



United States Attorney  
District of Delaware

1007 Orange Street, Suite 700  
P.O. Box 2046  
Wilmington, Delaware 19899-2046

(302) 573-6277

FAX(302) 573-6125

November 6, 2006

2

CR06-121-SLR.

**FILED UNDER SEAL**

Clerk, U.S. District Court  
United States District Court  
J. Caleb Boggs Federal Building  
844 King Street, Room 6325  
Wilmington, Delaware 19801

**Re: United States v. Gary Min, a.k.a. Yonggong Min**

Dear Clerk of the Court:

The government filed today under seal a Felony Information and Memorandum of Plea Agreement in the above-captioned case. I have been informed by Chief Judge Robinson's chambers that she is handling the case and that she has scheduled a guilty plea hearing under seal on Monday, November 13, 2006 at 10:00 a.m.

Respectfully submitted,

COLM F. CONNOLLY  
United States Attorney

CFC:taj  
Enclosures

cc: Michael M. Mustokoff, Esquire

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
v. )  
)  
GARY MIN, a.k.a. )  
YONGGANG MIN, )  
)  
Defendant. )

Criminal Action No. 06-121-SLR

**MOTION TO CONTINUE SENTENCING**

NOW COMES the United States of America, by and through its attorney, Colm F. Connolly, United States Attorney for the District of Delaware, and hereby moves for a continuance of the March 29, 2007 sentencing date in the above-captioned case. Counsel for the defendant does not oppose this motion.

Respectfully Submitted,

  
COLM F. CONNOLLY  
UNITED STATES ATTORNEY

Dated: February 21, 2007

**CERTIFICATE OF SERVICE**

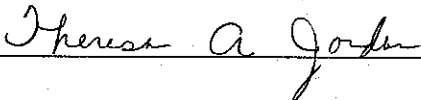
I, Theresa A. Jordan, an employee with the United States Attorney's Office, hereby certify that on February 21, 2007, I served the foregoing:

**MOTION TO CONTINUE SENTENCING**

by causing two copies of said document to be served on counsel of record by facsimile & First

Class Mail as follows:

Michael M. Mustokoff, Esquire  
Duane Morris LLP  
30 South 17<sup>th</sup> Street  
Philadelphia, PA 19103-7396

  
\_\_\_\_\_



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UNITED STATES OF AMERICA, )  
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Plaintiff, )  
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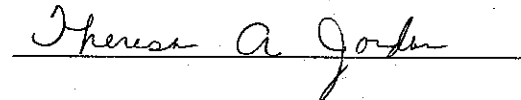
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Duane Morris LLP  
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Philadelphia, PA 19103-7396

A handwritten signature in cursive script, reading "Theresa A. Jordan", is written over a horizontal line.



**U.S. Department of Justice**

*United States Attorney's Office  
District of Delaware*

*The Nemours Building  
1007 Orange St., Suite 700  
P.O. Box 2046  
Wilmington, Delaware 19899-2046*

*(302) 573-6277  
FAX (302) 573-6220*

FOR IMMEDIATE RELEASE  
Thursday, February 15, 2007

Colm F. Connolly  
United States Attorney  
(302) 573-6277

**GUILTY PLEA IN TRADE SECRETS CASE**

WILMINGTON, DE – Colm F. Connolly, United States Attorney for the District of Delaware; William D. Chase, Special Agent in Charge of the Baltimore Federal Bureau of Investigation (FBI) Field Office; and Darryl W. Jackson, Assistant Secretary of Commerce for Export Enforcement, announced today the unsealing of a one-count Criminal Information charging GARY MIN, a.k.a. Yonggang Min, with stealing trade secrets from E.I. du Pont de Nemours and Company (“DuPont”). MIN pleaded guilty to the charge on November 13, 2006. The offense carries a maximum prison sentence of 10 years, a fine of up to \$250,000, and restitution.

Pursuant to the terms of the plea agreement, MIN admitted that he misappropriated DuPont’s proprietary trade secrets without the company’s consent and agreed to cooperate with the government.

