal information concerning Intuit's pricing strategy, specifically product usage by specific groups of customers, as well as tools deployed by Intuit to track customer usage of its products. This information is non-public, and Intuit relies on it in making strategic business decisions. Although these exhibits are dated earlier than 2020, the use of these pricing strategies is ongoing and the information remains confidential. If this confidential data was disclosed, Intuit's competitors could use it to undermine Intuit's business strategy or to identify segments of Intuit's customer base to which they could market competing products.

37. Regulatory Strategy (Pre-2020). **GX 14–18, 20, 21, 24, 25, 29, 34, 35, 114, and 115** are internal Intuit email communications regarding regulatory considerations. Portions of these exhibits concern highly confidential regulatory strategy, including strategies for working with various government entities that are currently in use by Intuit and central to the development of the company’s regulatory strategy. Although these exhibits are dated earlier than 2020, the use of these regulatory strategies is ongoing and the information remains confidential. If this confidential information was disclosed, Intuit’s competitors would gain detailed insight into Intuit’s regulatory strategy and could revise their own regulatory strategy to take advantage of that information.

38. Trade Secrets and Product Development (2020 and Later). **GX 393, 397, 440, 655, and 658 and RX 334** are internal Intuit email communications, some of which contain accompanying internal presentations, regarding growth strategy, advertisement performance, product offerings, and business metrics. Portions of these exhibits contain highly confidential trade secrets including the metrics Intuit uses to track the success of its organic search marketing, the effectiveness and profitability of its products, customer usage of its products, and an analysis of the financial effect of certain business decisions. If this confidential information were publicly disclosed, Intuit’s competitors would gain detailed insight into Intuit’s business strategies and metrics and could revise their own business strategies to take advantage of that information. By disclosing how confidential metrics are used as a part of business analysis, this information would also allow Intuit’s competitors to better position themselves to counter Intuit’s business strategy.

39. Trade Secrets and Product Development (Pre-2020). **GX 26-28, 40, 42, 45, 47, 51, 62, 63, 69–71, 79, 8182, 97, 108–109, 290, 296–297, 414, 425, and 454 and RX 305** are

internal Intuit email communications, some of which contain accompanying internal presentations, regarding growth strategy, advertisement performance, product offerings, and business metrics. Portions of these exhibits contain highly confidential trade secrets including the metrics Intuit uses to track the success of its organic search marketing, metrics by Intuit to track the effectiveness and profitability of its products, metrics to track customer usage of its products, all of which are currently in use by Intuit and central to the development of the company's business strategy. Although these exhibits are dated earlier than 2020, the use of these trade secrets is ongoing and the information remains confidential. If this confidential information were publicly disclosed, Intuit's competitors would gain detailed insight into Intuit's business strategies and metrics and could revise their own business strategies to take advantage of that information. By disclosing how confidential metrics are used as part of business analysis, this information would also allow Intuit's competitors to better position themselves to counter Intuit's business strategy.

D. Internal Intuit Presentations

40. Trade Secrets and Product Development (2020 and Later). **GX 392, 394, 398, 399, 401, 402, 403, 409, 409-A, 410, 441, 442, 447, 447-A, 451, 452, 452-A, 453, 453-A, 456, 457, 460, 461, 472, 473, 636, 643-645, 649, 651, 655, and 659 and RX 39, 52, 592, and 706** are internal Intuit presentations prepared for weekly update meetings, campaign performance reviews, business strategy reviews, consumer survey studies, and various other purposes. Portions of these exhibits contain highly confidential trade secrets including the metrics Intuit uses to track the success of its organic search marketing, the effectiveness and profitability of its products, customer usage of its products, and an analysis of the financial effect of certain business decisions. If this confidential information were publicly disclosed, Intuit's competitors

would gain detailed insight into Intuit's business strategies and metrics and could revise their own business strategies to take advantage of that information. By disclosing how confidential metrics are used as a part of business analysis, this information would also allow Intuit's competitors to better position themselves to counter Intuit's business strategy.

