Former Microsoft employee arrested for allegedly stealing Windows 8 trade secrets

Summary: *A former Microsoft employee has been charged with passing on Microsoft trade secrets involving Windows 8.*

By Mary Jo Foley for All About Microsoft | March 19, 2014 -- 22:37 GMT (15:37 PDT)

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Alex Kibkalo, a former senior architect at Microsoft who most recently served as a Director of Product Management in 5nine Software (according to his LinkedIn profile (http://www.linkedin.com/profile/view?id=64303478)), has been arrested for allegedly stealing Windows-related trade secrets while working for Microsoft.

Kibkalo was arrested on Wednesday (http://www.seattlepi.com/local/article/Ex-Microsoft-employee-charged-with-passing-5331715.php) , according to a report in the Seattle Post-Intelligencer.

According to a complaint filed on March 17 in the U.S. District Court for the Western District of Washington, Kibkalo -- a Russian national and former Microsoft employee based in Lebanon -- passed on trade secrets involving Windows 8 to an unnamed technology blogger in France.

Microsoft's own investigation found that Kibkalo "uploaded proprietary software including pre-release software updates for WIndows 8 RT and ARM devices, as well as the Microsoft Activation Server Software Development Kit (SDK) to a computer in Redmond, Washington and subsequently to his personal Windows Live SkyDrive account." Kibkalo is then said to have provided the blogger with links to the file on his account.

The unnamed blogger was "known to those in the Microsoft blogging community for posting screenshots of pre-release versions of the Windows Operating System," according to the complaint. This person also posted information to his own Web sites and on Twitter, according to the document. Kibkalo was found by Microsoft to have elicited assistance from an acquaintance in Washington State to set up a virtual machine on a server to help distribute the data and products, the complaint said.

Kibkalo worked for Microsoft for seven years, according to the complaint. It also notes that in 2012, Kibkalo received "a poor performance review and threatened to resign if the review was not amended," before he left the company.

The complaint claims that Kibkalo acknowledged leaking "confidential and proprietary Microsoft information, products and product-related information to the blogger."

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According to his LinkedIn profile, Kibkalo joined 5nine Software in August 2013 as Director of Product Management for Security and Management products. His profile also claims he worked at Microsoft as an architect, (http://www.linkedin.com/profile/view?id=64303478) most recently in the area of virtualization for banks and governments, starting in 2005.

Kibkalo has a bio page on Microsoft TechNet (http://social.technet.microsoft.com/profile/alex%20a.%20kibkalo/) .

Topics: *Windows 8*, *Legal*, *Microsoft*

About Mary Jo Foley

Mary Jo has covered the tech industry for 30 years for a variety of publications and Web sites, and is a frequent guest on radio, TV and podcasts, speaking about all things Microsoft-related. She is the author of Microsoft 2.0: How Microsoft plans to stay relevant in the post-Gates era (John Wiley & Sons, 2008).

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Talkback

I stole the

blueprints of the Hindenberg.

SunFire23
19 March, 2014 23:05

↩ *Reply* ⭐ *11 Votes*

Re: I stole the blueprints of the Hindenberg....

As with Windows 8 that was another disaster on epic scale.

5735guy
19 March, 2014 23:17

↩ *Reply* ⭐ *10 Votes*

Amazing

!!!

MarknWill
20 March, 2014 01:07

↩ *Reply* ⭐ *Vote*

LOL

I notice he just passed the info on...... I mean it wasn't like he was going to be able to make any actual money actually selling the secrets of

Win8 was it.....

The Central Scrutinizer
20 March, 2014 14:47

↩ Reply ⭐ Vote

You laugh? msft needs to pay up

It's not like Microsoft is making any actual money with the secrets of Win8 either. Microsoft should pay the guy for all the publicity. Microsoft is such a sorry ass company.

StevenAbaby
20 March, 2014 15:08

↩ Reply ⭐ Vote

Or....

Stealing trade secrets of Windows 8 is like stealing blueprints for the Vanguard TV3.

wiredchicken
20 March, 2014 01:09

↩ Reply ⭐ 3 Votes

You're really desperate aren't you?

If you have something against Microsoft, that's perfectly fine with us, there's no problem with that.

Spreading the same FUD three times in a row however, is just plain annoying.

Honestly, take your comments elsewhere.

They're tasteless and unfunny.

ForeverCookie
20 March, 2014 03:18

↩ *Reply* ⭐ *10 Votes*

Re: You're really desperate aren't you?

A Taste of your own medicine.

Pay Back for all the Anti-Apple crap you spew.

5735guy
20 March, 2014 03:37

↩ *Reply* ⭐ *4 Votes*

Anti-Apple crap?

You mean praising Mac hardware and OS X, but disliking iOS?

According to 5735guy's logic, supporting one part of a business and not liking another constitutes as fan-boy mudslinging.

Oh well, whatever you say.

I guess that when there's nothing to pick at, people will pull straws out of their rears to try and make a point.

ForeverCookie
20 March, 2014 14:17

↩ *Reply* ⭐ *1 Vote*

Windows 8 isn't successful

Windows Vista had 15% marketshare in 2009 according to netmarketshare.com and Windows 8 combined with Windows 8.1 has less than that currently. I think Microsoft is a great company and tries very hard to make great products. Just because you don't like a particular product or think a particular product is bad or is unsuccessful doesn't you're against a company. A lot of Windows users who've been using Windows since the Windows 9x days don't like Windows 8 and that doesn't somehow mean they don't like Microsoft.

wiredchicken
20 March, 2014 04:31

↩ *Reply* ★ *6 Votes*

wiredchicken

"Just because you don't like a particular product"

It's more than not liking (although it is part of it), it is a productivity liker.

Microsoft has no right to build a Eco system that the world depends on, and then undo all of that so I can have a half functionality apps, half power box, cumbersome paper weight, when I need to get things done.

There is no reason they couldn't have a metro on/OFF!!!!!! switch, for those of us that dare to live in a world that Facebook and cell phones don't twitter our lives.

It's not that I hate Microsoft in fact it is because they HAD such a good thing then forced crap onto us is where the hate comes from. I want them to undo that and give us a REAL OS UI back, and if they want the mental illness that is metro they can give us an on OFF switch. Other wise Linux will become my main OS of choice and windows 7 will be VM and/or duel boot when it is finely obsolete.

