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19 UNITED STATES DISTRICT COURT

20 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

21 U.S. WECHAT USERS ALLIANCE,
CHI HUO 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

**DECLARATION OF YING CAO IN
SUPPORT OF PLAINTIFFS’
OPPOSITION TO DEFENDANTS’
MOTION TO STAY PENDING APPEAL
OF ORDER GRANTING MOTION FOR
PRELIMINARY INJUNCTION**

Date: October 15, 2020
Time: 9:30 a.m.
Crtrm.: Remote

Judge: Hon. Laurel Beeler
Trial Date: None Set

1 I, Ying Cao, declare as follows:

2 1. I am one of the founders and trustees of U.S. WeChat Users Alliance, a plaintiff in
3 this case. I have personal knowledge of the matters stated herein and if called as a witness I could
4 and would testify truthfully to them.

5 2. I am an immigration lawyer in New Jersey, primarily serving Chinese-speaking
6 clients for their visa and immigration matters.

7 3. I have used WeChat for about eight years, and it has become a critical part of my
8 personal life and work. I currently have 4,100 contacts on my personal WeChat account. In
9 addition, my law office operates many WeChat chat groups where I and my staff can respond to
10 clients' needs, share legal updates and information instantly. There are more than 9,600 members
11 in these WeChat groups. My law office also has an official WeChat account to publish articles
12 about immigration law changes and common visa issues, which is a great way to attract new clients.

13 4. After the President issued the Executive Order that would ban the use of WeChat, I
14 have started downloading and experimenting with other apps. None of them has come close to be
15 a reasonable substitute for WeChat.

16 5. I have downloaded and used Telegram, an app advertised as a popular alternative
17 for WeChat. I doubt that Chinese speaking users with limited English proficiency could do so, as
18 the sign-up materials are only in English. Telegram is good for one-on-one messaging, but not for
19 group chats. Any member of the group can invite his or her friends in without the group host's
20 permission, which makes it hard to control the quality of the group and group discussion. The app
21 has about a dozen language choices, but does not include Chinese, and there is no user information
22 or privacy policy in Chinese. Telegram does not have in-app translation or voice-to-text functions
23 like WeChat does. My law office last month started a Telegram group for clients but the people
24 who have joined have generally been inactive compared to our firm's WeChat contacts.

25 6. I have downloaded and used Line. Its shortcomings are similar to Telegram in terms
26 of the ability to control group chats and group chat hosts themselves can even be kicked out of the
27 group. Line's interface is designed for English speakers. Even if the entire operating system of my
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1 phone's language is changed to Chinese, many menu function keys/buttons are still displayed in
2 English, such as Line Webtoon, People Nearby, Line Play, Line Services, Line Game, Line
3 Camera, Foodie, and descriptions of the stickers, making it difficult for Chinese-speaking people
4 to operate the app. Line does not have in-app translation and voice-to-text functions like WeChat
5 does. It does not have a privacy policy in Chinese.

6
7 7. I have downloaded and used Skype. It is similar to Telegram because it is only a
8 messaging app, not a social media app. It does not have Moments-like feature to write posts. The
9 group chat function is limited compared to WeChat, as the maximum number of people in a group
10 is 50, while WeChat is 500. It does not have a translation or voice-to-text function.

11 8. I have downloaded and used Signal. It is another messaging app like Telegram with
12 similar flaws. It does not have Moments-like function to write posts. The group chat function is
13 limited compared to WeChat, such as the maximum number of people in a group is 10, while
14 WeChat is 500, making it difficult to reach to a large audience. Signal does not have an in-app
15 translation function like WeChat does. It has a basic voice-to-text function but does not work well
16 if the spoken language is Chinese. It also does not have a privacy policy written in Chinese.
17 Moreover, a phone number is needed to register for a Signal account. Unlike WeChat, the phone
18 number is displayed to every Signal contact which is a privacy concern when dealing with new
19 contact.
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21
22 9. I have downloaded and used Snapchat. It has a special feature that all messages
23 disappear after viewing or expiration. It is widely recognized that the purpose of sharing snap shots
24 and videos on Snapchat is to "keep things light and spontaneous among friends, without having to
25 think about it later." It is not meant to help build your long-time online presence, but rather for
26 "being silly and enjoying the moment." Accordingly, the primary users are youngsters, and its
27 interface is not suitable for adults or business clients. The automatic disappearance feature can be
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1 disabled if equipped with technical skills. It also does not have a voice-to-text function. It cannot
2 send or forward a Word or PDF document like WeChat does. It is not friendly to Chinese-speaking
3 users because it does not have language options. Even if the device (iPhone or android phone)'s
4 language changes to Chinese, most of its interface still display in English. I could not locate a
5 Chinese version of Snapchat's privacy or user policies.

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7 10. I have downloaded and used Instagram. It is a great app for pictures or short video,
8 but not for text. Its group chat functions are limited, as the maximum number of people in a group
9 is 32, while WeChat is 500. It also does not have a voice-to-text function.

10 11. I have downloaded and used Facebook. Its Wall is similar to WeChat's Moments,
11 but the format of Facebook blog posts is primitive. WeChat Moments allows many different ways
12 to format and manage content (including picture, video, stickers, and infographic) to make the blog
13 more useful for publishing. Facebook has a basic voice-to-text function but does not work for
14 Chinese.

15
16 12. I have also used LinkedIn in the past. It is an app for business professionals who
17 look for career opportunities, and is inappropriate for interactions with family, friends, and clients.
18 Its messaging function is primitive compared to WeChat because it does not allow audio or video
19 calls.

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21 13. A universal and glaring flaw for all these alternative apps is that most of Chinese-
22 speaking people are not on them. Even if the alternative apps offer some of the functions of
23 WeChat, they are useless to me because my relatives, friends, and clients are not on them. In this
24 sense, WeChat is irreplaceable.

25 14. I regularly use WeChat's audio and video calls, and its quality is comparable to the
26 best in business such as Zoom. If WeChat's service speed is slowed down, the calls will become
27 unbearable. Reading blogs with interactive media will also be slow to load. The messages in a large
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1 chat group will likely experiences lags, further degrading and even destroying user experience.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on September 29, 2020 at Short Hills, New Jersey.



Ying Cao