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 APPLE INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

APPLE INC., a California corporation,

Plaintiff,

v.

RIVOS, INC., a Delaware corporation; WEN
 SHIH-CHIEH a/k/a RICKY WEN, and BHASI
 KAITHAMANA,

Defendants.

Case No. 5:22-cv-2637-EJD

**APPLE'S MEMORANDUM OF
 POINTS AND AUTHORITIES IN
 SUPPORT OF *EX PARTE* MOTION
 FOR TEMPORARY RESTRAINING
 ORDER, EXPEDITED DISCOVERY,
 AND ORDER TO SHOW CAUSE**

Date: **

Time: **

Courtroom: 4, 5th Floor

Judge: Hon. Edward J. Davila

Action Filed: April 29, 2022

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1 **I. INTRODUCTION**

2 Apple brings this motion to prevent its ex-employees from exploiting Apple’s most
3 sensitive and valuable trade secrets at their new employer, competing startup Rivos. Apple has
4 attempted to reach agreement with counsel for Defendants Ricky Wen and Rivos on the
5 reasonable measures it requests in this motion, but counsel has responded with only generalized
6 denials and no specific information.

7 For decades, Apple has spent billions on research and development to support its industry-
8 leading advances in the field of systems-on-chips (“SoCs”). Those investments have resulted in
9 Apple’s most advanced, cutting-edge SoCs, including the A15 mobile computing SoC at the heart
10 of Apple’s iPhone products and the M1 family of personal computing SoCs. Rivos, a start-up in
11 self-described “stealth mode,” intends to build competing SoCs, and has specifically targeted
12 Apple engineers with access to Apple’s most valuable trade secrets to do it. In July 2021, just
13 after Rivos began its coordinated campaign to target these employees, Apple promptly sent Rivos
14 a letter informing Rivos of the confidentiality obligations of Apple’s former employees, but Rivos
15 never responded. Since then, Rivos has continued to recruit from Apple, wooing away more than
16 40 employees, with the most recent departures occurring in May 2022.

17 Apple’s forensic investigation has revealed that after receiving his offer from Rivos,
18 Defendant Ricky Wen took hundreds of sensitive SoC documents related to both Apple’s existing
19 and unreleased SoCs. This was not an isolated incident—over a dozen others, including
20 Defendant Bhasi Kaithamana (collectively with Mr. Wen, “Individual Defendants”), either wiped
21 their computers or saved Apple confidential information in places beyond Apple’s reach just
22 before leaving for Rivos. Some used multiple USB storage drives to offload material to personal
23 devices, accessed proprietary specifications stored within collaboration applications, and used
24 AirDrop to wirelessly transfer files to personal devices. Others saved voluminous presentations
25 on existing and unreleased Apple SoCs—marked Apple Proprietary and Confidential—to their
26 personal cloud storage drives. And several of the employees deleted information or wiped their
27 Apple devices entirely to try to cover their tracks, while falsely representing to Apple that they
28

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