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RICHARD W. WILKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 JOSEPH P. RUSSONIELLO (CSBN 44332)
United States Attorney

E-filing

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

RMW
RS

12 UNITED STATES OF AMERICA,
13 Plaintiff,
14 v.
15 PHILIP GABRIEL PETTERSSON,
aka "STAKKATO,"
16 Defendant.

CR 09 - 0471

VIOLATIONS: 18 U.S.C. §§
1030(a)(5)(A)(i) & 1030(a)(5)(B)(i),
1030(b) & 1030(c)(4)(A) – Intentionally
Causing Damage to a Computer and
Attempt; 18 U.S.C. §§ 1832(a)(2),
1832(a)(4) – Theft Of Trade Secrets and
Attempted Theft Of Trade Secrets.

SAN JOSE VENUE

19 INDICTMENT

20 The Grand Jury charges:

21 Background

22 At all times relevant to this matter:

23 1. Cisco Systems, Inc. ("Cisco") was a leading computer network equipment
24 provider and a leading producer of internet routers based in San Jose, California.

25 2. Cisco developed and utilized routing software, called the Internetwork Operating
26 System ("Cisco IOS"), whose source code was confidential and proprietary information and a
27 trade secret of Cisco. The Cisco IOS source code was used in and for Cisco products which were
28 sold and shipped, and intended to be sold and shipped, in interstate and foreign commerce.

1 3. Cisco used reasonable measures to protect the Cisco IOS source code, including
2 physical and electronic security, restricting access to those who needed it to perform their
3 employment duties, implementing data security policies, and requiring non-disclosure
4 agreements by employees.

5 4. The National Aeronautics and Space Administration (“NASA”) was a federal
6 agency dedicated to space exploration, scientific discovery and aeronautics research. Among
7 other things, NASA coordinated and managed the Space Transportation System, which included
8 the Space Shuttle. NASA also oversaw the launch and space flight requirements for civilian and
9 commercial use of the Space Shuttle.

10 5. The NASA Ames Research Center (“Ames”), located at Moffett Field, California,
11 provided critical support for virtually all NASA missions in support of America's space and
12 aeronautics programs. Ames conducted the critical research and development and developed the
13 enabling technologies that make NASA missions possible.

14 6. The NASA Advanced Supercomputing (“NAS”) Division, also located at Moffett
15 Field, California, supplied some of the world's most powerful supercomputing resources to
16 NASA and U.S. scientists. NAS provided an integrated high-end computing environment to
17 accelerate NASA missions and make revolutionary advances in science. The NAS Division
18 included several high-end supercomputers to meet that need.

19 7. Defendant Philip Gabriel Pettersson, was a resident of Sweden, and used the
20 online identity “Stakkato,” along with other online identities, in committing intrusions and
21 misappropriating trade secrets, and attempting to do so.

22 COUNT ONE: (18 U.S.C. §§ 1030(a)(5)(A)(i) & 1030(a)(5)(B)(i), 1030(b) &
23 1030(c)(4)(A) – Intentionally Causing Damage to a Protected Computer)

24 8. Paragraphs One through Seven are hereby realleged and incorporated by reference
25 as if set forth in full herein.

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1 COUNT THREE: (Misappropriation Of Trade Secrets and Attempted Misappropriation Of
2 Trade Secret Violations – 18 U.S.C. §§ 1832(a)(2) & 1832(a)(4))

3 12. Paragraphs One through Seven are hereby realleged and incorporated by reference
4 as if set forth in full herein.

5 13. On or about May 13, 2004, in the Northern District of California and elsewhere,
6 the defendant

7 PHILIP GABRIEL PETTERSSON,
8 aka "STAKKATO,"

9 with intent to convert trade secrets belonging to Cisco to the economic benefit of someone other
10 than the owner thereof, which trade secrets are related to and included in products that are
11 produced for and placed in interstate and foreign commerce, and intending and knowing that the
12 offense would injure the owner of the trade secret, did knowingly, and without authorization,
13 copy, duplicate, download, upload, replicate, transmit, deliver, send, communicate, and convey a
14 trade secret, that is, Cisco IOS source code, and attempt to do so, all in violation of Title 18,
15 United States Code, Sections 1832(a)(2) and 1832(a)(4).

16 COUNT FOUR: (18 U.S.C. §§ 1030(a)(5)(A)(i) & 1030(a)(5)(B)(i), 1030(b) &
17 1030(c)(4)(A) – Intentionally Causing Damage to a Protected Computer)

18 14. Paragraphs One through Seven are hereby realleged and incorporated by reference
19 as if set forth in full herein.

20 15. Between on or about May 19, 2004, and May 20, 2004, in the Northern District of
21 California and elsewhere, the defendant

22 PHILIP GABRIEL PETTERSSON,
23 aka "STAKKATO,"

24 did knowingly cause, and attempt to cause, the transmission of a program, information, code, and
25 command to the computer system and network of the NASA NAS Supercomputer and NASA
26 Ames, and as a result of such conduct, intentionally caused damage without authorization to a
27 protected computer, and that damage caused loss resulting from a related course of conduct
28 affecting one or more other protected computers aggregating at least \$5,000 in value, and loss to

1 one or more persons during any one-year period, all in violation of Title 18, United States Code,
2 Sections 1030(a)(5)(A)(i), 1030(a)(5)(B)(i), 1030(b), and 1030(c)(4)(A).

3 COUNT FIVE: (18 U.S.C. §§ 1030(a)(5)(A)(i) & 1030(a)(5)(B)(i), 1030(b) &
4 1030(c)(4)(A) – Intentionally Causing Damage to a Protected Computer)

5 16. Paragraphs One through Seven are hereby realleged and incorporated by reference
6 as if set forth in full herein.

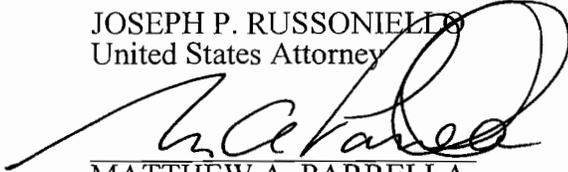
7 17. On or about October 22, 2004, in the Northern District of California and
8 elsewhere, the defendant

9 PHILIP GABRIEL PETTERSSON,
10 aka "STAKKATO,"

11 did knowingly cause, and attempt to cause, the transmission of a program, information, code, and
12 command to the computer system and network of NASA NAS Supercomputer, and as a result of
13 such conduct, intentionally caused damage without authorization to a protected computer, and
14 that damage caused loss resulting from a related course of conduct affecting one or more other
15 protected computers aggregating at least \$5,000 in value, and loss to one or more persons during
16 any one-year period, all in violation of Title 18, United States Code, Sections 1030(a)(5)(A)(i),
17 1030(a)(5)(B)(i), 1030(b), and 1030(c)(4)(A).

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19 DATED: May __, 2009

20 JOSEPH P. RUSSONIELLO
United States Attorney

21 
22 MATTHEW A. PARRELLA
Chief, CHIP Unit

23
24 (Approved as to form: )

25 AUSA MARK L. KROTOSKI
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