

# 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

ISMAIL J. RAMSEY (CABN 189820)  
United States Attorney

**FILED**

**April 11, 2023**

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

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. CR23-104 TLT
Plaintiff,	)	
v.	)	<u>VIOLATIONS:</u>
	)	18 U.S.C. § 1832(a)(1), (2), (3) & (4) – Theft and
WEIBAO WANG,	)	Attempted Theft of Trade Secrets;
	)	18 U.S.C. §§ 1834 and 2323 – Criminal Forfeiture.
Defendant.	)	SAN FRANCISCO VENUE
	)	
	)	

INDICTMENT

The Grand Jury charges:

Introductory Allegations

At all times relevant to this Indictment:

1. Apple, Inc. (“Apple”) is a technology company headquartered in Cupertino, California.
2. By 2018, Apple was involved in the research and development of technology related to autonomous systems (the “Project”), which can have a variety of applications, such as self-driving cars. 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

April 11, 2023

Mark B. Busby

CLERK, U.S. DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

## CRIMINAL COVER SHEET

**Instructions:** Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

CASE NAME:

USA v. WEIBAO WANG

CASE NUMBER: CR23-104 TLT

CR

Is This Case Under Seal?

Yes ☒ No

Total Number of Defendants:

1 ☒ 2-7 8 or moreDoes this case involve ONLY charges  
under 8 U.S.C. § 1325 and/or 1326?Yes No ☒

Venue (Per Crim. L.R. 18-1):

SF ☒ OAK SJ

Is this a potential high-cost case?

Yes No ☒Is any defendant charged with  
a death-penalty-eligible crime?Yes No ☒

Is this a RICO Act gang case?

Yes No ☒

Assigned AUSA

(Lead Attorney): Sloan Heffron

Date Submitted: 4/11/23

Comments:



**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING
**OFFENSE CHARGED**
 18 U.S.C. § 1832(a)(1), (2), (3) & (4) - Theft and Attempted  
 Theft of Trade Secrets (Counts One - Six)  
 18 U.S.C. §§ 1834 and 2323 - Forfeiture Allegation

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

 PENALTY: Maximum Penalties (per count):  
 Ten years' imprisonment;  
 \$250,000 fine, or twice the gross gain/loss;  
 Three years' supervised release; and  
 \$100 special assessment

Name of District Court, and/or Judge/Magistrate Location

 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION
**DEFENDANT - U.S.**

Weibao Wang

 DISTRICT COURT NUMBER  
 CR23-104 TLT

**FILED**  
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 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO
**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court,  
 give name of court

☐ this person/proceeding is transferred from another district  
 per (circle one) FRCrP 20, 21, or 40. Show District

☐ this is a reprosecution of  
 charges previously dismissed  
 which were dismissed on motion  
 of:  
☐ U.S. ATTORNEY ☐ DEFENSE
SHOW  
DOCKET NO.
☐ this prosecution relates to a  
 pending case involving this same  
 defendant
MAGISTRATE  
CASE NO.
☐ prior proceedings or appearance(s)  
 before U.S. Magistrate regarding this  
 defendant were recorded under

 Name and Office of Person  
 Furnishing Information on this form Ismail J. Ramsey
☒ U.S. Attorney ☐ Other U.S. Agency

 Name of Assistant U.S.  
 Attorney (if assigned) Sloan Heffron, Marissa Harris
**DEFENDANT****IS NOT IN CUSTODY**
 1) ☒ Has not been arrested, pending outcome this proceeding.  
 If not detained give date any prior  
 summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes  
 been filed? ☐ No

 If "Yes"  
 give date  
 filed

**DATE OF  
ARREST**

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

**DATE TRANSFERRED  
TO U.S. CUSTODY**

Month/Day/Year

☐ This report amends AO 257 previously submitted
**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☐ SUMMONS ☐ NO PROCESS\* ☒ WARRANT
Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 \* Where defendant previously apprehended on complaint, no new summons or  
 warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments: