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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION  
13

14 UNITED STATES OF AMERICA,	)	CASE NO. CR 11-0573 JSW
	)	
15 Plaintiff,	)	DECLARATION OF PETER B. AXELROD IN
	)	SUPPORT OF SEALING CERTAIN EXHIBITS TO
16 v.	)	AND PARAGRAPHS IN BLAIS DECLARATION
	)	RE: DEFENDANTS' ADMINSTRATIVE MOTION
17 WALTER LIEW; CHRISTINA LIEW; USA	)	TO SEAL (DOCKET NO. 435)
18 PERFORMANCE TECHNOLOGY, INC.;	)	
AND ROBERT MAEGERLE,	)	
	)	
19 Defendants.	)	
	)	

20  
21 I, Peter B. Axelrod, declare and state as follows:

- 22 1. I am an Assistant United States Attorney assigned to the prosecution of the above-caption matter.
- 23 2. I make this declaration in response to an administrative motion filed by defendants Walter Liew,
- 24 Christina Liew, USA Performance Technology, Inc. (USAPTI), and Robert Maegerle to file under seal
- 25 certain exhibits to and paragraphs in the declaration of Christina Blais in support of defendants' motion
- 26 to compel amended bill of particulars. Docket No. 435. The administrative motion seeks to seal six
- 27 exhibits (C through H) attached to the Blais declaration together with the paragraphs referencing those
- 28 exhibits (paragraphs 4 through 9).

1 3. On August 29, 2013 and September 11, 2013, the United States conferred with representatives  
2 from DuPont concerning the sealed exhibits and whether those exhibits contained proprietary DuPont  
3 information that is not in the public record. Prior to those consultations, the United States had provided  
4 DuPont with copies of the exhibits.

5 4. Pursuant to Criminal Local Rule 55-1(b) and Civil Local Rule 79-5(d), the United States requests  
6 that the Court maintain under seal Exhibits C through H to the Blais Declaration and paragraphs 4  
7 through 9 of the declaration and will lodge concurrently an appropriate sealing order. Based on its  
8 conversations with DuPont, the United States believes that Exhibits C through H contain proprietary  
9 DuPont information that is not in the public domain and therefore these documents and the related  
10 paragraphs of the Blais declaration should remain under seal.

11 5. Exhibit C is a document attached to an email, which is identified as "361951\_Yahoo (Yahoo  
12 Mail) Search\_entry #266373411\_Attached to Email" and is entitled "Technical Attachments." It  
13 appears to relate to a 100,000 metric ton per year TiO<sub>2</sub> project for Pangang Group. According to  
14 DuPont, information contained in this exhibit pertains to proprietary DuPont TiO<sub>2</sub> technology that is not  
15 in the public domain, including material of construction and temperature ratings for a TiO<sub>2</sub>  
16 manufacturing facility.

17 6. Exhibit D, identified as O22\_Process\_Volume\_1\_0006.pdf, is entitled "TiO<sub>2</sub> Balance Diagram."  
18 According to DuPont, this document contains proprietary DuPont information including the layout of  
19 the DuPont TiO<sub>2</sub> process and ratios of numbers that relate to the DuPont process.

20 7. Exhibit E, identified as H2\_Operational\_Desc\_0002.pdf, is entitled "30,000 MTPY TiO<sub>2</sub> Fluid-  
21 Bed Chlorination and Purification Chloride Route Project of Pangang Jinzhou Titanium Industry Co.  
22 Ltd." According to DuPont, this set of drawings contains proprietary DuPont information that is not in  
23 the public domain.

24 8. Exhibit F, identified as 100K\_PFD [303866].pdf, is a series of drawings identified as process  
25 flow diagrams. According to DuPont, this exhibit contains non-public, proprietary DuPont technology  
26 throughout.

27 9. Exhibit G, identified as Oxidation [364815].doc, is entitled "Oxidation – Scope of Facilities."

1 According to DuPont, this exhibit contains non-public DuPont information such as temperatures and  
2 materials of construction drawn from DuPont, including information from the Basic Data document,  
3 which is alleged as Trade Secret 5 in the Second Superseding Indictment.

4 10. Exhibit H, identified as O30\_White\_Binder\_1\_00024.pdf, contains 12 sheets of drawings  
5 entitled "Equipment Specification." According to DuPont, this exhibit contains proprietary, non-public  
6 information, including information relating to the oxidation technology from DuPont's Edge Moor  
7 facility.

8 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
9 knowledge and that this declaration was executed on September 12, 2013 in San Francisco, California.

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11 MELINDA HAAG  
12 United States Attorney

13 \_\_\_\_\_  
14 /s/  
15 PETER B. AXELROD  
16 Assistant United States Attorney  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	NO. CR 11-0811 EMC
	)	
Plaintiff,	)	[PROPOSED] ORDER SEALING CERTAIN
	)	EXHIBITS IN AND PARAGRAPHS OF BLAIS
v.	)	DECLARATION RE: DEFENDANTS'
	)	ADMINISTRATIVE MOTION TO SEAL (DOCKET
WALTER LIEW; CHRISTINA LIEW; USA	)	NO. 435)
PERFORMANCE TECHNOLOGY, INC.;	)	
AND ROBERT MAEGERLE,	)	
	)	
Defendants.	)	
	)	

Pursuant to Criminal Local Rule 55-1(b), Civil Local Rule 79-5, and based on the parties' submissions in response to defendants' administrative motion to file under seal certain exhibits to the declaration of Christina Blais in Support of Motion for Amended Bill of Particulars (Docket No. 435), including the declaration of Assistant United States Attorney Peter B. Axelrod, the Court hereby GRANTS defendants' administrative sealing motion.

The Court finds that Exhibits C through H to the Blais Declaration and Paragraphs 4 through 9 of that declaration are sealable. Thus, the Court hereby ORDERS that the Clerk of the Court maintain

1 Exhibits C through H to and Paragraphs 4 through 9 of the Blais Declaration under seal absent further  
2 order of the Court.

3 IT IS SO ORDERED.

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5  
6 Date: \_\_\_\_\_

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JEFFREY S. WHITE  
United States District Judge

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[PROPOSED] SEALING ORDER  
CR 11-00573 JSW