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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

APPLE INC.,

Plaintiff,

v.

MICHAEL RAMACCIOTTI and JON
PROSSER,

Defendants.

Case No. 3:25-cv-06043-JD

JOINT STATUS REPORT

Judge: Hon. James Donato

Action Filed: July 17, 2025

1 Pursuant to the last Joint Status Report (ECF No. 37), Plaintiff Apple Inc. and Defendants
2 Michael Ramacciotti and Jon Prosser submit this Joint Status Report.

3 **1. Case Update.**

4 **A. Apple's Statement**

5 Since the parties' last update on August 5, 2026 (ECF No. 37), the parties have continued
6 to advance this case through limited discovery.

7 Apple has efficiently and expeditiously advanced this action since the October 30, 2025
8 case management conference before the Court. Apple deposed Mr. Ramacciotti on December 17,
9 2025. Apple also deposed Mr. Prosser on June 16, 2026.

10 Apple's deposition of Mr. Prosser was delayed by almost a year due to the October 17,
11 2025 entry of default against him. The default rendered Mr. Prosser a non-party to the case and
12 forced Apple to serve a third-party document and deposition subpoena on January 29, 2026 to
13 obtain discovery from him.

14 After several months of attempting to contact Mr. Prosser and obtain that discovery, the
15 parties ultimately stipulated to setting aside the default against him contingent on his agreement
16 to a deposition and to produce relevant documents. The Court set aside the default against Mr.
17 Prosser on June 9, 2026. His deposition proceeded the following week on June 16, 2026.

18 In the four months that have elapsed since Mr. Prosser's deposition, Apple continues to
19 await limited additional documentary discovery from him (discussed below). This includes: (i)
20 Mr. Prosser's communications with specific third parties; and (ii) evidence concerning his
21 financial gain from misappropriating Apple's trade secrets and Defendant's CFAA violations.

22 During this same period, Apple asked that Mr. Ramacciotti sit for a second, short
23 deposition and update his interrogatory responses to address inconsistencies between his and Mr.
24 Prosser's testimony. Through counsel, Mr. Ramacciotti previously agreed in principle to both
25 (but now places conditions on both, as discussed below).

26 Although Mr. Ramacciotti complains that the case has long been pending, as noted, Apple
27 was unable to obtain discovery from Mr. Prosser for almost twelve months. Apple also was
28 unable to reach Mr. Ramacciotti to schedule his second deposition from July 6 to September 7,

1 due to his counsel's scheduled vacation.

2 The limited outstanding discovery from Mr. Prosser, which includes his communications
3 with third parties, may substantiate or rebut Mr. Ramacciotti's sworn testimony about whether he
4 conspired with Mr. Prosser to access and disclose Apple's confidential information to others and
5 how he did so.

6 For example, although Mr. Ramacciotti contends that "no . . . conspiracy existed" between
7 him and Mr. Prosser and that "documents and testimony obtained by Apple . . . do not prove
8 anything to the contrary," both individuals' productions (including their direct Signal
9 communications to one another) and Mr. Prosser's testimony suggest otherwise. Mr.
10 Ramacciotti's denial that he accessed Apple's confidential information and disclosed it to others
11 expressly for financial gain—despite the contrary documentary and testimonial evidence—is
12 neither an "inconsequential fact" nor due to the "limits of his recollection."

13 Apple has no desire to prolong these proceedings. As noted by its twelve-month effort to
14 obtain discovery from Mr. Prosser and its pursuit of limited additional discovery from both
15 Defendants, it expects fact-finding in this case to complete shortly.

16 After Mr. Ramacciotti provided his statement for this status update, counsel for Apple and
17 Mr. Ramacciotti corresponded about meeting to discuss next steps and expect to do so in the next
18 several days.

19 **B. Ramacciotti's Statement**

20 Mr. Ramacciotti respectfully requests an in-person status conference so that the parties
21 may have the benefit of the Court's guidance on moving this unusually situated case toward trial
22 or resolution of Apple's claims against him.