Michelle8999
20 March, 2014 10:54

↩ *Reply* ★ *4 Votes*

So...

Set your Win8 boxes to boot to desktop and pin your favorite apps to the task bar. That way you'll rarely have to see the start screen at all and can use Win8 just as you've always used Windows.

Why is that so hard for some frothy h8ers to grok?

bitcrazed
20 March, 2014 14:55

↩ *Reply*   ⭐ *Vote*

Hard for MicroMoney fans to see?

My complaints with Micro go back to Windows3, sonny, and they involve alternating putting out "working software" with junk revision by revision. All "new" revisions require more memory, faster processors, and relearning how to actually "work" on a computer. That is not "h8ers", little boy, that is needing to actually use a tool for work. Not all of us can take the time to relearn a basic tool every year. I'm now retired from Silly Valley, and have better things to do.

robertcape@...
20 March, 2014 15:09

↩ *Reply*   ⭐ *Vote*

So what this amounts to...

…is leaking inside information to the media. "Theft of trade secrets" makes it sound like he was passing code to the competition. The first is definitely a firing offense, but I don't think it should be a jailing offense. It shouldn't even be a suing offense unless it can be proven that it caused financial damage.

John L. Ries
19 March, 2014 23:17

↩ *Reply*   ⭐ *4 Votes*

Do confidentiality agreements mean anything to you?

Do confidentiality agreements mean anything to you?

How about state and federal statutes, should they be enforced?

Or is it just that Win8 is a p.o.s., and hey, its must MS, and that makes it okay?

Raid6
19 March, 2014 23:33

↩ *Reply*   ⭐ *8 Votes*

...federal statutes, should they be enforced?

DOJ and HHS get to pick and choose. I don't see why the rest of us shouldn't.

Bill4
19 March, 2014 23:49

↩ *Reply*   ⭐ *1 Vote*

It depends

If he was undocumented immigrant then federal statutes should not be enforced. Didn't you learned anything from Obama ?

marchel@...
20 March, 2014 13:46

↩ *Reply* ⭐ *2 Votes*

I said "should", not is

Breach of contract is not normally a criminal offense and I don't think disclosure of trade secrets should be either. Both are properly civil torts. Congress decided otherwise, but I suspect it was under the influence of campaign contributions.

But the Justice Department is supposed to enforce the laws as they are, not as we wish they were.

John L. Ries
20 March, 2014 00:01

↩ *Reply* ⭐ *3 Votes*

Disclosure of trade secrets shouldn't be criminal?

So you think that someone who discloses trade secrets, say secrets that basically bankrupt a small company, should walk away free?

Sure, maybe they'll sue the thief, get all of the $5,000 dollars he has, and his old car, maybe his TV, since that's all he has. Yup, a real incentive to stop people from stealing trade secrets.

So why is theft, not theft when it comes to trade secrets, but it is theft when they steal a TV from a store?

No influence of campaign contributions was needed here to make it a criminal crime, just common sense.

William.Farrel

20 March, 2014 04:01

↩ *Reply* ⭐ *3 Votes*

Well, an engineer was fired from Apple for showing

the co-founder, Steve Wozniak, the iPad.

He didn't sue, so I guess it was because he had signed a NDA, and it was enforceable.

My guess is the same applied here.

William.Farrel
20 March, 2014 00:03

↩ *Reply* ⭐ *5 Votes*

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Enterprise Solution Architect
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#1 COO Dashboard - Step 1: Track and Measure What Matters Most. Step 2: Make

Alex Kibkalo

Director of Product Management at 5nine Software Inc.

Russian Federation | Computer Software

Current	5nine Software Inc., Stars and S
Previous	Microsoft, CBOSS, VNIIEF-STL "Software Technology Lab"
Education	Academy of National Economy under the Government of the Russian Federation

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500+
connections

☆   Contact Info   in ru.linkedin.com/in/alexkibkalo

Background

📇 Summary

Have more than 10 years of career in huge IT companies. For the last 8 years, was enjoying working in Microsoft as consultant and architect with major Russian, European, African and Middle-Eastern customers. Main specializations - virtualization, security, IT architecture and management. Working deeply with Microsoft Virtualization Product Group to deliver excelence to customers in Russia and MEA. Participating in all major Microsoft events as speaker and organisator. Working with Microsoft Learning team on new professional certifications - certified on almost all Microsoft technologies. Great attitude with the customers I worked with helps me to sell IT projects and pre-sale software.
In 2010 I joined Microsoft NEPA (North Africa, East Mediterranean & Pakistan) as the infrastructure architect for that region. Main aim - to help NEPA region to win the cloud battle. In 2011 has been promoted to architect of whole MEA region.

Professional overview:
• 10+ years of IT experience, including IT architecture, product management, design, development,

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Alexander Kibkalo
Project Manager at

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(25000+ users), geographically-distributed systems

lead experience

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nentation skills

cture products, solutions and technologies
of German and Swedish languages

Alexei Eremenko
Enterprise Solution Architect
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ery architect at Microsoft, and joined 5nine Software
elp 5nine to ship great Hyper-V products.

ecurity, project management, people management,
n, Active directory architecture, identity management,

Information with the list of my certifications and exams can be found at https://mcp.microsoft.com
/authenticate/validatemcp.aspx
ID: 655758 password: Microsoft

Believe me, it is WORTH viewing!

Experience

Director of Product Management
5nine Software Inc.

August 2013 – Present (8 months)

Just joined 5nine as Director of Product Management for Security and Management products.
Working on new wave of 5nine Cloud Security, 5nine Hyper-V Manager and Live Encryptor products.
Choosing features and priority, working with customers to plan products roadmap.
Actively working with sales team to reach main Hyper-V customers with 5nine products.
Participating in local and global Microsoft events, delivering trainings and webcasts.

Freelance architect/trainer
Stars and S

Ilya Korolkov
Business Development Consultant at
Wargaming Interactive GmbH

Ivan Dudorov
System Architect at LANIT

Denis Dyagilev
Virtualization Program Manager at
5nine Software Inc.

