

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA :
 :
 v. : Criminal No. 11-208 (SRC)
 :
 : 22 U.S.C. § 2778
 SIXING LIU, : 22 C.F.R. § 120, et seq.
 a/k/a "Steve Liu" : 18 U.S.C. § 2314
 : 18 U.S.C. § 1001
 : 18 U.S.C. § 2

SUPERSEDING INDICTMENT

The Grand Jury in and for the District of New Jersey,
sitting in Newark, charges:

COUNTS ONE THROUGH EIGHT
**(Exportation of Defense Article/
Technical Data Without a License)**

FACTUAL BACKGROUND

1. At all times relevant to this Superseding Indictment:

The Defendant

(a) Defendant SIXING LIU, a/k/a "Steve Liu" (hereinafter "SIXING LIU") was a citizen of the People's Republic of China ("PRC") who lawfully resided in the United States beginning in or around 1993. Defendant SIXING LIU held a Ph.D. in electrical engineering granted by a university in the PRC.

United States Army and Weapons Systems

(b) The United States Department of Defense ("DoD") directed and oversaw the research, development, acquisition, and deployment of weapons systems and

subsystems that enhanced the war-fighting capabilities of the United States Armed Forces, including the United States Army. DoD carried out this work, in part, through specialized engineering centers within the military and DoD-approved private defense contractors. The private defense contractors were subject to laws and regulations aimed at securing and preventing the unauthorized export and disclosure to foreign governments, persons, and other entities of weapons-related technology and data developed within the United States.

- (c) Armament Research, Development, and Engineering Center ("ARDEC") was an engineering center within the United States Army located at Picatinny Arsenal in northwestern New Jersey. ARDEC specialized in research, development, production, and field support of munitions, weapons, fire-control systems and associated items for DoD.
- (d) The Improved Positioning and Azimuth Determining System/M111 ("IPADS") was an inertial survey system deployed by the United States Army to provide precise location, elevation, and direction for field artillery cannons, rockets, missiles and Patriot air defense artillery platforms.

- (e) The Multiple Launch Rocket System/M270 ("MLRS") was a full-tracked, self-propelled rocket launcher deployed by the United States Army to delivery munitions to surface targets.
- (f) The High Mobility Artillery Rocket System/M245 ("HIMARS") was a wheeled, self-propelled rocket launcher deployed by the United States Army to deliver munitions to surface targets. The HIMARS was a lighter, faster version of the MLRS rocket launcher capable of being transported by a military C-130 cargo aircraft.
- (g) The M109A6 Paladin ("Paladin") was a full-tracked, self-propelled mobile howitzer deployed by the United States Army to deliver munitions to surface targets. The Paladin featured an integrated inertial navigation system that allowed it to fire rounds quickly and with high accuracy while minimizing the amount of time it stayed in one place.
- (h) The Non Line of Sight Launched Systems ("NLOS-LS") was a surface-to-surface missile system that until recently was being developed for deployment by the United States Army. The NLOS-LS was designed to provide soldiers the capability to launch from relatively light, ground-based container units certain missiles that were

equipped with advanced navigation units. The navigation units included a global positioning system and an inertial measurement system designed to allow the missiles, once fired, to adjust course and home in on their targets.

L-3 Communications and its Space & Navigation Division

- (i) L-3 Communications was a defense contractor with numerous divisions and offices in the United States and abroad, that researched, developed, tested, and manufactured a broad range of electronic systems for DoD, among other entities.
- (j) Space & Navigation was a New Jersey-based division of L-3 Communications that, among other things, researched, developed, and supplied DoD with precision pointing and land navigation systems and integrated fire control systems. Space & Navigation's projects for DoD and other military entities included, but were not limited to:
 - i. IPADS.
 - ii. A version of IPADS that was being adapted by Space & Navigation, in consultation with DoD, for intended sale to other militaries that were to be approved by the United States Department of State ("State Department") to purchase it. Within Space

& Navigation that product was known as "IPADS-International" or "IPADS-I."

