

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

ROBERT O'ROURKE

Case No.

Violations: Title 18, United States
Code, Sections 1832(a)(1), 1832(a)(2),
1832(a)(3), and 1832(a)(4)

COUNT ONE

The SPECIAL FEBRUARY 2016 GRAND JURY charges:

1. At times material to this indictment:
 - a. Company A was a company based in Woodstock, Illinois, which manufactured and sold continuous cast-iron products in the United States and internationally.
 - b. Company B was a company based in Jiangsu, China, which manufactured and sold continuous cast-iron products in China.
 - c. Defendant ROBERT O'ROURKE worked for Company A beginning in or about 1984, through on or about September 15, 2015. During his employment at Company A, O'ROURKE worked as a plant metallurgist, a quality assurance manager, a salesperson, and in international business development in, among other places, China.
 - d. From no later than in or about December 2013, until at least in or about September 2015, O'ROURKE discussed, negotiated, and accepted employment in China as a Vice President at Company B, where his duties would include continuous cast-iron technology, quality, research and development for new

products, marketing to the Chinese market, and expansion to the international market.

e. On or about August 12, 2015, O'ROURKE advised Company A that he intended to resign. He did not advise Company A that he had engaged in discussions and negotiations for employment with, or accepted employment from, Company B.

f. On or about August 22, 2015, O'ROURKE purchased a ticket for a flight to China scheduled to leave on or about September 21, 2015, from O'Hare International Airport in Chicago, Illinois.

g. On or about September 13, 2015, while at Company A's office building, O'ROURKE took proprietary trade secret information belonging to Company A, including information from Company A's secure internal computer network without Company A's authorization.

h. On or about September 15, 2015, O'ROURKE resigned from Company A.

i. On or about September 21, 2015, O'ROURKE went to O'Hare International Airport for the purpose of traveling to China. At the time he attempted to travel to China, O'ROURKE had in his possession electronic and paper documents belonging to Company A containing proprietary and trade secret information related to Company A's manufacturing process and customer information.

2. On or about September 21, 2015, at Chicago, in the Northern District of Illinois, and elsewhere,

ROBERT O'ROURKE,

defendant herein, with intent to convert a trade secret that was related to a product and service used in and intended for use in interstate and foreign commerce, specifically a document containing proprietary manufacturing process information entitled, in part, "Machine Preheat – Start Up and Operation," to the economic benefit of a person other than the trade secret's owner, and knowing and intending that the offense would injure any owner of that trade secret, knowingly did possess and attempt to possess such information, knowing the information to have been stolen and appropriated, obtained, and converted without authorization;

In violation of Title 18, United States Code, Section 1832(a)(3) and (4).

COUNT TWO

The SPECIAL FEBRUARY 2016 GRAND JURY further charges:

1. Paragraph 1 of Count One is incorporated here.
2. On or about September 13, 2015, at Woodstock, in the Northern District of Illinois, and elsewhere,

ROBERT O'ROURKE,

defendant herein, with intent to convert a trade secret that was related to a product and service used in and intended for use in interstate and foreign commerce, specifically proprietary manufacturing process and customer information contained in a folder entitled "Lab Reports," to the economic benefit of a person other than the trade secret's owner, and knowing and intending that the offense would injure any owner of that trade secret, knowingly did steal and attempt to steal such information;

In violation of Title 18, United States Code, Section 1832(a)(1) and (4).

COUNT THREE

The SPECIAL FEBRUARY 2016 GRAND JURY further charges:

1. Paragraph 1 of Count One is incorporated here.
2. On or about September 13, 2015, at Woodstock, in the Northern District of Illinois, and elsewhere,

ROBERT O'ROURKE,

defendant herein, with intent to convert a trade secret that was related to a product and service used in and intended for use in interstate and foreign commerce, specifically proprietary manufacturing process and customer information contained in a folder entitled "Lab Reports," to the economic benefit of a person other than the trade secret's owner, and knowing and intending that the offense would injure any owner of that trade secret, knowingly did download and attempt to download such information;

In violation of Title 18, United States Code, Section 1832(a)(2) and (4).

