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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 July 24, 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 September 28, 2012, remain in place for an additional 60 days, through  
 28 November 27, 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 TiO<sub>2</sub> 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.)<sup>1</sup>

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 <sup>1</sup> 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 On May 23, 2012, the parties filed an additional joint status report requesting that the stay  
5 be extended for an additional 60 days. (Docket # 53). The Court granted the parties' request on  
6 May 23, 2012. (Docket # 54).

7 On July 23, 2012, the parties filed an additional joint status report requesting that the stay  
8 be extended for an additional 60 days. (Docket # 55). The Court granted the parties' request on  
9 July 24, 2012. (Docket # 56).

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

12 Dated: September 21, 2012

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By /s/ Morgan K. Lopez  
Attorneys for Plaintiff

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21 Dated: September 21, 2012

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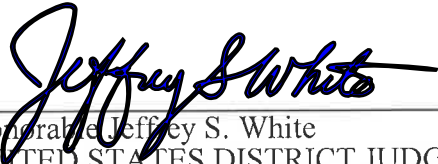
~~[PROPOSED]~~ ORDER

Having read and considered the Joint Status Report,

**IT IS ORDERED THAT:**

The parties' request that the stay be extended until November 27, 2012 is hereby GRANTED. Counsel shall submit a joint status report on or before November 20, 2012.

September 21, 2012

  
\_\_\_\_\_  
Honorable Jeffrey S. White  
UNITED STATES DISTRICT JUDGE