Department of Justice

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KINGDOM OF SWEDEN ACCEPTS REQUEST FOR TRANSFER OF PROSECUTION IN CASE INVOLVING SWEDISH NATIONAL CHARGED WITH HACKING AND TRADE SECRET THEFT

Intrusions Involved Computers at NASA and Cisco, Theft of Trade Secret Source Code

SAN FRANCISCO – The Kingdom of Sweden accepted the request to transfer the prosecution of Philip Gabriel Pettersson, aka "Stakkato," United States Attorney Joseph P. Russoniello announced.

On May 5, 2009, Pettersson, a Swedish national, was indicted on five counts involving intrusion and trade secret theft charges. The indictment included one intrusion count and two trade secret misappropriation counts involving Cisco Systems, Inc. (Cisco), of San Jose, Calif., a leading provider of computer network equipment and a leading producer of internet routers. According to the indictment, between May 12, 2004, and May 13, 2004, defendant Pettersson intentionally committed an intrusion into the computer system and network of Cisco. During the intrusion, some Cisco Internetworking Operating System (Cisco IOS) code was misappropriated. Following the incident, Cisco reported that it did not believe that any customer information, partner information or financial systems were affected.

The indictment also included two intrusion counts involving the National Aeronautics and Space Administration, including computers at the Ames Research Center, and the NASA Advanced Supercomputing Division, located at Moffett Field, Calif. These intrusions by Pettersson occurred in May 19, 2004, May 20, 2004, and October 22, 2004.

United States Attorney Joseph P. Russoniello commended the involvement of the numerous investigative agencies that were involved in the extensive investigation since the original hacking incidents in 2004. The evidence eventually led to Sweden. He added that this case shows how the international law enforcement community will work together to identify individuals committing hacking and trade secret offenses regardless of where they are located. According to the Department of Justice, this is one of the few computer crime cases in which a transfer has been accepted in recent years.

"This was a significant intrusion and theft of trade secret case in our district that involved international law enforcement issues," United States Attorney Russoniello said. "Now that the Kingdom of Sweden has accepted the transfer, we thank our law enforcement partners in Sweden for accepting our request to transfer prosecution of this case. We look forward to continuing to cooperate with Swedish authorities as the case progresses and on any case needs."

Cisco and NASA cooperated in the government's investigation.

The maximum statutory penalty for committing an intrusion (intentionally causing damage to a protected computer), in violation of Title 18, United States Code, Section 1030(a)(5)(A)(i), and theft of trade secrets, in violation of Title 18, United States Code, Section 1832(a)(2), is ten years in prison, a three year term of supervised release, and a fine of $250,000. However, any sentence following conviction would be imposed by the court after consideration of the U.S. Sentencing Guidelines and the federal statute governing the imposition of a sentence, 18 U.S.C. § 3553, and factors such as the amount of the loss.

The prosecution is the result of a multi-year investigation by the Federal Bureau of Investigation, U.S. Secret Service, NASA Office of Inspector General, Office of Investigations, Computer Crimes Division, and numerous other federal agencies. Mark L. Krotoski, presently at the Computer Crime and Intellectual Property Section, is prosecuting the case with the assistance of Paralegal Lauri Gomez and Assistant Netterie Lewis. CCIPS Senior Counsel Kimberly Peretti also assisted in the prosecution. Trial Attorneys Sarah C. Santiago and Lynn C. Holliday, from the Office of International Affairs, Criminal Division, have assisted on international issues with the case.

Please note, an indictment contains only allegations against an individual and, as with all defendants, Pettersson must be presumed innocent unless and until proven guilty.