

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE INC., a California Corporation,
Plaintiff,

v.

OPENAI FOUNDATION, OPENAI GROUP PBC, io
PRODUCTS, TANG TAN, and CHANG LIU,
Defendants.

Case No. 5:26-cv-07078-EJD

**MOCK DEPOSITION OUTLINE OF
DEFENDANT TANG TAN**

Date: September 2026

Prepared by: Regulatory Counsel

EXECUTIVE MEMORANDUM & STRATEGIC OBJECTIVES: This document outlines the forensic questioning and legal roadmap for the deposition of **Tang Tan** (former Apple VP of Product Design, currently OpenAI Chief Hardware Officer). The primary objective is to establish Tan's personal involvement and institutional coordination in the systematic exfiltration of unannounced Apple physical device designs and proprietary manufacturing processes under the cover of the **Jony Ive-io Products acquisition** and OpenAI's capped-profit entity, establishing civil liability under the *Defend Trade Secrets Act (DTSA)* and building a framework for potential wire fraud referrals.

I. BACKGROUND, ROLE IN CE DEPARTMENTS, & KNOWLEDGE OF TRADE SECRETS

The first phase establishes Tan's extensive access to Apple's unreleased core hardware blueprints and the protective secrecy measures in place. This directly counters OpenAI's 'failure of reasonable measures' defense.

Q: Mr. Tan, you spent 24 years at Apple, eventually rising to Vice President of Product Design for the iPhone and Apple Watch product lines. In that executive role, you had comprehensive, daily access to unreleased engineering drawings, metal finishing processes, and battery housing designs, correct?

Goal: Establish that the deponent was a key fiduciary of Apple's unannounced consumer hardware specifications, making it impossible to claim his subsequent design work at OpenAI was based on 'residual general knowledge.'

Q: You signed Apple's standard Intellectual Property Agreement and Proprietary Information Agreement, which explicitly stated that all R&D; details regarding display shields, structural housings, and supplier contracts were strictly confidential, correct?

Goal: Establish contractual obligation and direct notice of trade secret status, satisfying the DTSA statutory requirement.

II. THE 'SHOW AND TELL' RECRUITING PIPELINE & IP EXFILTRATION

This section targets the **Tan-Ive Protocol**. Questioning must show that Tan systematically solicited physical Apple components and internal specs from active candidates during OpenAI job interviews.

Q: During job interviews you conducted for OpenAI's consumer devices division, you frequently utilized Apple's internal, highly restricted project code names for unannounced products to elicit information from active Apple engineers, did you not?

Goal: Prove the active use of stolen proprietary terminology to bypass candidates' standard NDA boundaries.

Q: Isn't it a fact that you explicitly instructed candidates to bring 'factual details' and 'actual hardware and parts from Apple facilities'—specifically unreleased displays, colored back glass, and display shields—to their interviews for 'show and tell' sessions?

Goal: Prove active, intentional solicitation of physical trade secret materials in a recruiting environment, satisfying the DTSA definition of misappropriation.

KEY EXHIBIT REFERENCED: APPLE COMPLAINT ¶ 57-59 (REDACTED TEXT MESSAGE LOGS)

[EXHIBIT B - REDACTED iMESSAGE] TANG TAN: "Bring the glass sample from the workshop. Let's look at the finish during the interview." CANDIDATE: "I have the unannounced housing shield. Will bring in bag." TANG TAN: "Great. Don't mention to the recruiters what you are carrying."

III. SYSTEMIC TALENT SIPHONING & CO-CONSPIRATOR COORDINATION

Establish Tan's oversight of a coordinated 'mira-poaching' scheme, involving inside mole Alyssa Peng and senior systems engineer Chang Liu, using the encrypted LINE application to evade security sweeps.

Q: Mr. Tan, you oversaw the transition of 55 hardware engineers from Jony Ive's io Products to OpenAI following its \$6.5 billion acquisition in May 2025, and you personally directed subsequent poaching campaigns that netted over 400 former Apple employees, correct?

Goal: Prove a systematic, institutionally supported hiring pipeline designed to extract an entire R&D; department's proprietary knowledge.

Q: Were you aware that senior engineer Chang Liu, whom you hired in January 2026, retained his Apple-issued laptop and exploited an authentication bug to download thousands of pages of unannounced drawings on at least five separate occasions?

Goal: Establish that the Chief Hardware Officer had operational knowledge of, or willfully blinded himself to, active digital exfiltration occurring within his core hardware division.

IV. CO-OPTING SUPPLIERS & BREACH OF TRUST ARBITRAGE

Questioning must establish that Tan used Apple's confidential finishing techniques to mislead mutual suppliers, violating fiduciary duties and misrepresenting OpenAI's legal standing.

Q: You contacted Apple's proprietary surface finishing and metal suppliers, and provided them with Apple's confidential anodizing specifications to induce them to manufacture hardware prototypes for OpenAI's smart speaker, correct?

Goal: Prove supplier-facing trade secret theft and active circumvention of exclusive manufacturing agreements.

Q: When Apple's legal counsel reached out in February 2026 to raise concerns about the unreturned laptop and network intrusions, your legal team claimed an 'email mixup' and failed to address the theft for five months while your hardware team continued using the stolen blueprints, correct?

Goal: Show a bad-faith delay tactic and intentional misuse of stolen data during a critical pre-production window, proving 'willful and malicious misappropriation' for punitive damages.

V. LEGAL ARBITRAGE & REGULATORY ANALYSIS

SEC & TREASURY IMPLICATIONS: The systematic extraction of private corporate assets (Apple's R&D;) under the cover of a tax-exempt charity (OpenAI LP / Foundation) represents a profound loophole in modern securities and tax frameworks. When OpenAI converted to a Public Benefit Corporation (PBC) on October 28, 2025, the non-profit's remaining 26% paper equity stake instantly revalued its physical assets by over 15,100x—from \$14.67 million to a paper fortune of over \$221.5 billion. Because the non-profit is classified as a public charity rather than a private foundation, it is exempt from the mandatory 5% annual payout rule. This allows a tax-exempt charity to warehouse billions in commercial equity while its commercial subsidiary, OpenAI Group PBC, prepares for a speculative fall 2026 IPO at a near-trillion-dollar valuation, utilizing hardware technology built upon contested, misappropriated trade secrets. This represents a systemic challenge to the Securities and Exchange Commission's investor-protection mandates and the U.S. Treasury's oversight of tax-exempt corporate assets.