

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

APPLE INC., a California Corporation, Plaintiff, v. OPENAI FOUNDATION (f/k/a OPENAI INC.), OPENAI GROUP PBC, io PRODUCTS, TANG TAN, and CHANG LIU, Defendants.	Case No. 5:26-cv-07078-EJD ORDER GRANTING PLAINTIFF'S MOTION FOR EXPEDITED DISCOVERY AND THIRD-PARTY FORENSIC IMAGING Date: October 1, 2026 Time: 9:00 A.M. Courtroom: 4, 5th Floor Judge: Hon. Edward J. Davila
--	---

I. INTRODUCTION

Before the Court is Plaintiff Apple Inc.'s ("Apple") Motion for Expedited Discovery and Third-Party Forensic Imaging, filed concurrently with its Motion for a Preliminary Injunction on August 4, 2026. Apple seeks immediate expedited depositions of Defendants Tang Tan and Chang Liu, as well as third-party technical staff, and a comprehensive forensic inspection of Defendants' personal and corporate storage, devices, and cloud databases. Apple asserts that such emergency measures are necessary to prevent the imminent, irreparable loss, destruction, and ongoing commercial integration of unannounced hardware designs, supply chain strategies, and proprietary manufacturing specifications allegedly misappropriated under the direction of OpenAI Group PBC and its executives. Upon careful consideration of the pleadings, sworn declarations, and digital forensic records, the Court finds that Apple has established good cause and hereby GRANTS the motion.

II. FINDINGS OF FACT

For the purposes of determining whether expedited discovery and forensic safeguarding are warranted ahead of the October 1, 2026 preliminary injunction hearing, the Court makes the following preliminary findings of fact based on the current evidentiary record:

A. Digital Forensics and post-employment Network Intrusions

The record contains sworn declarations from digital forensics experts establishing that Defendant Chang Liu, a senior systems electrical engineer who resigned from Apple on January 22, 2026, failed to return his Apple-issued corporate laptop. Forensics confirm that between February and April 2026—while working directly on OpenAI's physical devices team—Liu's credentials were used to bypass security and execute **at least five separate unauthorized network storage intrusions**. These intrusions targeted Apple's internal folders, resulting in the exfiltration of thousands of pages of unreleased designs (specifically displays, colored back glass, display shields, and battery housings), manufacturing process specifications, and supply chain

strategies. This unauthorized access is explicitly supported by contemporaneous iMessage communications retrieved from Liu's device, in which he wrote: *'LOL, I found out I can access the [network storage], so funny.'* This reflects subjective knowledge of his unauthorized status and a high likelihood of active data misuse.

B. Coordinated Talent Siphoning and Encrypted Comm Protocols

The Court finds substantial preliminary evidence of a systematic, C-suite-directed corporate recruiting pipeline co-founded by former Apple design chief Jony Ive and Defendant Tang Tan (former Apple VP of Product Design), which culminated in OpenAI's May 2025 acquisition of *io Products* for approximately \$6.5 Billion in all-equity consideration. Tan subsequently oversaw the poaching of over 400 former Apple employees. The record establishes that during pre-onboarding interview sessions, Tan directed candidates to bring *'actual hardware and parts from Apple facilities'* for *'show and tell'* demonstrations, and coached them on circumventing Apple's offboarding security, specifically instructing: *'No, you won't sign anything at the exit interview. If they do ask you to sign anything, let me know asap.'* Furthermore, Liu recruited active Apple employee Yu-Ting 'Alyssa' Peng, technical staff member at Apple, coaching her to copy confidential CAD files onto external drives and directing communications exclusively onto the encrypted app **LINE** to evade security sweeps.

C. Irreparable Harm and Status of Injunction Negotiations

The Court notes that during pre-suit negotiations, Defendant OpenAI accepted three of Apple's proposed conditions: (1) halting future access to Apple data, (2) cutting off current access, and (3) preserving existing evidence. However, OpenAI flatly refused to permit Apple's legal and forensic experts to inspect physical devices and network databases, or search specific cloud storage directories where the exfiltrated Apple data allegedly resides. The Court finds that because OpenAI is actively preparing for an upcoming Initial Public Offering (IPO) in Fall 2026 seeking a \$1 Trillion valuation, and is concurrently developing consumer wearables and a smart speaker targeted for 2027 release, the risk of irreparable integration of stolen trade secrets into OpenAI's commercial codebases and hardware molds is immediate. In the absence of third-party forensic imaging, Apple has no means of verifying that its trade secrets are quarantined, and the potential destruction of digital footprints poses a severe threat to the integrity of the pending litigation.