41. Trade Secrets and Product Development (Pre-2020). **GX 66, 68, 411, 415, 416, 426, 458-A, 465, 467, 470, 471, and 665 and RX 38, 40, 47, 53, 310, 583, 585, 589, 593, 723, and 796** are internal Intuit presentations prepared for business strategy reviews and various other purposes. Portions of these exhibits contain highly confidential trade secrets including the metrics Intuit uses to track the success of its organic search marketing, metrics by Intuit to track the effectiveness and profitability of its products, metrics to track customer usage of its products, all of which are currently in use by Intuit and central to the development of the company's business strategy. Although these exhibits are dated earlier than 2020, the use of these trade secrets is ongoing and the information remains confidential. If this confidential information were publicly disclosed, Intuit's competitors would gain detailed insight into Intuit's business strategies and metrics and could revise their own business strategies to take advantage of that information. By disclosing how confidential metrics are used as part of business analysis, this information would also allow Intuit's competitors to better position themselves to counter Intuit's business strategy.

42. Financial Data (2020 and Later). **GX 392, 398, 399, 401–403, 410, 441, 442, 447, 447-A, 451, 452, 452-A, 453, 453-A, 457, and 659 and RX 51, 54, 59, 594, and 810** are internal Intuit presentations prepared for end of season performance reviews, weekly update meetings, campaign performance reviews, business strategy reviews, consumer survey studies, and various other purposes. Portions of these exhibits reveal Intuit's financial strategies, non-

public financial projections and data, as well as the confidential metrics and methods Intuit uses to make those projections. This information is non-public, and Intuit expends great time, money, and effort to protect this financial data in the ordinary course of business. Intuit also relies on this financial data in making strategic business decisions. If this confidential information were publicly disclosed, Intuit's competitors would gain direct insight into Intuit's financial health and business strategies and, by disclosing how Intuit's confidential metrics are used as part of business analysis, would allow competitors to better position themselves to counter Intuit's business strategy.

43. Financial Data (Pre-2020). **GX 49, 68, 416, and 465 and RX 1, 47, 50, 53, 286, 290, 297, 298, 309, 312–314, 322, 377, 702, 704, 723, 795, 803, 807, and 1336** are internal Intuit presentations prepared for end of season performance reviews, weekly update meetings, campaign performance reviews, business strategy reviews, consumer survey studies, and various other purposes. Portions of these exhibits reveal Intuit's financial strategies, non-public financial projections and data, as well as the confidential metrics and methods Intuit uses to make those projections. Although these presentations are dated earlier than 2020, the use of this non-public financial data is ongoing and the information remains confidential, and Intuit relies on this financial data in making strategic business decisions. If this confidential information were publicly disclosed, Intuit's competitors would gain detailed insight into Intuit's financial metrics and could revise their own business strategies to take advantage of that information.

44. Sales and Marketing Strategy (2020 and Later). **GX 392, 398, 399, 401, 409, 409-A, 441, 442, 446, 447, 447-A, 451, 452, 452-A, 453, 453-A, 456, 457, 460, 461, 472, 473, 636, 643–649, 651, 653, 659, 662, 664, and 665 and RX 39, 45, 52, 54, 57, 60, 61, 325, 371, 379, 592, 594, 596, 706, 809, and 810** are internal Intuit presentations prepared for end of season

performance reviews, weekly update meetings, campaign performance reviews, business strategy reviews, consumer survey studies, and various other purposes. Portions of these exhibits reveal confidential marketing strategy, including key marketing decisions, as well as metrics and tools deployed by Intuit to track customer usage of its products and product performance that are currently in use by Intuit and central to the development of the company's business strategy. If this confidential information were publicly disclosed, Intuit's competitors would gain detailed insight into Intuit's business strategy and metrics and could revise their own business strategy to take advantage of that information.

