

Tesla employee posts Tesla source code publicly to prove how unsafe and poorly engineered Tesla cars are

GUANGZHI CAO, A FORMER ENGINEER AT TESLA, ADMITTED IN A COURT FILING THIS WEEK THAT HE UPLOADED ZIP FILES CONTAINING AUTOPILOT SOURCE CODE TO HIS PERSONAL ICLOUD ACCOUNT IN LATE 2018 WHILE STILL WORKING FOR THE COMPANY. TESLA SUED CAO EARLIER THIS YEAR FOR ALLEGEDLY STEALING TRADE SECRETS RELATED TO AUTOPILOT AND BRINGING THEM TO CHINESE EV STARTUP XIAOPENG MOTORS, ALSO KNOWN AS XMOTORS OR XPENG, WHICH IS BACKED BY TECH GIANT ALIBABA.

CAO DENIED STEALING SENSITIVE INFORMATION FROM THE AUTOMAKER IN THE SAME FILING. HIS LEGAL TEAM ARGUED HE "MADE EXTENSIVE EFFORTS TO DELETE AND/OR REMOVE ANY SUCH TESLA FILES PRIOR TO HIS SEPARATION FROM TESLA." CAO IS NOW THE "HEAD OF PERCEPTION" AT XPENG, WHERE HE IS "[D]EVELOPING AND DELIVERING AUTONOMOUS

DRIVING TECHNOLOGIES FOR PRODUCTION CARS," ACCORDING TO HIS LINKEDIN PROFILE.

"TESLA'S SUBPOENAED DOCUMENTS FROM APPLE THAT ALLEGEDLY HELP PROVE THE EMPLOYEE STOLE INFO"

ACCORDING TO A JOINT FILING FROM THE TWO PARTIES THAT WAS ALSO FILED THIS WEEK, TESLA HAS SUBPOENAED DOCUMENTS FROM APPLE. WHILE APPLE IS NOT INVOLVED IN THIS CASE, A FORMER EMPLOYEE WHO WORKED ON THE TECH COMPANY'S SECRETIVE AUTONOMOUS CAR PROJECT WAS CHARGED BY THE FBI WITH STEALING TRADE SECRETS LAST JULY.

THAT EMPLOYEE ALLEGEDLY AIR DROPPED SENSITIVE DATA TO HIS WIFE'S LAPTOP AND WAS ALSO CAUGHT ON CCTV LEAVING APPLE'S CAMPUS WITH A BOX OF EQUIPMENT. HE HAD LEFT HIS JOB AT APPLE TO TAKE A POSITION AT XPENG BEFORE BEING ARRESTED. CAO WAS ALSO A SENIOR IMAGE SCIENTIST FOR APPLE FOR TWO YEARS BEFORE HE JOINED TESLA, ACCORDING TO HIS LINKEDIN PROFILE.

THE SUIT COMES AT A TIME WHEN THE US IS LOCKED IN A TRADE WAR WITH CHINA AND HAS ACCUSED THE NATION AND SOME OF ITS BIGGEST COMPANIES OF

COMMITTING SO-CALLED "ECONOMIC ESPIONAGE." TESLA, APPLE, XPENG, AND A LAWYER FOR CAO DID NOT RESPOND TO REQUESTS FOR COMMENT. IN A STATEMENT TO THE VERGE EARLIER THIS YEAR, XPENG SAID IT OPENED AN INTERNAL INVESTIGATION INTO TESLA'S ALLEGATIONS, AND THAT IT "FULLY RESPECTS ANY THIRD-PARTY'S INTELLECTUAL PROPERTY RIGHTS AND CONFIDENTIAL INFORMATION." XPENG SAID IT "BY NO MEANS CAUSED OR ATTEMPTED TO CAUSE MR. CAO TO MISAPPROPRIATE TRADE SECRETS, CONFIDENTIAL AND PROPRIETARY INFORMATION OF TESLA, WHETHER SUCH ALLEGATIONS BY TESLA BEING TRUE OR NOT," AND SAID IT "WAS NOT AWARE OF ANY ALLEGED MISCONDUCT BY MR. CAO."

TESLA FILED ITS SUIT AGAINST CAO THIS PAST MARCH. THE FORMER EMPLOYEE WAS ONE OF AROUND 40 PEOPLE WITH DIRECT ACCESS TO THE SOURCE CODE FOR AUTOPILOT, WHICH IS TESLA'S ADVANCED DRIVER ASSISTANCE SYSTEM. THE COMPANY CLAIMED CAO BEGAN UPLOADING "COMPLETE COPIES OF TESLA'S AUTOPILOT-RELATED SOURCE CODE" TO HIS PERSONAL ICLOUD ACCOUNT LATE LAST YEAR. CAO ZIPPED AND MOVED MORE THAN 300,000 FILES AND

DIRECTORIES RELATED TO AUTOPILOT, ACCORDING TO THE COMPLAINT.