According to facts recited by the government and acknowledged by MIN at MIN’s guilty plea hearing, MIN began working for DuPont as a research chemist in November 1995. Throughout his tenure at DuPont, MIN’s research focused generally on polyimides, a category of heat and chemical resistant polymers, and more specifically on high-performance films. Beginning in July 2005, MIN began discussions with Victrex PLC about possible employment opportunities in Asia. Victrex manufactures PEEK™, a polymer compound that is a functional competitor with two DuPont products, Vespel® and Kapton®. On October 18, 2005, MIN signed an employment agreement with Victrex, with his employment set to begin in January 2006. MIN did not tell DuPont that he had accepted a job with Victrex, however, until December 12, 2005.

Between August 2005 and December 12, 2005, MIN accessed an unusually high volume of abstracts and full-text .pdf documents off of DuPont’s Electronic Data Library (“EDL”). The EDL server, which is located at DuPont’s experimental station in Wilmington, is one of DuPont’s primary databases for storing confidential and proprietary information. MIN downloaded approximately 22,000 abstracts from the EDL and accessed

approximately 16,706 documents – fifteen times the number of abstracts and reports accessed by the next highest user of the EDL for that period. The vast majority of MIN’s EDL searches were unrelated to his research responsibilities and his work on high-performance films. Rather, MIN’s EDL searches covered most of DuPont’s major technologies and product lines, as well as new and emerging technologies in the research and development stage. The fair market value of the technology accessed by MIN exceeded \$400 million.

After MIN gave DuPont notice that he was resigning to take a position at Victrex, DuPont uncovered MIN’s unusually-high EDL usage. DuPont immediately contacted the FBI in Wilmington, which launched a joint investigation with the United States Attorney’s Office and the United States Department of Commerce. MIN began working at Victrex on January 1, 2006. On or about February 2, 2006, MIN uploaded approximately 180 DuPont documents – including documents containing confidential, trade secret information – to his Victrex-assigned laptop computer. On February 3, 2006, DuPont officials told Victrex officials in London about MIN’s EDL activities and explained that MIN had accessed confidential and proprietary action. Victrex officials seized MIN’s laptop computer from him on February 8, 2006, and subsequently turned it over to the FBI.

On February 14, 2006, FBI and Department of Commerce agents searched MIN’s home in Ohio. At the home, the agents discovered several computers which contained DuPont documents marked “confidential.” A software erasure program had been launched on an external disk drive of one of the computers, which was in the process of erasing the entire disk drive at the time the agents entered the house. The investigation further revealed numerous garbage bags that were filled with shredded DuPont technical documents, as well as remnants of DuPont documents that had been burned in the fireplace. In addition, the agents learned that MIN stored numerous other confidential DuPont documents in a storage unit and in a one bedroom apartment.

United States Attorney Colm F. Connolly said that the theft of trade secrets is a serious crime which has the potential to cause significant economic damage to companies, shareholders, and the economy at large. Connolly noted: “The cooperation of both DuPont and Victrex was pivotal to the investigation of the case, demonstrating the important partnership between private companies and the government in safeguarding



intellectual property rights and promoting good corporate citizenship.” Connolly also praised the FBI and the Department of Commerce for their roles in investigating this case.

Special Agent in Charge William D. Chase said, “The FBI is committed to protecting our nation’s intellectual property and trade secrets, and this case is the result of excellent cooperation between FBI Baltimore, Wilmington Resident Agency, and the Department of Commerce, Office of Export Enforcement, and the United States Attorney’s Office. Through the FBI’s Counterintelligence Division’s DOMAIN Program, which is an outreach to the private sector, academia and the intelligence community, the allegation of MIN’s theft came to the FBI’s attention quickly and led to the initiation of this investigation. I commend FBI Special Agent Peter Lapp and Department of Commerce Special Agent Richard Jereski for their dedication and hard work during the investigation of this case, as well as FBI Cincinnati, Columbus Resident Agency, for their work with this investigation.”

“This case clearly demonstrates the seriousness with which we regard allegations of the illegal export of technology which is crucial to the security of the United States,” said Darryl W. Jackson, Assistant Secretary of Commerce for Export Enforcement. “We are always pleased when law enforcement agencies can coordinate an investigation into such allegations.”

This case was investigated by the Federal Bureau of Investigation, Wilmington Resident Agency, and the United States Department of Commerce. United States Attorney Colm F. Connolly and Assistant United States Attorney Robert F. Kravetz are prosecuting the case.

MIN is scheduled to be sentenced by the Hon. Sue L. Robinson, Chief District Court Judge of the District of Delaware, on Thursday, March 29, 2007, at 4:30 p.m.

For further information, contact Colm F. Connolly, United States Attorney.

