JOSEPH P. RUSSONIELLO (CSBN 44332)
United States Attorney

ORIGINAL FILED
09 MAY -5 PM 2:34
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

RMW

RS

UNITED STATES OF AMERICA, Plaintiff, v. PHILIP GABRIEL PETTERSSON, aka "STAKKATO," 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**

INDICTMENT

The Grand Jury charges:

Background

At all times relevant to this matter:

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

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

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

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

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

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

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

COUNT ONE: (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 Protected Computer)

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

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9. On or about May 12, 2004, and May 13, 2004, in the Northern District of California and elsewhere, the defendant

PHILIP GABRIEL PETTERSSON,
aka "STAKKATO,"

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

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

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

11. On or about May 12, 2004, in the Northern District of California and elsewhere, the defendant

PHILIP GABRIEL PETTERSSON,
aka "STAKKATO,"

with intent to convert trade secrets belonging to Cisco to the economic benefit of someone other than the owner thereof, which trade secrets are related to and included in products that are produced for and placed in interstate and foreign commerce, and intending and knowing that the offense would injure the owner of the trade secret, did knowingly, and without authorization, copy, duplicate, download, upload, replicate, transmit, deliver, send, communicate, and convey a trade secret, that is, Cisco IOS source code, and attempt to do so, all in violation of Title 18, United States Code, Sections 1832(a)(2) and1832(a)(4).

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

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

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

PHILIP GABRIEL PETTERSSON,
aka "STAKKATO,"

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

COUNT FOUR: (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 ProtectedComputer)

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

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

PHILIP GABRIEL PETTERSSON,
aka "STAKKATO,"

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

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

COUNT FIVE: (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 Protected Computer)

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

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

PHILIP GABRIEL PETTERSSON,
aka "STAKKATO,"

did knowingly cause, and attempt to cause, the transmission of a program, information, code, and command to the computer system and network of NASA NAS Supercomputer, and as a result of such conduct, intentionally caused damage without authorization to a protected computer, and that damage caused loss resulting from a related course of conduct affecting one or more other protected computers aggregating at least $5,000 in value, and loss to one or more persons during any one-year period, all in violation of Title 18, United States Code, Sections 1030(a)(5)(A)(i), 1030(a)(5)(B)(i), 1030(b), and1030(c)(4)(A).

DATED: May __, 2009

JOSEPH P. RUSSONIELLO
United States Attorney

MATTHEW A. PARRELLA
Chief, CHIP Unit

(Approved as to form: _____)
AUSA MARK L. KROTOSKI

AO 257 (Rev. 6/78)

ORIGINAL FILED

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT ☐ SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

2009 MAY 8 PM 2:39
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OFFENSE CHARGED

Counts 1, 4, & 5 - 18 U.S.C. §§1030(a)(5)(A)(i) and 1030(a)(5)(B)(i), 1030(b) & 1030(c)(4)(A) - Intentionally Causing Damage to a Protected Computer and Attempt;

Counts 2 & 3 - 18 U.S.C. §§ 1832(a)(2), 1832(a)(4) - Theft of Trade Secrets and Attempted Theft of Trade Secrets

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: Counts 1 through 5: 10 years imprisonment; $250,000 fine; 3 years supervised release; $100 special assessment

DEFENDANT - U.S

PHILLIP GABRIEL PETTERSSON, aka "STAKKATO"

DISTRICT COURT NUMBER RMW RS

CR 09 0471

PROCEEDING

Name of Complaintant Agency, or Person (& Title, if any)

Special Agent Mike Harrington, FBI

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:
☐ U.S. ATTORNEY ☐ DEFENSE
SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under
MAGISTRATE CASE NO.

DEFENDANT

IS *NOT* IN CUSTODY

1) ☒ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges

2) ☐ Is a Fugitive

3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

4) ☐ On this charge

5) ☐ On another conviction ☐ Federal ☐ State

6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No — If "Yes" give date filed

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year

Name and Office of Person Furnishing Information on this form JOSPEH P. RUSSONIELLO

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) Mark Krostoki

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT Bail Amount: No Bail

If Summons, complete following:
☐ Arraignment ☐ Initial Appearance

Defendant Address:

** Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment*

Date/Time: Before Judge:

Comments: