

1 GLYNN & FINLEY, LLP
 CLEMENT L. GLYNN, Bar No. 57117
 2 MORGAN K. LOPEZ, Bar No. 215513
 JONATHAN A. ELDREDGE, Bar No. 238559
 3 One Walnut Creek Center
 100 Pringle Avenue, Suite 500
 4 Walnut Creek, CA 94596
 Telephone: (925) 210-2800
 5 Facsimile: (925) 945-1975

6 MORRIS JAMES LLP
 P. Clarkson Collins, Jr., *Pro Hac Vice Pending*
 7 Jason C. Jowers, *Pro Hac Vice Pending*
 500 Delaware Avenue, Suite 1500
 8 Wilmington, Delaware 19801
 Telephone: (302) 888-6800
 9 Facsimile: (302) 571-1750
 E-mail: pcollins@morrisjames.com
 10 jjowers@morrisjames.com

11 Attorneys for E. I. du Pont de Nemours and Company

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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16 E. I. DU PONT DE NEMOURS AND)
 COMPANY,)
 17)
 Plaintiff,)
 18)
 v.)
 19)
 USA PERFORMANCE TECHNOLOGY,)
 20 INC., PERFORMANCE GROUP (USA),)
 INC., WALTER LIEW, and JOHN LIU,)
 21)
 Defendants.)
 22)
 23)

Case No. 3:11-cv-01665-JSW

**JOINT STATUS REPORT AND
[PROPOSED] ORDER EXTENDING
STAY OF ACTION**

Judge: Hon. Jeffrey S. White
Hearing Date: None

24 Pursuant to the Court's March 27, 2012 Order, Plaintiff E. I. du Pont de Nemours and
 25 Company ("DuPont") and defendants Walter Liew and USA Performance Technology, Inc.
 26 (collectively "USAPT") submit this Joint Status Report. The parties request that the stay in this
 27 matter set to expire on May 31, 2012, remain in place for an additional 60 days, through July 30,
 28 2012.

1 On August 23, 2011, the United States filed *United States v. Walter Liew and Christina*
2 *Liew*, No. CR-11-0573-RS. On February 7, 2012, the United States filed a superseding
3 indictment in said action. *Id.* at Docket # 64.

4 DuPont's Position: The superseding indictment alleges that defendant Walter Liew, his
5 wife, Christina Liew, and several other defendants violated multiple federal trade secret and
6 economic espionage laws when they stole – and utilized – the trade secrets at issue in this action.
7 *Inter alia*, Mr. Liew is charged with Conspiracy to Commit Economic Espionage, Conspiracy to
8 Commit Theft of Trade Secrets, Possession of Trade Secrets, Conveying Trade Secrets, Witness
9 Tampering, and False Statements. *See id.* ¶¶ 16-97. In addition, the superseding indictment
10 identifies five DuPont trade secrets relating to its TiO₂ technology at issue in the criminal action.
11 *Id.* ¶ 14.

12 USAPT's Position: Defendants believe that the superseding indictment speaks for itself,
13 and no further explanation or commentary is appropriate or needed.

14 On September 7, 2011, this Court issued an Order relating the criminal proceeding with
15 this action, pursuant to its determination that this action and the criminal proceeding are related
16 within the meaning of Crim. L.R. 8-1(b). (Docket # 42.)¹

17 On September 23, 2011, the parties filed a joint status report requesting that the stay
18 initially entered on July 22, 2011 (Docket # 39), be extended for an additional 60 days. (Docket
19 # 44.) On September 29, 2011, the Court granted the parties' request. (Docket # 45.)

20 On November 23, 2011, the parties filed an additional joint status report requesting that
21 the stay be extended for an additional 60 days. (Docket # 46.) The Court granted the parties'
22 request on November 29, 2011. (Docket # 48.)

23 On January 24, 2012, the parties filed an additional joint status report requesting that the
24 stay be extended for an additional 60 days. (Docket # 49.) The Court granted the parties' request
25 on January 31, 2012. (Docket # 50.)

26
27 ¹ On September 16, 2011, DuPont dismissed without prejudice defendant John Liu pursuant to
28 Federal Rule of Civil Procedure 41(a)(1). (Docket # 43.) Thus, the only remaining defendants in
this action are Walter Liew and his company, USA Performance Technology Inc.

1 On March 26, 2012, the parties filed an additional joint status report requesting that the
2 stay be extended for an additional 60 days. (Docket # 51.) The Court granted the parties' request
3 on March 27, 2012. (Docket # 52.)

4 The undersigned counsel request that the stay remain in place for an additional 60 days, at
5 which time the parties will update the Court.

6 Dated: May 23, 2012

GLYNN & FINLEY, LLP
CLEMENT L. GLYNN
MORGAN K. LOPEZ
JONATHAN A. ELDREDGE
One Walnut Creek Center
100 Pringle Avenue, Suite 500
Walnut Creek, CA 94596

MORRIS JAMES LLP
P. CLARKSON COLLINS, JR.
JASON C. JOWERS
500 Delaware Avenue, Suite 1500
Wilmington, DE 19801

13 By /s/ Morgan K. Lopez
Attorneys for Plaintiff

14 Dated: May 23, 2012

15 MOUNT & STOELKER, P.C.
DANIEL S. MOUNT
ON LU
16 KEVIN M. PASQUINELLI
RiverPark Tower, Suite 1650
17 333 West San Carlos Street
San Jose, CA 95110-2740

18 By /s/ Daniel S. Mount
19 Attorneys for Defendants USA Performance
20 Technology, Inc., and Walter Liew

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~~PROPOSED~~ ORDER

Having read and considered the Joint Status Report,

IT IS ORDERED THAT:

The parties' request that the stay be extended until July 30, 2012 is hereby GRANTED.
Counsel shall submit a joint status report on or before July 23, 2012.

May 23, 2012



Honorable Jeffrey S. White
UNITED STATES DISTRICT JUDGE