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19 UNITED STATES DISTRICT COURT

20 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

21 U.S. WECHAT USERS ALLIANCE,
CHIHUO INC., BRENT COULTER,
22 FANGYI DUAN, JINNENG BAO, ELAINE
PENG, and XIAO ZHANG,

23 Plaintiffs,

24 v.

25 DONALD J. TRUMP, in his official capacity
as President of the United States, and
26 WILBUR ROSS, in his official capacity as
Secretary of Commerce,

27 Defendants.

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Case No. 3:20-cv-05910-LB

**JOINT STATEMENT RE SEALED
MATERIALS**

Judge: Hon. Laurel Beeler

Trial Date: None Set

1 In connection with its October 23, 2020 Order Denying Motion to Stay, the Court
2 instructed the parties to file a joint statement regarding the redaction and sealing of
3 information related to Tencent’s mitigation proposal. *See* ECF No. 105. On October 26,
4 2020, the parties filed a stipulation seeking to give Tencent through its outside counsel an
5 opportunity to provide the parties with its position on the issues raised by the Court. *See*
6 ECF No. 109. Further to that stipulation and pursuant to the Court’s October 29, 2020
7 Order, the Court permitted the parties to share with Tencent the Court’s sealed Order
8 Denying Motion to Stay (ECF No. 104) and extended the time for the parties to file their
9 joint statement responsive to the Court’s request until noon (PST) on Tuesday,
10 November 3, 2020. *See* ECF No. 110.

11 On October 29, 2020, Tencent’s outside counsel informed the parties that Tencent
12 decided to move to intervene in the litigation for the limited purpose of maintaining the
13 sealing of its confidential business information (“CBI”), and explained the bases for
14 Tencent’s position. Tencent’s outside counsel also indicated certain redactions it would
15 propose lifting.

16 Plaintiffs support, and Defendants do not oppose, Tencent’s intervention for the
17 limited purpose of maintaining the sealing of its CBI. Tencent is best equipped to address
18 the Court’s questions, and it will be most efficient for Tencent to explain the
19 confidentiality of the sealed information. Plaintiffs also support, and Defendants do not
20 oppose, Tencent’s efforts to maintain the details of the information at issue under seal
21 under the circumstances. The parties respectfully ask to be relieved of any further
22 obligation under ECF No. 105 to respond to the Court regarding the redaction and sealing
23 of information related to Tencent’s CBI since TENCENT will be responding to that order
24 on its own.

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1 DATED: November 3, 2020

Respectfully submitted,

2 ROSEN BIEN GALVAN & GRUNFELD LLP

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4 By: */s/ Michael W. Bien*

5 Michael W. Bien

6 Attorneys for Plaintiffs

7
8 DATED: November 3, 2020

UNITED STATES DEPARTMENT OF JUSTICE
CIVIL DIVISION, FEDERAL PROGRAMS
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16 By: */s/ Serena M. Orloff*

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21 Attorneys for Defendants

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23 **FILER'S ATTESTATION**

24 As required by Local Rule 5-1(i)(3), I, Michael W. Bien, attest that I obtained
25 concurrence in the filing of this document from Serena M. Orloff, and that I have
26 maintained records to support this concurrence.

27 DATED: November 3, 2020

/s/ Michael W. Bien

28 Michael W. Bien