- iii. The Position/Navigation Unit ("PNU"), which provided the pointing and position location capability for the MLRS and HIMARS rocket launchers.
- iv. An advanced precision delivery subsystem under development to provide accurate vehicle position and gun azimuth and elevation data to the Paladin weapon system, which was known as the Dynamic Reference Unit-Hybrid-Replacement Unit ("DRUH-R").
- v. An advanced inertial measurement unit under development, in consultation with ARDEC, known as the "ARDEC-IMU." A main goal of the ARDEC-IMU project was to develop a next-generation inertial measurement unit for integration into so-called "smart munitions" that, once fired, could determine and transmit their position in space and time.

Sensors in Motion and the SIM-DRG

- (k) Sensors in Motion, Inc., ("Sensors in Motion") was a technology company with operations in California and Washington that developed a gyroscope known as the disk resonator gyroscope ("SIM-DRG"), which was designed for use in a

micro-navigator system. The SIM-DRG utilized microelectro-mechanical systems technology ("MEMS"), which was the technology of very small mechanical devices driven by electricity.

- (l) As part of its work on the ARDEC-IMU project, Space & Navigation acquired technical data and engineering assistance from Sensors in Motion relating to the SIM-DRG. Under their arrangement with Space & Navigation, Sensors in Motion provided proprietary and sensitive design and performance information, as well as technical assistance, concerning the SIM-DRG to Space & Navigation.
- (m) Another division of L-3 Communications - Cincinnati Electronics - joined the ARDEC-IMU project to develop electronics components for the SIM-DRG. During the course of its work on the project, Cincinnati Electronics developed proprietary and sensitive design and performance data, which it shared with Space & Navigation.
- (n) During work on the ARDEC-IMU project, Space & Navigation acquired a document that had been prepared by another division of L-3 Communications that contained detailed specifications for the advanced navigation system contained in the NLOS-LS. That

document detailed the NLOS-LS's performance, design, development, test, and acceptance requirements, which took into account parameters set by DoD. Space & Navigation used that document as a reference because a main goal of the ARDEC-IMU project was to develop an inertial measurement unit for so-called "smart munitions" that would meet DoD's specifications.

**LEGAL BACKGROUND: THE ARMS EXPORT CONTROL ACT/
INTERNATIONAL TRAFFIC IN ARMS REGULATIONS**

2. The U.S. Arms Export Control Act, Title 22, United States Code, Section 2778 ("AECA" or the "Act") authorizes the President to control the export of defense articles and services from the United States. The Act requires every person engaged in the business of exporting defense articles from the United States to obtain a license or other approval from the State Department. 22 U.S.C. § 2778(b)(1)(A)(I). The regulations promulgated pursuant to the Act, known as the International Traffic in Arms Regulations ("ITAR"), define exporting to include, among other things: "[s]ending or taking a defense article out of the United States in any manner" 22 C.F.R. § 120.17.

3. The ITAR define a defense article and service to be any item on the United States Munitions List ("USML") contained in the regulations. The USML sets forth twenty-one categories of defense articles that are subject to export licensing controls by the State Department's Directorate of Defense Trade Controls ("DDTC"). 22 C.F.R. § 121.1.

4. Also covered under the USML is "technical data" relating to the listed defense articles, which includes information "which is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of defense articles." 22 C.F.R. § 120.10.

5. Category XII on the Munitions List includes "Fire Control, Range Finder, Optical and Guidance and Control Equipment."

6. Unless specifically exempted, persons engaged in the export of defense articles covered by the USML must be registered with the DDTC, and must apply for and receive a valid license or other approval to export the defense article from the United States. 22 C.F.R. § 123.1(a).

7. With regard to countries against which the United States has an arms embargo, among which the PRC is included, the ITAR provide that:

It is the policy of the United States to deny licenses and other approvals for exports and imports of defense articles and defense services, destined for or originating in certain countries This policy . . . applies to countries with respect to which the United States maintains an arms embargo (e.g., . . . [People's Republic of] China. . .)

22 C.F.R. § 126.1(a).

DEFENDANT SIXING LIU'S EMPLOYMENT WITH SPACE & NAVIGATION

8. From on or about March 30, 2009 until on or about November 30, 2010, defendant SIXING LIU worked as a senior staff engineer for Space & Navigation. During his employment with Space & Navigation, defendant SIXING LIU's work involved generating and handling technical data related to weapons programs being used by and being prepared for use by DoD, including:

- (a) the ARDEC-IMU development project (an essential component of which was the SIM-DRG);
- (b) the development of IPADS-I (a version of the IPADS field artillery survey device);
- (c) PNU (an essential component of the MLRS and HIMARS rocket launchers);
- (d) DRUH-R (an essential component of the Paladin mobile howitzer); and
- (e) NLOS-LS.

