

## Waymo-Uber Sizzles Before Boiling

By Evan Zimmerman, J.D. Candidate 2020 | November 3, 2017

Alphabet, the parent company of Google and self-driving pioneer Waymo, has faced another setback in its lawsuit against Uber. Judge William Alsup, the Clinton-appointed judge of the Northern District of California, [ordered](#) Waymo to strike one of its trade secret claims, leaving it with only eight claims against Uber. Alsup has whittled Waymo's claims down from 120 trade secret claims at the start of the lawsuit. Waymo is claiming \$2.6 billion in [damages](#) and seeks permanent injunctive [relief](#) in the area of self-driving cars.

The lawsuit, which [began](#) in April of this year, involves the design for a custom LiDAR system. Anthony Levandowski, a former Google engineer who worked on LiDAR while at Google, had started a self-driving truck company called Otto, which popped eyeballs when it was [acquired](#) by Uber for \$680 million with only prototypes and a mere seven months after its founding. Levandowski, who is started a church dedicated to a yet-to-be-built AI deity, was put in charge of Uber's self driving car initiative, though Judge Alsup has banned Levandowski from working on any LiDAR systems for the duration of the trial. The lawsuit began when a Waymo employee was inadvertently copied on an email from a LiDAR supplier to Uber with designs that were eerily similar to the custom systems Levandowski designed while at Waymo.

While observers have been gripping their seats for the duration of the trial, this is a surprising setback for Waymo. Aside from an early [victory](#) in defeating a temporary injunction limiting R&D of autonomous vehicles, Uber has been hit with several roadblocks in the trial. It has been forced to produce its due diligence [report](#) of Otto, which suggested that Uber knew Levandowski had stolen trade secrets from Waymo (though, to their credit, told him to delete it); been [accused](#) of shredding files; and [penalized](#) for its aggressive discovery tactics. Nonetheless, Judge Alsup has [suggested](#) that Waymo likely has a stronger case against Levandowski, not Uber, though only the jury trial in December will tell.

Tech has been buffeted by several consequential lawsuits between giants in recent years. Apple and Samsung have been at arms over several design patents, sparking the so-called "smartphone patent wars," with the \$400 million lawsuit even reaching the Supreme Court. Apple is also currently locked in a significant lawsuit with Qualcomm, which claims Apple stole some of its chip designs. In 2012, Oracle and Google were locked in a lawsuit over Java APIs that was also seen as highly consequential for the industry. *Oracle v. Google* was also adjudicated by Judge Alsup, who became a tech industry folk hero by learning how to code in Java to understand the lawsuit.