

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****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 more****Does 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:**

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

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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:

Introductory Allegations

23 At all times relevant to this Indictment:

- 24 1. Apple, Inc. (“Apple”) is a technology company headquartered in Cupertino, California.
- 25 2. By 2018, Apple was involved in the research and development of technology related to
- 26 autonomous systems (the “Project”), which can have a variety of applications, such as self-driving cars.
- 27 Apple employees working on the Project designed and developed both the hardware and software
- 28 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;

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

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

7 All pursuant to Title 18, United States Code, Sections 1834 and 2323.
8

9 DATED: April 11, 2023

A TRUE BILL.

10
11 /s/ Foreperson
12 FOREPERSON
13 San Francisco, California

14 ISMAIL J. RAMSEY
15 United States Attorney

16 /s/ Sloan Heffron
17 SLOAN HEFFRON
18 MARISSA HARRIS
19 Assistant United States Attorney
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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
April 11, 2023

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

Name of Complainant Agency, or Person (& 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**

Has not been arrested, pending outcome this proceeding.

 1) ☒ 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 & 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:

UNITED STATES DISTRICT COURT

for the

Northern District of California

United States of America

v.

Weibao Wang

Case No. CR23-104 TLT

Defendant

ARREST WARRANT

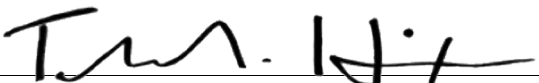
To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) Weibao Wang,
who is accused of an offense or violation based on the following document filed with the court:

☒ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☐ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

18 U.S.C. § 1832(a)(1), (2), (3) & (4) – Theft and Attempted Theft of Trade Secrets (Counts One - Six)

Date: 04/11/2023
Issuing officer's signatureCity and state: San Francisco, California

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

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

**This second page contains personal identifiers provided for law-enforcement use only
and therefore should not be filed in court with the executed warrant unless under seal.**

(Not for Public Disclosure)

Name of defendant/offender: Weibao Wang
Known aliases: Wang Weibao; Wei Bao Wang; Alan Wang
Last known residence: 151 Calderon Avenue, Apt. 6, Mountain View, CA 94041
Prior addresses to which defendant/offender may still have ties: _____

Last known employment: Jidu Auto (China)
Last known telephone numbers: (765) 337-5255
Place of birth: Harbin, China
Date of birth: 04/16/1988
Social Security number: 087-43-9659
Height: 5'8" Weight: 135 lbs.
Sex: Male Race: Asian
Hair: Black Eyes: Brown
Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (*name, relation, address, phone number*): Huan Qu; wife; Last Known Address:
151 Calderon Avenue, Apt. 6, Mountain View, CA 94041; Last Known Phone Number: (765) 418-8881

FBI number: Not assigned

Complete description of auto: _____

Investigative agency and address: FBI Special Agent Francesca Cheli
1919 South Bascom Avenue, Campbell, CA 95008-2220

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*): N/A

Date of last contact with pretrial services or probation officer (*if applicable*): N/A

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

2 THOMAS A. COLTHURST (CABN 99493)
3 Chief, Criminal Division

4 SLOAN HEFFRON (CABN 285347)
Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055
6 San Francisco, California 94102-3495
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9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA

14 Plaintiff,

15 v.

16 WEIBAO WANG,

17 Defendant.

) NO.: CR23-104 TLT

) MOTION FOR ORDER SEALING DOCUMENTS

) **UNDER SEAL**

18
19 The United States, by and through its counsel, Assistant United States Attorney Sloan Heffron,
20 hereby moves this Court for an order sealing the indictment, the arrest warrant, this motion for an order
21 sealing documents, the order sealing documents, and all related documents in the above-referenced case.
22 Disclosure of the specified documents at this time might jeopardize the progress of an ongoing
23 investigation, the details of which are not public.

24 The United States also requests that, notwithstanding any sealing order, the Clerk of Court be
25 required to provide copies of the sealed documents to employees of the United States Attorney's Office.
26 In addition, the United States requests that the United States Attorney's Office be permitted to share
27 these documents as necessary to comply with its discovery obligations, as well as to share these
28 documents with employees of the Federal Bureau of Investigation and other law enforcement and

FILED

April 11, 2023

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

1 intelligence agencies for use in investigation and prosecution.

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3 DATED: April 11, 2023

Respectfully submitted,

4 ISMAIL J. RAMSEY
5 United States Attorney

6 /s/
7 SLOAN HEFFRON
8 Assistant United States Attorney
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Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

Plaintiff,

V.

WEIBAO WANG,

Defendant.

NO.: CR23-104 TLT

~~[PROPOSED]~~ ORDER SEALING DOCUMENTS

UNDER SEAL

Upon motion of the United States and for good cause shown, IT IS HEREBY ORDERED that the government's concurrently-filed indictment, the arrest warrant, the motion for an order sealing documents, this order sealing documents, and all related documents in the above-referenced case shall be filed under seal until further order of the Court, except that the Clerk of Court shall provide copies of the sealed documents to employees of the United States Attorney's Office. The United States Attorney's Office is permitted to share these documents as necessary to comply with its discovery obligations. The United States Attorney's Office is also permitted to share these documents with

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1 employees of the Federal Bureau of Investigation and other law enforcement and intelligence agencies
2 for use in investigation and prosecution.

3
4 IT IS SO ORDERED.

5
6 DATED: April 11, 2023

7 
8 ~~THE HONORABLE LISA J. CISNEROS~~
9 United States Magistrate Judge
10 Honorable Thomas S. Hixson
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