\*\*\*\*

3

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA )  
v. )  
MICHAEL ASABOWA a.k.a. )  
MICHAEL MUBANG, )  
Defendant. )

Criminal Act. No. 06- 61

REDACTED

The Federal Grand Jury for the District of Delaware charges that:

COUNT 1

On or about October 14, 2004, in the District of Delaware and elsewhere, Michael Asabowa a.k.a. Michael Mubang, Defendant herein, willfully disobeyed and resisted a lawful order of the Court, to wit, he willfully traveled outside of the State of Massachusetts without permission from Pretrial Services or the Court, in violation of Condition 7(i) of the March 11, 2004 Order Setting Conditions of Release entered by United States Magistrate Judge Mary Pat Thyng on or about March 11, 2004, which required the Defendant to abide by the restriction "No travel outside the state of Massachusetts unless authorized by Pretrial services. No travel outside the US without permission from the Court," in violation of Title 18, United States Code, Section 401(3).

A TRUE BILL:

\_\_\_\_\_  
Foreperson

COLM F. CONNOLLY  
United States Attorney

BY: Leonard P. Stark

Leonard P. Stark  
Assistant United States Attorney

Dated: May 23, 2006



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE



IN THE MATTER OF THE SEARCH OF :  
[REDACTED] :  
Frederica, Delaware 19734 :  
(in the town of Bowers Beach, Delaware) :

Case No. 05-119M.

MOTION AND ORDER TO SEAL

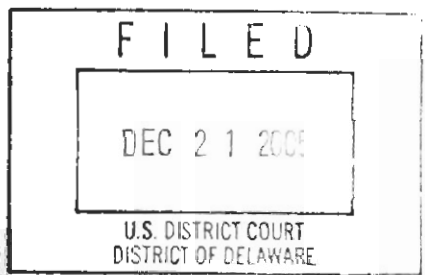
NOW COMES the United States of America, by and through its attorneys, Colm F. Connolly, United States Attorney for the District of Delaware, and Leonard P. Stark, Assistant United States Attorney for the District of Delaware, and hereby moves to seal the entire file in the above captioned matter until such time as a return of the search warrant is made, and, in support thereof, states as follows: (1) the search warrant had not yet been executed at the time it was applied for and at the time the government asked that it be sealed, and at that time any disclosure of any information relating to the search warrant would have jeopardized the successful execution of the warrant, and (2) the United States needed and needs time after the execution of the warrant, and before the return of the search warrant, to assess whether there is a continuing investigative need to keep the file, or parts of it, sealed.

COLM F. CONNOLLY  
UNITED STATES ATTORNEY

BY: Leonard P. Stark  
Leonard P. Stark  
Assistant United States Attorney

Dated: October 20, 2005

IT IS SO ORDERED this 20 day of October, 2002, that the file in the above-captioned case shall remain under until further order of the Court.



Mary Pat Thyng  
THE HONORABLE MARY PAT THYNGE  
UNITED STATES MAGISTRATE JUDGE

# Morgan Lewis



## Colm F. Connolly

partner

Email: [cconnolly@morganlewis.com](mailto:cconnolly@morganlewis.com)

### Wilmington

The Nemours Building  
1007 N. Orange Street, Suite 501  
Wilmington, DE 19801  
Phone: 302.574.7290  
Fax: 302.574.3001

**Colm F. Connolly, former United States Attorney for Delaware, is a member of Morgan Lewis's Litigation Practice and the managing partner of the firm's Wilmington office.** Mr. Connolly's practice focuses on complex commercial and intellectual property litigation, white collar criminal matters, and corporate investigations.

As Delaware's United States Attorney for more than seven years, Mr. Connolly managed all federal criminal prosecutions and the legal representation of the departments and agencies of the federal government in all civil matters filed in Delaware courts. Mr. Connolly has tried dozens of cases in federal and state courts and has argued numerous cases before the U.S. Courts of Appeals for the Second and Third Circuits. He has handled a broad range of subject matters, including complex contractual and patent disputes, theft of trade secrets, export control violations, healthcare and corporate fraud investigations, RICO litigation, environmental and antitrust offenses, and FDA regulatory violations.

