

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

INTUIT INC.

and

CREDIT KARMA, INC.,

Defendants.

UNITED STATES' EXPLANATION OF CONSENT DECREE PROCEDURES

The United States submits this short memorandum summarizing the procedures regarding the Court's entry of the proposed Final Judgment. This Judgment would settle this case pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h) (the "APPA" or "Tunney Act"), which applies to civil antitrust cases brought and settled by the United States.

1. Today, the United States has filed a Complaint and, attached to this Explanation of Consent Decree Procedures, a proposed Final Judgment and a proposed Asset Preservation and Hold Separate Stipulation and Order between the parties by which they have agreed that the Court may enter the proposed Final Judgment after the United States has complied with the APPA. The United States will also file a Competitive Impact Statement relating to the proposed Final Judgment.

2. The proposed Asset Preservation and Hold Separate Stipulation and Order is a document that has been agreed to by both the United States and the Defendants. The

United States and the Defendants ask that the Court sign this Order, which ensures that the Defendants preserve competition by complying with the provisions of the proposed Final Judgment and by maintaining any assets to be divested during the pendency of the proceedings required by the Tunney Act. *See* 15 U.S.C. § 16(b)-(h).

3. The APPA requires that the United States publish the proposed Final Judgment and the Competitive Impact Statement in the *Federal Register* and cause to be published a summary of the terms of the proposed Final Judgment and the Competitive Impact Statement in certain newspapers at least sixty (60) days prior to entry of the proposed Final Judgment. Defendants in this matter have agreed to arrange and bear the costs for the newspaper notices. The notice will inform members of the public that they may submit comments about the proposed Final Judgment to the United States Department of Justice, Antitrust Division, 15 U.S.C. § 16(b)-(c).

4. During the sixty-day period, the United States will consider, and at the close of that period respond to, any comments that it has received, and it will publish the comments and the United States' responses in the *Federal Register* unless the court agrees that the United States instead may publish them on the U.S. Department of Justice, Antitrust Division's internet website.

5. After the expiration of the sixty-day period, the United States will file with the Court any comments and the United States' response, and it may ask the Court to enter the proposed Final Judgment (unless the United States has decided to withdraw its consent to entry of the Final Judgment, as permitted by Section V.A of the Asset Preservation and Hold Separate Stipulation, *see* 15 U.S.C. § 16(d)).

6. If the United States requests that the Court enter the proposed Final Judgment after compliance with the APPA, 15 U.S.C. § 16(e)-(f), then the Court may enter the Final Judgment without a hearing, provided that it concludes that the Final Judgment is in the public interest.

Dated: November 25, 2020

Respectfully submitted,

_____/s/_____
Brian Hanna
U.S. Department of Justice
Antitrust Division
450 Fifth St. NW, 8000
Washington, DC 20530
Tel: (202) 598-8360
Email: brian.hanna2@usdoj.gov

CERTIFICATE OF SERVICE

I, Brian Hanna hereby certify that on November 25, 2020, I caused a copy of the foregoing Explanation of Consent Decree Procedures, Asset Preservation and Hold Separate Stipulation and Order, and proposed Final Judgment to be served on Defendants Intuit Inc. and Credit Karma, Inc. by mailing the documents electronically to their duly authorized legal representatives as follows:

For Defendant Intuit Inc.:

Amanda P. Reeves
Latham & Watkins LLP
555 Eleventh Street, NW, Suite 1000
Washington, D.C. 20004-1304
Tel.: (202) 637-2183
Email: Amanda.Reeves@LW.com

For Defendant Credit Karma, Inc.:

Jamillia P. Ferris
Wilson, Sonsini, Goodrich, & Rosati
1700 K St. NW, 5th Floor
Washington D.C. 20006-3817
Tel: (202) 973-8800
Email: jferris@wsgr.com

_____/s/_____
Brian Hanna
U.S. Department of Justice
Antitrust Division
450 Fifth St. NW, 8000
Washington, DC 20530
Tel: (202) 598-8360
Email: brian.hanna2@usdoj.gov