45. Sales and Marketing Strategy (Pre-2020). **GX 49, 66, 68, 294, 340, 416, 426, 448-A, 448-B, 458-A, 465, 467, 470, 471, 652, 656, and 657 and RX 1, 27, 38, 46, 53, 56, 62, 286, 290, 297-300, 302, 306, 309-310, 312-314, 317, 322, 580, 582-583, 585-586, 593, 595, 597, 700, 702, 723-724, 730, 765, 793-794, 796, 803, 807, and 1336** are internal Intuit presentations prepared for brand strategy and marketing reviews. Disclosure of these presentations would give Intuit's competitors detailed insight into Intuit's marketing strategies and goals. Although these presentations are dated earlier than 2020, the use of these marketing strategies is ongoing and the information remains confidential. If this confidential information were publicly disclosed, Intuit's competitors would gain detailed insight into Intuit's marketing strategies and metrics and could revise their own marketing strategies to take advantage of that information.

46. Pricing and Pricing Strategy (2020 and Later). **GX 636 and RX 51 and 59** are internal Intuit presentations prepared for business strategy reviews, consumer survey studies, and various other purposes. Portions of these exhibits reveal information concerning Intuit's pricing strategy, specifically product usage by specific groups of customers, as well as tools deployed by

Intuit to track customer usage of its products. This information is non-public, and Intuit relies on it in making strategic business decisions. If this confidential data was disclosed, Intuit's competitors could use it to undermine Intuit's business strategy or to identify segments of Intuit's customer base to which they could market competing products

47. Pricing and Pricing Strategy (Pre-2020). **GX 294 and RX 40, 42, 47, 50, 53, 286, 298, 312, 314, 322, 704, 723, 765, 794, and 795** are internal Intuit presentations prepared for business strategy reviews. Portions of these exhibits reveal information concerning Intuit's pricing strategy, specifically product usage by specific groups of customers, as well as tools deployed by Intuit to track customer usage of its products. Although these exhibits are dated earlier than 2020, the use of these pricing strategies is ongoing and the information remains confidential. If this confidential data was disclosed, Intuit's competitors could use it to undermine Intuit's business strategy or to identify segments of Intuit's customer base to which they could market competing products.

48. Regulatory Strategy (Pre-2020). **GX 38 and RX 286 and 290** are internal Intuit presentations prepared for business strategy reviews. Portions of these exhibits are highly confidential regulatory strategy, including strategies for working with various government entities that are currently in use by Intuit and central to the development of the company's regulatory strategy. Although these exhibits are dated earlier than 2020, the use of these regulatory strategies is ongoing and the information remains confidential. If this confidential information was disclosed, Intuit's competitors would gain detailed insight into Intuit's regulatory strategy and could revise their own regulatory strategy to take advantage of that information.

49. Business Strategy/Strategic Initiatives (2020 and Later). **GX 394, 399, 400, 402, 403, 410, 447, 447-A, 457, 636, 637, and 659 and RX 39, 45, 51, 54, 60, 61, 325, 379, 592, 594, 706, and 810** are internal Intuit presentations prepared for end of season performance reviews, weekly update meetings, campaign performance reviews, business strategy reviews, consumer survey studies, and various other purposes. Portions of these exhibits describe confidential business strategy relating to Intuit's free and paid commercial products. The documents reveal Intuit's internal business strategy, including future plans and strategy goals, relating to Intuit's free and paid commercial products as well as specific metrics and methods used by Intuit to track the effectiveness and profitability of its products, and how those metrics are used as part of an analysis to shape future business decisions. If this confidential information were publicly disclosed, Intuit's competitors would gain detailed insight into Intuit's business strategies and metrics and could revise their own business strategies to take advantage of that information.

50. Business Strategy/Strategic Initiatives (Pre-2020). **GX 657 and RX 38, 42, 53, 286, 297, 298, 317, 322, 377, 580, 583, 585, 589, 593, 700, 702, 796, 803, 807, and 1336** are internal Intuit presentations prepared for campaign performance reviews, business strategy reviews, consumer survey studies, and various other purposes. The documents reveal Intuit's internal business strategy, including future plans and strategy goals, relating to Intuit's free and paid commercial products as well as specific metrics and methods used by Intuit to track the effectiveness and profitability of its products, and how those metrics are used as part of an analysis to shape future business decisions. Although these exhibits are dated earlier than 2020, the use of these strategic initiatives is ongoing and the information remains confidential. If this confidential information was disclosed, Intuit's competitors would gain detailed insight into

Intuit's business strategy and would allow competitors to better position themselves to both counter and take advantage of Intuit's business strategy.