23 At the October 30, 2025 case management conference, the Court observed that Apple's
24 claims against Mr. Ramacciotti are "kind of a one-and-done thing" that are "all in the rearview
25 mirror," that the case "seems like it's really not that complicated," and asked, "[w]hy don't you
26 [*i.e.*, Apple] just take [Mr. Ramacciotti's] deposition . . . and get this thing done[?]" (ECF No. 23
27 at 4–5, 7.) The Court explained that it was "looking here for the end game, not for opportunities
28 to make this bigger and more complicated," that it "really, really, really, want[ed] the cost to be

1 low in this case,” and that it wanted “a path to resolution that is prompt . . . by the end of the year
2 [*i.e.*, 2025].” (*Id.* at 8–10.) Apple’s prosecution of its claims against Mr. Ramacciotti has
3 deviated from that guidance.

4 Mr. Ramacciotti has cooperated fully and continues to do so. In November 2025, he
5 provided Apple’s forensic consultants with several dozen personal devices (including phones,
6 laptops, and various Apple devices), granted them full access to his iCloud and Google Drive
7 accounts, and even personally assisted the consultants in accessing everything Apple sought. He
8 answered Apple’s interrogatories, and on December 17, 2025, sat for a deposition lasting
9 approximately five hours on the record. During his deposition, he even answered questions
10 beyond the scope of Apple’s claims against him (*e.g.*, whether he knows of anyone else who
11 offers or receives compensation for Apple confidential information, and whether there are others
12 in the “Apple leaker community” Apple had not yet discussed). (Ramacciotti Dep. 190:12–24,
13 235:22–236:6.)

14 Mr. Ramacciotti acknowledges that he accessed ex-Apple employee Ethan Lipnik’s tester
15 phone. He has nothing to hide from Apple and wants to be as cooperative as possible in the hope
16 that Apple will do as the Court advised—*i.e.*, “just be done with [the case against Mr.
17 Ramacciotti]” after he provides Apple with the discovery it needs. (ECF No. 23 at 6.)
18 Accordingly, he has agreed in principle to sit for a second deposition (which would likely exceed
19 the time limits of Fed. R. Civ. P. 30(d)(1)) and to amend his interrogatory responses. Mr.
20 Ramacciotti, however, conditions agreeing to dates for both on Apple first providing a roadmap
21 to resolution of its claims against him, including what more, if anything, Apple needs from him.
22 He will agree to both dates within one week of receiving that roadmap.

23 Mr. Ramacciotti has been and continues to be ready to resolve this matter, but Apple has
24 declined to engage despite the Court’s instruction last year that the parties report “what [they]
25 plan to do next” on a “path to resolution that is prompt.” (ECF No. 23 at 10.) Instead, Apple has
26 conditioned any resolution discussions on it deposing Mr. Ramacciotti for a second time, stating
27 it “will be in a better position to discuss next steps” afterward. (October 7, 2026 email between
28 counsel.) Respectfully, nearly a year after the parties’ initial case management conference, Apple

1 should be in that position: it deposed Mr. Ramacciotti in December 2025, has had all his ESI
2 since before that deposition and has not requested any additional devices from him, has
3 presumably questioned Mr. Lipnik about Mr. Ramacciotti, and has received document
4 productions from and deposed Mr. Prosser.

5 To the extent Apple is concerned about factual inconsistencies in Mr. Ramacciotti's prior
6 testimony or responses—something he has offered to collaboratively address with Apple—those
7 inconsistencies are most likely inconsequential or the product of the limits of his recollection at
8 the time he responded or testified. If Apple seeks to substantiate a coordinated conspiracy
9 between Mr. Ramacciotti and Mr. Prosser, no such conspiracy existed and the documents and
10 testimony obtained by Apple from Mr. Ramacciotti and Mr. Prosser do not prove anything to the
11 contrary. If Mr. Prosser intends to aggressively defend Apple's claims against him (as it appears
12 he is inclined to do), that dispute is between Apple and Mr. Prosser and Mr. Ramacciotti is
13 unwilling to be drawn into it. And if Apple is developing a damages case against Mr.
14 Ramacciotti, that effort is misplaced: he is not in a financial position to pay any amount of
15 consequence to one of the largest companies in the world.

