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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**

13
14 APPLE INC., a California corporation,
15 Plaintiff,
16 v.
17 SIMON LANCASTER, an individual,
18 Defendant.

Case No. 3:21-cv-01707-EMC

STIPULATION AND ~~PROPOSED~~
ORDER REGARDING DISMISSAL
AND INJUNCTION

1 Plaintiff Apple Inc. (“Apple”) and Defendant Simon Lancaster (“Defendant” or
2 “Lancaster”), by and through their attorneys of record, stipulate as follows:

3 WHEREAS, Apple sued Lancaster on March 11, 2021, in the above-captioned case, asserting
4 claims for (a) violations of the Defend Trade Secrets Act, 18 U.S.C. § 1836, *et seq.*, (b) violations of the
5 California Uniform Trade Secrets Act, California Civil Code § 3426, *et seq.*, and (c) breach of written
6 contract;

7 WHEREAS, Apple and Lancaster have reached an agreement to resolve this matter, which
8 includes a monetary payment by Lancaster to Apple and the dismissal of the claims in this case
9 with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2);

10 WHEREAS, that agreement contemplates the entry by this Court of a stipulated injunction,
11 the terms of which are detailed below and which relates to the treatment of Apple’s “Confidential
12 Information,” which for purposes of this Stipulated Injunction means Apple’s proprietary and/or
13 non-public¹ information, including but not limited to know-how, trade secrets, technical and
14 engineering data and information, confidential business information, personnel information,
15 information about upcoming or unreleased Apple products, and information about changes to
16 existing Apple products;

17 WHEREAS, Lancaster, as the party to be restrained by this stipulated injunction, agrees to
18 the terms set forth herein;

19 NOW, THEREFORE, it is hereby STIPULATED by and between Apple and Lancaster
20 (collectively, the “Parties” and each individually a “Party”) and hereby ORDERED by this Court that:

- 21 1. The claims in the above-captioned case are hereby DISMISSED with prejudice
22 pursuant to Federal Rule of Civil Procedure 41(a)(2);
- 23 2. Lancaster is ENJOINED from disclosing, communicating, transferring, discussing,
24 or using any Confidential Information, in any form, without Apple’s express prior
25 written authorization. The prohibitions contained within this paragraph include, but
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27 ¹ As used in the definition of “Confidential Information” herein, information that was not publicly
28 disclosed but that Lancaster disclosed and since became public is considered “non-public.”

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are not limited to, (a) communicating or selling any Confidential Information to any third parties or to any Apple personnel; (b) making copies of any Confidential Information, whether electronically or by other means; (c) transferring any Confidential Information to any other storage media, computer, server, facility, device, or other tangible or intangible thing where such information might be stored; and (d) providing or offering to provide to any third parties or to any Apple personnel any good or service that incorporates any Confidential Information; and

3. This Court shall retain exclusive and continuing jurisdiction over the Parties for purposes of enforcing and adjudicating any violations of this Stipulated Injunction.

PURSUANT TO STIPULATION, IT IS SO ORDERED this 1st day of November, 2022.



The Honorable Edward M. Chen

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Dated: October 31, 2022

O'MELVENY & MYERS LLP

/s/ David R. Eberhart

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Dated: October 31, 2022

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