9. Space & Navigation educated and trained defendant SIXING LIU regarding the requirements of United States export control laws and the proper handling of sensitive proprietary and export-controlled information. This training covered provisions of the ITAR that prohibit the unlicensed export of items and data contained in the USML. Furthermore, L-3 Communications and Space & Navigation included prominent advisories on the pages of its

work product documents warning that they may include information covered by the ITAR.

10. L-3 Communications required defendant SIXING LIU to abide by corporate policies concerning the secure handling of sensitive proprietary and export-controlled information. Those policies, among other things, required employees to obtain approval from designated corporate officers before disseminating that information, in whole or in part, outside of L-3 Communications. Defendant SIXING LIU neither sought nor received approval from L-3 Communications or Space & Navigation to present information related to its programs to any outside person or audience.

11. L-3 Communications provided defendant SIXING LIU with a written Code of Ethics and Business Conduct (the "Code"). Among other things, the Code prohibited employees from removing confidential computer files from L-3 Communications, even under circumstances wherein the employee intended to work on the files at home and return them, absent express written pre-approval from a supervisor, security representative, or ethics officer to do so. On or about March 31, 2009, Defendant SIXING LIU acknowledged in writing that he read, understood, and agreed to abide by the Code of Ethics and Business Conduct. L-3 Communications and Space & Navigation did not approve defendant SIXING LIU to remove confidential computer files from Space & Navigation's secure facility.

12. Space & Navigation required its employees, including defendant SIXING LIU, to abide by the terms of a written agreement relating to intellectual property and confidential information. Under that agreement, which defendant SIXING LIU signed on or about March 30, 2009, defendant SIXING LIU agreed:

- (a) that all documents and tangible things embodying or containing L-3 Communications' confidential information are the exclusive property of L-3 Communications;
- (b) that access to such materials was granted to defendant SIXING LIU solely for performing the duties of his employment with L-3 Communications; and
- (c) to return all such material and all copies, facsimiles, and specimens of them and any other tangible forms of L-3 Communications confidential information before leaving the employment of L-3 Communications;
- (d) that the obligations of the agreement continue after and survive the end of defendant SIXING LIU's employment with L-3 Communications.

13. Space & Navigation provided defendant SIXING LIU with a desktop computer work station intended for use only at Space & Navigation's secure facility in New Jersey and did not issue him a laptop computer.

**DEFENDANT'S 2009 AND 2010 PARTICIPATION IN
STATE-SPONSORED TECHNOLOGY CONFERENCES IN THE PRC**

14. On or about October 15, 2009, defendant SIXING LIU traveled from New Jersey to the PRC for a period of approximately twelve days before returning to the United States at Newark Liberty International Airport on or about October 27, 2009. During that trip, defendant SIXING LIU presented information at a technology conference in Chongqing, PRC.

15. According to the conference's web site, the event was titled "The Third Annual International Workshop on Innovation and Commercialization of Micro and Nanotechnology" ("ICMAN 2009"), and was organized and sponsored by several entities of the PRC government.

16. Defendant SIXING LIU's presentation at ICMAN 2009 was titled "Micro-Navigator for Spacecraft with MEMS Technology" and related to technology that defendant SIXING LIU and his co-workers at Space & Navigation were researching and developing for DoD, namely the ARDEC-IMU project and, more specifically, the MEMS-based gyroscope known as the SIM-DRG.

17. On or about November 12, 2010, defendant SIXING LIU traveled from New Jersey to the PRC for a period of approximately seventeen days before returning to the United States at Newark Liberty International Airport on or about November 29, 2010. During that trip, defendant SIXING LIU presented information at a technology conference in Shanghai, PRC.

18. According to the conference's web site, the event was titled "The Fourth Annual International Workshop on Innovation and Commercialization of Micro and Nanotechnology" ("ICMAN 2010"), and was organized and sponsored by several entities of the PRC government.