Alexey Murzov
Infrastructure2Applications Sales
Specialist at Hewlett-Packard

Andrey Ivashentsev
Tech Evangelism Unit Lead - Microsoft

Dmitry Burtsev
Looking for a job!

Vladimir Kolesnikov
Senior Program Manager at Microsoft

Artur Gaffanov
Senior Technical Consultant at Dell
Services

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Project Manager at   ›

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trainings: my own, Microsoft Learning, or any custom developed.

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...virtualization, cloud, high availability and other IT
...kills of IT team, getting them from Microsoft field
... http://www.stars-s.ru/classify.asp?c_no=102
...virtualization, clustering, RDS, APP-V and ADDS
...ou want it in English, feel free to contact me. Can
...e gather a class. Have enough equipment for
...onment in cloud.

Alexei Eremenko
Enterprise Solution Architect
Connect

...Cloud , High Availability, Disaster Recovery and
...om Microsoft Gold Certified Partner. If you need
...above techologies, contact, we would discuss it. Can
go prime or subcontract.

Architect MEA HQ

Microsoft

September 2011 – September 2012 (1 year 1 month) | Middle East and Africa region

2011 – Architect MEA HQ
• Working as a virtualization v-team lead, designing cloud services for banks and governments in MEA region.
• Designing heterogeneous environments, integrating complex systems into a single solution
• Leading VMware compete group in MEA, doing presales of Microsoft cloud solutions in critical situations
• Working with Hyper-V Product team to deliver information from the field, to help product group to improve and develop great hypervisor
• Participating as speaker on TechEd and TechReady conferences.
• Participating in writing Microsoft Press books on virtualization. Last one, where was actively involved is on Windows Server 2012: http://go.microsoft.com/?linkid=9811411

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Principal Group Program Manager at Mi...

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Chief Engineer at Saving Bank of Russia...

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Alexander Kibkalo
Project Manager at

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October 2010 – September 2011 (1 year) | North-East Mediterranean and Pakistan

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Enterprise Solution Architect
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NEPA

l accounts in NEPA and MEA regions. Working with
n, Government of Lebanon, Government of Nigeria,
nk of Jordan, Ahli Bank of Jordan, Bank Populaire
k Pakistan, Faysal Bank Pakistan, Riyadh Bank);
Mobilink, Telenor, Algerian Telecom), educational
chools, Jordan University), etc.

Rohit Rahi
Principal, Product Marketing at Amazon ...
View↓

6 more recommendations↓

Architect
Microsoft
May 2005 – October 2010 (5 years 6 months) | Moscow, Russian Federation

2009 — Principal Consultant of Microsoft Consulting Services, Russia
• Working with major Russian and foreign customers (The Bank of Savings, Central Bank, Alfa Bank, Federal Taxation Service, The State Duma,..) on infrastructure security and server virtualization projects
• Creating the vision and the scope of project for customers, requesting internal funds if needed, forming the project team, leading projects during delivery phase.
• Participating in major events like Platforma, Windows Server Launch, Citrix Virtualization Conference, etc as a speaker and organization of IT infrastructure of such events.
• Working with Product team on customer' feedback, delivering product excellence
• Virtualization Architect in Microsoft Russia - all virtualization projects and activities require my technical expertise. Hyper-V, APP-V, MED-V and migration from third-party platforms to Microsoft virtualization. Creating Disaster recovery and Site Recovery solutions, building Fault Tolerant systems, managing isolated environments.
• Expert in System Center family, including Operations Manager , Configurations Manager (for installing OS and applications on physical and virtual servers, for managing APP-V packages on clients), Data Protection Manager (for backup and restore of Hyper-V hosts and guests, including single-item recovery features)
• Known expert in Windows customization, servicing and imaging. Perform application compatibility analysis, including Windows 7 shims, MED-V and APP-V packets for legacy applications. Designing

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Project Manager at   >

Russian: http://blogs.technet.com/vm on virtualization

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Services, Russia
es, Russia

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CBOSS

ystems
ng the Primary contact for Microsoft Partner

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Yuriy Rubtsov
Account Technology Strategist at Microsoft
View↓

Maxim Vlasov
Solution Architect at IBM
View↓

Leading specialist
VNIIEF-STL "Software Technology Lab"
May 1999 – October 2001 (2 years 6 months)

2001 — Leading specialist
2000 — Scientific specialist
1999 — Associate specialist

Publications

Introducing Windows Server 2012 ➔
Microsoft Press
June 1, 2012

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Project Manager at

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Enterprise Solution Architect
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English

Swedish

Skills & Endorsements

Top Skills

99+	Cloud Computing
85	Virtualization
69	Data Center
55	Hyper-V
43	Active Directory
38	Microsoft Technologies
37	Windows Server
33	Solution Architecture
32	Pre-sales
31	Enterprise Software

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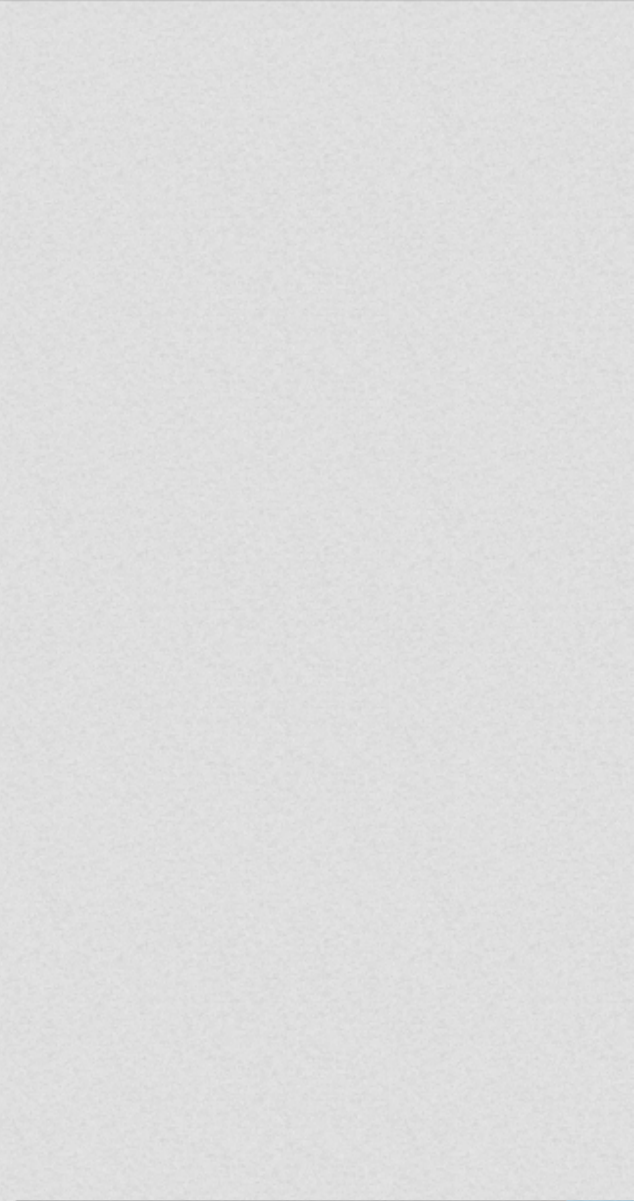
26 Enterprise Architecture   **25** IT Strategy   **24** VMware   **20** High Availability

