

Uber Closing Argument

Matt - Uber

1. There was no trade secret
 - a. Waymo did not invent LiDAR or self-driving cars
 - b. Waymo did not treat it as a trade secret
 - c. Waymo waited to file a lawsuit against Uber
2. Even if the information was a trade secret, no evidence of misappropriation by Uber
 - a. None out of the alleged 14,000 documents that Levandowski took were found on an Uber computer
 - b. Uber conducted 86 custodial interviews of former Waymo employees
 - c. All Uber-issued laptops belonging to former Waymo employees were searched
3. Uber did everything that a company was supposed to do when confronted with the possibility of misappropriating another's trade secrets
 - a. Had already made incoming Otto employees sign attestations swearing that they would not bring any other company's trade secrets to Uber or use them in connection with their Uber work
 - b. Told Levandowski to destroy the files
 - c. At the end of the day, this was a lawsuit against Uber as a company and what they did, not Levandowski as an individual and what he did

Siri - Levandowski

1. Levandowski was the manager of the autonomous driving technology at Waymo and well-known in Silicon Valley as being an expert on this topic.
 - a. He left Google to seek better opportunities and Google cannot restrict his future employment
 - b. He built his own company using his knowledge of the technology and Uber was interested in acquiring it.
 - c. He might not have had the intention of being a competitor to Google when he started his company but Uber presented him an opportunity and resources to hone his skills and talents. He was fired by Uber after this case was filed.
2. Knowledge and experience cannot be restricted by trade secret protection

- a. All good engineers, through trial and error, sharpen their professional skills and continue to supplement their skills and knowledge.
 - b. When they change jobs, they cannot be expected to erase all the previous knowledge and practical lessons from memory. Those lessons become a part of their professional skills, talents and abilities and would be a major part of their professional career.
 - c. Levandowski is free to use the practical skills learned at Waymo at his new job at Uber. The mere fact that Levandowski used to work for Waymo does not automatically mean that they used Waymo's trade secrets.
3. Levandowski downloaded confidential files but he did not misappropriate trade secrets
- a. Levandowski admitted to downloading the entire repository documents; he did not pick and choose what he wanted to take.
 - b. Levandowski signed an attestation swearing that he would not bring other company's trade secrets to Uber or use them.
 - c. None of the Uber computers or documents searched contained information relating to Waymo's technology.