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18 Attorneys for Plaintiffs

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

NOTICE OF FILING

Date: October 15, 2020
 Time: 9:30 a.m.
 Crtrm.: Remote
 Judge: Hon. Laurel Beeler

1 Plaintiffs respectfully provide notice of the filing of the Declaration of Adam Roach
2 (“Roach Declaration”), which is appended to this Notice. Adam Roach is an expert in the
3 field of Internet communications technologies. Roach Declaration ¶¶ 1-2 & Ex. A. The
4 Roach Declaration provides analysis of the prohibited transactions identified in the
5 Department of Commerce’s September 17, 2020 *Identification of Prohibited Transactions*
6 *to Implement Executive Order 13943 and Address the Threat Posed by WeChat and the*
7 *National Emergency with Respect to the Information and Communications Technology and*
8 *Services Supply Chain (“Identification”).* *Id.* ¶¶ 3-13. This analysis rebuts Defendants’
9 Reply argument that “the actions here affect only business-to-business transactions,” ECF
10 No. 83 at 14, and also explains how updates are “essential to [Plaintiffs’] use of WeChat
11 during the duration of this case,” ECF No. 83 at 21.

12 Mr. Roach’s analysis is also relevant to Defendants’ newly-articulated argument in
13 support of their Emergency Motion For A Stay Pending Appeal in the Ninth Circuit that
14 implementation of the prohibited transactions in the *Identification* will not affect current
15 user’s use of WeChat. *See, e.g., U.S. WeChat Users All. v. Trump*, No. 20-16908, Dkt 5-1
16 (9th Cir. Oct. 2, 2020) at 4 (the Secretary’s actions “did not prohibit current U.S. users of
17 WeChat from continuing to use the app”); 11 (“Nothing in the *Identification* prohibits
18 plaintiffs, who are all current U.S. users, from continuing to use WeChat”); 27 (“The
19 Secretary also left open ample alternative channels for communication. Permitting the
20 continued use of WeChat in its current form by existing U.S. users is plainly adequate[.]”
21 31 (“the Secretary’s *Identification* does not prohibit any plaintiff, all of whom are current
22 U.S. WeChat users, from continuing to use the platform”); *id.* (“Though the app’s
23 performance may degrade over time without access to updates or the other business-to-
24 business transactions specified in the *Identification*, any technical changes can be undone
25 if plaintiffs prevail, and there is no suggestion that such degradation during the pendency
26 of an appeal would be serious enough to outweigh the immediate harms to national
27 security.”).

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1 DATED: October 8, 2020

Respectfully submitted,

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By: */s/ Michael W. Bien*

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Michael W. Bien

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Attorneys for Plaintiffs

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