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Security   **17** Microsoft Exchange

CM   **10** SCOM   **10** Private Cloud

Alexei Eremenko
Enterprise Solution Architect
Connect

he Government of the Russian
Federation
MBA, IT Management School, project management
2001 – 2002

Higher School of Economics
Ph.D., Mathematical methods
2001 – 2001

Got the Ph.D. of Economics on mathematical methods chair. Specialization 05.00.13

Lomonosov Moscow State University (MSU)
Master, Applied Mathematics
1996 – 2001

Department of mathematics. Chair of Mathematical Theories of Intellectual Systems

Additional Info

Interests

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Project Manager at

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an interesting offer.

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Gold Start Award
CPE Gold Award
Circle of Excelence Award

Certified at Microsoft as:

Microsoft Certified Trainer
Microsoft Certified IT Professional
- Enterprise Administrator
- Server Administrator
- Database Administrator
- Enterprise Desktop Administrator 7
Microsoft Certified Systems Engineer: Security
Microsoft Certified Systems Engineer: Messaging
Microsoft Certified Solution Developer
Microsoft Certified Database Administrator
Microsoft Certified Technology Specialist
Microsoft Certified Professional Developer
- Web Developer
- Windows Developer
- Enterprise Application Developer

Additional information with the list of all certifications and exams can be found at
https://mcp.microsoft.com/authenticate/validatemcp.aspx ID: 655758 password: Microsoft

Certified as CompTIA Server+ and Server+ 2004

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menko
Solution Architect

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Given (10)

with enormous power, who finds time for everything:
ex projects till product beta-testing. He spent much
ft products, his ideas are perfect and creative and
people inside Microsoft.

r at Asteros

Adee Khan
Systems Engineer/Systems Architect

" I have worked with Adeel during an assignment in HBL, i have found him very dedicated
any technically sound, he can be a valuable asset to any organisation, i wish him best of
luck for his career.

April 3, 2013, Alex was with another company when working with Adee at Habib Bank Limited

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n Usman Ali at Ufone and would recommend him as a
ve complex IT projects. He has a deep knowledge of
logies, a broad expertise in IT solutions, a great
customer-focused approach. Besides that Usman is
xplains things in a smart and easy way, and have a

quickly learn and even certify on them with "Early
r Microsoft employes.
him.. If you still doubt reading this recommendation,

an's client

Iftikhar Imtiaz A Khan
Assistant Manager /Enterprise System Administrator

❝ Iftikhar has outstanding organizational skills. He is able to successfully complete
multiple tasks with favorable results despite deadline pressure. He gave his best during a
project with me and assisted me in a self-dependent manner. I wish him all the best in
future I would like to restate my strong recommendation for Iftikhar.

October 22, 2011, Alex worked with Iftikhar at Habib Bank Limited

Sergey Khalyapin
Team Leader SE Russia and CIS

❝ Sergey has the rare combination of being an extremely focused and capable individual
that also has an excellent personality. He often brings incite and experience to challenging
questions and will also offer creative solutions where they are pertinent. The combination of
personality, experience and skill allow Serget to work well with everyone up through the
CxO level and always get even more results than you may expect!

March 30, 2011, Alex was Sergey's client

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Project Manager at   ›
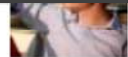
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Enterprise Solution Architect

rs. He is not only a technical expert high-level, but
rk of the department. This employee combines the
usiness people who can not only develop a complex
tomer. Anton is always doing more then you expect,
ng a perfect team player.

ng with Oleg for long time and can recommend his as
with excellent technical skills and dedicated approach to him work.
Oleg constantly learns new technologies and puts them into practice. He always shares his
technical skills with team-mates.
Great communication skills, positive attitude and ability to solve complex issues in a timely
manner make Oleg a valuable part of any organisation.

December 7, 2010, Alex was with another company when working with Oleg at Transneft Finance

Artur Gaffanov
Technology Specialist

" I've worked with Artur for few years at Microsoft Condulting Services, mostly regarding
Microsoft products and technologies. He showed deep passion, great technical skills and
ability to get new skills. For the last year, Artur demonstrates a true Microsoft spirit at
Microsoft Technology Center in Moscow, he is the person with great combination of
technical skills & experience and great attitude to collegues.
I'm delighted to recommend Artur as a smart and responsive guy, who is very comfortable
to work with.

July 13, 2010, Alex worked directly with Artur at Microsoft

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Alexander Kibkalo
Project Manager at

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f technical skills & experience and great attitude to
few years mostly regarding network configuration
me time his benefits were in knowledge of a wide
. VoIP, routing, database technologies…). I'd like
c – he is a meticulous guy who can deeply
it would be completely resolved.

n at CBOSS

ars as with my team lead, mostly regarding
Microsoft products and technologies. He showed deep passion, great technical skills and
ability to get new skills. I'm delighted to recommend Maxim as a smart and responsive guy,
who is very comfortable to work with.

