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ATTORNEYS FOR PLAINTIFF
FEDERAL TRADE COMMISSION

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

KOCHAVA INC., corporation,

Defendant.

Case No. 2:22-cv-00377-BLW

MOTION TO SEAL

Plaintiff Federal Trade Commission (“FTC”) submits this motion to temporarily file its Amended Complaint under seal, pursuant to the District of Idaho Local Civil Rule 5.3. The FTC anticipates that defendant Kochava Inc. may take the position that some of the materials referenced, excerpted, or cited in the Amended Complaint constitute trade secrets and are entitled to confidential treatment. The FTC does not believe that the information contained in

the Amended Complaint reveals trade secrets or is otherwise entitled to confidential treatment. However, out of an abundance of caution, the FTC seeks to temporarily seal its Amended Complaint until such time as the Court can rule on a motion to unseal and decide that the materials referenced in the Amended Complaint are not entitled to confidential treatment.

Respectfully submitted,

Dated: June 5, 2023

/s Brian Shull

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Attorneys for Plaintiff
FEDERAL TRADE COMMISSION

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**MEMORANDUM IN SUPPORT
OF MOTION TO SEAL
AMENDED COMPLAINT**

Plaintiff Federal Trade Commission (“FTC”) filed this action on August 29, 2022, alleging that Defendant Kochava Inc. (“Kochava”) engaged in unfair practices in violation of § 5 of the FTC Act, 15 U.S.C. § 45(a). (Dkt. 1.) On May 4, 2023, the Court dismissed the FTC’s complaint with leave to amend. (Dkt. 24.) Pursuant to the Court’s order, the FTC is filing an

amended complaint (“Amended Complaint”), containing additional factual allegations. These new factual allegations quote from and are based, in part, on materials produced by Kochava to the FTC pursuant to a Civil Investigative Demand (“CID”) issued by the FTC. Kochava marked the produced material “highly confidential” and “proprietary.”

Local Rule 5.5 urges counsel to “exercise caution” when filing “[p]roprietary or trade secret information.” The FTC does not believe that any information included in the Amended Complaint rises to the level of “proprietary or trade secret information” that would warrant confidential treatment. However, in light of Kochava’s designation of its production as “highly confidential” and “proprietary,” the FTC seeks, out of an abundance of caution, to temporarily seal its Amended Complaint pursuant to Local Rule 5.3, until such time as the Court can rule on a motion to unseal and decide that the materials referenced in the Amended Complaint are not entitled to confidential treatment.

Respectfully submitted,

Dated: June 5, 2023

/s Brian Shull

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