

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA            )  
  )  
  )        No. 11 CR 464  
  )  
MARAT YUNUSOV and                    )  
AYRAT YUNUSOV                        )        Violations: Title 18, United States Code,  
  )        Sections 1343 and 1348

**COUNT ONE**

The SPECIAL SEPTEMBER 2011 GRAND JURY charges:

1. At times material to this indictment:

a. A futures contract was a contract to buy or sell a specific quantity of a commodity or financial instrument at a specified price for delivery at a specific date in the future.

Trading in the futures market included futures contracts for U.S. and foreign currencies.

b. A foreign exchange futures contract was a contract to exchange one currency for another at a specified date in the future at a price that was fixed on the purchase date.

c. In futures trading, a “round turn trade” was the purchase and subsequent sale of a particular futures contract, or the sale and subsequent purchase of a particular futures contract.

The pair of filled orders resulted in either a realized profit or loss.

d. Trading in futures was generally concentrated in the “front” month contract. In general, a front month contract has a short expiration date, while a back month contract has a longer expiration date. Trading volume in the back months of futures contracts was typically much smaller than trading in the front months, especially during the overnight hours. Thus, there were fewer buyers and sellers of futures contracts in the back month contracts than the front month contracts.

e. The Chicago Mercantile Exchange ran an electronic trading platform called Globex, hosted by servers located in and around Chicago, Illinois, where futures contracts could be electronically traded via an internet connection.

f. Trading on Globex involved a trader who entered an order to either buy or sell certain quantities of a particular futures contract that was posted and matched with any opposite orders already existing or entered on the system.

g. Trading the Russian ruble futures contract on Globex allowed traders to speculate on the currency fluctuation of the ruble versus the U.S. dollar. Trading the e-micro British pound futures contract on Globex allowed traders to speculate on the currency fluctuation of the British pound versus the U.S. dollar. The Globex trading day for ruble and pound contracts was Monday through Friday and began at 5:00 p.m. and extended to 4:00 p.m. central time the next day (and thus was an overnight session).

h. A trader interested in trading in both the ruble contract and pound contract could place the trades through a Futures Commission Merchant, or FCM.

i. The CME required that traders place and clear their futures trades through an FCM, which was financially responsible to the CME for any losses incurred by those individual traders. The traders, in turn, incurred a financial obligation to their FCM when their trades resulted in a loss.

j. Open E Cry, LLC and Velocity LLC were FCMs registered with the Commodities Futures Trading Commission.

k. Defendant MARAT YUNUSOV resided in Kazan, Russia and had an open trading account at Open E Cry.

1. Defendant AYRAT YUNUSOV resided in Kazan, Russia and had an open trading account at Velocity.

2. Beginning no later than in or around April 2010, and continuing until in or around June 2010, in the Northern District of Illinois, Eastern Division, and elsewhere,

MARAT YUNUSOV and  
AYRAT YUNUSOV,

defendants herein, devised, intended to devise, and participated in a scheme to defraud, and to obtain money by means of materially false and fraudulent pretenses, representations, and promises, which scheme is further described below.

3. It was part of the scheme that defendants MARAT YUNUSOV and AYRAT YUNUSOV engaged in a scheme to defraud Open E Cry and Velocity by entering into a series of commodity futures transactions on the CME Globex electronic trading platform in order to collect approximately \$7.2 million in profits from Velocity and not pay a corresponding \$7.8 million loss to Open E Cry. Defendants entered into transactions that knowingly placed funds at risk substantially exceeding the deposits in the Open E Cry account, thereby intentionally shifting the risk of loss to Open E Cry.

4. It was further part of the scheme that defendants MARAT YUNUSOV and AYRAT YUNUSOV matched their orders for the ruble and pound contracts in their respective accounts at Open E Cry and Velocity by entering a buy or sell order in one account and, within seconds after doing so, entering an opposite but equal quantity buy or sell order in the other account.

5. It was further part of the scheme that defendants MARAT YUNUSOV and AYRAT YUNUSOV entered their buy and sell orders in the back month contracts where trading volume was low in order to increase the likelihood of matching the trade orders against each other.

6. It was further part of the scheme that, on or about April 28, 2010, during the overnight trading session, defendants MARAT YUNUSOV and AYRAT YUNUSOV executed approximately 476 round turn trades of the pound contracts and approximately two round turn trades of the ruble contracts in their respective accounts, resulting in a profit of approximately \$16,711 in the pound contract trades and a profit of approximately \$3,000 in the ruble contract trades in the Open E Cry account, with an almost equal loss as a result of the corresponding trades in the Velocity account.

7. It was further part of the scheme that defendants MARAT YUNUSOV and AYRAT YUNUSOV's trading in ruble and pound contracts in April 2010 was done in preparation for and as part of a plan to match their more substantial volume of trades in June 2010.