January 19, 2010, Alex reported to Maxim at CBOSS

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Project Manager at

Magistrate Judge Mary Alice Theiler

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,	CASE NO. MJ 14-114
Plaintiff	
	COMPLAINT for VIOLATION
v.	Title 18, U.S.C. Section 1832
ALEX A. KIBKALO	
Defendant.	

BEFORE, Mary Alice Theiler, United States Magistrate Judge, U. S. Courthouse, Seattle, Washington.

The undersigned complainant being duly sworn states:

COUNT ONE

Theft of Trade Secrets

On or about August 18, 2012, within the Western District of Washington and elsewhere, ALEX A. KIBKALO with intent to convert trade secrets belonging to Microsoft, specifically Microsoft's Activation Server Software Development Kit, to the economic benefit of someone other than Microsoft, which trade secrets were related to and included in products that were produced for and placed in interstate and foreign commerce, did knowingly and without authorization download, upload, transmit, deliver,

1 | send, communicate, and convey such information from Microsoft's computer system, and

2 | did attempt to do so, intending and knowing that such acts would injure Microsoft.

3 | All in violation of Title 18, United States Code, Section 1832(a)(2), (a)(4), and 2.

4 | And the complainant states that this Complaint is based on the following

5 | information:

6 | I, Armando Ramirez III, being first duly sworn on oath, depose and say:

7 | **INTRODUCTION AND AGENT EXPERIENCE**

8 | 1. I am a Special Agent of the Federal Bureau of Investigation (FBI) currently

9 | assigned to the Seattle Field Division. I have been employed as a Special Agent of the

10 | FBI since May of 2006. I have received basic federal law enforcement training,

11 | including the training at the FBI Academy, as well as other specialized federal law

12 | enforcement training. I have participated in the investigation of numerous white collar

13 | offenses, including health care fraud, financial institution fraud, copyright infringement,

14 | theft of trade secrets and counterfeit goods. I have used many investigative techniques.

15 | For example, I have interviewed and operated informants, conducted numerous searches,

16 | interviews, and physical and electronic surveillance.

17 | 2. The facts set forth in the Affidavit are based on my own personal

18 | knowledge, knowledge obtained from other individuals during my participation in this

19 | investigation, including review of documents and records related to this investigation,

20 | communications with others who have personal knowledge of the events and

21 | circumstances described herein, and information gained through my training and

22 | experience.

23 | 3. The information set forth below does not detail each and every fact and

24 | circumstance of the investigation or all of the information known to the investigative

25 | participants. Rather, this Affidavit serves solely to establish that there is probable cause

26 | to believe that Alex A. Kibkalo committed the crime of Theft of Trade Secrets, in

27 | violation of Title 18, United States Code, Section 1832.

28 |

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SUMMARY OF INVESTIGATION

4. In July 2013, Microsoft Corporation provided me the results of an internal investigation they had conducted related to the theft of Microsoft trade secrets. According to Microsoft, their investigation revealed unauthorized transmissions of proprietary and confidential Microsoft trade secrets from ALEX A. KIBKALO, a Russian national and former Microsoft employee in Lebanon, to a technology blogger in France (hereafter "the blogger"). Microsoft's investigation revealed that in July and August 2012, KIBKALO had uploaded proprietary software including pre-release software updates for Windows 8 RT and ARM devices, as well as the Microsoft Activation Server Software Development Kit (SDK) to a computer in Redmond, Washington and subsequently to his personal Windows Live SkyDrive account.

5. According to Microsoft, the SDK is an internal product development kit that was not generally known to or readily ascertainable through proper means by the public. The SDK is used for product key validation and was distributed for internal Microsoft use only. Microsoft product teams use the SDK in customizing their product code to ensure proper validation in the product key activation process. Proper validation of product keys is part of Microsoft's efforts to protect against copyright infringement of its products.

6. After uploading the SDK to his SkyDrive account on August 18, 2012, KIBKALO provided the blogger with links to the file on his SkyDrive account and encouraged the blogger to share the SDK with others who might be able to reverse engineer the software and write "fake activation server" code.

7. At the conclusion of Microsoft's internal investigation, Microsoft investigators interviewed KIBKALO on September 24, 2012. KIBKALO admitted he had provided confidential Microsoft products and information to the blogger and confirmed that he did so via his SkyDrive account and the computer in Redmond, Washington. Among the products KIBKALO admitted to stealing, he listed a large number of internal unreleased "hotfixes" for Windows 8, "code for the PID generator" (a

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1   technical description of the SDK), unreleased versions of Windows Live messenger, and

2   documents and presentations about products.

3   8.   As a result, I believe there is probable cause to find that violations of Title

4   18, United States Code, Section 1832, Theft of Trade Secrets, have been committed by

5   ALEX A. KIBKALO.

6   <div align="center">**RELEVANT STATUTE**</div>

7   9.   Title 18, United States Code, Section 1832 provides that:

8   **(a)**   Whoever, with intent to convert a trade secret, that is related to a product or

9   service used in or intended for use in interstate or foreign commerce, to the economic

10   benefit of anyone other than the owner thereof, and intending or knowing that the offense

11   will, injure any owner of that trade secret, knowingly—

12   **(1)** steals, or without authorization appropriates, takes, carries away, or

13   conceals, or by fraud, artifice, or deception obtains such information;

14   **(2)** without authorization copies, duplicates, sketches, draws, photographs,

15   downloads, uploads, alters, destroys, photocopies, replicates, transmits, delivers, sends,

16   mails, communicates, or conveys such information;

17   **(3)** receives, buys, or possesses such information, knowing the same to

18   have been stolen or appropriated, obtained, or converted without authorization;

19   **(4)** attempts to commit any offense described in paragraphs (1) through (3);

20   or,

21   **(5)** conspires with one or more other persons to commit any offense

22   described in paragraphs (1) through (3), and one or more of such persons do any act to

23   effect the object of the conspiracy,

24   shall, except as provided in subsection (b), be fined under this title or imprisoned not

25   more than 10 years, or both.