"CAO WAS ONE OF AROUND 40 EMPLOYEES WITH DIRECT ACCESS TO AUTOPILOT SOURCE CODE"

AT THE END OF 2018, CAO ALLEGEDLY DELETED 120,000 FILES OFF HIS WORK COMPUTER, DISCONNECTED HIS PERSONAL ICLOUD ACCOUNT, AND DELETED HIS BROWSER HISTORY ALL AROUND THE SAME TIME HE ACCEPTED A JOB WITH XPENG, AN EV STARTUP BASED IN CHINA THAT MAKES CARS THAT LOOK VERY SIMILAR TO TESLA'S. TESLA ALSO CLAIMED CAO RECRUITED ANOTHER AUTOPILOT EMPLOYEE TO XPENG IN FEBRUARY.

CAO ADMITS HE "USED HIS PERSONAL ICLOUD ACCOUNT TO CREATE BACKUP COPIES OF CERTAIN TESLA INFORMATION IN 2018" IN THE NEW COURT FILING. HE ALSO ADMITS HE CREATED ZIP FILES CONTAINING AUTOPILOT SOURCE CODE IN LATE 2018, AND CONFIRMED THAT XPENG EXTENDED HIM AN OFFER LETTER ON DECEMBER 12TH. HE SAYS HE DISCONNECTED HIS PERSONAL ICLOUD ACCOUNT FROM HIS TESLA-ISSUED COMPUTER "ON OR AROUND

DECEMBER 26," AND THAT HE KEPT LOGGING INTO TESLA'S NETWORKS BETWEEN DECEMBER 27 AND JANUARY 1ST, 2019.

WHILE CAO DOES NOT SPECIFY WHEN HE FORMALLY ACCEPTED THE JOB AT XPENG, TESLA SAYS HIS LAST DAY WAS JANUARY 3RD. HE ALSO DENIES POACHING ANY EMPLOYEES FROM THE AUTOPILOT TEAM.

CAO "FURTHER ADMITS THAT HE DELETED CERTAIN FILES STORED ON HIS TESLA COMPUTER AND CLEARED HIS WEB BROWSER HISTORY PRIOR TO HIS SEPARATION FROM EMPLOYMENT WITH TESLA BUT DENIES THAT ANY OF THIS ACTIVITY CONSTITUTES ANY KIND OF 'MISCONDUCT,'" ACCORDING TO THE FILING, THOUGH HE DISAGREES WITH THE NUMBER OF FILES THAT TESLA ALLEGED HE STOLE. HE ALSO CLAIMS HE "MADE EXTENSIVE EFFORTS TO DELETE AND/OR REMOVE ANY SUCH TESLA FILES" FROM HIS PERSONAL ICLOUD ACCOUNT BEFORE HE LEFT TESLA, THOUGH HE DOES NOT SAY IF HE DELETED ALL THE FILES.

RELATED

CHINESE EV STARTUP XPENG IS AT THE CENTER OF

MAJOR TRADE SECRET DISPUTES WITH APPLE AND TESLA

IN THE JOINT FILING, CAO'S LAWYERS ARGUE THAT ANY SOURCE CODE OR OTHER CONFIDENTIAL INFORMATION THAT REMAINED ON HIS DEVICES AFTER HE LEFT TESLA WOULD ONLY BE THERE "AS A RESULT OF INADVERTENCE." THEY ALSO ARGUE THAT CAO "DID NOT ACCESS AND HAS MADE NO USE WHATSOEVER OF ANY OF THE 'AUTOPILOT TRADE SECRETS'" AFTER HE LEFT THE COMPANY, NOR DID HE TRANSFER ANY INFORMATION TO XPENG.

ACCORDING TO THE JOINT FILING, CAO HAS ALREADY GIVEN TESLA A "SUBSET OF HIS ELECTRONIC DEVICES OR DIGITAL IMAGES OF SUCH DEVICES," AND ACCESS TO HIS GMAIL ACCOUNT FOR FORENSIC ANALYSIS, WHICH IS ALREADY UNDERWAY. XPENG ALSO "VOLUNTARILY PRODUCED TO TESLA A DIGITAL IMAGE OF [CAO'S] WORK LAPTOP."

"THIS IS A LAWSUIT ABOUT ROUTINE EMPLOYEE OFFBOARDING ISSUES THAT COULD AND SHOULD HAVE BEEN RESOLVED BY TESLA EITHER THROUGH ITS OWN HUMAN RESOURCES OR INFORMATION

TECHNOLOGY POLICIES," CAO'S LAWYERS WRITE IN THE JOINT FILING. "DESPITE THE VAGUE INNUENDO IN TESLA'S COMPLAINT (AND IN ITS RECITATION OF THE 'FACTS' ABOVE) THAT ITS TRADE SECRETS ARE 'AT RISK' AND THAT TESLA 'MUST LEARN WHAT CAO HAS DONE WITH TESLA'S IP,' THE TRUTH OF THIS CASE IS THAT CAO HAS DONE PRECISELY NOTHING WITH TESLA'S IP. PRIOR TO HIS DEPARTURE FROM TESLA, CAO DILIGENTLY AND EARNESTLY ATTEMPTED TO REMOVE ANY AND ALL TESLA INTELLECTUAL PROPERTY AND SOURCE CODE FROM HIS OWN PERSONAL DEVICES."