8. It was further part of the scheme that, on or about June 4, 2010, during the overnight trading session, defendants MARAT YUNUSOV and AYRAT YUNUSOV entered a substantial amount of ruble and pound contract orders in order to generate a significant profit in AYRAT YUNUSOV's Velocity account and a nearly equal loss in MARAT YUNUSOV's Open E Cry account.

9. It was further part of the scheme that, on or about June 4, 2010, during the overnight trading session, defendant MARAT YUNUSOV entered orders for approximately 10,073 round turn trades of the ruble contracts in the Open E Cry account and defendant AYRAT YUNUSOV entered approximately 9,266 similar orders in the Velocity account, such that approximately 9,266 of these orders were matched against each other.

10. It was further part of the scheme that, on or about June 4, 2010, during the overnight trading session, defendant MARAT YUNUSOV entered orders for approximately 35,121 round turn

trades of the pound contracts in the Open E Cry account and defendant AYRAT YUNUSOV entered approximately 35,112 similar orders in the Velocity account, such that 35,112 of these orders were matched against each other.

11. It was further part of the scheme that, on or about June 4, 2010, defendants MARAT YUNUSOV and AYRAT YUNUSOV, through their matched trading in the ruble contracts, generated a profit of approximately \$7.2 million in the Velocity account and a nearly identical loss of approximately \$7.8 million in the Open E Cry account.

12. It was further part of the scheme that, on or about June 4, 2010, defendants MARAT YUNUSOV and AYRAT YUNUSOV, through their matched trading in the pound contracts, generated a profit of approximately \$1.3 million in the Open E Cry account and a nearly identical loss in the Velocity account.

13. It was further part of the scheme that defendants MARAT YUNUSOV and AYRAT YUNUSOV calibrated their trading at levels that enabled them to provide the appearance that profits from the pound contract trading covered the losses from the ruble contract trading, using their knowledge of an error in Open E Cry's trading platform.

14. It was further part of the scheme that defendants MARAT YUNUSOV and AYRAT YUNUSOV intended to collect \$7.2 million in profits from Velocity while not paying the corresponding loss to Open E Cry of approximately \$7.8 million.

15. It was further part of the scheme that defendants MARAT YUNUSOV and AYRAT YUNUSOV concealed, misrepresented, and hid and caused to be concealed, misrepresented, and hidden the existence and purpose of the scheme and the acts done in furtherance of the scheme.

16. On or about June 4, 2010, in the Northern District of Illinois, Eastern Division, and

elsewhere,

MARAT YUNUSOV and  
AYRAT YUNUSOV,

defendants herein, for the purpose of executing the scheme, did knowingly cause to be transmitted by means of wire communication in interstate commerce certain writings, signs, and signals, namely, computer trading signals from Russia to the CME's Globex system in Chicago, Illinois resulting in the execution of a trade to buy 100 ruble contracts at approximately 12:06:09 a.m. in AYRAT YUNUSOV's Velocity account;

In violation of Title 18, United States Code, Section 1343.

**COUNT TWO**

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

1. The allegations in paragraphs 1 through 15 of Count One of this indictment are incorporated here.
2. On or about June 4, 2010, in the Northern District of Illinois, Eastern Division, and elsewhere,

MARAT YUNUSOV and  
AYRAT YUNUSOV,

defendants herein, for the purpose of executing the scheme, did knowingly cause to be transmitted by means of wire communication in interstate commerce certain writings, signs, and signals, namely, computer trading signals from Russia to the CME's Globex system in Chicago, Illinois resulting in the execution of a trade to sell 100 ruble contracts at approximately 12:06:10 a.m. in MARAT YUNUSOV's Open E Cry account;

In violation of Title 18, United States Code, Section 1343.

**COUNT THREE**

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

1. The allegations in paragraphs 1 through 15 of Count One of this indictment are incorporated here.
2. On or about June 4, 2010, in the Northern District of Illinois, Eastern Division, and elsewhere,

MARAT YUNUSOV and  
AYRAT YUNUSOV,

defendants herein, for the purpose of executing the scheme, did knowingly cause to be transmitted by means of wire communication in interstate commerce certain writings, signs, and signals, namely, computer trading signals from Russia to the CME's Globex system in Chicago, Illinois resulting in the execution of a trade to sell 100 ruble contracts at approximately 12:06:12 a.m. in AYRAT YUNUSOV's Velocity account;

In violation of Title 18, United States Code, Section 1343.

## **COUNT FOUR**

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

1. The allegations in paragraphs 1 through 15 of Count One of this indictment are incorporated here.
2. On or about June 4, 2010, in the Northern District of Illinois, Eastern Division, and elsewhere,

MARAT YUNUSOV and  
AYRAT YUNUSOV,

defendants herein, for the purpose of executing the scheme, did knowingly cause to be transmitted by means of wire communication in interstate commerce certain writings, signs, and signals, namely, computer trading signals from Russia to the CME's Globex system in Chicago, Illinois resulting in the execution of a trade to buy 100 ruble contracts at approximately 12:06:13 a.m. in MARAT YUNUSOV's Open E Cry account;

In violation of Title 18, United States Code, Section 1343.

