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**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

**SAN JOSE DIVISION**

| | |
|---|---|
| APPLE INC.<br><br>Plaintiff,<br><br>v.<br><br>CHANG LIU, TANG YEW TAN, OPENAI FOUNDATION f/k/a OPENAI, INC., OPENAI GROUP PBC, and IO PRODUCTS, LLC, f/k/a IO PRODUCTS, INC.,<br><br>Defendants. | Case No. 5:26-cv-07078-EJD<br><br>**DEFENDANTS' SUPPLEMENT TO OCTOBER 1, 2026 JOINT CASE MANAGEMENT STATEMENT**<br><br>Trial Date: None Set |

Defendants OpenAI Foundation, OpenAI Group PBC, io Products, LLC (collectively, "OpenAI") provide this Supplement to the parties' October 1, 2026 Joint Case Management Statement (Dkt. 172) to alert the Court to new facts that will be relevant to the discussion of an appropriate case schedule during the October 14, 2026 Case Management Conference.

Based on a recent and ongoing forensic investigation arising from this lawsuit, OpenAI has learned that a former OpenAI employee (who joined OpenAI from Apple, worked for OpenAI for six months, and has now returned to Apple) , sent over a hundred highly confidential files about at least one unreleased OpenAI device under development to his personal accounts. The files at issue include detailed images of the unreleased device(s), as well as highly confidential engineering and manufacturing data about the device(s). The files also include supplier information and project files, standards for cosmetic finishes, and reports regarding coating and sealing of hardware components. Some of those files were sent just after midnight in Singapore on June 2, 2026—the former employee's final day at OpenAI. Further, it is OpenAI's understanding that the former employee made a presentation about OpenAI's product plans to Apple's senior leadership, including Apple's vice president of operations in Asia. That presentation appears to have happened months ago—and

now, armed with that information, Apple is making a new push into AI-enabled products.[1]

OpenAI is very concerned that its trade secret and confidential information is now circulating inside Apple, where Apple engineers can shape Apple's upcoming products based on OpenAI's confidential and innovative work. OpenAI has raised these issues directly with Apple, but to date, Apple has not provided OpenAI with the requested assurances that Apple is not in possession of, and has not used, OpenAI's trade secret and confidential information.

Given the relevance of these issues to discovery in this lawsuit, OpenAI requests the opportunity at the October 14, 2026 Case Management Conference to discuss a case management approach that will allow OpenAI to investigate the conduct described above and, if necessary, file and pursue counterclaims arising out of that conduct.

[1] *See* *Introducing Apple Home Collection, a new lineup of smart home accessories - Apple*, *Apple NewsRoom*, *https://www.apple.com/newsroom/2026/10/introducing-apple-home-collection-a-new-lineup-of-smart-home-accessories/* (explaining that Apple's product is "controlled entirely from the Home app and using Siri");

Apple makes another push into the smart home market with HomeView | TechCrunch, *TechCrunch*, https://techcrunch.com/2026/10/13/apple-makes-another-push-into-the-smart-home-market-with-homeview/ (describing Apple's product as running "Apple's updated Siri AI assistant").

DATED: October 14, 2026

QUINN EMANUEL URQUHART & SULLIVAN, LLP

By */s/ Andrew H. Schapiro*

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