



BEIJING
Room 603-604, East Tower, Hadmen Square,
Dongcheng District, Beijing, 100062

SHANGHAI
Room 12-021, Hang Seng Bank Tower,
No.1000 Lujiazui Ring Road, Shanghai, 200120

HANGZHOU
8,11,7/F, Block A, Dragon Century Square,
No. 1 Hangda Road, Hangzhou, 310007

NINGBO
12/F, Block A, Zhangzhou Financial Building,
Yinzhou District, Ningbo, 315000

FILED

JUN 25 2019

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

CONFIDENTIAL & URGENT

April 23, 2019

CV 19 80169 MISC

To: GitHub Developer Support Team

Email Address: support@github.com

KAW

Alerting Notice on the Infringement Acts on GitHub

Dear GitHub Developer Support Team,

We, T&C law firm, as entrusted by Bilibili, hereby issue this letter to you on the subject matter above.

About Bilibili

www.bilibili.com ("Bilibili"), a PRC top entertainment website operated by Kuanyu Techonlogy, is the iconic band of online entertainment for young generations in China. We have over 70 million average monthly active users in China, and have successfully developed an ecosystem comprised of highly-engaged users, talented content creators, as well as business partners, forming a virtuous cycle for monetization. In March, 2018, Bilibili successfully listed on NASDAQ.

About the Infringement Acts and Relative Suspected Commercial Crimes

On April 22, 2019 (GMT-8), a GitHub user (user ID: "openbilibili") published a post with the subject of "openbilibili/go-common" in the GitHub website, which contained the comprehensive and detailed information of Bilibili's source code and other trade secrets/confidential information (URL: <https://github.com/openbilibili/go-common>).

ORIGINAL
By Fax
T&C (SH)
天册

Moreover, we notice that the infringement acts are still continuing on your website. Several hours later, on April 23, 2019 (GMT-8), similar information was published again by a GitHub user (user ID: "xiaozaiziywt") in another post, with the subject of "xiaozaiziywt/backup-openbilibili-go-common", and with the description of "2019年4-22日-bilibili-干杯站后端源码(原包删除前最后一版170M)为ikun干杯" (*Translation: April 22, 2019/bilibili/the back-end source code of bilibili <it is the last version 170M before the deletion of the original source code>, cheers for ikun*). (URL: <https://github.com/xiaozaiziywt/backup-openbilibili-go-common>) The post was forked by other GitHub users, i.e., the user with user ID of "leo-mao" forked the post with the subject of "leo-mao/openbilibili-go-common". (URL: <https://github.com/leo-mao/openbilibili-go-common>)

It is highly suspected that such trade secrets and confidential information were stolen from Bilibili and were posted on your website for the public to download in bad faith. As a top PRC entertainment website, the monetary resources and other efforts Bilibili input behind the source code was tremendous, however, such information has been easily forked on your website for over several thousand times and has been sharing and transferring from the original post on GitHub in a continuous manner.

In our view, any acquisition of trade secret / confidential information by theft, lure by promise of gains, intimidation or any other illegitimate means, or any disclosure, use or allowing other people to use the trade secret / confidential information obtained by aforesaid illegal means, or any disclosure, use or allowing other people to use the trade secret / confidential information in violation of agreement or against the right holder's demand related to the confidentiality of the trade secret / confidential information shall constitute serious tort / infringement under both US laws and Chinese laws. And the wrongdoers (including but not limited to the GitHub user "openbilibili", "xiaozaiziywt", and "leo-mao") behind the above infringement acts may also be held accountable by law for civil, administrative and/or criminal liabilities.

Our Requests

So far the aforesaid posts have attracted a lot of public attention and caused serious and irreparable damage to the public image and economic interest of Bilibili. Now Bilibili is preparing to report to the local police in Shanghai, the PRC, to stop, investigate and punish the suspected crime immediately. In the meantime, in order to protect Bilibili from being further damaged, we, on behalf of Bilibili, hereby request that:

INC
5.海

W

1. Your company shall immediately and fully remove, from your website (github.com) all related data, post(s), links and webpages that contain any and all trade secrets and confidential information owned by Bilibili, including but not limited to the source code at issue;
2. It appears to us that your company has temporarily disabled some of the access to the trade secrets and confidential information stolen from Bilibili. However, your company is still required to permanently block / disable any and all possible access to such information;
3. Your company shall provide immediately to Bilibili any and all personal information, registration information and network records related to the anonymous GitHub user "openbilibili" , "leo-mao" and "xiaozaiziyt", including but not limited to their ID/passport information, IP address, mail address, email address, telephone numbers, browsing history, upload and download records, etc.;
4. Your company and your staff shall not copy, disclose, use or allow any other person to use any and all trade secrets and confidential information you have acquired. You shall stop such activities, if any, and shall fully disclose to Bilibili your previous disclosure or provision of relevant trade secrets / confidential information to any third party, and shall cooperate with Bilibili to take all reasonable and necessary measures to prevent further leakage of trade secrets / confidential information or any unauthorized use thereof;
5. Within five (5) days upon your receipt of this letter, your company shall sign and submit a written letter of undertaking to Bilibili, by which you shall undertake not to, in any way, copy, use or disclose any trade secrets / confidential information you acquired, not to keep any duplicate or copies thereof, not to permit any other person to use such trade secrets and confidential information, and not to breach your confidentiality obligations or infringe upon Bilibili's trade secrets and confidential information in any other ways; and
6. Within five (5) days upon your receipt of this letter, your company shall contact Bilibili and allow Bilibili to review and examine the scope and specific contents of information you acquired. For any information which is found to be Bilibili's trade secrets and/or confidential information through your examination, you shall, under the supervision of Bilibili's representative(s), completely delete and destroy all such trade secrets and confidential information and all the duplicates and copies thereof (including without limitation, all electronic copies).

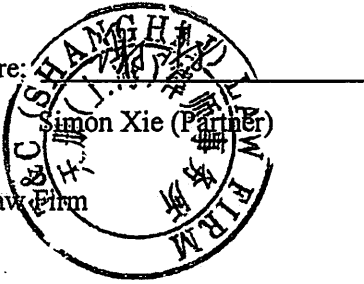
In consideration of the significance and urgency of the aforesaid matters, we request that you pay serious attention to this letter and respond in a timely manner as requested.



Bilibili hereby reserves all its rights and remedies under applicable laws in respect of the above matters and in respect of any and all breaches, violations and infringements which have been identified and may occur in the future.

Kind regards,

Signature:



T&C Law Firm

天策