

미국 실리콘밸리 산호세 법원 2019. 3. 22. 결정 - 자율주행 자동차 관련 기술유출, 영업

비밀침해 분쟁사건 가처분 결정



사안의 개요

- (1) 원고 - 미국 실리콘밸리 벤처회사 – WeRide Corp.
- (2) 피고 - WeRide 소속 개발자, 임원, CEO – 전 바이두 연구소 재직 경력자들
- (3) 바이두 퇴직 후 원고회사 WeRide 창업
- (4) WeRide 재직 수년 동안 중국 시장용 자율주행자동차 기술개발
- (5) 2017. 6. 24. 공개 도로 자율주행 시험 성공
- (6) 2017. 12. 바이두에서 WeRide 및 CEO emd 개발자 상대로 중국법원에 영업비밀침해 소송 제기함

(7) 2018. 1. 31. WeRide 이사회 CEO 해임 결정 + 바이두와 소송 합의 종결

(8) CEO 포함 핵심개발자들 퇴사 후 경쟁회사 설립 - AllRide, ZZX (Zhong Zhi Xing Technology Co., Ltd.) 창업

(9) 원고회사에서 자율주행자동차 기술유출 주장 및 영업비밀침해 소송 제기

미국법원 판단 요지 - 미국 캘리포니아주 산호세 연방지방법원

자율주행 자동차기술 영업비밀성 인정, 핵심개발자의 퇴직 및 창업으로 인한 침해우려 인정, 영업비밀정보 반환, 폐기 명령 등 가처분 명령

The Court ORDERS as follows:

A. Enjoined Defendants and all persons acting under, in concert with, or for any one of them, whether or not in the United States, are hereby restrained and enjoined from each and all of the following:

1. Any and all use, disclosure, providing third parties access to, transferring, copying, duplication, reproduction, publication, distribution, broadcasting or marketing of any version of WeRide Confidential Information. Confidential Information includes, but is not limited to, trade secrets (as defined in WeRide's statement pursuant to Code of Civil Procedure Section 2019.210) and other proprietary information from all WeRide products and projects, such as (but not limited to) source code, schematics, and other business, technical, and financial information developed, learned, or obtained by a WeRide employee.
2. Destroying, concealing, disposing, deleting, removing or altering any and all documentation of any kind, whether paper or electronic (including but not limited to computer files, emails, hard drives, disk drives, USB drives, zip drives, cloud-based storage accounts), data, drafts or other things or materials:
 - a. obtained from or belonging to WeRide, or containing or derived from WeRide Confidential Information, including but not limited to modified

versions of WeRide documentation or data;

- b. relating in any way to WeRide or WeRide Confidential Information, including any use, disclosure, possession and/or transfer of WeRide Confidential Information, including but not limited to modified versions of, copies of and/or references thereto;
- c. relating in any way to the creation, copying, duplication, development, production, distribution, publication and/or broadcast of any version of WeRide Confidential Information or any derivative, copy, or reproduction thereof;
- d. relating in any way to instructions, requests, directives, or agreements with or by any third party concerning the use or disclosure of WeRide Confidential Information, specifically but not limited to instructions, requests, directives or agreements made by and between any Defendant and any new or potential employer and/or partner; and/or
- e. relating in any way to source code written, developed, edited, reviewed, or used by Defendants and all persons acting under, in concert with, or for any one of them, including (but not limited to) any source code relating to the operation of the autonomous vehicle depicted in the video attached as Exhibit H to the Declaration of Bijun Zhang.

B. All discovery disputes arising from this Order are referred to the assigned magistrate judge.

C. Enjoined Defendants shall, within four days of the issuance of this Order, identify to WeRide's counsel of record, in writing and under oath, the identity and last-known contact information, including the title, email address, physical address, telephone number, employer and other identifying information in any Enjoined Defendant's possession, custody or control, of the individuals, groups, companies, governmental

entities, or other persons or entities, if any, to whom any Enjoined Defendant and, as applicable, any Enjoined Defendant's agents and all of those acting in active concert or participation with any Enjoined Defendant, have disclosed, transferred, published, distributed, broadcasted, or marketed any WeRide Confidential Information.

D. Huang and AllRide and their agents and all of those acting in active concert or participation with Huang or AllRide shall, within four days of the issuance of this Order, make the following items in their possession, custody, or control (and not previously returned to WeRide's counsel of record) available to WeRide's counsel of record for full-disk forensic imaging and data preservation by WeRide, for WeRide's counsel's review on an Attorney's Eyes Only basis:

1. Any computer (laptop and/or desktop) and every form of media, including but not limited to electronic storage devices, external hard drives, zip drives, memory sticks, jump drives, USB/flash drive devices, CDs, DVDs, floppy disks, email accounts or other cloud storage services, Blackberries, other PDAs, cell phones, and/or tablets with text messaging or electronic mail capabilities, including logon credentials necessary to access such media, which contain or have ever contained WeRide's trade secrets as identified in WeRide's statement pursuant to Code of Civil Procedure Section 2019.210, whether original or derivative, and/or any copies and/or references thereto, including any mirror images of any media, whether or not previously sent by Huang or AllRide to WeRide and/or its counsel; specific devices include, but are not limited to:
 - a. USB Device with serial number 6&2a218f49&0&_;
 - b. USB Device with serial number 44817566;
 - c. USB Device with serial number 4C530001090127115393;
2. All documents and things, or other materials containing or derived from WeRide Confidential Information.

첨부: 미국법원 결정문

영업비밀, 기술유출, 경업금지, 전직금지, 민형사소송, 다수사건 A~Z 수행경력

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