E. Internal Intuit Messaging

51. Sales and Marketing Strategy (Pre-2020). **GX 76** is an internal instant messaging communication that reveals confidential business and marketing strategy and discloses trade secrets regarding the metrics and methods Intuit deploys to track the success of its various forms of advertising. Although this exhibit is dated earlier than 2020, the use of this sales and marketing strategy is ongoing and the information remains confidential. If this confidential information were released publicly, Intuit's competitors would gain detailed insight into Intuit's strategy and could revise their own business strategies. By disclosing how confidential metrics are used as part of business analysis, this information would also allow competitors to better position themselves to counter Intuit's business strategy.

52. Trade Secrets and Product Development (Pre-2020). **GX 75** is an internal instant messaging communication that reveals highly confidential trade secrets and business metrics that relate to the methodologies used by Intuit to track customer activity on its webpages as insight into advertisement effectiveness. Although this exhibit is dated earlier than 2020, the use of these trade secrets is ongoing and the information remains confidential. If this information were publicly disclosed, it would provide Intuit's competitors with direct insight into how Intuit measures the success of its marketing and, by disclosing how these metrics are used as part of business analysis, would allow competitors to better position themselves to counter Intuit's business strategy.

F. Depositions and Other Litigation Documents

53. Financial Data (2020 and Later). **GX 80, 146, and 633 and RX 401, 402, 599, 600, 698, 1016–1018, and 1027** are primarily deposition transcripts, in addition to investigational hearing transcripts, civil investigative demand responses, expert testimony, and other litigation documents that reveal confidential and highly sensitive financial data, including the revenue received from specific groups of customers and from specific commercial products. This information is non-public, and Intuit expends great time, money, and effort to protect this financial data in the ordinary course of business. Intuit also relies on this data in making strategic business decisions with respect to its products. If this confidential information were publicly disclosed, Intuit's competitors would gain insight into Intuit's business strategy, including revenue impacts associated with particular customer segments, and could use that confidential information to undermine Intuit's business strategies or identify segments of Intuit's customer base to which they could market competing products.

54. Financial Data (Pre-2020). **GX 98 and RX 728** are civil investigative demand responses and other litigation documents that reveal confidential and highly sensitive financial data, including the revenue received from specific groups of customers and from specific commercial products. Although these exhibits are dated earlier than 2020, the use of this financial data is ongoing and the information remains confidential. Intuit relies on this financial data in making strategic business decisions. If this confidential information was disclosed, Intuit's competitors would gain detailed insight into Intuit's financial strategy and would allow competitors to better position themselves to take advantage of Intuit's business strategy.

55. Pricing and Pricing Strategy (2020 and Later). **GX 144 and 145 and RX 260, 599, and 600** are primarily deposition transcripts, in addition to investigational hearing

transcripts, civil investigative demand responses, expert testimony, and other litigation documents that reveal confidential and highly sensitive financial data and information concerning Intuit's pricing strategy, including the revenue received from specific commercial products. If this confidential information were publicly disclosed, Intuit's competitors would gain insight into Intuit's business strategy, including revenue generated by particular commercial products, and could use that confidential information to undermine Intuit's business strategies.

56. Pricing and Pricing Strategy (Pre-2020). **GX 98** is a civil investigative demand response that reveals confidential and highly sensitive financial data and information concerning Intuit's pricing strategy, including the revenue received from specific commercial products. Although this exhibit is dated earlier than 2020, the use of this pricing strategy is ongoing and the information remains confidential. If this confidential information was disclosed, Intuit's competitors would gain detailed insight into Intuit's pricing strategy and would allow competitors to better position themselves to take advantage of Intuit's business strategy.