16 Because Apple has been unwilling, despite the Court's guidance at the October 30, 2025
17 case management conference, to provide Mr. Ramacciotti a roadmap to resolution, Mr.
18 Ramacciotti respectfully requests that the Court: (a) set an in-person conference before the end of
19 October 2026; (b) direct Apple to be prepared to outline what more, if anything, it needs from Mr.
20 Ramacciotti; and (c) set a deadline, within 30 days of the conference, by which Apple must either
21 dismiss Mr. Ramacciotti or declare its intent to proceed to trial against him.

22 C. Prosser's Statement

23 Prosser's counsel requests that the October 30, 2025 scheduling order be modified. (ECF
24 21). While Prosser has cooperated with Apple's "informal discovery" requests (including having
25 his deposition taken), it is unclear how Prosser can serve discovery on Apple to narrow the issues
26 for trial by requesting discovery from Apple. Prosser just received Apple's Trade Secret
27 disclosure and it is difficult to discern if some of the items are still trade secrets, if they were ever
28 trade secrets in view of public disclosures by third parties, and/or if they are not trade secrets due

1 to the release of iOS 19/26 and Mac OS 26, as Apple has only provided literal descriptions of the
2 alleged trade secrets, rather than providing the equivalent graphical representations.

3 Prosser's counsel, in view of this Court's directive, has made every effort to keep costs to
4 a minimum.

5 **2. Discovery.**

6 **A. Apple's Statement**

7 Apple deposed Mr. Ramacciotti on December 17, 2025. Apple served deposition and
8 document subpoenas on Mr. Prosser on January 30, 2026.

9 As part of the June 9, 2026 stipulation to set aside the default against him, Mr. Prosser
10 agreed to produce responsive discovery. He subsequently sat for a deposition on June 16, 2026.

11 Although Mr. Prosser has provided documents in response to Apple's initial requests,
12 Apple continues to await his production of certain additional documents that it requested over
13 three months ago. These include revenue reports and data analytics for his YouTube channels
14 and relevant communications with third parties that he identified during his deposition.

15 As noted, Mr. Ramacciotti previously agreed to a second, short deposition and to
16 supplement his interrogatory responses but now conditions them.

17 Mr. Prosser and Mr. Ramacciotti informally requested discovery from Apple on August
18 14, 2026. Apple produced responsive documents and identified the relevant trade secrets on
19 September 24, 2026. For the first time in this status report, Mr. Prosser suggests that Apple's
20 identification is somehow deficient (*e.g.*, because Apple's disclosure of those secrets with iOS 26
21 allegedly negates its claims against Defendants). Apple is willing to confer with Defendants'
22 counsel regarding its identification.

23 **B. Prosser's Statement**

24 Prosser's counsel received Apple's Disclosure of Trade Secrets on September 24, 2026. It
25 appears that the Trade Secrets at issue are no longer trade secrets and are in the public domain
26 (see above).

27 Prosser individually, and with the assistance of counsel, has provided significant ESI to
28 Apple. When documents are produced, Apple then makes another "informal" request for more

documents. Prosser's view is that he has satisfied the stipulation at ECF 32.

3. Scheduling.

If the Court does not grant Mr. Ramacciotti's request for an in-person status conference in October 2026, the parties will file a further update with the Court on December 2, 2026.

Dated: October 7, 2026

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Richard S.J. Hung

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APPLE INC.

Dated: October 7, 2026

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Dated: October 7, 2026

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ATTESTATION OF E-FILED SIGNATURE

I, Richard S.J. Hung, am the ECF User whose ID and password are being used to file this Joint Status Report. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Andrew M. Purdy and J. Curtis Edmondson have concurred in this filing.

/s/ Richard S.J. Hung

Richard S.J. Hung