COUNT FOUR

The SPECIAL FEBRUARY 2016 GRAND JURY further charges:

1. Paragraph 1 of Count One is incorporated here.
2. On or about September 21, 2015, at Chicago, in the Northern District of Illinois, and elsewhere,

ROBERT O'ROURKE,

defendant herein, with intent to convert a trade secret that was related to a product and service used in and intended for use in interstate and foreign commerce, specifically proprietary manufacturing process and customer information contained in a folder entitled "Lab Reports," to the economic benefit of a person other than the trade secret's owner, and knowing and intending that the offense would injure any owner of that trade secret, knowingly did possess and attempt to possess such information, knowing the information to have been stolen and appropriated, obtained, and converted without authorization;

In violation of Title 18, United States Code, Section 1832(a)(3) and (4).

COUNT FIVE

The SPECIAL FEBRUARY 2016 GRAND JURY further charges:

1. Paragraph 1 of Count One is incorporated here.
2. On or about September 13, 2015, at Woodstock, in the Northern District of Illinois, and elsewhere,

ROBERT O'ROURKE,

defendant herein, with intent to convert a trade secret that was related to a product and service used in and intended for use in interstate and foreign commerce, specifically proprietary manufacturing process and customer information contained in a folder entitled "IR Camera," to the economic benefit of a person other than the trade secret's owner, and knowing and intending that the offense would injure any owner of that trade secret, knowingly did steal and attempt to steal such information;

In violation of Title 18, United States Code, Section 1832(a)(1) and (4).

COUNT SIX

The SPECIAL FEBRUARY 2016 GRAND JURY further charges:

1. Paragraph 1 of Count One is incorporated here.
2. On or about September 13, 2015, at Woodstock, in the Northern District of Illinois, and elsewhere,

ROBERT O'ROURKE,

defendant herein, with intent to convert a trade secret that was related to a product and service used in and intended for use in interstate and foreign commerce, specifically proprietary manufacturing process and customer information contained in a folder entitled "IR Camera," to the economic benefit of a person other than the trade secret's owner, and knowing and intending that the offense would injure any owner of that trade secret, knowingly did download and attempt to download such information;

In violation of Title 18, United States Code, Section 1832(a)(2) and (4).

COUNT SEVEN

The SPECIAL FEBRUARY 2016 GRAND JURY further charges:

1. Paragraph 1 of Count One is incorporated here.
2. On or about September 21, 2015, at Chicago, in the Northern District of Illinois, and elsewhere,

ROBERT O'ROURKE,

defendant herein, with intent to convert a trade secret that was related to a product and service used in and intended for use in interstate and foreign commerce, specifically proprietary manufacturing process and customer information contained in a folder entitled "IR Camera," to the economic benefit of a person other than the trade secret's owner, and knowing and intending that the offense would injure any owner of that trade secret, knowingly did possess and attempt to possess such information, knowing the information to have been stolen and appropriated, obtained, and converted without authorization;

In violation of Title 18, United States Code, Section 1832(a)(3) and (4).

COUNT EIGHT

The SPECIAL FEBRUARY 2016 GRAND JURY further charges:

1. Paragraph 1 of Count One is incorporated here.
2. On or about September 13, 2015, at Woodstock, in the Northern District of Illinois, and elsewhere,

ROBERT O'ROURKE,

defendant herein, with intent to convert a trade secret that was related to a product and service used in and intended for use in interstate and foreign commerce, specifically proprietary manufacturing process and customer information contained in a folder entitled "IR2," to the economic benefit of a person other than the trade secret's owner, and knowing and intending that the offense would injure any owner of that trade secret, knowingly did steal and attempt to steal such information;

In violation of Title 18, United States Code, Section 1832(a)(1) and (4).

COUNT NINE

The SPECIAL FEBRUARY 2016 GRAND JURY further charges:

1. Paragraph 1 of Count One is incorporated here.
2. On or about September 13, 2015, at Woodstock, in the Northern District of Illinois, and elsewhere,

ROBERT O'ROURKE,

defendant herein, with intent to convert a trade secret that was related to a product and service used in and intended for use in interstate and foreign commerce, specifically proprietary manufacturing process and customer information contained in a folder entitled "IR2," to the economic benefit of a person other than the trade secret's owner, and knowing and intending that the offense would injure any owner of that trade secret, knowingly did download and attempt to download such information;

In violation of Title 18, United States Code, Section 1832(a)(2) and (4).