57. Sales and Marketing Strategy (2020 and Later). **GX 144–152, 154–157, 159–160, 303, 392, 439, 476, 632, and 633 and RX 65, 370, 401, 402, 599, 600, 698, 824, 1016–1018, and 1027** are civil investigative demand responses, declarations, and litigation documents that reveal highly confidential internal business and marketing strategy, including Intuit's reasons for making key decisions about the marketing and promotion of its products and the process by which Intuit reached those decisions. Certain of these documents additionally reveal confidential business metrics and tools deployed by Intuit to track customer usage of its products, which are currently in use by Intuit and central to the development of the company's business strategy. If Intuit's confidential marketing strategy and business metrics were

disclosed, Intuit's competitors would gain detailed insight into Intuit's strategy and could revise their own business strategy to take advantage of that information.

58. Business Strategy/Strategic Initiatives (2020 and Later). **GX 144, 145, and 153** are primarily deposition transcripts, in addition to investigational hearing transcripts and other litigation documents that reveal Intuit's internal business strategy, including evaluations of market factors, consumer trends, and future strategic plans, as well as specific metrics and methods used by Intuit to track the effectiveness and profitability of its products, and how those metrics are used as part of an analysis to shape future business decisions. If this confidential information were publicly disclosed, Intuit's competitors would gain detailed insight into Intuit's business strategies and metrics and could revise their own business strategies to take advantage of that information.

59. Business Strategy/ Strategic Initiatives (Pre-2020). **GX 98** is a civil investigative demand response that reveals Intuit's internal business strategy, including evaluations of market factors, consumer trends, and future strategic plans, as well as specific metrics and methods used by Intuit to track the effectiveness and profitability of its products, and how those metrics are used as part of an analysis to shape future business decisions. Although this document is dated earlier than 2020, the strategies detailed in this document are ongoing and the information remains confidential. If this confidential information was disclosed, Intuit's competitors would gain detailed insight into Intuit's strategic initiatives and would allow competitors to better position themselves to take advantage of Intuit's business strategy.

60. Trade Secrets and Product Development (2020 and Later). **GX 144–149, 157, 159-160, and 631 and RX 65 and 260** are primarily deposition transcripts, in addition to investigational hearing transcripts, civil investigative demands responses, and other litigation

documents that contain trade secrets and confidential business metrics and marketing information tracked by Intuit, including advertising metrics and strategies, business metrics used to track the performance of the company's products, and confidential information relating to the revenue Intuit has received from specific groups of customers. Intuit uses such information to develop its business strategy and treats it as proprietary. Portions of these transcripts and declarations reveal highly confidential marketing strategy, including key marketing decisions, as well as metrics and tools deployed by Intuit to track customer usage of its products and product performance that are currently in use by Intuit and central to the development of the company's business strategy. Disclosing these confidential trade secrets would give Intuit's competitors direct insight into how Intuit measures the success of its business and, by disclosing how these metrics are used as part of business analysis, would allow competitors to better position themselves to counter Intuit's business strategy. Intuit's competitors could also use the confidential data regarding revenue Intuit received from specific groups of consumers to undermine Intuit's business strategy or to identify segments of Intuit's customer base to which they could market competing products.

G. Arbitration Documents

61. **RX 67, 68, 69, 383, 384, 385, 386, and 392** are arbitration decisions, settlement agreements relating to consumer arbitrations, and consumer releases related to those settlements. The arbitration decisions are non-public and remain confidential, and the protective orders in those proceedings prohibit the disclosure of confidential material, such as Intuit's trade secrets, product development, sales, profits, costs, outside of the proceeding. The settlement agreements, titled "Confidential Master Settlement Administration Agreement[s]," also expressly require that the agreements remain confidential. If this information were released, it would violate the

contractual terms of the settlement agreements and the protective orders in the arbitration proceedings and seriously injure Intuit and the consumers involved. Further, the arbitration documents, including the releases, also contain consumers' sensitive personal information, including consumers' date of birth and citizenship status.