III. LEGAL STANDARD

Courts within the Ninth Circuit apply the 'good cause' standard to determine whether expedited discovery is warranted prior to a preliminary injunction hearing. *Semtek Int'l Inc. v. Lockheed Martin Corp.* Good cause exists where the need for expedited discovery, in consideration of the administration of justice, outweighs the prejudice to the responding party. Expedited discovery and forensic imaging are routinely granted in trade secret misappropriation cases under the Defend Trade Secrets Act (DTSA), 18 U.S.C. § 1836, where physical evidence is highly mutable, and the moving party has established a prima facie case of misappropriation and a severe threat of ongoing asset integration.

IV. DISCUSSION AND BALANCING OF EQUITY

The Court finds that OpenAI's defenses do not outweigh Apple's showing of good cause. OpenAI argues that Apple's claims suffer from a failure of 'particularity' and that the 'residual access' of Chang Liu was a foreseeable consequence of Apple's own loose IT policies regarding personal iCloud accounts. However, a plaintiff need not prove its case on the merits to secure expedited discovery; rather, it must show a colorable claim of misappropriation and an imminent threat to physical and digital evidence. Here, Apple has produced specific dates of unauthorized log-ins, unreturned work laptops, and explicit instructions to candidates to bring unreleased Apple display and finished metal components to interviews. These forensic details far exceed the statutory threshold for expedited discovery. Moreover, OpenAI's refusal to permit independent forensic analysis of its storage drives—while preparing to launch an IPO based in part on its consumer hardware division—creates a severe risk of data alteration or destruction that can only be remedied by immediate, court-supervised forensic imaging.

V. ORDER

IT IS HEREBY ORDERED that Plaintiff Apple Inc.'s Motion for Expedited Discovery and Third-Party Forensic Imaging is GRANTED. Specifically, the Court orders as follows:

- 1. Expedited Depositions:** Within fourteen (14) calendar days of this Order, Defendants Tang Tan and Chang Liu, technical staff member Alyssa Peng, and OpenAI Group PBC's designated Rule 30(b)(6) representative(s) shall submit to expedited depositions. The scope of these depositions shall be limited to the acquisition, access, transfer, use, or disclosure of Apple's unannounced hardware specs, manufacturing processes, and supplier contracts.

- 2. Court-Appointed Neutral Forensic Examiner:** The parties shall jointly select and appoint an independent, third-party neutral digital forensics firm (the 'Forensic Examiner') within five (5) business days of this Order. If the parties fail to agree, each party shall submit two nominations, and the Court shall select the Examiner.
- 3. Forensic Imaging Mandate:** Within ten (10) calendar days of the appointment of the Forensic Examiner, Defendants OpenAI Group PBC, io Products, Tang Tan, and Chang Liu shall deliver to the Forensic Examiner for complete forensic imaging and mirroring:

- All personal and corporate mobile devices, tablets, and laptops used by Defendants Tang Tan, Chang Liu, and Alyssa Peng between December 1, 2023, and the present, including the unreturned Apple work laptop retained by Liu;
 - Full access credentials and export permissions for all corporate Slack, email, and cloud databases (including Google Drive, Microsoft Azure, and AWS) utilized by OpenAI's physical devices division; and
 - Complete unredacted chat databases from the encrypted messaging applications **LINE App** and **Signal** used by the individual Defendants to communicate with Apple employees, candidates, and contractors.
- 4. Subpoena Keyword Search Protocol:** The Forensic Examiner shall execute targeted keyword searches across all mirrored databases using the exact Boolean search strings set forth in SEC Subpoena Rider Exhibit B (including, but not limited to: *'Ive'*, *'Tan-Ive'*, *'AGI contingent'*, *'LINE app exfiltration'*, *'residual access'*, *'authentication bug'*, *'fun side projects'*, and *'highly irregular'*).
- 5. Evidence Quarantine and Disclosure:** The Forensic Examiner shall compile a privilege log and a forensic findings report. Any files matching the keyword filters that are identified as proprietary Apple property shall be immediately quarantined from OpenAI's active hardware design systems. The unredacted forensic report shall be delivered directly to this Court and outside counsel for both parties under strict protective order.
- 6. Enforcement Penalties:** Any failure by Defendants to comply with the timeline, device delivery, or database access demands set forth in this Order shall result in immediate civil contempt proceedings, including the potential for adverse evidentiary inferences at the October 1, 2026 preliminary injunction hearing.

IT IS SO ORDERED.

Dated: September 1, 2026

/s/ Edward J. Davila
HON. EDWARD J. DAVILA
United States District Judge
Northern District of California