19. Defendant SIXING LIU's presentation at ICMAN 2010 was titled "MEMS for Aeronautics and Space" and related to technology that defendant SIXING LIU and his co-workers at Space & Navigation were researching and developing for DoD, namely the ARDEC-IMU project and, more specifically, the MEMS-based gyroscope known as the SIM-DRG.

20. The ICMAN 2010 conference was a multi-day event with a detailed agenda, organizing committee, and sponsors. Attendees of the conference, dressed in business attire, gathered in a large hall appointed with banners and floral arrangements, where presenters delivered their remarks and presentations from a podium flanked by projection screens.

21. Agendas for the ICMAN 2009 and ICMAN 2010 conferences listed defendant SIXING LIU as a representative of L-3 Communications.

22. Web pages for the ICMAN 2010 conference listed defendant SIXING LIU as a Co-Chair of the event's International Committee.

23. Defendant SIXING LIU did not reveal his involvement in 2009 and 2010 ICMAN conferences to his supervisors at L-3 Communications even though his presentations at those conferences related to his work on the ARDEC-IMU project.

24. In November 2010, defendant SIXING LIU told Space & Navigation's Chief Technologist that he would shortly be leaving New Jersey for a vacation in Chicago, Illinois, when in fact he was planning to, and did, travel to the PRC to participate in the ICMAN 2010 technology conference as a presenter and organizer of that event.

DEFENDANT'S PRESENTATION AT PRC UNIVERSITIES IN 2010

25. During his travel to the PRC during November 2010, defendant SIXING LIU presented information at a university in Shanghai, PRC ("PRC University No. 1"). The presentation focused on L-3 Communications and Space & Navigation and technology that defendant SIXING LIU and his co-workers at Space & Navigation were researching and developing for DoD, namely the ARDEC-IMU project and, more specifically, the MEMS-based gyroscope known as the SIM-DRG.

26. At the outset of his presentation at PRC University No. 1, defendant SIXING LIU stated to his audience, in substance and in part, that he had just arrived from Beijing, PRC, where he had delivered multiple presentations before audiences at two other universities.

27. Defendant SIXING LIU further stated in his presentation at PRC University No. 1, in substance and in part, that he had also delivered two presentations at a research entity of the PRC government (PRC Research Entity No. 1) that, according to information on that entity's website, is dedicated to "being able to continuously make major fundamental, strategic and forward-looking contributions to China's economic construction, national security and social sustainable development."

28. During his presentation at PRC University No. 1 defendant SIXING LIU stated, in substance and in part, that the company he works for in the United States is an arms manufacturer and that it makes artillery products as well as the navigation control system used in missiles.

DEFENDANT'S EXPORTATION TO THE PRC OF ITAR-CONTROLLED DATA

29. As alleged above, on or about November 12, 2010, defendant SIXING LIU traveled from the United States, leaving from Newark Liberty International Airport, to the PRC. On or about November 29, 2010, defendant SIXING LIU returned from the PRC aboard a flight that arrived at Newark Liberty International Airport.

30. During a Customs and Border Protection secondary inspection of defendant SIXING LIU's luggage on or about November 29, 2010, officers found defendant SIXING LIU to be in possession of a non-work issued laptop computer. A later search of the

contents of the laptop computer revealed hundreds of documents belonging to L-3 Communications relating to several of its technology programs, including those concerning IPADS, IPADS-I, MLRS and HIMARS, Paladin, NLOS-LS, and the ARDEC-IMU project, which were prominently marked as containing either sensitive proprietary information or ITAR-controlled data, or both.

31. Specifically, the search of the laptop computer revealed the following documents belonging to L-3 Communications, among others:

- (a) Technical document titled "Summary of Simulation Analysis for IPADS-I" (electronic file name: "Summary of Simulation Analysis for IPADS-I -121509.pptx"), which document related to IPADS-I;
- (b) Technical document titled "DRUH-R Sensor Characteristics: DRUH-R 103 Mounted on Rate Table 103 700 Hz data collection for 2.8 hrs Room Temp (100 Hz Data Summary)" (electronic file name: "DRUH-R_103_PSD_06_06_2010.ppt"), which document related to the inertial measurement unit designed to replace the existing units in the Paladin;
- (c) Technical document titled "PNU Randomness: Box 380792 with Bolted ISA (1056) cover 100 Hz data collection for 22 hours Room Temp" (electronic file name: "PNU Randomness100hz-Box 380792.ppt"), which document

related to the inertial measurement unit contained in the MLRS and HIMARS rocket launchers;

