

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

CR23-104 TLT

UNITED STATES OF AMERICA,

V.

WEIBAO WANG,

DEFENDANT(S).

FILED

April 11, 2023

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

INDICTMENT

18 U.S.C. § 1832(a)(1), (2), (3) & (4) – Theft and Attempted Theft of Trade Secrets;
18 U.S.C. §§ 1834 and 2323 – Forfeiture Allegation

A true bill.

/s/ Foreperson of the Grand Jury

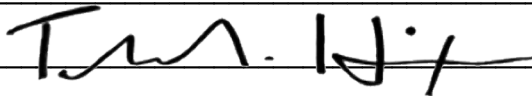
Foreman

Filed in open court this 11th day of

April, 2023

 Rose Maher, Clerk

Clerk


Bail, \$no bail arrest warrant

Hon. Thomas S. Hixson, U.S. Magistrate Judge

1 ISMAIL J. RAMSEY (CABN 189820)
2 United States Attorney

FILED
April 11, 2023
Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA,) CASE NO. CR23-104 TLT
12 Plaintiff,)
13 v.) VIOLATIONS:
14 WEIBAO WANG,) 18 U.S.C. § 1832(a)(1), (2), (3) & (4) – Theft and
15 Defendant.) Attempted Theft of Trade Secrets;
16) 18 U.S.C. §§ 1834 and 2323 – Criminal Forfeiture.
17)
18) SAN FRANCISCO VENUE
19)
20)

21 INDICTMENT

22 The Grand Jury charges:

23 Introductory Allegations

24 At all times relevant to this Indictment:

- 25 1. Apple, Inc. (“Apple”) is a technology company headquartered in Cupertino, California.
26 2. By 2018, Apple was involved in the research and development of technology related to
27 autonomous systems (the “Project”), which can have a variety of applications, such as self-driving cars.
28 Apple employees working on the Project designed and developed both the hardware and software
necessary for motion planning for such autonomous systems, and over the span of many years the
company invested substantial resources into development of the Project.
3. Apple owned all of the Project’s intellectual property, including but not limited to the

INDICTMENT

1 trade secrets at issue, as alleged below.

2 4. Apple placed limits on the number of employees with knowledge about the Project.
3 Specifically, Apple granted employees “disclosure” for the Project. Disclosure status allowed an
4 employee to receive information for the Project and was solely granted on a strict “need to know” basis.
5 Around April 2018, only around 5,000 of Apple’s over 135,000 full time employees were disclosed on
6 the Project.

7 5. Apple maintained multiple confidential databases which contained proprietary and
8 confidential information about the Project (the “Databases”). Not all employees disclosed on the Project
9 had access to the Databases. Around April 2018, approximately 2,700 Apple employees had access to
10 one or more of the Databases.

11 6. Apple also communicated the importance of secrecy to its employees. Before starting at
12 Apple, corporate employees were required to sign a Confidentiality and Intellectual Property Agreement
13 (“IPA”). The IPA specified that an employee must not use Apple’s intellectual property except as
14 authorized by Apple, and it included a prohibition against transfer and transmission of intellectual
15 property without Apple’s consent.

16 7. Employees disclosed on the Project were also required to attend in-person secrecy
17 training for the Project (“Secrecy Training”). Secrecy Training covered the importance of keeping the
18 nature and the details of the Project secret and avoiding intentional and unintentional information leaks.
19 Secrecy Training taught methods for ensuring that information about the Project was only provided to
20 individuals disclosed on the Project. The training covered possible consequences for providing
21 information or confirmation of information to non-disclosed individuals, including employment
22 termination. In addition, Secrecy Training covered Apple’s policy prohibiting employees from storing
23 Apple’s intellectual property on devices over which they do not have personal control, and the
24 requirements for storing and transmitting Project documents using secure mechanisms.

25 8. On or about March 7, 2016, Weibao WANG joined Apple as a software engineer on the
26 Project. On or about December 15, 2015, before starting at Apple, WANG signed Apple’s IPA.
27 Because of his position, WANG was granted disclosure on the Project. On March 23, 2016, WANG
28 attended Secrecy Training for the Project. Additionally, during each year of his employment, WANG

1 took a Business Conduct course at Apple, which covered the appropriate handling of confidential
2 material.

3 9. While at Apple, WANG was a member of the Annotation Team, which worked on
4 algorithms to accelerate or enhance the process of annotating real-world objects. Due to WANG's role
5 on the Project, he was granted broad access to the Databases, which contained trade secrets and
6 intellectual property for the Project.

7 10. On or about April 3, 2018, WANG sent an email to his supervisor stating that he was
8 resigning from Apple, and that his last day with the company would be April 16, 2018. WANG's
9 resignation email did not indicate what he planned to do after leaving Apple. During an exit interview
10 with his supervisor, WANG did not reveal where he was going to work after Apple.

