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[Additional counsel identified on signature page in accordance with Local Rule 3-4(a)(1)]

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

PLAINTIFF FEDERAL TRADE COMMISSION'S ADMINISTRATIVE MOTION TO CONSIDER WHETHER ANOTHER PARTY'S MATERIAL SHOULD BE SEALED

Pursuant to Civil Local Rules 7-11 and 79-5(f), Plaintiff, the Federal Trade Commission, respectfully submits this Administrative Motion to Consider Whether Another Party's Material Should be Sealed in connection with Plaintiff's Complaint for a Temporary Restraining Order and Preliminary Injunction (attached hereto, hereinafter "Complaint").

Certain portions of Plaintiff's Complaint contain information obtained from Intercontinental Exchange, Inc. ("ICE") and Black Knight, Inc. ("Black Knight") during the course of the FTC's non-public investigation regarding ICE's proposed acquisition of Black Knight. ICE and Black Knight designated certain of this information as confidential pursuant to Section 21 of the FTC Act, 15 U.S.C. § 57b-2. Accordingly, Plaintiff seeks to file under seal:

Document	**Portions to Be Filed Under Seal**	**Designating Party**
Complaint	Paragraph 9, Portions of Lines 15-19	ICE
Complaint	Paragraph 10, Portions of Lines 20-23, 25-27	ICE
Complaint	Paragraph 11, Lines 2-3	ICE
Complaint	Paragraph 12, Portions of Lines 7-10	ICE
Complaint	Paragraph 42, Lines 18-19	Black Knight
Complaint	Paragraph 49, Lines 25-26	ICE
Complaint	Paragraph 57, Portions of Lines 10-13	ICE
Complaint	Paragraph 59, Lines 21-22	ICE
Complaint	Paragraph 61, Portions of Lines 3-5	ICE and Black Knight
Complaint	Paragraph 63, Portions of Lines 14-16	Black Knight
Complaint	Paragraph 71, Line 3	ICE and Black Knight
Complaint	Paragraph 72, Lines 4-5	ICE and Black Knight
Complaint	Paragraph 79, Portions of Lines 5-7, 10-16	ICE and Black Knight

Complaint	Paragraph 80, Lines 17-21	ICE
Complaint	Paragraph 81, Portions of Lines 24-26	ICE and Black Knight
Complaint	Paragraph 82, Lines 1-2	Black Knight
Complaint	Paragraph 83, Portions of Lines 3-9	ICE
Complaint	Paragraph 84, Portions of Lines 10-16	Black Knight
Complaint	Paragraph 86, Portions of Lines 22-26, 1-2	ICE and Black Knight
Complaint	Paragraph 87, Portions of Lines 6-13, 1-11	ICE
Complaint	Paragraph 90, Lines 25-26	Black Knight
Complaint	Paragraph 91, Portions of Lines 3-5	ICE
Complaint	Paragraph 97, Lines 7-8	ICE
Complaint	Paragraph 98, Line 10	ICE
Complaint	Paragraph 100, Portions of Lines 17-18	ICE and Black Knight
Complaint	Paragraph 101, Lines 19-21	ICE and Black Knight
Complaint	Paragraph 102, Portions of Lines 23-26, 1-2	Black Knight
Complaint	Paragraph 104, Portions of Lines 9-16	ICE and Black Knight
Complaint	Paragraph 105, Portions of Lines 19-26	ICE and Black Knight
Complaint	Paragraph 106, Portions of Lines 3-7	Black Knight
Complaint	Paragraph 107, Portions of Lines 10-17	ICE
Complaint	Paragraph 108, Portions of Lines 18-20	ICE
Complaint	Paragraph 109, Portions of Lines 21-27	ICE
Complaint	Paragraph 110, Portions of Lines 1-6	ICE
Complaint	Paragraph 111, Portions of Lines 8-13	ICE
Complaint	Paragraph 112, Portions of Lines 14, 16-18	ICE

Complaint	Paragraph 113, Portions of Lines 19, 21-26, 1-2	ICE and Black Knight
Complaint	Paragraph 118, Portions of Lines 9-16	ICE
Complaint	Paragraph 119, Portions of Lines 17, 19-23	Black Knight
Complaint	Paragraph 121, Portions of Lines 26-27, 2-3	ICE and Black Knight
Complaint	Paragraph 122, Portions of Lines 8-11	ICE
Complaint	Paragraph 123, Lines 12-18	ICE
Complaint	Paragraph 125, Lines 24, 1	ICE and Black Knight
Complaint	Paragraph 126, Portions of Lines 3-5	ICE and Black Knight
Complaint	Paragraph 127, Portions of Lines 8-12	ICE
Complaint	Paragraph 132, Lines 10-12	Black Knight
Complaint	Paragraph 133, Portions of Lines 19-23	ICE and Black Knight
Complaint	Paragraph 135, Line 8	Black Knight
Complaint	Paragraph 136, Lines 11-12	ICE and Black Knight
Complaint	Paragraph 137, Line 23	ICE
Complaint	Paragraph 140, Lines 16-17	Black Knight
Complaint	Paragraph 142, Portions of Lines 8-10	ICE and Black Knight

Materials and documents may be provisionally filed under seal pursuant to Civil Local Rule 79-5(f) when the document, or portions thereof, "has been designated as confidential by another party or non-party." L.R. 79-5(f). Plaintiff has redacted the above-referenced yellow-highlighted portions of its Complaint because ICE or Black Knight has designated the information contained therein as confidential pursuant to Section 21 of the FTC Act, 15 U.S.C. § 57b-2. Plaintiff takes no position on the merits of sealing ICE's and Black Knight's designated

material, and expects ICE and/or Black Knight to file one or more declarations in accordance with the Local Rule 79-5(f)(3).

In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the Complaint for a Temporary Restraining Order and Preliminary Injunction Pursuant to Section 13(b) of the Federal Trade Commission Act accompany this Administrative Motion. In accordance with Local Rule 7-11, Plaintiff has also filed a Proposed Order herewith.

Plaintiff will serve this Administrative Motion on all defendants and will file a Certificate of Service after doing so.

Dated: April 10, 2023

Respectfully Submitted,

/s/ Abby L. Dennis

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