

Hearing offers peek at what Uber stands to lose in Waymo trial

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With three weeks to go until the explosive Waymo v. Uber trial begins, court-watchers got a peek Wednesday at the hefty price tag Uber could face if it loses.

Waymo is seeking \$2.6 billion in damages for just one of the nine self-driving car trade secrets it claims Uber misappropriated, lawyers disclosed at a hearing in federal court in San Francisco. It's a number that underscores the importance of the technology that's at the heart of the legal battle, as both rivals race to stake their claim in the burgeoning autonomous vehicle market.

The estimated value of the other eight trade secrets hasn't been made public.

The damages estimate came out as Waymo's lawyers on Wednesday bolstered their case with new, last-minute evidence showing thousands of confidential Waymo files ended up on the personal computer of a top-level Uber engineer.

Citing a report they got their hands on last week after months of trying, Waymo's lawyers say they've found evidence that all but seven of the 14,000 confidential files they're accusing Uber of taking were once on former Uber engineer Anthony Levandowski's personal computer. Levandowski, who once worked for Waymo, downloaded the files to his Waymo computer on Dec. 11, then three days later, plugged a card reader into that computer for eight hours, according to Waymo's

lawyers. They say those files then showed up on Levandowski's personal computer, but were deleted the same day.

"That shows guilty knowledge," Waymo's lawyer, Charles Verhoeven, said during the hearing. "That shows someone knowingly doing something and then trying to cover their tracks."

The case centers on Levandowski, who ran Uber's self-driving car program before the San Francisco-based ride-hailing company fired him in May over his involvement in the legal battle. Waymo claims Levandowski took 14,000 confidential Waymo documents before leaving to found self-driving trucking startup Otto. Uber then bought Otto, which Waymo claims gave Uber access to those pilfered Waymo trade secrets.

Last week a panel of federal appellate judges ruled Uber must turn over a due-diligence report - and thousands of related documents - that Uber commissioned before it bought Otto. That report, and what it revealed about Levandowski's downloading history, was the highlight of Wednesday's hearing.

Uber's lawyers argued that Levandowski could have downloaded the Waymo documents accidentally - when an employee first accesses Waymo's SVN, documents are automatically downloaded to his or her computer.

"There could actually be an innocent explanation here," said Uber's [lawyer](#), Arturo Gonzalez.

But U.S. District Judge William Alsup seemed skeptical.

"He's the head guy, and suddenly he becomes a dumbo and doesn't know how to use this thing?" Alsup asked.

And Alsup pointed out that Levandowski hasn't come to his own defense, instead invoking his Fifth Amendment right not to incriminate himself.

"If this was so innocent, how come he didn't come in here and tell us?" Alsup asked.

But showing that Levandowski took the files will only go so far - Waymo also needs to demonstrate that Uber accessed or used them.

"Where is your proof that those [trade secrets](#) were actually put to use by Uber?" Alsup asked Wednesday.

Waymo offered more evidence of use Wednesday, saying Levandowski accessed confidential Waymo information while he was at Otto, before it was acquired by Uber. That lays out a direct trail leading to Uber, Waymo's lawyers claim.

Waymo's lawyers on Wednesday also asked Alsup to delay the trial until Dec. 5, to give them more time to go through Uber's due-diligence report. But Alsup was reluctant to push back the trial's current Oct. 10 start date, and said he won't make a final decision until Oct. 3.

"I sometimes think Waymo is exaggerating this," he said, "because they have ulterior motives to fix up other parts of their case."

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