

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

TIKTOK INC., et al.,

*Plaintiffs,*

v.

JOSEPH R. BIDEN, JR., in his official capacity  
as President of the United States, et al.,

*Defendants.*

Case No. 20-cv-02658 (CJN)

**JOINT STATUS REPORT**

Pursuant to the Court's January 13, 2021 Minute Order, the parties have met and conferred regarding a schedule for further proceedings in this action, and hereby submit this joint status report.

As discussed in prior filings, *see* ECF Nos. 61 and 64, the parties have continued to confer in an effort to eliminate or narrow disputes regarding the appropriate scope of the record in advance of the filing of dispositive motions. While those discussions were ongoing, Defendants' counsel informed Plaintiffs' counsel regarding the following developments: As the Biden Administration has taken office, the Department of Commerce has begun a review of certain recently issued agency actions, including the Secretary's prohibitions regarding the TikTok mobile application at issue in this case. In relation to those prohibitions, the Department plans to conduct an evaluation of the underlying record justifying those prohibitions. The government will then be better positioned to determine whether the national security threat described in the President's August 6, 2020 Executive Order, and the regulatory purpose of protecting the security of Americans and their data, continue to warrant the identified prohibitions. The Department of Commerce remains

committed to a robust defense of national security as well as ensuring the viability of our economy and preserving individual rights and data privacy.

Because a review of the prohibitions at issue here may narrow the issues presented or eliminate the need for judicial review entirely, and to allow new agency officials sufficient time to become familiar with the issues in this case and to allow the agency to adequately consider the issues presented in this case, the Government filed motions to hold in abeyance both the ongoing appeals before the D.C. Circuit of the preliminary injunctions previously entered by this Court. *See TikTok Inc. v. Biden*, No. 20-5302 (D.C. Cir.); *TikTok Inc. v. Biden*, No. 20-5381 (D.C. Cir.). Those motions were unopposed by Plaintiffs.

For the same reasons that the Government requested that the ongoing appeals be held in abeyance, Defendants' position is that it likewise makes sense to stay further proceedings before this Court based on the above developments. Plaintiffs agree that, so long as the D.C. Circuit appeals are held in abeyance, district court proceedings should also be held in abeyance.

Accordingly, the parties jointly propose that the pending deadlines in this matter be stayed, with a further joint status report due in 60 days, *i.e.*, on April 12, 2021. In the event that the D.C. Circuit declines to hold the ongoing appeals in abeyance, the parties will further confer and file, within seven days of that decision, a joint status report setting forth their position(s) on a schedule for further proceedings in this action.

DATED: February 11, 2021

Respectfully submitted,

/s/ John E. Hall

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