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ROBERT S. MUELLER, III (CSBN 59775)
United States Attorney

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
LAWRENCE JOU and
ERIC PANG,
Defendants.

80R01-40135 CW

VIOLATIONS: 18 U.S.C. § 371 -
Conspiracy; 17 U.S.C. § 506(a)(1) and
18 U.S.C. § 2319 - Criminal Copyright
Infringement

OAKLAND VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE (18 U.S.C. § 371)

- 1. At all times relevant to this indictment:
 - a. Easteam Technology Corporation ("Easteam") was a California corporation whose principal place of business was 43230 Christy Street, Fremont, California. Easteam purported to be in the business of selling computer software.
 - b. Defendant Lawrence Jou was the President and registered agent of

1 Easteam.

2 c. Ampower International Corporation ("Ampower") was a California
3 corporation whose principal place of business was 43230 Christy Street, Fremont,
4 California. Ampower purported to be in the business of selling computer software.

5 d. Defendant Eric Pang was the registered agent of Ampower.

6 e. Microsoft Corporation Inc. ("Microsoft") is a Washington
7 corporation which maintains offices in Redmond, Washington. It is in the business of
8 developing and selling software, including Microsoft Office 2000 Professional, Windows
9 98, and Microsoft Office 97 Professional, Microsoft Windows NT Server 4.0, Microsoft
10 Windows NT Workstation 4.0, and Microsoft Millenium Edition.

11 2. Between in or about June, 1999, and on or about June 15, 2000, in the
12 Northern District of California, and elsewhere, defendants

13 LAWRENCE JOU,

14 ERIC PANG,

15 and others, did knowingly conspire, willfully, and for purposes of commercial advantage
16 and private financial gain, to infringe the copyrights of copyrighted computer software,
17 specifically:

18 a. Microsoft Office 2000 Professional, Registration No. 4-905-936;

19 b. Microsoft Office 97 Professional, Registration No. 4-395-984;

20 c. Microsoft Windows 98, Registration No. 4-687-920;

21 d. Microsoft Windows NT Server 4.0, Registration No. 4-395-758;

22 e. Microsoft Windows NT Workstation 4.0, Registration No. 4-395-

23 740; and

24 f. Microsoft Millenium Edition, Registration No. 5-126-181.

25 without authorization from the copyright holder.

26 3. The object of the conspiracy was to distribute more than ten
27 illegally reproduced copies of Microsoft software worth more than \$2,500 within a 180
28 day period.

1 4. As a part of the conspiracy, defendants Jou and Pang obtained thousands of
2 CD-Roms and disks containing illegally copied Microsoft software from their co-
3 conspirators.

4 5. As a further part of the conspiracy, the defendants obtained labels,
5 certificates of authenticity, manuals and licensing agreements which purported to be
6 produced by Microsoft but were, in fact, counterfeit or, in some cases, stolen. The
7 defendants then packaged or caused to be packaged these materials with the illegally
8 reproduced software for distribution. In this manner, the defendants deliberately made it
9 appear as if the illegally copied software was legitimate Microsoft software when, in fact,
10 it was not.

11 6. As a part of and in furtherance of the conspiracy, the defendants made it
12 known that, doing business through Ampower and Easteam, they could and would
13 provide Microsoft software at prices below retail market prices.

14 **Overt Acts**

15 7. As a part of and in furtherance of the conspiracy, the defendants committed
16 the following overt acts, among others, in the Northern District of California and
17 elsewhere:

18 a. on or about June 12, 2001, defendant Pang sold five Microsoft
19 Windows 98 programs (CD only) and five Microsoft Office 2000 Professional (CD only)
20 which had been illegally copied without the approval of Microsoft;

21 b. on or about June 20, 2001, defendant Jou sold five Original
22 Equipment Manufacturer packs of Microsoft Windows 98, five Microsoft Office 2000
23 Professional (CD only), five retail packages of Microsoft Office 2000 Professional, and
24 two Original Equipment Manufacturer version of Microsoft Windows Millennium which
25 had been illegally copied without the approval of Microsoft;

26 c. on or about June 28, 2001, defendant Pang delivered for
27 redistribution 100 compact discs containing Microsoft Windows Millennium software
28 which had been illegally copied without the approval of Microsoft.

1 All in violation of Title 18 United States Code, Sections 371, 2319(a) and (b)(1) and.
2 Title 17, United States Code, Section 506(a).

3
4 COUNT TWO 17 U.S.C. § 506(a), 18 U.S.C. §§ 2319(a) and (b)(1).

5 1. On or about June 12, 2001, in the Northern District of California, defendants

6 LAWRENCE JOU

7 and

8 ERIC PANG

9 willfully, and for purposes of commercial advantage and private financial gain, did
10 infringe the copyrights of copyrighted software, specifically five Microsoft Windows 98
11 programs (CD only), Registration No. 4-687-920, and five Microsoft Office 2000
12 Professional (CD only), Registration No. 4-905-936, which had been illegally copied
13 without the approval of Microsoft.

14
15 All in violation of Title 17, United States Code, Section 506(a), and Title 18, United
16 States Code, Sections 2319(a) and 2319(b)(1).

17
18 COUNT THREE 17 U.S.C. § 506(a), 18 U.S.C. §§ 2319(a) and (b)(1)

19 1. On or about June 20, 2001, in the Northern District of California, defendants

20 LAWRENCE JOU

21 and

22 ERIC PANG

23 willfully, and for purposes of commercial advantage and private financial gain, did
24 infringe the copyrights of copyrighted software, specifically five Original Equipment
25 Manufacturer packs of Microsoft Windows 98, Registration No. 4-687-920;
26 five Microsoft Office 2000 Professional (CD only), Registration No. 4-905-936, five
27 retail packages of Microsoft Office 2000 Professional, Registration No. 4-905-936 and
28 two Original Equipment Manufacturer version of Microsoft Windows Millennium,

1 Registration No, 5-126-181 which had been illegally copied without the approval of
2 Microsoft.

3
4 All in violation of Title 17, United States Code, Section 506(a), and Title 18, United
5 States Code, Sections 2319(a) and 2319(b)(1).

6
7 COUNT FOUR 17 U.S.C. § 506(a), 18 U.S.C. §§ 2319(a) and (b)(1)

8 1. On or about the June 28, 2001, in the Northern District of California,
9 defendants

10 LAWRENCE JOU

11 and

12 ERIC PANG

13 willfully, and for purposes of commercial advantage and private financial gain, did
14 infringe the copyrights of copyrighted software, specifically 100 compact discs containing
15 Microsoft Windows Millennium software, Registration No, 5-126-181.
16 which had been illegally copied without the approval of Microsoft.

17
18 All in violation of Title 17, United States Code, Section 506(a), and Title 18, United
19 States Code, Sections 2319(a) and 2319(b)(1).

20
21 DATED: August 16, 2001

A TRUE BILL.

Brenda J. Puerbach
FOREPERSON

22
23
24 ROBERT S. MUELLER, III
United States Attorney

25 *Charles B. Burch*
26 CHARLES B. BURCH
Chief, Oakland Branch

27
28 (Approved as to form: *M. Zandies*)

M. Zandies

Indictment- Jou and Pang