- (d) Technical document titled "DRG-4mm Technical Evaluation" dated June 24, 2008 (electronic file name "DRG Brief L-3 Sr Mgmt 06-24-08.ppt"), which document related to the gyroscope that is part of the ARDEC-IMU project;
- (e) Technical document titled "Non Line of Sight Launched Systems (NLOS-LS) Navigation System (NNS) Performance Specification for the Precision Attack Missile (PAM), the Loitering Attack Missile (LAM) and the Container Launch Unit," Drawing 7763806 (electronic file name: "IEC_GPS_INS_SPEC.pdf"), which document related to NLOS-LS;
- (f) A Microsoft Excel spreadsheet titled "Performance Analysis 2007" consisting of accuracy to known survey control points, summary of units tested on date, and individual test results by date tested and serial number of unit tested (electronic file name: "Performance Analysis 2007 ORIGINAL.xls"), which document related to IPADS;
- (g) A Microsoft Excel spreadsheet titled "Performance Analysis 2010" consisting of accuracy to known survey control points, summary of units tested on date, and individual test results by date tested and serial

number of unit tested relating to IPADS (electronic file name: "Performance Analysis 2010.xls"), which document related to IPADS; and

- (h) Technical document titled "Cincinnati Electronics MEMS DRG TIM," dated August 18, 2009 (electronic file name: "MEMS_TIM.ppt"), which document related to the ARDEC-IMU project.

32. Also revealed by the search of the laptop computer were numerous documents and images relating to and depicting defendant SIXING LIU spanning a period of years, which collectively indicated that defendant SIXING LIU possessed that computer over an extended period of time and brought the computer with him when he departed the United States for the PRC on or about November 12, 2010.

33. The search of the laptop computer also uncovered a fourteen-page resume for defendant SIXING LIU, which was written in Chinese and English, and which described several of Space & Navigation's technology programs for DoD.

- (a) Regarding IPADS, the resume states: "Providing primary and back-up, precise position, elevation and direction for FA cannon/rocket/missile units" and "In production for the U.S. Army and USMC." These statements appear on the resume next to an image of a United States Army soldier holding a rifle and surveying a landscape.

- (b) Regarding HIMARS, the resume states: "Offering the Precision Measurement for this newest member of the multiple-launch rocket system family[.]" This statement appears on the resume next to an image of a HIMARS unit launching a missile.
- (c) Regarding MLRS, the resume states: "Providing the Position and Navigation Unit (PNU) for this Premier Field Artillery Weapon System." This statement in the resume appears next to an image of a MLRS unit a firing a missile.
- (d) Regarding the ARDEC-IMU, the resume states: "R&D on MEMS Gyro. Determining the feasibility of practicality of a MEMS DRG for use in Tactical Applications; . . . identifying a system level architecture best suited for maintaining stable DRG performance in a tactical environment[.]"
- (e) Regarding defendant SIXING LIU's contacts with the PRC, the resume states in Chinese, in substance and in part: "Aggressively maintained contact and cooperation with people in the colleges and graduate schools domestically [referring to the PRC] since 2001; returned to [the PRC] almost yearly and made the best efforts to plan for the development of schools and organizations."

**DDTC CERTIFICATIONS REGARDING THE DATA
EXPORTED BY DEFENDANT AND HIS LICENSE HISTORY**

34. The DDTC has certified that the documents identified in paragraphs 31(a) through (h) of this Superseding Indictment contained technical data that is covered by USML Category XII ("Fire Control, Range Finder, Optical and Guidance and Control Equipment").

35. The DDTC has certified that a diligent search of license history records did not reveal any record of a registration application by defendant SIXING LIU with respect to the exportation of defense articles and services, brokering, or any other regulated activities regarding the import, export, or transfer of any defense articles or defense services outside of the United States. The DDTC also certified that its inquiry did not reveal any application for an export license by defendant SIXING LIU. Finally, the DDTC certified that its inquiry did not reveal that an export license or any other written approval to export defense articles or services had been granted to defendant SIXING LIU.

