

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

XIAOMI CORPORATION, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF DEFENSE, *et al.*,

Defendants.

Civil Docket No. 21-cv-00280 (RC)

**JOINT STATUS REPORT**

Pursuant to the Court's April 28, 2021 Minute Order, the Parties submit the following joint status report regarding further proceedings in this litigation.

Since the Parties' previous joint status report, the Parties have agreed upon a path forward that would resolve this litigation without the need for contested briefing. In particular, in light of this Court's preliminary injunction order and opinion, ECF Nos. 20, 21, and Defendants' decision not to appeal that order, Defendants have agreed that a final order vacating the January 14, 2021 designation of Xiaomi Corporation as a CCMC pursuant to section 1237 of the FY 1999 NDAA, as amended, would be appropriate. An order vacating agency action is the ordinary result when a court has determined that such action violates the APA. *See* 5 U.S.C. § 706(2). Plaintiffs support such an order. The parties will negotiate over the specific terms of the order, and anticipate providing this Court a joint proposed order on or before Thursday, May 20, 2021.

Dated: May 11, 2021

/s/ John E. Hall

John E. Hall (D.C. Bar No. 415364)  
Beth S. Brinkmann (D.C. Bar No. 477771)  
Alexander A. Berengaut (D.C. Bar No. 989222)  
Megan A. Crowley (D.C. Bar No. 1049027)  
COVINGTON & BURLING LLP  
One CityCenter  
850 Tenth Street, NW  
Washington, DC 20001  
Telephone: +1 (202) 662-6000  
Facsimile: + 1 (202) 778-6000  
Email: jhall@cov.com  
bbrinkmann@cov.com  
aberengaut@cov.com  
mcrowley@cov.com

S. Conrad Scott (D.C. Bar No. 1685829; *pro  
hac vice*)  
COVINGTON & BURLING LLP  
The New York Times Building  
620 Eighth Avenue  
New York, NY  
Telephone: +1 (212) 841-1000  
Facsimile: +1 (212) 841-1010  
Email: cscott@cov.com

*Counsel for Plaintiffs*

Respectfully submitted,

BRIAN M. BOYNTON  
Acting Assistant Attorney General

ALEXANDER K. HAAS  
Branch Director

ANTHONY J. COPPOLINO  
Deputy Branch Director

BRIGHAM BOWEN  
Assistant Branch Director

/s/ Joseph E. Borson

JOSEPH E. BORSON (Va. Bar No. 85519)  
STEPHEN M. ELLIOT  
JAMES R. POWERS  
Trial Attorneys  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street, NW  
Washington, DC 20005  
Phone: (202) 514-1944  
Email: joseph.borson@usdoj.gov

*Counsel for Defendants*