COUNT TEN

The SPECIAL FEBRUARY 2016 GRAND JURY further charges:

1. Paragraph 1 of Count One is incorporated here.
2. On or about September 21, 2015, at Chicago, in the Northern District of Illinois, and elsewhere,

ROBERT O'ROURKE,

defendant herein, with intent to convert a trade secret that was related to a product and service used in and intended for use in interstate and foreign commerce, specifically proprietary manufacturing process and customer information contained in a folder entitled "IR2," to the economic benefit of a person other than the trade secret's owner, and knowing and intending that the offense would injure any owner of that trade secret, knowingly did possess and attempt to possess such information, knowing the information to have been stolen and appropriated, obtained, and converted without authorization;

In violation of Title 18, United States Code, Section 1832(a)(3) and (4).

COUNT ELEVEN

The SPECIAL FEBRUARY 2016 GRAND JURY further charges:

1. Paragraph 1 of Count One is incorporated here.
2. On or about September 13, 2015, at Woodstock, in the Northern District of Illinois, and elsewhere,

ROBERT O'ROURKE,

defendant herein, with intent to convert a trade secret that was related to a product and service used in and intended for use in interstate and foreign commerce, specifically proprietary manufacturing process and customer information contained in a folder entitled "Alloy Experiment Data," to the economic benefit of a person other than the trade secret's owner, and knowing and intending that the offense would injure any owner of that trade secret, knowingly did steal and attempt to steal such information;

In violation of Title 18, United States Code, Section 1832(a)(1) and (4).

COUNT TWELVE

The SPECIAL FEBRUARY 2016 GRAND JURY further charges:

1. Paragraph 1 of Count One is incorporated here.
2. On or about September 13, 2015, at Woodstock, in the Northern District of Illinois, and elsewhere,

ROBERT O'ROURKE,

defendant herein, with intent to convert a trade secret that was related to a product and service used in and intended for use in interstate and foreign commerce, specifically proprietary manufacturing process and customer information contained in a folder entitled "Alloy Experiment Data," to the economic benefit of a person other than the trade secret's owner, and knowing and intending that the offense would injure any owner of that trade secret, knowingly did download and attempt to download such information;

In violation of Title 18, United States Code, Section 1832(a)(2) and (4).

COUNT THIRTEEN

The SPECIAL FEBRUARY 2016 GRAND JURY further charges:

1. Paragraph 1 of Count One is incorporated here.
2. On or about September 21, 2015, at Chicago, in the Northern District of Illinois, and elsewhere,

ROBERT O'ROURKE,

defendant herein, with intent to convert a trade secret that was related to a product and service used in and intended for use in interstate and foreign commerce, specifically proprietary manufacturing process and customer information contained in a folder entitled "Alloy Experiment Data," to the economic benefit of a person other than the trade secret's owner, and knowing and intending that the offense would injure any owner of that trade secret, knowingly did possess and attempt to possess such information, knowing the information to have been stolen and appropriated, obtained, and converted without authorization;

In violation of Title 18, United States Code, Section 1832(a)(3) and (4).

FORFEITURE ALLEGATION

The SPECIAL FEBRUARY 2016 GRAND JURY alleges:

1. The allegations of this Indictment are incorporated here for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Sections 1834, and 2323(a)(1)(B) and (b)(1).

2. As a result of his violations of Title 18, United States Code, Section 1832(a), as alleged in this Indictment,

ROBERT O'ROURKE,

defendant herein, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 1834, and 2323(a)(1)(B) and (b)(1), any and all right, title, and interest defendant may have in any property used, or intended to be used, in any manner or part to commit or facilitate the commission of the offense.

3. The interests of defendant subject to forfeiture pursuant to Title 18, United States Code, Sections 1834, and 2323(a)(1)(B) and (b)(1), include, but are not limited to, a Western Digital My Passport Ultra, bearing serial number WX71AC3W0497.

All pursuant to Title 18, United States Code, Sections 1834 and 2323(a)(1)(B) and (b)(1).

A TRUE BILL:

FOREPERSON

ACTING UNITED STATES ATTORNEY