H. IRS Free File Documents

62. Intuit exited the IRS Free File program in 2021 after the end of tax season for Tax Year 2020.

63. Documents that Relate Solely to the IRS Free File Program. **GX 25, 34, 35, and 89** are primarily internal emails, in addition to an internal presentation, that relate solely to the IRS Free File Program. These emails and other documents are wholly irrelevant to Intuit's marketing of its commercial free product that is the focus of this proceeding and, for the reasons articulated above, contain highly sensitive and competitive information pertaining to strategic initiatives, financial data, regulatory strategy, sales and marketing strategy, and trade secrets and product development that should be kept *in camera*. If this wholly irrelevant and confidential information were publicly disclosed, it would allow Intuit's competitors to better position themselves to counter Intuit's business strategy.

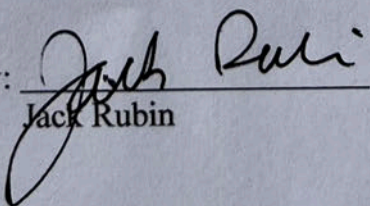
64. Documents that Relate in Part to the IRS Free File Program. **GX 14–18, 20–24, 27–29, 31–33, 63–69, 40–45, 51, 57, 58, 60–63, 65–72, 74–76, 80, 81, 83, 84, 88, 91, 92, 98, 103, 108–116, 148, 150–157, 284, 298, and 397 and RX 65, 66, 153, 157, 260, 262, 286, 290, 370, 815–817, 820, 821, 835, 1018, 1027, and 1030** are email communications, spreadsheets and other data compilations, presentations, civil investigative demand responses, expert testimony, and other litigation documents that relate in part to the IRS Free File Program. Those portions of these documents that relate to Free File are wholly irrelevant to Intuit's marketing of its

commercial free product that is the focus of this proceeding and, for the reasons articulated above, contain highly sensitive and competitive information pertaining to strategic initiatives, financial data, regulatory strategy, pricing strategy, sales and marketing strategy, and trade secrets and product development that should be kept *in camera*. If portions of these documents that are wholly irrelevant and contain confidential information were publicly disclosed, it would allow Intuit's competitors to better position themselves to counter Intuit's business strategy. Further, although GX 14–18, 20, 21, 24, 27–29, 40, 42, 45, 51, 62, 63, 66–72, 74–76, 81, 83, 84, 88, 92, 98, 103, 108–110, 112–116, 284, and 298 and RX 286, 290, and 313 are dated earlier than 2020, the use of these strategies is ongoing and the information remains confidential. If this confidential information were publicly disclosed, Intuit's competitors would gain detailed insight into Intuit's business strategies and metrics and could revise their own business strategies to take advantage of that information. By disclosing confidential strategies, it would also allow Intuit's competitors to better position themselves to counter Intuit's business strategy.

* * *

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 10th day of February, 2023, in San Diego, California.

By: 
Jack Rubin

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

In the Matter of:

Intuit Inc., a corporation.

Docket No. 9408

[PROPOSED] ORDER

Upon consideration of Intuit's Motion for *In Camera* Review of Certain Trial Exhibits:

IT IS HEREBY ORDERED that Intuit's Motion is GRANTED.

IT IS FURTHER ORDERED that pursuant to Rule 3.45(b) of the Federal Trade Commission Rules of Practice, 16 C.F.R. §3.45(b), the documents identified in Attachment A to the Motion, and any related trial testimony, shall be subject to *in camera* treatment and will be kept confidential and not placed on the public record of this proceeding.

D. Michael Chappell
Chief Administrative Law Judge

Date: _____

CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2023, I caused the foregoing document to be filed electronically using the FTC's E-Filing system, which will send notification of such filing to:

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Office of the Secretary
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The Honorable D. Michael Chappell
600 Pennsylvania Ave., NW, Rm. H-110
Washington, DC 20580

I further certify that on February 10, 2023, I caused the foregoing document to be served via email to:

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The Honorable D. Michael Chappell
Administrative Law Judge
600 Pennsylvania Ave., NW, Rm. H-110
Washington, DC 20580

Dated: February 10, 2023

Respectfully submitted,

/s/ Derek Woodman
Derek Woodman
Counsel for Intuit Inc.