United States Department of Justice

United States Attorney Joseph P. Russoniello
Northern District of California

11th Floor, Federal Building
450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
(415) 436-7200
FAX: (415) 436-7234

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WWW.USDOJ.GOV/USAO/CAN

CONTACT: Jack Gillund
(415) 436-6599
Jack.Gillund@usdoj.gov

FORMER CEO OF YOUSENDIT CHARGED WITH DENIAL OF SERVICE OF ATTACK

SAN JOSE, Calif. – Khalid Shaikh, a former CEO of YouSendIt Inc., was indicted by a federal grand jury yesterday with four counts of mail fraud, United States Attorney Joseph P. Russoniello announced.

The indictment states that between December 2008 and June 2009 Shaikh used the ApacheBench software program to launch four denial of service (DOS) attacks against YouSendIt's servers. Each DOS attack temporarily rendered the servers incapable of handling legitimate network traffic and deprived YouSendIt's customers use of the company's services.

YouSendIt is a company based in Campbell, Calif., that is engaged in the business of digital content delivery through the Internet. YouSendIt enables users to send, receive and track large files of digital data. YouSendIt's Web servers are located in San Jose. These servers are also used to facilitate interstate and foreign commerce and communication.

According to the indictment, when the company was established in 2004, Shaikh was one of YouSendIt's founders. He served as the company's chief executive officer until August 2005. Thereafter, Shaikh served as the company's chief technology officer until he departed from YouSendIt in November 2006.

The maximum statutory penalty for each count of mail fraud in violation 18 U.S.C. §§ 1030(a)(5)(A) & (c)(4)(A) is five years imprisonment, three years of supervised release and a fine of $250,000, plus restitution if appropriate. 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.

Hanley Chew is the Assistant U.S. Attorney who is prosecuting the case with the assistance of Legal Assistant Lauri Gomez, and Law Clerks Traci Lee and Lily Robinton. The charges are the result of a referral to and an investigation by the Federal Bureau of Investigation.

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

Further Information:

Case #: CR 09-1094 JF

A copy of this press release may be found on the U.S. Attorney's Office's website at www.usdoj.gov/usao/can.

Electronic court filings and further procedural and docket information are available at https://ecf.cand.uscourts.gov/cgi-bin/login.pl.

Judges' calendars with schedules for upcoming court hearings can be viewed on the court's website at www.cand.uscourts.gov.

All press inquiries to the U.S. Attorney's Office should be directed to Jack Gillund at (415) 436-6599 or by email at Jack.Gillund@usdoj.gov.

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