26   <div align="center">**THE INVESTIGATION**</div>

27   **I.**   **BACKGROUND ON THE BLOGGER**

28

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10. The blogger was known to those in the Microsoft blogging community for posting screenshots of pre-release versions of the Windows Operating System. The blogger began his online persona by posting Windows-related comments on forums related to Microsoft products. The blogger later started posting Microsoft news and information to his own websites. The blogger used his Twitter account to post comments about internal Microsoft build specifications for unreleased software and news relating to his latest postings. The blogger deliberately hid his identity, stating falsely that he was from Quebec, and ensured that key identifying information was not posted.

11. Trustworthy Computing Investigations (TWCI), a Microsoft department responsible for protecting the company from external threats such as hackers, and internal threats such as information leaks, had been tracking the blogger's postings and had attempted to ascertain his identity prior to Kibkalo's leak. At the time, TWCI could not determine if the blogger was an external party obtaining information from a contact within Microsoft, or whether the blogger was a Microsoft employee.

II. MICROSOFT'S INVESTIGATION

12. On September 3, 2012, an outside source who requested that Microsoft not reveal the source's identity, contacted Steven Sinofsky, the former President of the Windows Division of Microsoft, and indicated that the source had been contacted by the blogger who sent the source proprietary Microsoft code. The blogger asked the source to examine the contents of the code to help the blogger better understand its contents. A subsequent interview of the source by TWCI and an examination of the code determined that the code transmitted to the source by the blogger was the Microsoft Server SDK sample code.

13. The source indicated that the blogger contacted the source using a Microsoft Hotmail e-mail address that TWCI had previously connected to the blogger. After confirmation that the data was Microsoft's proprietary trade secret, on September 7, 2012 Microsoft's Office of Legal Compliance (OLC) approved content pulls of the blogger's Hotmail account.

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1   14.   An e-mail from Microsoft employee ALEX KIBKALO was found within

2 the blogger's Hotmail account which established that KIBKALO shared confidential

3 Microsoft information and data with the blogger through KIBKALO's Windows Live

4 Messenger account, akibkalo@mail.ru. Specifically, on or around July 31, 2012,

5 KIBKALO used his akibkalo@mail.ru e-mail account to send the blogger an e-mail with

6 the subject line of "Alex A. has shared a folder with you." That e-mail contained six zip

7 files of pre-release "hot fixes" for Windows 8 RT for ARM devices, which KIBKALO

8 made accessible through his SkyDrive account. The fixes were not publicly available, as

9 Microsoft had not yet released Windows 8.

10   15.   The Microsoft investigation further revealed that because KIBKALO was

11 located in Lebanon and his Microsoft corporate network connection was slow and

12 unreliable, he elicited the assistance of an acquaintance in Washington State to set up a

13 virtual machine on a computer server at Microsoft in Redmond, Washington. KIBKALO

14 used the virtual machine to upload the data and products he stole from Microsoft to his

15 SkyDrive account and then subsequently transmitted links to the materials he uploaded,

16 to the blogger. Microsoft investigators conducted a forensic examination of the virtual

17 machine as part of their investigation. Digital trace evidence was found on the virtual

18 machine which contained the same files that were shared from KIBKALO's SkyDrive

19 account to the blogger. This trace evidence included log files demonstrating KIBKALO

20 had uploaded the Activation Server SDK to his SkyDrive account on August 18, 2012,

21 and shared the file with the blogger.

22   16.   The SDK files uploaded by KIBKALO were contained in a file with the

23 name "PIDGENXSDK RAR" which was an archive file similar to a .zip file. Microsoft's

24 investigation showed that on August 1, 2012, KIBKALO requested access to Microsoft's

25 Out of Band (OOB) server, which was granted on August 2, 2012. Data traces to the

26 OOB server showed that KIBKALO accessed it on August 18, 2012, and that he

27 subsequently placed one RAR file on his personal Windows Live SkyDrive account.

28 Microsoft Network (MSN) chat logs later recovered from the blogger revealed

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1 KIBKALO notified the blogger via MSN messenger that the file was available on his

2 SkyDrive account.

3   17.   While reviewing the blogger's e-mail account, Microsoft also located

4 Instant Message (IM) communications between the blogger and KIBKALO on or around

5 September 09, 2012, in which they discussed the logistics of exchanging data amongst

6 themselves. A subsequent review of KIBKALO's accounts found references to the

7 Activation Server SDK sample code in the unallocated clusters of the virtual machine

8 used by KIBKALO, as well as in the log file for KIBKALO's SkyDrive account. The

9 sample code in KIBKALO's accounts was the same sample code that the Microsoft

10 source received from the blogger, prompting Microsoft's investigation.

11 **III.   THE STOLEN DATA**

12 **A.   Windows 8 RT Software Updates**

13   18.   According to Microsoft, the software updates that KIBKALO uploaded to

14 his SkyDrive account on or about July 31, 2012, and provided to the blogger, were pre-

15 release Windows 8 "hot fixes," which updated and corrected operating system critical

16 flaws prior to the operating system's release. These fixes are not sold separately and are

17 only distributed through Original Equipment Manufacturing (OEM) partners as preloaded

18 software or through updates to end-users. Microsoft reported that the files were not

19 published at the time KIBKALO took them, as Microsoft had not yet released Windows

20 8.

21 **B.   Activation Server SDK**

22   19.   According to Microsoft, the Activation Server Software Development Kit

23 that KIBKALO uploaded to his SkyDrive account on or about August 18, 2012, and

24 provided to the blogger, was used for product key validation and was distributed for

25 internal Microsoft use only. Its purpose was for Microsoft product teams to use in

26 customizing their product code to ensure proper validation in the product key activation

27 process. The SDK included sample code and test keys to enable product developers to

28 configure products to communicate properly with the activation servers and correctly

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1 validate and activate. Therefore, the SDK was related to products that Microsoft placed

2 in interstate or foreign commerce and had independent economic value because it was

3 part of Microsoft's system of protecting its copyrights.

