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10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
OAKLAND DIVISION

12	WANG XIAONING, <i>et al.</i> ,)	Case No.: C-07-02151-CW
13	Plaintiffs)	NOTICE BY THE UNITED STATES OF
14	v.)	AMERICA OF ITS POTENTIAL
15	YAHOO!, Inc., <i>et al.</i> ,)	PARTICIPATION
16	Defendants)	Judge: Hon. Claudia Wilken
17)	Hearing: November 1, 2007; 2pm

18 Plaintiffs, Chinese nationals, have sued Yahoo!, Inc., and Yahoo! Hong Kong, Ltd.,
 19 (collectively “Defendants”) alleging that Defendants provided information to authorities of the
 20 People’s Republic of China that linked some of the Plaintiffs to anonymous email messages
 21 critical of the Chinese government and supportive of democratic reform in China. As a result,
 22 Plaintiffs allege that two of the Plaintiffs were identified, arrested, tried, convicted, and sentenced
 23 under Chinese law. Plaintiffs seek to hold Defendants civilly liable under various domestic U.S.
 24 laws as well as international law.

25 On August 23, 2007, the Court wrote to the Honorable John B. Bellinger III, the Legal
 26 Adviser for the Department of State, and requested that the United States provide its views, if
 27 any, regarding this case to the Court by October 26, 2007. That letter noted that Defendants
 28 would file a motion to dismiss for lack of jurisdiction, which they did on August 27, 2007

1 (originally noticed for a hearing on November 1, 2007). As the Court's letter explained,
2 Plaintiffs would have opposed this motion in late September 2007, well before the time in which
3 this Court had requested that the United States submit its views. Thus, the Court contemplated
4 that the United States would provide its views regarding the case upon a consideration of both
5 the Defendants' and the Plaintiffs' positions. In light of apparent disputes over discovery
6 matters, however, Plaintiffs have not opposed the pending motion to dismiss within the time then
7 anticipated and, indeed, the Court's electronic calendar shows that the hearing regarding the
8 Defendants' motion to dismiss has been vacated.

9 The United States appreciates the Court's solicitation of the United States' views
10 regarding this case and is actively considering its participation in this litigation as allowed by 28
11 U.S.C. § 517.¹ Consistent with the schedule outlined in the Court's letter, however, the United
12 States believes that it would be of most help to both the Court and the parties to submit its views
13 after Plaintiffs submit their response to the pending motion to dismiss. Accordingly, the United
14 States anticipates that it would file any Statement of Interest within thirty days of Plaintiffs'
15 opposition to the motion to dismiss; a date to be determined in any modified briefing schedule on
16 that motion.

17 DATED: October 26, 2007

Respectfully Submitted,

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Acting Assistant Attorney General

19 SCOTT N. SCHOOLS
United States Attorney

20 JOSEPH H. HUNT
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21 VINCENT M. GARVEY
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22 /s/ Alexander K. Haas
23 ALEXANDER K. HAAS (SBN 220932)

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27 ¹ That statute authorizes the Attorney General of the United States to send any officer of
28 the Department of Justice to "attend to the interests of the United States in a suit pending in a court
of the United States, or in the courts of a State, or to attend to any other interest of the United
States."

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