36. On or about November 12, 2010, at Newark Liberty International Airport, in the District of New Jersey, and elsewhere, defendant

**SIXING LIU,
a/k/a "Steve Liu"**

did knowingly and willfully export and attempt to export to the People's Republic of China defense articles, designated as "Fire

Control, Range Finder, Optical and Guidance and Control Equipment" on the United States Munitions List, Title 22, Code of Federal Regulations, Section 121.1, Category XII, namely, technical data contained in the documents set forth in the table below, without having first obtained from the United States Department of State, Directorate of Defense Trade Controls, a license or other written approval for such export.

In violation of Title 22, United States Code, Section 2778(b)(2) & 2778(c), Title 22, Code of Federal Regulations, Section 120, et seq., and Title 18, United States Code, Section 2.

COUNT	SHORT TITLE OF DOCUMENT CONTAINING TECHNICAL DATA	PARAGRAPH, ABOVE, MORE PARTICULARLY DESCRIBING DOCUMENT
1	"Summary of Simulation Analysis for IPADS-I"	31(a)
2	"DRUH-R Sensor Characteristics"	31(b)
3	"PNU Randomness"	31(c)
4	"DRG-4mm Technical Evaluation"	31(d)
5	"NLOS-LS Performance Specification"	31(e)
6	"Performance Analysis 2007"	31(f)
7	"Performance Analysis 2010"	31(g)
8	"Cincinnati Electronics MEMS DRG TIM"	31(h)

COUNT NINE
(Interstate Transportation of Stolen
Goods, Wares, and Merchandise)

1. Paragraphs 1 to 35 of Counts One to Eight of this Superseding Indictment are hereby incorporated and realleged as if set forth in full herein.

2. From on or about April 25, 2009, through on or about March 1, 2011, defendant SIXING LIU resided in a rented apartment in Flanders, New Jersey, which was located approximately six (6) miles from the facility where he worked for Space & Navigation (the "New Jersey Apartment").

3. On or about March 1, 2011, defendant SIXING LIU removed his belongings from and vacated the New Jersey Apartment. Defendant SIXING LIU thereafter relocated himself and his belongings to an apartment in Deerfield, Illinois (the "Illinois Apartment").

4. On or about March 8, 2011, law enforcement agents conducted a search of the Illinois Apartment, during which they found a binder containing numerous documents bearing proprietary markings belonging to L-3 Communications and Sensors in Motion related to the ARDEC-IMU project. Specifically, the documents reveal information concerning the development, design, and performance of the SIM-DRG, including schematics, formulas, simulation software coding, and set-up instructions.

5. In or about March 2011, in the District of New Jersey, and elsewhere, defendant

**SIXING LIU,
a/k/a "Steve Liu"**

did knowingly transport, transmit, and transfer in interstate commerce goods, wares, and merchandise having a value of \$5,000 or more, namely the documents described in paragraph 4 of this Count, knowing the same to have been stolen, converted, and taken by fraud.

In violation of Title 18, United States Code, Section 2314 and Section 2.

COUNT TEN
(False Statements to Federal Agents on
November 29, 2010)

1. Paragraphs 1 to 35 of Counts One to Eight and paragraphs 2 to 4 of Count Nine of this Superseding Indictment are hereby incorporated and realleged as if set forth in full herein.

2. At all times relevant to this Count, a department of the United States - the United States Department of Homeland Security, through Immigration and Customs Enforcement ("ICE") - was empowered to investigate suspected violations of the AECA and the ITAR.

3. In connection with his attempt to enter the United States at Newark Liberty International Airport on or about November 29, 2010, defendant SIXING LIU was interviewed by Special Agents of ICE - who were conducting an investigation regarding suspected violations of the AECA and the ITAR - during which defendant SIXING LIU made several materially false and misleading statements:

(a) When asked what was the purpose of his travel to the PRC, defendant SIXING LIU stated, in substance and in part, that it was to visit his family in the PRC, and when asked if there was any other reason for his travel, defendant SIXING LIU falsely responded in the negative.

