EXHIBIT 40

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Archived: Friday, October 16, 2020 1:22:08 PM From: Hartz_Lauren_I, Mail received time: Thu, 9 May 2019 13:53:21 Sent: Thu, 9 May 2019 13:53:21 To: 'FOLA@ustr.ecp.gov' Ce: Smith_Corinne M, Subject: FOIA Expedited Processing Request Sensitivity: Normal Attachments: image:001.enzg_rags:003.enzg_			
May 9, 2019			
VIA EMAIL			
FOIA Office Office of the U.S. Trade Representative Anacostia Naval Annex Buikting 410/Door 123 250 Murray Lane SW Washington DC 20509			
Re: Request for Expedition of Freedom of Information Act I	Request		
To Whom It May Concern: Purpount to Office of the LLS. Trade Persecontative (#LSTP2) expulsion.	tions 15 C E P 8 2004 6(dV1) and	4 (dVVVi.) I request an habilitaf libraria Tachrahagia Co. Ltd. and Libraria Davisa LSA Inc. (collection). (Sherrar). that requested the form	tho
expedition of the Freedom of Information Act request I made on beha-	of Huawei to USTR on May 1, 20	1 (d)(2)(iv), I request, on behalf of Huawei Technologies Co., Ltd., and Huawei Device USA Inc. (collectively, "Huawei"), that you authorize 019, designated with tracking number FY19-92. I have pasted below a copy of this request.	
Broadly speaking, the request seeks communications and other mater 18-CR-457 (S-2) (AMD) (the "EDNY Indictment"), and 5G technol		istice's investigation and prosecution of Huawei and Meng Wanzhou, the indictment issued in United States v. Huawei Technologies Co., Lt	'd., et al.,
		ig Wanzbou, and $5G$ technology and related competition have been the subjects of widespread and exceptional media interest, and the information is well as matters of general public and economic interest. News coverage of these topics has been extensive \square and raised compelling question	
I certify that the foregoing is true and correct.			
Sincerely,			
2018). https://www.cnn.com/2018/12/05/tech/husweis-fis-arrested-cara https://www.washingtonpost.com/work/asia_pacifi/china-protests-des-htuavei's Professional Face, Until Her Arrest, N.Y. Times (Dec. 7, Charges in the U.S., N.Y. Times (Jan. 28, 2019), https://www.nyindcom/story/us-ratchets-up-pressure-huawei-new-indi-work/mational-security/histice-dept-charges-huawei-new-indi-work/mational-security/histice-dept-charges-huawei-with-fraud-ratcheti CNN (Jan. 29, 2019), https://www.cnn.com/2019/01/29/tech/us-indictm https://www.cbsnews.com/news/huawei-indictment-charges-fraud-self 29, 2019), https://www.non.com/2019/01/29/tech/us-indictmhtps://www.cbsnews.com/news/huawei-indictment-charges-fraud-self 29, 2019), https://www.non.com/2019/01/29/tech/us-indictmhttps://www.non.com/2019/01/29/tech/us-in	defindex.html; David J. Lynch, Anna inciable-hooliganism-after-arrest-of-hm iocable-hooliganism-after-arrest-of-hm 2018), https://www.nvtimes.com/2018 com/2019/01/28/us/nolitics/menge-war increasis/; Ellen Nakashima & Devin B ng-up-us-china-tenskims/2019/01/28/7/cmt-harwei-fakeaways/index.html; Cam-harwei-fakeaways/index.html; Cam-harwei-fakeaways/index.html; Cam-harwei-fakeaways/index.html; Cam-harwei-fakeaways/index.html; Cam-harwei-fakeaways/index.html; Cam-harwei-fakeaways/index.html; Cam-harwei-fakeaways/index.html; Cam-harwei-fakeaways/index.html; Day-fakeaways-fakeaways-index.html; Wash. Post (Apr. of Governments, Wash. Post (Apr. of Get a Big Boost from Trump and ingates Ericsson Over Licensing as. acts Roll In, Wall Street J. (Apr. 21, 21/Technology/wireStory/noka-books-sa-00cs/kls-h97-tolems-and-prospects-for-5g-0cs/kls-h97-tell-h012/20/problems-and-prospects-for-5g-0c	g Wanzhou, see, for example: Julia Horowitz, Huawei CFO Meng Wanzhou Arrested in Canada, Faces Extradition to United States, CNN of Efficial & Josh Dawsey, Arrest of Huawei Executive Triggers Stock Market Turnoil and Unsettles U.SChina Trade Taiks, Wash. Post (Eurowei-executive) 2018/12/06/c87580-1842-11e8-863a-8972120646c0_story.html/turn_term=.7275461e3c44; Raymond Zhong, Meng Wanzhou 812/07/technology/meng-wanzhou-huawei-iran.html; David E, Sanger, Katie Benner & Matthew Gokstein, Huawei and Top Executives Face arrebou-huawei-iran.html; Klint Finley, U.S. Ratchets up the Pressure on Huawei with New Indictments, Wired (Jan. 28, 2019), Barrett, Justice Dept. Charges Huawei with Fraud. Ratcheting up U.SChina Tensions, Wash. Post (Jan. 29, 2019), https://www.washington/87550-2320-11e9-81ftel-17b05d5te000_story.html/turn_term=.d265bfe051s; Sterise Plant, U.S. v. Huawei: 4 Key Takeaways from the Indiantion Montoya-Calvez, U.S. Charges Chinese Telecom Giant Huawei with Fraud, Stealing Trade Secrets, CBS News (Jan. 29, 2019), naturent-china-company-t-mobile-2018-01-28-updated; Nat'l Pub. Radio, What the Huawei Indiatement Syca Mout How China Steals Technocals-technology: The Economist, Weighing on Huawei: America Unseals Its Indiatement Against Huawei (Jan. 31, 2019), https://www.economist.ks.yia/thml/turn-indian-tare-to-thm-indian-tare-to-t	Dec. 6, 2018 Was was the Criminal theory (Jan. tist.com/ tabou- de-tails; spat-with- tetition-heats in Market
² See, e.g., Emily Stewart & Alex Ward, The US Got Canada to Arra Intervene in Huawei Case to Get China Deal, Bloomberg (Dec. 11, 2018), https://www.politico.com/story/20 Talks, CNN (Dec. 12, 2018), https://www.politico.com/story/20 Talks, CNN (Dec. 12, 2018), https://www.enn.com/2018/12/11/politics/Deiriter Stesgreen, Canada to Trump Administration: Don't Play Pessecutive-meng-wandron-extradition-ess/207807002; The Guardian, extradition-ess; Steven Overly, Trump Says Huawei Charges on the Tresident Trump's Trade Comments, CNBC (Mar. 6, 2019), https://www.CFO Cry Foul Over "Politicized" Case, Bloomberg (Mar. 6, 2019), https://www.chi.com/steps/emily-child/steps/emily-	ast a Top Chinese Tech Executive, V 2018), https://www.bloomberg.com/ne/ 18/12/11/rump-hawei-china-trade-de- lititis with Huawei Executive Meng Trump's Remarks Could Stynie US bile in China Trade Talks, Politico (1) www.enbe.com/2019/03/06/huawei-cho-	Vox (Dec. 6, 2018), https://www.vox.com/policy-and-politics/2018/12/6/18128900/htm/wei-sabrina-meng-arrest-canada-china-us; Justin Sink, Trum ows/arti-les/2018-12-12/mmp.says-he-d-intervene-in-hnawei-cfo-s-case-for-trade-deal; Brent D. Griff'ths, Trump Says He Could Weigh in on eal-meng-warzhou-1038722; Betsy Klein & Ben Westcott, Trump Expresses Openness to Using Huawei CFO as Bargaining Chip in China BBC, Mong Wanzhou: Trump Could Intervene in Case of Huawei Executive (Dec. 12, 2018), https://www.bbc.ccmnews/workl-us-canada-le/wanzhou-trump-warzhou-trump	Huawei Trade (6533971; n-hnawei- canada- Center on
May 1, 2019			
VIA EMAIL			