4   20.   Microsoft further reported, however, that the sample keys in the SDK

5 would not enable product activation or allow product key generation on their own

6 because the SDK contained obfuscated binaries and did not include the security

7 algorithm. Nonetheless, Microsoft explained that the technology within the SDK could

8 allow someone external to understand better the overall Microsoft product key validation

9 scheme. Ultimately, while the potential for harm from misuse of the SDK is generally

10 considered low, Microsoft Windows Principal Development Manager stated that the

11 samples in the SDK "could help a hacker trying to reverse engineer the code." Based on

12 Microsoft's review of KIBKALO's communications with the blogger, KIBKALO was

13 aware of this and intended to attempt to reverse engineer the SDK. For example, when

14 KIBKALO first discussed the idea of transmitting the SDK to the blogger on or around

15 August 18, 2012, KIBKALO asked if the Blogger knew any hackers who would like to

16 participate in writing fake activation server codes. KIBKALO later added that he wanted

17 a developer to "play" with the SDK to "check what is inside."

18   21.   While information regarding product activation servers is available through

19 online sites (such as http://forums.mydigitallife.info/threads/38289-Windows-8-KMS-

20 Activation and http://technet.microsoft.com/en-us/library/jj612867.aspx), information as

21 to the product key validation is not posted or distributed externally and the SDK itself is

22 not available to the public. Microsoft also takes numerous measures to protect the

23 confidentiality of the SDK including electronic access controls that monitor the use of its

24 corporate network, and physical controls including security guards, key card controlled

25 access to their buildings, and video surveillance. Employees are also advised that they

26 may not disclose Microsoft proprietary information outside of Microsoft and employees

27 are required to sign a confidentiality agreement at the beginning of their employment.

28

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C. Measures Taken by Microsoft to Protect Proprietary Information

22. The software at issue was custom developed code designed for internal Microsoft use in producing Windows operating system products. The code was protected by copyright and kept confidential as a proprietary trade secret of Microsoft. Access and use of the software was controlled under the Windows Intellectual Property (WIP) security program.

23. All WIP assets (Windows program builds, development tools, Software Development Kits, Windows Driver Kits, etc.) are stored on a series of file servers located in specially secured rooms on Microsoft premises. These rooms are secured and access is controlled via special card-key access rights limited to a defined set of employees. The rooms are monitored at all times by camera and alarm by Microsoft's Corporate Security team.

24. Electronic access to WIP stored on these servers is by default restricted to those employees who are actively engaged in Windows projects and who are authenticated users on the corporate network. There is a single access control tool that is used to provision access for employees. This tool checks to ensure that an employee is assigned to a Windows project before it grants the employee access to any WIP. If an employee who is not working on a Windows project wishes access to the Windows IP they must provide a detailed justification, obtain their manager's approval, and then the approval of a sponsor within the Windows organization. If the justification is sufficient and all approvals are met then access can be granted at the discretion of the WIP security program management. Electronic files downloaded from WIP may be signed by a unique identifier to facilitate tracking back to the person who downloaded files.

25. Electronic access to WIP is granted subject to the employee agreeing to the WIP Terms of Service (TOS). This is in addition to any Microsoft Non-Disclosure Agreement signed at the start of employment. Microsoft's TOS, signed by KIBKALO, states in part:

"By acquiring access: You agree to the following statement.

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The resources (i.e. builds, source code, bug information, schedules, etc.) you are about to access constitute highly sensitive confidential and proprietary information of Microsoft Corporation. Under the terms of your employment agreement, NDA, and/or license agreement with Microsoft you are required to protect these materials. If you fail to do so, you could face civil and/or criminal liability.

These resources are provided only to you with no provision for redistribution. You may not share or attempt to share any of this information, repost this data on another server, or take any other action to distribute or disseminate these builds without express prior approval from the Windows IP Security team (WIPS).

The builds that you will be granted access to via this website are Microsoft confidential. When you download or install the build it will be signed with a unique identifier that is associated with your user credentials. By downloading these builds you are agreeing to this practice."

26.   A request by KIBKALO to Microsoft for permission to distribute or disseminate the builds was neither made nor granted.

IV.   INTERVIEWS

A.   Alex Kibkalo Interview

27.   KIBKALO was a seven-year employee at Microsoft who was working as a software architect in Lebanon at the time of Microsoft's investigation. He had previously worked at a location in his native Russia and had requested a transfer to Lebanon. Microsoft OLC learned shortly before the interview that KIBKALO had indicated he was leaving Microsoft. In 2012, KIBKALO received a poor performance review and threatened to resign if the review was not amended. KIBKALO was advised that the review would not be changed and that he needed to provide a formal resignation letter.

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28. KIBKALO was interviewed by Microsoft TWCI over the course of two days. He acknowledged leaking confidential and proprietary Microsoft information, products and product-related information to the blogger. KIBKALO said he met the blogger in an online forum and communicated with him three to four times a week for several months. KIBKALO acknowledged that he leaked the information via his SkyDrive account which had been uploaded to a virtual machine that was physically located in Redmond, Washington, on a Microsoft corporate machine made available to him by a friend.

B.   The Blogger Interview

29. During his interview, the blogger admitted to posting information on Twitter and his websites, knowingly obtaining confidential and proprietary Microsoft IP from Kibkalo, and selling Windows Server activation keys on eBay.

30. Among the items found in the blogger's home were files from his computer containing his Microsoft Network (MSN) chat history, which included chats between his account and KIBKALO's akibkalo@mail.ru account between August 2, 2012 and September 21, 2012. Within these chats were examples of the blogger trying to get KIBKALO to find pre-release software, the blogger attempting to use KIBKALO's corporate network access to access Microsoft servers, discussions about transferring data between themselves, direct discussions of KIBKALO leaking data, as well as discussions about how they might get caught. Some examples of the chats are as follows:

<u>**08/02/2012:**</u>

KIBKALO: I would leak enterprise today probably

BLOGGER: Hmm

                 are you sure you want to do that? lol

KIBKALO: why not?

