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9 Attorneys for WAYMO LLC

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 WAYMO LLC,  
 Plaintiff,  
 13 vs.  
 UBER TECHNOLOGIES, INC.;  
 14 OTTOMOTTO LLC; OTTO TRUCKING  
 LLC,  
 15 Defendants.

CASE NO. \_\_\_\_\_

**COMPLAINT**

**1. VIOLATION OF DEFENSE OF TRADE SECRETS ACT**

**2. VIOLATION OF CALIFORNIA UNIFORM TRADE SECRET ACT**

**3. PATENT INFRINGEMENT**

**4. VIOLATION OF CAL. BUS & PROF. CODE SECTION 17200**

**DEMAND FOR JURY TRIAL**

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1 Plaintiff Waymo LLC (“Waymo”), by and through their attorneys, and for their Complaint  
2 against Uber Technologies, Inc. (“Uber”), Ottomotto LLC, and Otto Trucking LLC (together,  
3 “Otto”) (collectively, “Defendants”), hereby allege as follows:

4 **I. INTRODUCTION**

5 1. This is an action for trade secret misappropriation, patent infringement, and unfair  
6 competition relating to Waymo’s self-driving car technology. Waymo strongly believes in the  
7 benefits of fair competition, particularly in a nascent field such as self-driving vehicles. Self-  
8 driving cars have the potential to transform mobility for millions of people as well as become a  
9 trillion dollar industry. Fair competition spurs new technical innovation, but what has happened  
10 here is not fair competition. Instead, Otto and Uber have taken Waymo’s intellectual property so  
11 that they could avoid incurring the risk, time, and expense of independently developing their own  
12 technology. Ultimately, this calculated theft reportedly netted Otto employees over half a billion  
13 dollars and allowed Uber to revive a stalled program, all at Waymo’s expense.

14 2. Waymo developed its own combination of unique laser systems to provide critical  
15 information for the operation of fully self-driving vehicles. Waymo experimented with, and  
16 ultimately developed, a number of different cost-effective and high-performing laser sensors  
17 known as LiDAR. LiDAR is a laser-based scanning and mapping technology that uses the  
18 reflection of laser beams off objects to create a real-time 3D image of the world. When mounted  
19 on a vehicle and connected to appropriate software, Waymo’s LiDAR sensors enable a vehicle to  
20 “see” its surroundings and thereby allow a self-driving vehicle to detect traffic, pedestrians,  
21 bicyclists, and any other obstacles a vehicle must be able to see to drive safely. With a 360-degree  
22 field of vision, and the ability to see in pitch black, Waymo’s LiDAR sensors can actually detect  
23 potential hazards that human drivers would miss. With a goal of bringing self-driving cars to the  
24 mass market, Waymo has invested tens of millions of dollars and tens of thousands of hours of  
25 engineering time to custom-build the most advanced and cost-effective LiDAR sensors in the  
26 industry. Thanks in part to this highly advanced LiDAR technology, Waymo became the first  
27 company to complete a fully self-driving trip on public roads in a vehicle without a steering wheel

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1 and foot pedals. Today, Waymo remains the industry's leader in self-driving hardware and  
2 software.

3           3.       Waymo was recently – and apparently inadvertently – copied on an email from one  
4 of its LiDAR component vendors. The email attached machine drawings of what purports to be an  
5 Uber LiDAR circuit board. This circuit board bears a striking resemblance to Waymo's own  
6 highly confidential and proprietary design and reflects Waymo trade secrets. As this email shows,  
7 Otto and Uber are currently building and deploying (or intending to deploy) LiDAR systems (or  
8 system components) using Waymo's trade secret designs. This email also shows that Otto and  
9 Uber's LiDAR systems infringe multiple LiDAR technology patents awarded to Waymo.

10           4.       Waymo has uncovered evidence that Anthony Levandowski, a former manager in  
11 Waymo's self-driving car project – now leading the same effort for Uber – downloaded more than  
12 14,000 highly confidential and proprietary files shortly before his resignation. The 14,000 files  
13 included a wide range of highly confidential files, including Waymo's LiDAR circuit board  
14 designs. Mr. Levandowski took extraordinary efforts to raid Waymo's design server and then  
15 conceal his activities. In December 2015, Mr. Levandowski specifically searched for and then  
16 installed specialized software onto his company-issued laptop in order to access the server that  
17 stores these particular files. Once Mr. Levandowski accessed this server, he downloaded the  
18 14,000 files, representing approximately 9.7 GB of highly confidential data. Then he attached an  
19 external drive to the laptop for a period of eight hours. He installed a new operating system that  
20 would have the effect of reformatting his laptop, attempting to erase any forensic fingerprints that  
21 would show what he did with Waymo's valuable LiDAR designs once they had been downloaded  
22 to his computer. After Mr. Levandowski wiped this laptop, he only used it for a few minutes, and  
23 then inexplicably never used it again.

