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4 UNITED STATES DISTRICT COURT  
5 NORTHERN DISTRICT OF CALIFORNIA  
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7 WAYMO LLC,  
8 Plaintiff,

9 v.

10 UBER TECHNOLOGIES, INC., et al.,  
11 Defendants.

Case No. [17-cv-00939-WHA](#) (JSC)

**ORDER RE: UBER'S MOTION TO  
COMPEL WAYMO**

Re: Dkt. Nos. 867 & 868

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13 Now pending before the Court is Uber's motion to compel documents from Waymo. (Dkt.  
14 No. 868.)

15 **A. Waymo Trade Secret Safeguards**

16 1. *RFP 119*: Uber's request for any confidentiality/non-disclosure agreements is  
17 GRANTED. Waymo's assertion that it would never disclose trade secrets to its vendors without  
18 such an agreement is not evidence that it in fact did so. If it did so it must produce the agreements.  
19 It can redact any third party confidential information in the agreements as such information is not  
20 relevant. The request is proportional to the needs of the case. *See* Fed. R. Civ. P. 26(b)(1).

21 2. *RFP 46*: Uber's request for Waymo's "collection, analysis, review, or findings  
22 related to computers" of departed employees is GRANTED IN PART. Waymo shall respond with  
23 respect to any self-driving vehicle employees who departed Waymo or its predecessor from  
24 October 2015 through December 2016, and the request is limited to documents reflecting a  
25 review for misappropriation of trade secrets.

26 3. *RFP Nos. 63, 66, 121, 122*:

27 Uber's motion to compel responses to request no. 63 is DENIED.

28 Uber's motion to compel responses to request no. 66 is GRANTED.

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1 Uber’s motion to compel responses to request no. 121 is GRANTED in part. Waymo shall  
2 produce any such analysis for the year preceding Mr. Levandowski’s departure from Waymo.  
3 Waymo may not refuse to produce the responsive analysis merely because it encompasses a longer  
4 period of time.

5 Uber’s motion to compel further responses to request no. 122 is DENIED. Uber does not  
6 even acknowledge the affected employees’ privacy interest in their personnel files and has not  
7 demonstrated any relevance of the files, especially in light of its other requests.

8 **B. Levandowski Investigation**

9 Uber’s request no. 53 seeks all documents relating to “when” Waymo began investigating  
10 Levandowski’s potential trade secret misappropriation. Uber claims that responsive documents  
11 would include “non-privileged documents communications discussing *why* Waymo did not  
12 investigate Levandowski.” (Dkt. No. 868 at 4 (emphasis added).) But that is not the request that  
13 Uber made. Uber’s request is DENIED.

14 **C. Exclusion of Google and Alphabet**

15 Uber’s objection is overruled without prejudice to Uber first meeting and conferring with  
16 Waymo and then, after exhausting efforts through the Special Master, addressing specific  
17 document requests and why Uber’s search was not sufficient for a particular request and Uber’s  
18 reasonable proposal. For example, it would not be reasonable for Uber to insist that Waymo  
19 conduct a search involving every single Google engineer for the past seven years.

20 **CONCLUSION**

21 Waymo shall produce documents in accordance with this Order on or before July 21, 2017.  
22 Uber’s administrative motion to seal (Dkt. no. 867) is GRANTED.

23 This Order disposes of Docket Nos. 867 and 868.

24 **IT IS SO ORDERED.**

25 Dated: July 17, 2017

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JACQUELINE SCOTT CORLEY  
United States Magistrate Judge