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8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
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11		)	<b>Case No. 3:11-cv-01665-JSW</b>
12	E. I. DU PONT DE NEMOURS AND	)	
	COMPANY,	)	<b><u>JOINT STATUS REPORT AND</u></b>
13	Plaintiff,	)	<b><u><del>PROPOSED</del> ORDER EXTENDING</u></b>
		)	<b><u>STAY OF ACTION</u></b>
14	v.	)	
		)	Judge: Hon. Jeffrey S. White
15	USA PERFORMANCE TECHNOLOGY,	)	Hearing Date: None
	INC., PERFORMANCE GROUP (USA),	)	
16	INC., WALTER LIEW, and JOHN LIU,	)	
		)	
17	Defendants.	)	
		)	
18		)	
19		)	

20 Pursuant to the Court’s September 23, 2013 Order, Plaintiff E. I. du Pont de Nemours and  
 21 Company (“DuPont”) and defendants Walter Liew and USA Performance Technology, Inc.  
 22 (collectively “USAPT”) submit this Joint Status Report. The parties request that the stay in this  
 23 matter set to expire on February 28, 2014, remain in place for an additional 31 days, through  
 24 March 31, 2014.

25 On April 6, 2011, DuPont filed the instant suit. (Docket # 1.) Defendants filed their  
 26 Substituted Answer and Counterclaim on July 11, 2011. (Docket # 35.) The action was first  
 27 stayed on July 22, 2011. (Docket # 39.)

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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.) On March 12, 2013, the United States filed a  
4 Second Superseding Indictment. (*Id.* at Docket # 269.) On or about January 7, 2014, trial began  
5 in the criminal action. As of the date of this joint status report, the criminal trial has not yet  
6 concluded.

7           DuPont's Position: The second superseding indictment alleges that defendant Walter  
8 Liew, his wife, Christina Liew, and several other individual defendants violated multiple federal  
9 trade secret and economic espionage laws when they stole – and utilized – the trade secrets at  
10 issue in this action. *Inter alia*, Mr. Liew is charged with Conspiracy to Commit Economic  
11 Espionage, Conspiracy to Commit Theft of Trade Secrets, Possession of Trade Secrets,  
12 Conveying Trade Secrets, Witness Tampering, and False Statements. (*See id.* ¶¶ 16-97.) In  
13 addition, the second superseding indictment identifies five DuPont trade secrets relating to its  
14 TiO2 technology at issue in the criminal action. (*Id.* ¶ 14.) The second superseding indictment  
15 also names various of the Pangang Companies and charges them with 1) Conspiracy to Commit  
16 Economic Espionage, 2) Conspiracy to Commit Theft of Trade Secrets, and 3) Attempted  
17 Economic Espionage. (*Id.* ¶¶ 9-10, 17, 22-31, 39-40, 45, 52-54, 57-58.)

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

20           History Relating to the Stay in this Action

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

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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 companies, USA Performance Technology Inc. and  
Performance Group, Inc.

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

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

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

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

13           On May 23, 2012, the parties filed an additional joint status report requesting that the stay  
14 be extended for an additional 60 days. (Docket # 53). The Court granted the parties' request on  
15 May 23, 2012. (Docket # 54).

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

19           On September 21, 2012, the parties filed an additional joint status report requesting that  
20 the stay be extended for an additional 60 days. (Docket # 57). The Court granted the parties'  
21 request later that day. (Docket # 58).

22           On November 20, 2012, the parties filed an additional joint status report requesting that  
23 the stay be extended for an additional 60 days. (Docket # 59). The Court granted the parties'  
24 request later that day. (Docket # 60).

25           On January 18, 2013, the parties filed an additional joint status report requesting that the  
26 stay be extended for an additional 60 days. (Docket # 61). The Court granted the parties' request  
27 later that day. (Docket # 62).

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1           On March 26, 2013, the parties filed an additional joint status report requesting that the  
2 stay be extended for an additional 60 days. (Docket # 63). The Court granted the parties' request  
3 later that day. (Docket # 64).

4           On May 20, 2013, the parties filed an additional joint status report requesting that the stay  
5 be extended for an additional 60 days. (Docket # 65). The Court granted the parties' request on  
6 May 21, 2013. (Docket # 66).

7           On July 12, 2013, the parties filed an additional joint status report requesting that the stay  
8 be extended for an additional 60 days. (Docket # 67). The Court granted the parties' request  
9 later that day. (Docket # 68).

10           On September 10, 2013, the parties filed an additional joint status report requesting that  
11 the stay be extended for an additional 60 days. (Docket # 69). The Court extended the stay to  
12 December 6, 2013. (Docket # 70).

13           On December 2, 2013, the parties filed an additional joint status report requesting that the  
14 stay be extended for an additional 60 days. (Docket # 69). Due to the criminal trial schedule, the  
15 Court proposed that the stay be extended to February 28, 2014. (Docket # 72). The parties so  
16 stipulated (Docket #73), and the Court extended the stay accordingly. (Docket #74.)

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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 March 31, 2014 is hereby GRANTED.

Counsel shall submit a joint status report on or before March 24, 2014.

February 25, 2014

  
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Honorable Jeffrey S. White  
UNITED STATES DISTRICT JUDGE