11 11. Unbeknownst to Apple, on or about November 22, 2017, more than four months prior to
12 his resignation email, WANG signed a letter accepting an offer of full-time employment as a Staff
13 Engineer with the U.S.-based subsidiary of another company that was headquartered in the People's
14 Republic of China and was working to develop self-driving cars ("COMPANY ONE").

15 12. In or around May 2018, Apple representatives reviewed access logs documenting
16 historical activity on Apple's network. While reviewing access log activity for the Databases containing
17 proprietary and confidential information relating to the Project, Apple identified WANG as having
18 accessed large amounts of sensitive Project information in the days leading up to his departure from
19 Apple.

20 13. On June 27, 2018, law enforcement executed a search warrant at WANG's residence in
21 Mountain View, California. During the search, agents recovered several of WANG's personal
22 electronic devices. WANG was present at the search and told agents that he had no plans to travel.

23 14. Nevertheless, later the same day, at approximately 8:34 p.m., WANG purchased a one-
24 way plane ticket from San Francisco International Airport to Guangzhou, China. Records indicate that
25 WANG boarded the flight, which departed San Francisco at approximately 11:55 p.m. that night.

26 15. Analysis of various devices seized from WANG's home revealed that he had stored large
27 quantities of data taken from Apple prior to his departure. WANG's personal desktop computer and
28 personal external hard drive each contained various confidential, proprietary materials from the Project.

1 Among the materials recovered was the entire Project source code, as it existed at the time surrounding
2 WANG's departure from Apple.

3 16. Data associated with several of the computer files containing confidential, proprietary
4 materials from the Project indicated that most of the files identified below were last accessed during the
5 period following WANG's departure from Apple, while he was employed by the subsidiary of
6 COMPANY ONE.

7
8 COUNTS ONE THROUGH SIX: (18 U.S.C. § 1832(a)(1), (2), (3) & (4) – Theft and Attempted Theft of
9 Trade Secrets)

10 17. The allegations contained in Paragraphs 1 through 16 are realleged and incorporated as if
11 fully set forth herein.

12 18. On or about the dates set forth in the separate counts below, in the Northern District of
13 California and elsewhere, the defendant,

14 WEIBAO WANG,

15 intending to convert a trade secret that was related to a product and service used in and intended for use
16 in interstate and foreign commerce to the economic benefit of anyone other than the owner of that trade
17 secret, and knowing and intending that the offense would injure the owner of that trade secret, as
18 specifically alleged in each of Counts One through Six below:

19 a. knowingly stole, and without authorization appropriated, took, carried away, concealed,
20 and by fraud, artifice, and deception obtained trade secrets belonging to Apple, and attempted to
21 do so;

22 b. knowingly and without authorization copied, duplicated, sketched, drew, downloaded,
23 uploaded, altered, photocopied, replicated, transmitted, delivered, sent, communicated, and
24 conveyed trade secrets belonging to Apple, and attempted to do so; and

25 c. knowingly and without authorization received, bought, and possessed trade secrets
26 belonging to Apple, and attempted to do so, knowing the same to have been stolen and
27 appropriated, obtained, and converted without authorization:

28 //

Count	Date	Item Description
One	On or about August 11, 2016	Entire Autonomy Source Code
Two	On or about April 18, 2018	Tracking for an Autonomous System
Three	On or about April 15, 2018	Behavior Planner for an Autonomous System
Four	On or about April 14, 2018	Architecture Design for an Autonomous System
Five	In or about April 2018	Descriptions of Hardware Systems, Including Architecture, Modules, Power, and Inputs
Six	On or about April 15, 2018	Motion Planner for an Autonomous System

Each in violation of Title 18, United States Code, Sections 1832(a)(1), (2), (3) & (4).

FORFEITURE ALLEGATION: (18 U.S.C. §§ 1834 and 2323 – Proceeds and Property Involved in Theft of Trade Secrets)

19. The allegations contained in Counts One through Six of this Indictment are hereby realleged and incorporated as if fully set forth here. Upon conviction of any of those offenses, the defendant,

WEIBAO WANG,

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Sections 1834 and 2323, any property used, or intended to be used, in any manner or part to commit or facilitate the commission of the offenses, and any property constituting or derived from any proceeds obtained directly or indirectly as a result of the commission of the offenses.

20. If any of the property described above, as a result of any act or omission of the defendant:
- a. cannot be located upon the exercise of due diligence;
 - b. has been transferred or sold to, or deposited with, a third party;

- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2323(b).

All pursuant to Title 18, United States Code, Sections 1834 and 2323.

DATED: April 11, 2023

A TRUE BILL.

/s/ Foreperson
FOREPERSON
San Francisco, California

ISMAIL J. RAMSEY
United States Attorney

/s/ Sloan Heffron
SLOAN HEFFRON
MARISSA HARRIS
Assistant United States Attorney