(b) When asked about an ICMAN 2010 access badge bearing the word "VIP" found in his possession during the border

inspection, defendant SIXING LIU falsely stated, in substance and in part, that the conference was small and was not formal.

- (c) When asked about the word "VIP" on the access badge, defendant SIXING LIU falsely stated, in substance and in part, that it meant nothing and was not special.
- (d) Despite the Special Agents' questioning pertaining to his role at the ICMAN conference, the meaning of the VIP access badge, and the purpose of his travel to the PRC, defendant SIXING LIU failed to inform the agents that he had been an organizer of the ICMAN 2010 conference, specifically a Co-Chair of the International Committee, and had given presentations at the ICMAN 2010 conference, several PRC universities, and PRC Research Entity No. 1. during his travel.

4. On or about November 29, 2010, at Newark Liberty International Airport, in the District of New Jersey, and elsewhere, in a matter within the jurisdiction of the Executive Branch of the Government of the United States, defendant

**SIXING LIU,
a/k/a "Steve Liu"**

knowingly and willfully made materially false, fictitious, and fraudulent statements and representations as described in paragraph 3 of this Count.

In violation of Title 18, United States Code, Section 1001(a)(2).

COUNT ELEVEN
(False Statements to Federal Agents on
November 30, 2010)

1. Paragraphs 1 to 35 of Counts One to Eight, paragraphs 2 to 4 of Count Nine, and paragraphs 2 and 3 of Count Eleven of this Superseding Indictment are hereby incorporated and realleged as if set forth in full herein.

2. At all times relevant to this Count, a department of the United States - the United States Department of Homeland Security, through Immigration and Customs Enforcement ("ICE") - was empowered to investigate suspected violations of the AECA and the ITAR.

3. On or about November 30, 2010, defendant SIXING LIU was interviewed by Special Agents of ICE - who were conducting an investigation regarding suspected violations of the AECA and the ITAR - at their office in Newark, New Jersey, during which defendant SIXING LIU made several materially false and misleading statements:

(a) When asked if he had worked on any projects for DoD while employed by L-3 Communications, defendant SIXING LIU stated, in substance and in part, that he worked on IPADS and MEMS technology and falsely stated, in substance and in part, that he never knew what the final application of his work for L-3 Communications would be.

(b) Despite the Special Agents' questioning pertaining to the defendant's work on projects for DoD while employed by L-3 Communications, defendant SIXING LIU failed to disclose his work relating to the MLRS, HIMARS, Paladin, and NLOS-LS.

(c) When asked about the trip to the PRC he had just taken, defendant SIXING LIU stated, in substance and in part, that it had been to visit family, especially his sick mother, but did not reveal his role as an organizer or presenter at the ICMAN 2010 or as a presenter at several PRC universities and PRC Research Entity No. 1.

(d) When asked to explain the ICMAN 2010 conference and his role at it, defendant SIXING LIU falsely stated, in substance and in part, that it was not formal and was just a gathering of former colleagues and friends in the industry.

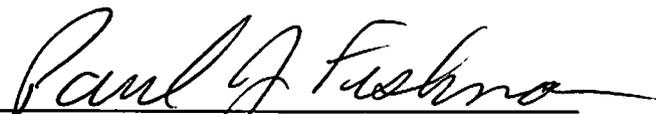
4. On or about November 30, 2010, at Newark, in the District of New Jersey, and elsewhere, in a matter within the jurisdiction of the Executive Branch of the Government of the United States, defendant

SIXING LIU,
a/k/a "Steve Liu"

knowingly and willfully made materially false, fictitious, and fraudulent statements and representations as described in paragraph 3 of this Count.

In violation of Title 18, United States Code, Section 1001(a)(2).

A TRUE BILL



PAUL J. FISHMAN
UNITED STATES ATTORNEY

FOREPERSON

CASE NUMBER: Crim. No. 11-208 (SRC)

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

**SIXING LIU,
a/k/a "Steve Liu"**

INDICTMENT FOR

22 U.S.C. § 2778
22 C.F.R. § 120, et seq.
18 U.S.C. § 2314
18 U.S.C. § 1001
18 U.S.C. § 2

A True Bill,

Foreperson

PAUL J. FISHMAN
UNITED STATES ATTORNEY
NEWARK, NEW JERSEY

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