**COUNT FIVE**

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

1. The allegations in paragraphs 1 through 15 of Count One of this indictment are incorporated here.
2. On or about June 4, 2010, in the Northern District of Illinois, Eastern Division, and elsewhere,

MARAT YUNUSOV and  
AYRAT YUNUSOV,

defendants herein, for the purpose of executing the scheme, did knowingly cause to be transmitted by means of wire communication in interstate commerce certain writings, signs, and signals, namely, computer trading signals from Russia to the CME's Globex system in Chicago, Illinois resulting in the execution of a trade to buy 100 ruble contracts at approximately 12:22:45 a.m. in MARAT YUNUSOV's Open E Cry account;

In violation of Title 18, United States Code, Section 1343.

## COUNT SIX

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

1. The allegations in paragraphs 1 through 15 of Count One of this indictment are incorporated here.
2. On or about June 4, 2010, in the Northern District of Illinois, Eastern Division, and elsewhere,

MARAT YUNUSOV and  
AYRAT YUNUSOV,

defendants herein, for the purpose of executing the scheme, did knowingly cause to be transmitted by means of wire communication in interstate commerce certain writings, signs, and signals, namely, computer trading signals from Russia to the CME's Globex system in Chicago, Illinois resulting in the execution of a trade to sell 100 ruble contracts at approximately 12:22:44 a.m. in AYRAT YUNUSOV's Velocity account;

In violation of Title 18, United States Code, Section 1343.

## COUNT SEVEN

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

1. The allegations in paragraphs 1 through 15 of Count One of this indictment are incorporated here.
2. On or about June 4, 2010, in the Northern District of Illinois, Eastern Division, and elsewhere,

MARAT YUNUSOV and  
AYRAT YUNUSOV,

defendants herein, for the purpose of executing the scheme, did knowingly cause to be transmitted by means of wire communication in interstate commerce certain writings, signs, and signals, namely, computer trading signals from Russia to the CME's Globex system in Chicago, Illinois resulting in the execution of a trade to buy 100 ruble contracts at approximately 12:22:57 a.m. in AYRAT YUNUSOV's Velocity account;

In violation of Title 18, United States Code, Section 1343.

## COUNT EIGHT

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

1. The allegations in paragraphs 1 through 15 of Count One of this indictment are incorporated here.
2. On or about June 4, 2010, in the Northern District of Illinois, Eastern Division, and elsewhere,

MARAT YUNUSOV and  
AYRAT YUNUSOV,

defendants herein, for the purpose of executing the scheme, did knowingly cause to be transmitted by means of wire communication in interstate commerce certain writings, signs, and signals, namely, computer trading signals from Russia to the CME's Globex system in Chicago, Illinois resulting in the execution of a trade to sell 100 ruble contracts at approximately 12:22:58 a.m. in MARAT YUNUSOV's Open E Cry account;

In violation of Title 18, United States Code, Section 1343.

**COUNT NINE**

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

1. The allegations in paragraphs 1 and 3 through 15 of Count One of this indictment are incorporated here.

2. Beginning no later than in or around April 2010, and continuing until in or around June 2010, in the Northern District of Illinois, Eastern Division, and elsewhere, defendants MARAT YUNUSOV and AYRAT YUNUSOV, knowingly executed and attempted to execute a scheme to defraud in connection with a commodity for future delivery, and knowingly executed and attempted to execute a scheme to obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property in connection with the purchase and sale of a commodity for future delivery.

3. On or about June 4, 2010, in the Northern District of Illinois, Eastern Division, and elsewhere,

MARAT YUNUSOV and  
AYRAT YUNUSOV,

defendants herein, for the purpose of executing the scheme, did knowingly cause the purchase and sale of a commodity for future delivery, namely ruble contracts;

In violation of Title 18, United States Code, Sections 1348(1) and (2).

**COUNT TEN**

The SPECIAL SEPTEMBER 2011 GRAND JURY further charges:

1. The allegations in paragraphs 1 and 3 through 15 of Count One of this indictment are incorporated here.
2. The allegations in paragraph 2 of Count Nine of this indictment are incorporated here.
3. On or about June 4, 2010, in the Northern District of Illinois, Eastern Division, and elsewhere,

MARAT YUNUSOV and  
AYRAT YUNUSOV,

defendants herein, for the purpose of executing the scheme, did knowingly cause the purchase and sale of a commodity for future delivery, namely pound contracts;

In violation of Title 18, United States Code, Sections 1348(1) and (2).

A TRUE BILL:

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FOREPERSON

\_\_\_\_\_  
ACTING UNITED STATES ATTORNEY