

ORIGINAL FILED

SEP 18 2002

United States District Court
NORTHERN DISTRICT OF CALIFORNIA

Richard W. Wleking
U.S. District Court
Northern District of California
San Jose

UNITED STATES OF AMERICA

v.

YAN MING SHAN, a/k/a
SHAN YAN MING

CRIMINAL COMPLAINT

CASE NUMBER:
5 02 216 RS

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about September 11, 2002 in Santa Clara county, in the Northern District of California defendant(s) did, (Track Statutory Language of Offense)

knowingly and with intent to defraud, access a protected computer without authorization and exceed authorized access, and by means of such conduct furthered the intended fraud and obtained things of value, namely copies of proprietary software programs and source code belonging to 3DGeo Development, Inc.

in violation of Title 18 United States Code, Section(s) 1030(a)(4)

I further state that I am a(n) FBI Special Agent and that this complaint is based on the following

Official Title

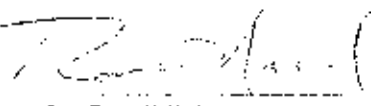
facts:


See attached affidavit, which is incorporated herein by reference

Maximum penalty: 5 years imprisonment, \$250,000 fine, 3 years supervised release, and a \$100 assessment

Recommended bail: detention without bail

Continued on the attached sheet and made a part hereof: Yes No


Approved As To Form: 
AUSA: Ross W. Nader


Name/Signature of Complainant: Richardson G. Price

Sworn to before me and subscribed in my presence,

September 17, 2002 at Palo Alto, California
Date City and State

RICHARD SEEBORG
United States Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

1
2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA
4 SAN JOSE DIVISION
5

6 The undersigned, being duly sworn, depose and say:

7 1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and
8 have been so employed for one and one half years. I am currently assigned to the Palo Alto
9 Resident Agency on the Foreign Counterintelligence Squad, and as part of my responsibility
10 am tasked to investigate violations of Title 18, United States Code, Section 1030, Fraud and
11 related activity in connection with computers.

12 2. On September 16, 2002, the Palo Alto Resident Agency of the FBI was
13 notified that the Mountain View, California Police Department had taken a report regarding an
14 unlawful computer intrusion and theft of proprietary information. The victim company, 3DGeo
15 Development, Inc. (3DGeo), is located in Mountain View, California. 3DGeo alleges that
16 Shan Yan Ming and Qiao Wei accessed and copied data which 3DGeo considers to be
17 proprietary.
18

19 3. On September 16, 2002, Dimitri Bevc, the Chairman and President of 3DGeo
20 provided me with the following information: 3DGeo produces software that allows seismic
21 data to be converted into a three dimensional image. It's primary use is to aid oil companies in
22 selecting locations for drilling. 3DGeo sold such a software product to a Chinese company
23 called PetroChina. As part of the sales agreement, 3DGeo was to train PetroChina employees
24 in the use of the software. Shan and Qiao are both employees of the DaQing Oil Field, a
25 division of PetroChina. Shan was issued a B1/B2 visa and Qiao was issued a B1 visa, both on
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1 April 15, 2002. They arrived in the United States shortly thereafter. They have been training
2 at 3DGeo since April, 2002.


3 4. I have reviewed a police report of the City of Mountain View Police
4 Department. The following is a summary of information based on the Mountain View Police
5 Department police report and what Bevc told me. On September 11, 2002, 3DGeo employee
6 Ovidiv Fedorov and 3DGeo employee Iulian Musat discovered that Shan was in the process of
7 organizing a large volume of copied files into one large master file. They were able to observe
8 this from their own terminals while it occurred. As Fedorov and Musat watched, Shan
9 changed the file from a visible file to a hidden file, thereby attempting to disguise what he was
10 doing. Fedorov began to search the file in more detail and discovered that Shan had made
11 copies of 3DGeo proprietary software programs and source code, none of which is supposed to
12 be accessible to Shan or Qiao. All of this information is password protected. Fedorov and
13 Musat, acting on their own and without direction from any law enforcement agency, looked at
14 Qiao's laptop computer. In it they found copies of the aforementioned programs and
15 information, including the company's source code. Additionally, Fedorov and Musat found a
16 file containing 3DGeo's password file. In the same file, the two saw a program called "crack",
17 which is used solely to penetrate encrypted software programs by decoding the protecting
18 passwords.
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22 5. Bevc also told me what is summarized in paragraphs 5 through 7 below
23 Logs maintained by 3DGeo show that Shan had used the account and password of another
24 3DGeo employee named Moritz Fliedner to access the programs and proprietary information.
25 Fliedner never gave his password to Shan. The crack program which Shan was running on the
26 company's files had decrypted two employee's passwords, but Fliedner's was not among them.
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1 6. The information obtained by Shan which was found on Qiao's computer
2 represents the root value of 3DGeo and is not a product that 3DGeo would ever sell or disclose
3 without very specific use restrictions. Certain programs that Shan obtained were programs
4 that 3DGeo was considering selling to PetroChina. Shan and Qiao worked within a LINUX
5 system which sets specific permissions and workgroups that a user can work within. These
6 boundaries were clearly violated by Shan with the aid of decrypted or stolen passwords.
7

8 7. 3DGeo's computer network from which Shan obtained the information is
9 used in interstate commerce and communication.

10 8. Based upon the foregoing facts, I believe that there is probable cause to
11 believe that Shan Yan Ming knowingly and with intent to defraud, accessed a protected
12 computer without authorization and by exceeding authorized access, and by means of such
13 conduct furthered the intended fraud and obtained items of value, namely copies of proprietary
14 software programs and source code belonging to 3DGeo.
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17 
18 Richardson G. Price
FBI Special Agent

19 SWORN AND SUBSCRIBED TO AND BEFORE ME
20 THIS 17th DAY OF SEPTEMBER, 2002

21 
22 RICHARD SEEBORG
23 United States Magistrate Judge
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