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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

**DECLARATION OF FANGYI DUAN 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, Fangyi “Amy” Duan, declare as follows:

2 1. I am a plaintiff in this case. I also operate a company called Chihuo Inc, another  
3 plaintiff of the case. I have personal knowledge of the matters stated herein and if called as a  
4 witness I could and would testify truthfully to them.

5 2. Chihuo Inc is an online platform to promote dining, food products, and restaurants  
6 mostly for Chinese-speaking people in the U.S. The company has about thirty employees.

7 3. The business’s success is built upon WeChat’s large user base within the Chinese  
8 communities, and it has more than 700,000 active followers on WeChat. Approximately 70% of  
9 our content subscribers/viewers originate from WeChat.

10 4. When the Executive Order banning the use of WeChat came out in early August,  
11 my company tried other alternative apps with little success.

12 5. Chihuo, Inc. relies on a special WeChat function called “official accounts” that  
13 can easily and quickly publish short or long articles embedded with pictures and videos.  
14 Followers of an official account will automatically see the article in his or her Moments (like  
15 Facebook Wall). With a click of a button, a viewer can repost, share, comment, and like the  
16 article. Unlike Facebook, the author on WeChat can manage comments, such as removing  
17 offensive comments, and rearranging the order of comments so that good comments are listed on  
18 top. Moreover, WeChat and its associated mini-programs offer a wide range of formatting tools,  
19 such as adding customized fonts and infographics, manipulating the positions of headings and  
20 subheadings, and so on. This is why the articles published by my company’s official accounts on  
21 WeChat can be read tens of thousands of times within several hours of publication. No other apps  
22 come close. Telegram and Skype simply don’t not have such a function. Line, Instagram, and  
23 Facebook are vastly inferior because they are good only for short blogs and do not offer many of  
24 the above-mentioned publishing functions for the author to format content and manage  
25 comments. The power of story-telling and going viral through WeChat’s official accounts is  
26 unparalleled.

27 6. The chat and messaging functions of WeChat are also unique. Another way for my  
28

1 company to reach a large number of people is through chat groups on WeChat. The host of a chat  
2 group has the power to admit people in and remove people. This is critical to control the content  
3 of the group chat, reduce spam messages, and to maintain quality of the group. I and my company  
4 have tried Telegram, Facebook Messenger, and other apps, but they do not offer such features to  
5 the group host. As a result, the chat groups on Telegram and Facebook Messenger are flooded  
6 with unwanted advertisements or messages, and members of the group have decided to ignore all  
7 messages of the group chat or even to quit.

8 7. Importantly, the vast majority of Chinese-speaking people are on WeChat and not  
9 any other apps. For example, my company maintains about a dozen chat groups on WeChat with  
10 more than 5,000 members in the Bay Area alone. In anticipation of the WeChat ban, my company  
11 set up Telegram chat groups for the Bay Area, but only about 300 members joined and their  
12 participation levels are barely active on that app.

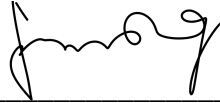
13 8. Chihuo Inc's business model relies on speed and prompt results provided by  
14 WeChat, and it will be harmed if service is slowed or degraded. The blogs and articles published  
15 by Chihuo Inc's official accounts contain a lot of videos and pictures. If the WeChat service is  
16 slowed down, it could take several or more than ten seconds for the blogs to load instead of  
17 appearing instantly. If that happens, a majority of the viewers will simply exit. This is the twenty  
18 first century, and people do not like to wait. Another critical function of WeChat is its high-  
19 quality voice and video calls. If WeChat service speed is slowed down, these calls will  
20 experience lags and even break down, rendering it unusable.

21 9. Finally, my abilities to access the outside world, to maintain my own personal  
22 social ties, and to communicate with my family members and friends in China and in the United  
23 States depend on WeChat. For example, I message my parents on WeChat every few days, and  
24 they do not have the English or technical skills to install and operate apps that are designed for  
25 English speakers. The language settings of some of the apps can be switched to Chinese, but  
26 many function keys are still in English, and the initial sign-up page for the apps are still in  
27 English (the language settings can be changed only after account registration is done). I have also  
28 subscribed to hundreds of WeChat official accounts and rely on them for information and news

1 updates, and the vast majority of them are not on any other apps.

2 I declare under penalty of perjury under the laws of the United States of America that the  
3 foregoing is true and correct to the best of my knowledge.  
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5 Executed on September 29, 2020 at Santa Clara, California.

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Fangyi "Amy" Duan

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