BLOGGER: 1st time I speak with a "real" leaker since Zuko era

KIBKALO: Mm

                 To be honest, in nwin7_rtm and win7_sp1 I leaked 250GB :)

1	BLOGGER:	when do you plan to leak it over the internet?
2	KIBKALO:	when would download and upload
3		I am on slow internet
4	BLOGGER:	you done this from lebanon?
5	KIBKALO:	Yes
6	BLOGGER:	wow you're crazy
7		
8	**08/03/2012:**	
9	KIBKALO:	I gonna leak server 2012
10		That is it
11	BLOGGER:	enterprise vl was leaked last night
12		
13	**08/18/2012:**	
14	KIBKALO:	Your hacker friend is in MSFT or out?
15	BLOGGER:	Out
16	KIBKALO:	Would he like to participate in writing fake activation server
17	BLOGGER:	but…his GF is now msft employee, she start in December
18	KIBKALO:	If I have sources of the real one
19	BLOGGER:	I can ask now
20	KIBKALO:	Sure
21		I have SDK, tokens, binaries, website, etc
22		need some developer to play with it, I am not
23		no commitments of course, but I won't share
24		that just for collection, - if we do that, let's
25		someone try to check what is inside
26	BLOGGER:	Asked
27		reply:
28		"that's crossing a line you know pretty illegal

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1		lol"
2	KIBKALO:	I know
3		:)
4		
5	**09/18/2012:**	
6	KIBKALO:	when i stayed at Hyatt in Bellevue, I got ISOs
7		from winbuilds like I was sitting in Building 9
8	BLOGGER:	nice!
9		you didn't keeped a VM into the building? :)
10	KIBKALO:	Lol
11		I may tell you, that in feb 2011 I sneaked to
12		building 9 at night and plugged laptop to cable
13		network instead of one servers' tried to got
14		pre build over PXE but failed, as they
15		controlled MACs
16		
17	**09/21/2012:**	
18	BLOGGER:	Lca
19		Grr
20		they scaring me
21		they have my name about leaks i think
22	KIBKALO:	Guess they can't prove it
23		otherwise we won't be speaking
24		and if they can't prove – don't care
25	BLOGGER:	Lol
26		why you think we wont speaking?
27		cuz i will be in jail?
28	KIBKALO:	:)

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1 Based on my experience with Microsoft, I believe "Lca" may be a reference to

2 Microsoft's Office of Legal and Corporate Affairs.

3   **CONCLUSION**

4   31.   After the termination of KIBKALO's employment with Microsoft, he

5 relocated to Russia. Based on open source searches on the Internet, I located a LinkedIn

6 account for Alex Kibkalo that indicates he is currently working for another U.S. based

7 technology company with offices in Moscow and St. Petersburg, Russia.

8   32.   The above facts are true and correct to the best of my knowledge and belief.

9 Based on the foregoing information provided by Microsoft, to include details of the

10 company's internal investigation of Kibkalo, I submit that probable cause exists to

11 believe that Alex A. Kibkalo engaged in violations of Title 18, United States Code,

12 Section 1832, Theft of Trade Secrets.

13

14

15 ARMANDO RAMIREZ III,
   Complainant
16 Special Agent, Federal Bureau of
   Investigation
17

18

19
        Based on the Complaint and Affidavit sworn to before me, and subscribed in my
20
   presence, the Court hereby finds that there is probable cause to believe the Defendant
21
   committed the offense set forth in the Complaint.
22
        Dated this _____ day of March, 2014.
23

24

25

26 MARY ALICE THEILER
   United States Magistrate Judge
27

28

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U.S. District Court
United States District Court for the Western District of Washington (Seattle)
CRIMINAL DOCKET FOR CASE #: 2:14-mj-00114-MAT All Defendants

Case title: USA v. Kibkalo   Date Filed: 03/17/2014

Assigned to: Hon. Mary Alice Theiler

Defendant (1)

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts	**Disposition**
None	

Highest Offense Level (Opening)	
None	

Terminated Counts	**Disposition**
None	

Highest Offense Level (Terminated)	
None	

Complaints	**Disposition**
THEFT OF TRADE SECRETS, 18:1832	

Plaintiff

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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/19/2014	8	NOTICE OF INVOCATION OF RIGHTS AT INITIAL APPEARANCE by Alex A Kibkalo (Leonard, Russell) (Entered: 03/19/2014)
03/19/2014	7	DETENTION ORDER PENDING TRIAL as to Alex A Kibkalo re document 3 MOTION for Detention by Hon. Mary Alice Theiler. (cc: PTS, USMO) (JK) (Entered: 03/19/2014)
03/19/2014	6	Minute Entry for proceedings held before Hon. Mary Alice Theiler- CRD: *J.KELLY*; AUSA: *N. BARBOSA*; Def Cnsl: *R. LEONARD*; PTS: *C. LACY*; Court Reporter: *DIGITAL RECORDED*; Time of Hearing: *2:00*; Courtroom: *12B*; Interpreter: *LINDA NOBLE*; Language: *RUSSIAN (NOT NEEDED)*; **INITIAL APPEARANCE AND DETENTION HEARING** as to Alex A Kibkalo held on 3/19/2014. Financial reviewed, Cnsl appt'd. Defendant(s) advised of rights and charges. Gov moves to detain, Cnsl stipulates to detention Defendant(s) remanded to custody. Preliminary Examination set for 4/2/2014 at 01:00 PM before Hon. James P. Donohue. (JK) (Entered: 03/19/2014)
03/19/2014	5	ORDER APPOINTING FEDERAL PUBLIC DEFENDER appointing Russell V. Leonard for Alex A Kibkalo. On the basis of the defendant's sworn financial statement, the court finds that he/she is financially unable to retain counsel. It is hereby ORDERED that the Federal Public Defender for the Western District of Washington be and hereby is appointed to represent the defendant pursuant to Title 18 United States Code 3006A. Signed by Hon. Mary Alice Theiler. *(No.pdf image attached)* (JK) (Entered: 03/19/2014)
03/19/2014	3	MOTION for Detention by USA as to Alex A Kibkalo Noting Date 3/19/2014, (Barbosa, Norman) (Entered: 03/19/2014)
03/19/2014		Case unsealed as to Alex A Kibkalo. (JT) (Entered: 03/19/2014)
03/19/2014		Arrest of Alex A Kibkalo on 3/19/2014. (JT) (Entered: 03/19/2014)
03/17/2014	1	COMPLAINT as to Alex A Kibkalo (1). (AE) (Entered: 03/17/2014)

PACER Service Center			
Transaction Receipt			
03/20/2014 08:22:16			
PACER Login:	lt2063	**Client Code:**	
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