24           5.       In the months leading to the mass download of files, Mr. Levandowski told  
25 colleagues that he had plans to set up a new, self-driving vehicle company. In fact, Mr.  
26 Levandowski appears to have taken multiple steps to maximize his profit and set up his own new  
27 venture – which eventually became Otto – before leaving Waymo in January 2016. In addition to  
28 downloading Waymo's design files and proprietary information, Mr. Levandowski set up a

1 competing company named “280 Systems” (which later became Otto) before he left, under the  
2 pretense that 280 Systems would not compete with Waymo.

3           6.       A number of Waymo employees subsequently also left to join Anthony  
4 Levandowski’s new business, downloading additional Waymo trade secrets in the days and hours  
5 prior to their departure. These secrets included confidential supplier lists, manufacturing details  
6 and statements of work with highly technical information, all of which reflected the results of  
7 Waymo’s months-long, resource-intensive research into suppliers for highly specialized LiDAR  
8 sensor components.

9           7.       Otto launched publicly in May 2016, and was quickly acquired by Uber in August  
10 2016 for \$680 million. (Notably, Otto announced the acquisition shortly after Mr. Levandowski  
11 received his final multi-million dollar compensation payment from Google.) As was widely  
12 reported at the time, “one of the keys to this acquisition[] could be the LIDAR system that was  
13 developed in-house at Otto.”

14           8.       Uber’s own attempts to develop self-driving cars started earlier in February 2015  
15 with the announcement of a strategic partnership with Carnegie Mellon University and the  
16 creation of the Uber Advanced Technologies Center in Pittsburgh. Reports attribute Uber CEO  
17 Travis Kalanick’s interest in this technology to a ride in a Google, now Waymo, self-driving car.  
18 Uber’s CEO has described self-driving cars as “existential” to the survival of his company.<sup>1</sup> He  
19 told reporters: “the entity that’s in first, then rolls out a ride-sharing network that is far cheaper or  
20 far higher-quality than Uber’s, then Uber is no longer a thing.” However, by March 2016 reports  
21 surfaced that the partnership between CMU and Uber had “stalled.”

22           9.       Meanwhile, Waymo had devoted seven years to research and development. It had  
23 amassed nearly one and a half million miles of self-driving experience on public roads and billions  
24 of miles of test data via simulation. By May 2015, Waymo had also designed and built, from the  
25 ground up, the world’s first fully self-driving car without a steering wheel and foot pedals. These  
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27 <sup>1</sup> Biz Carson, “Travis Kalanick on Uber’s bet on self-driving cars: ‘I can’t be wrong,’” *Business*  
28 *Insider*, Aug. 18, 2016, available at <http://www.businessinsider.com/travis-kalanick-interview-on-self-driving-cars-future-driver-jobs-2016-8>.

1 vehicles were equipped with Waymo’s own in-house hardware and sensors, including its  
2 uniquely-designed LiDAR.

3 10. Instead of developing their own technology in this new space, Defendants stole  
4 Waymo’s long-term investments and property. While Waymo developed its custom LiDAR  
5 systems with sustained effort over many years, Defendants leveraged stolen information to  
6 shortcut the process and purportedly build a comparable LiDAR system in only nine months. As  
7 of August 2016, Uber had no in-house solution for LiDAR – despite 18 months with their faltering  
8 Carnegie Mellon University effort – and they acquired Otto to get it. By September 2016, Uber  
9 represented to regulatory authorities in Nevada that it was no longer using an off-the-shelf, or  
10 third-party, LiDAR technology, but rather using an “[i]n-house custom built” LiDAR system. The  
11 facts outlined above and elaborated further in this complaint show that Uber’s LiDAR technology  
12 is actually Waymo’s LiDAR technology.

13 11. In light of Defendants’ misappropriation and infringement of Waymo’s LiDAR  
14 technology, Waymo brings this Complaint to prevent any further misuse of its proprietary  
15 information, to prevent Defendants from harming Waymo’s reputation by misusing its technology,  
16 to protect the public’s confidence in the safety and reliability of self-driving technology that  
17 Waymo has long sought to nurture, and to obtain compensation for its damages and for  
18 Defendants’ unjust enrichment resulting from their unlawful conduct.

## 19 **II. PARTIES**

20 12. Plaintiff Waymo LLC is a subsidiary of Alphabet Inc. with its principal place of  
21 business located in Mountain View, California 94043. Waymo is a self-driving technology  
22 company with a mission to make it safe and easy for people and things to move around. Waymo  
23 LLC owns all of the patents, trade secrets, and confidential information infringed or  
24 misappropriated by Defendants.

25 13. Defendant Uber Technologies, Inc. (“Uber”) is a Delaware company with its  
26 principal place of business at 1455 Market Street, San Francisco, California.

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