UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

INTERCONTINENTAL EXCHANGE, INC.

and

BLACK KNIGHT, INC.,

Defendants.

Case No. 3:23-cv-01710-AMO

JOINT MOTION TO CONTINUE THE EVIDENTIARY HEARING RE PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION (DKT. 109) AND HEARINGS RE ALL RELATED MOTIONS (DKT. 95, 171)

Pursuant to the Federal Rules of Civil Procedure and Local Rule 7-7 of the Northern District of California, the parties hereby submit this Joint Motion to Continue the Evidentiary Hearing Regarding Plaintiff's Motion for a Preliminary Injunction (Dkt. 109), and the hearings for all related motions—specifically, Plaintiff's Motion to Strike (Dkt. 95) and Plaintiff's Motion in Limine (Dkt. 171)—so that Plaintiff Federal Trade Commission (the "FTC") can assess a potential resolution of the current matter in light of Defendants Intercontinental Exchange, Inc. ("ICE") and Black Knight, Inc.'s ("Black Knight") announcement of the planned divestiture of Optimal Blue. Specifically, the parties jointly respectfully request a continuance of the July 20, 2023 hearings regarding Plaintiff's Motion to Strike and Motion in Limine, and of the July 24-26, 2023 evidentiary hearing regarding Plaintiff's Motion for a Preliminary Injunction until August 9, 2023 for a pre-hearing conference and hearings on Plaintiff's Motion to Strike and Motion in Limine, and August 14-16, 2023 for the evidentiary hearing. The basis of this Joint Motion to Continue is contained in the following Memorandum.

MEMORANDUM

Defendants have recently informed FTC Staff that they have entered certain agreements to divest Black Knight's Optimal Blue business, including the Optimal Blue product, pricing & eligibility engine. The planned sale of Optimal Blue is a significant development in the case and requires time for FTC Staff to (1) analyze the implications of the divestiture for this case and the parallel administrative proceedings, (2) discuss a potential resolution of the pending matter with Defendants, and (3) advise the FTC Commissioners.

The parties thus respectfully ask for a brief continuance of the hearings on all outstanding motions in this case, including Plaintiff's Motion for a Preliminary Injunction. The parties propose a continuance of the pre-hearing conference, and the hearings regarding the FTC's Motion to Strike and Motion in Limine until August 9, 2023, and of the evidentiary hearing until August 14-16, 2023. A brief continuance will enable the parties to potentially avoid unnecessary burdens on the Court and third parties (several of whom are slated to testify at the hearing) that

would otherwise be incurred if the evidentiary hearing were to proceed as scheduled over July 24-26, 2023.

The parties thus respectfully submit this Joint Motion to Continue the Evidentiary Hearing Regarding Plaintiff's Motion for a Preliminary Injunction (Dkt. 109) until August 14-16, 2023, with a pre-hearing conference on August 9, 2023.

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FILER'S ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1

I, Kalpana Srinivasan, am the ECF User whose ID and password are being used to file the foregoing. In compliance with Civil Local Rule 5-1(h)(3), I attest that the other signatories concurred in this filing, and I shall maintain records to support this concurrence for subsequent production for the Court if so ordered or for inspection upon request by a party.

Dated: July 17, 2023

/s/ *Kalpana Srinivasan*

Kalpana Srinivasan