Mr. Connolly gained national recognition as an Assistant United States Attorney for leading the multi-agency investigation into the disappearance of the secretary to the governor of Delaware. The investigation resulted in the indictment of Thomas Capano, a prominent lawyer in the state, on murder charges. After a three-and-one-half month jury trial, Mr. Connolly and his team obtained a first-degree murder conviction despite the absence of a body, murder weapon, or witness to the killing. During his tenure as an Assistant United States Attorney, Mr. Connolly also prosecuted the first federal criminal civil rights case in Delaware history and received from the Department of Justice the Director's Award for Superior Performance as an Assistant United States Attorney.

Mr. Connolly obtained his J.D., with honors, from Duke University School of Law in 1991, where he was an editor for the journal *Law & Contemporary Problems* and received the school's top oral advocate award. After law school, he served as a law clerk to Judge Walter K. Stapleton of the U.S. Court of Appeals for the Third Circuit. He received his M.Sc. from the London School of Economics in 1987 and his B.A., with honors, from the University of Notre Dame in 1986.

Mr. Connolly is admitted to practice in Delaware and before the U.S. Supreme Court, the U.S. Court of Appeals for the Third Circuit, and U.S. District Court for the District of Delaware.

### selected representations

- Defending insurance and financial services companies against contract and fraud claims related to a stock purchase agreement
- Defending a law firm against fraud and conspiracy claims
- Representing a multinational energy company in a declaratory

### practice areas

Litigation

Commercial Litigation

White Collar Litigation & Government Investigations

FCPA/Anticorruption

IP Litigation

Antitrust

Cartel Investigations & Litigation:  
Criminal & Civil

### bar admissions

Delaware

### court admissions

U.S. Supreme Court

U.S. Court of Appeals for the Third Circuit

U.S. District Court for the District of Delaware

judgment action against its insurers

- Serving as an expert witness on Delaware law in a technology licensing dispute litigated in Taiwan
- Representing multinational technology manufacturers in numerous Delaware patent cases
- Representing a national lender in connection with syndicated loan litigation in Delaware Chancery Court
- Representing a bank holding company and subsidiaries and conducting an internal investigation in connection with a grand jury investigation conducted by the Antitrust Division of U.S. Department of Justice
- Representing a national pharmaceutical chain and conducting an internal investigation in connection with United States Department of Justice false claims investigation
- Representing a hospice care firm in connection with an investigation conducted by a state Attorney General's Medicaid Fraud Unit
- Representing an assisted living facility in connection with a criminal investigation into the elopement and death of a resident
- Defending a law firm sued for alleged racketeering violations, fraud, and malpractice in the District of Delaware
- Representing a national investment advisory firm in connection with an investigation by the Delaware Securities Commissioner
- Representing a bank holding company in connection with an investigation by the Office of the Special Inspector General for the Troubled Asset Relief Program (SIGTARP)
- Conducted an internal investigation and provided privacy breach notification advice for a multinational financial services company in connection with a data system breach
- Conducted an internal FCPA investigation for a global manufacturing company
- Represented a health care company in connection with an investigation conducted by a United States Senate committee

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### honors + affiliations

Member, American Law Institute

Member, Federal Bar Association

Member, Delaware Bar Association

Member, American Bar Association

Member, U.S. District Court Advisory Committee

Member, Third Circuit Committee on Model Jury Instructions

Member, St. Thomas More Society

Recipient, Dr. James Tilton Distinguished Service Award

Recipient, Director's Award for Superior Performance as an Assistant United States Attorney

Recipient, International Academy of Trial Lawyers Top Student Advocacy Award

Director, Board of The Ministry of Caring, Inc.

Trustee, Board of Delaware Hospice, Inc.

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### education

Duke University School of Law, 1991, J.D., With Honors

London School of Economics, 1987, M.Sc.

University of Notre Dame, 1986, B.A., With Honors



**U.S. Department of Justice**

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United States Attorney

BY: Leonard P. Stark

Leonard P. Stark  
Assistant United States Attorney

Dated: May 23, 2006



# Morgan Lewis



## Colm F. Connolly

partner

Email: [cconnolly@morganlewis.com](mailto:cconnolly@morganlewis.com)

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White Collar Litigation & Government Investigations

FCPA/Anticorruption

IP Litigation

Antitrust

Cartel Investigations & Litigation:  
Criminal & Civil

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Delaware

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U.S. Court of Appeals for the Third Circuit

U.S. District Court for the District of Delaware

judgment action against its insurers

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- Defending a law firm sued for alleged racketeering violations, fraud, and malpractice in the District of Delaware
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