Office of the U.S. Trade Representative Anacostia Naval Annex

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Building 410/Door 123 250 Murray Lane SW Washington DC 20509

Re: Freedom of Information Act Request

To Whom It May Concern:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, et seq., I write on behalf of Huawei Technologies Co., Ltd., and Huawei Device USA Inc. to request the following from the Office of the U.S. Trade Representative:

- All communications with the White House—including the President and any White House officials—pertaining to the United States' investigation or prosecution of Huawei or Meng Wanzhou or the allegations against Huawei and Ms. Meng in the indictment issued in *United States v. Huawei Technologies Co., Ltd., et al.*, 18-CR-457 (S-2) (AMD) in the Eastern District of New York (the "EDNY Indictment"), dated on or between January 1, 2017 and the present.
- All materials and communications pertaining to the United States' investigation or prosecution of Huawei or Meng Wanzhou or the allegations in the EDNY Indictment, dated on or between January 1, 2017 and the presen
- All communications with any Member(s) of Congress or their staff, including but not limited to Senator Tom Cotton, Senator Marco Rubio, Congressman Michael Conaway, or Senator James Risch, pertaining to the United States' investigation or prosecution of Huawei or Meng Wanzhou or the allegations in the EDNY Indictment, dated on or between January 1, 2017 and the present.
- All communications with representatives or employees of telecommunications company Ericsson, or any of its subsidiaries or affiliates, or telecommunications company Nokia Corporation, or any of its subsidiaries or affiliates, pertaining to Huawei or Meng Wanzhou, the United States' investigation or prosecution of Huawei or Ms. Meng, the allegations in the EDNY Indictment, or any United States policy pertaining to 5G technology, dated on or between August 1, 2017 and February 28, 2013, or on or between January 1, 2017 and the present.
- All communications with representatives or employees of Cisco Systems, Inc.; Motorola Solutions, Inc.; Motorola Mobility LLC; Nortel Networks Corp.; T-Mobile, Inc.; Quintel Technology Ltd.; InterDigital, Inc.; Lemko Corp.; Akhan Semiconductor Inc.; Qualcomm Incorporated; AT&T Inc.; HSBC Bank USA, N.A.; HSBC Holdings PLC; or any of their subsidiaries or affiliates, pertaining to Huawei or Meng Wanzhou, the United States' investigation or prosecution of Huawei or Ms. Meng, the allegations in the EDNY Indictment, or any United States policy pertaining to 5G technology, dated on or between January 1, 2017 and the present.
- All materials concerning and communications with and/or regarding Reuters journalists including Babak Dehghanpisheh, Karen Freifeld, Marcus George, Julie Gordon, Grace Li, James Pomfret, Steve Stecklow, or Chyen Yee Lee, pertaining to Huawei or Meng Wanzhou, including how any disclosures from HSBC or its federally appointed Corporate Compliance Monitor, Michael Cherkasky, contributed to the case against Huawei or Ms. Meng, dated on or between August 1, 2012 and February 28, 2013, or on or between October 1, 2018 and the present.
- All materials and communications pertaining to the meeting(s) reportedly held between Members of Congress—including Dutch Ruppersberger, Congressman Devin Nunes, Congressman Michele Bachmann, and Congressman Adam Schiff—and senior officials of Huawei, including Ren Zhengfei, in or around Hong Kong in May 2012. See House Permanent Select Comm. Intelligence, Investigative Report on the U.S. National Security Issues Posed by Chinese Telecommunications
 Companies Huawei and ZTE 9 (Oct. 8, 2012), https://www.hsdl.org/?abstract&did=722516.

The term "materials" as used in these FOIA requests includes, but is not limited to, papers, instruments, data, documents, records, reports, memoranda, letters, agreements, employee notes, meeting notes, transcripts, and other documentary evidence, whether in paper form or stored on audiotape, videotape, computer, electronic, magnetic, or any other media. The term "communications" as used in these FOIA requests includes, but is not limited to, correspondence, emails, letters, faxes, and messages of any kind, including text, voicemail, video, or other electronic messages.

References to "Huawei" as used in these FOIA requests includes Huawei Technologies Co., Ltd.; Huawei Device USA Inc.; Huawei Device Co., Ltd.; FutureWei Technologies, Inc.; HiSilicon Technologies Co., Ltd.; and any U.S.-based subsidiaries or affiliates of the same.

This is a commercial-use request. I agree on behalf of Huawei to pay all reasonable search, review, and reproduction costs incurred in connection with the processing of this request, but please contact me in the event that these costs will exceed \$1,000 so I can better understand the nature of the costs.

I request expedited processing of this request on the ground that the EDNY Indictment and the arrest of Ms. Meng have been the subjects of widespread and exceptional media interest, and the information sought by this request involves possible questions about the government's integrity that affect public confidence, as well as matters of general public and economic interest. I further request that a copy of the documents described above be provided by June 1, 2019, or alternatively, that you please contact me if you anticipate this request's processing extending beyond that date.

Please send a copy of the requested documents to LHartz@Jenner.com where possible, and otherwise to Lauren Hartz, Jenner & Block LLP, 1099 New York Ave., NW, Suite 900, Washington, DC 20001-4412.

Thank you in advance for your assistance

Sincerely,

Lauren Hartz

For coverage of the investigation and prosecution of, and the indictment issued against, Huawei and Meng Wanzhou, see, for example: Julia Horowitz, Huawei CFO Meng Wanzhou Arrested in Canada, Faces Extradition to United States, CNN (Dec. 6, 2018), https://www.mshingtonpost.com/com/2018/12/05/tech/huawei-cfo-arrested-canada/index.html; David J. Lynch, Amaa Fifield & Josh Dawsey, Arrest of Huawei Executive Triggers Stock Market Turmoil and Unsettles U.S.-China Trade Taks, Nash, Post (Dac. 6, 2018), https://www.mshingtonpost.com/vorld/acia-protests-dech-canada/index.html; David E. Sanger, Katie Benner & Matthew Goldstein, Huawei and Top Executives Face Criminal Charges in the U.S., N.Y. Times (Dac. 7, 2018), https://www.mytimes.com/2018/12/07/technology/meng-wanzhou-huawei-arrest.html; David E. Sanger, Katie Benner & Matthew Goldstein, Huawei and Top Executives Face Criminal Charges in the U.S., N.Y. Times (Dac. 2, 2019), https://www.nytimes.com/2019/01/28/usp/bits/meng-wanzhou-huawei-arrest.html; Charges Huawei with Fraud Benner & Matthew Goldstein, Huawei and Top Executives Face Criminal Charges in the U.S., N.Y. Times (Dac. 2, 2019), https://www.nytimes.com/2019/01/28/usp/bits/meng-wanzhou-huawei-arrest.html; Charges Charges Huawei with Fraud Benner & Matthew Goldstein, Huawei and Top Executives Face Criminal Huawei with Fraud Benner & Matthew Indicated Huawei Indicated Benner & Matthew Indicated Huawei Indicated Huawei Indicated Benner & Matthew Indicated Huawei Indicated Huawei Indicated Benner & Matthew Indicated Huawei Indicated Huawei Indicated Huawei Indicated Huawei

For coverage of 5G technology and competition, see, for example: Brian Fung, How China's Huawei Took the Lead Over U.S. Companies in 5G Technology, Wash. Post (Apr. 10, 2019), https://www.washingtonpost.com/technology/2019/04/10/us-spat-with-huawei-explained/">https://www.washingtonpost.com/technology/2019/04/10/us-spat-with-huawei-explained/">https://www.washingtonpost.com/technology/2019/04/10/us-spat-with-huawei-explained/">https://www.washingtonpost.com/technology/2019/04/10/us-spat-with-huawei-explained/">https://www.washingtonpost.com/technology/2019/04/10/us-spat-with-huawei-explained/ (Apr. 12, 2019), https://www.washingtonpost.com/technology/2019/04/10/us-spat-with-huawei-fcc/7 untrum-bee85b731e88; Yoko Kubota & Dan Strumpf, China Investigates Ericsson Over Licensing as 5G Competition-heats. Up, Wall Street J. (Apr. 12, 2019), <a href="https://www.wsj.com/articles/spat-explain-investigates/ericsson-over-licensing-as-5g-competition-heats-up-licensy-the-with-explained-spat-explained

[2] See, e.g., Emily Stewart & Alex Ward, The US Got Canada to Arrest a Top Chinese Tech Executive, Vox (Dec. 6, 2018), https://www.vox.com/policy-and-politics/2018/12/6/18128900/huawei-sabrina-meng-arrest-canada-china-us; Justin Sink, Trump Says He d Intervene in Huawei Case to Get China Deal, Bloomberg (Dec. 11, 2018), https://www.bloomberg.com/news/articles/2018-12-12/trump-says-he-d-intervene-in-huawei-cfo-s-case-for-trade-deal; Brent D. Griffiths, Trump Says He Could Weigh in on Huawei CFO Case, Politico (Dec. 11, 2018), https://www.politico.com/story/2018/12/11/trump-huawei-china-trade-deal-meng-wanzhou-1058722; Betsy Klein & Ben Westcott, Trump Expresses Openness to Using Huawei CFO as Bargaining Chip in China Trade Talks, CNN (Dec. 12, 2018), https://www.ubc.com/news/world-us-canada-46533971; Deirdre Shessgreen, Canada to Trump Administration: Don't Play Politics with Huawei Executive Meng Wanzhou Extradition Case, USA Today (Dec. 14, 2018), https://www.usatoday.com/story/news/world/2018/12/14/canada-trump-administration-huawei-executive-meng-wanzhou-extradition-case/2307807002/; The Guardian, Trump's Remarks Could Stymie US Extradition of Huawei CFO from Canada (Jan. 23, 2019), https://www.theguardian.com/technology/2019/jan/23/huawei-executive-detained-canada-extradition-esse/2307807002/; The Guardian, Trump's Remarks Could Stymie US Extradition of Huawei CFO from Canada (Jan. 23, 2019), https://www.politico.com/story/2019/02/22/trump-huawei-china-trade-talks-1206627; Kate Fazzini, Huawei CFO Defense Will Center on President Trump's Trade-Comments, CNBC (Mar. 6, 2019), https://www.ehc.com/2019/03/06/huawei-cfo-defense-will-center-on-president-trumps-trade-canada-sanaguish-in-china.

Help Huawei CFO Cry Foul Over "Politicized" Case, Bloomberg (Mar. 6, 2019), https://www.bloomberg.com/news/articles/2019-03-06/huawei-cfo-braces-for-court-fight-as-canadians-languish-in-china.

Lauren J. Hartz

Jenner & Block LLP
1099 New York Avenue, NW
Suite 900, Washington, DC 20001-4412 | jenner.com
+1 202 637 6363 | TEL
Hartz@lenner.com
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