

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
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ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

2014 FEB 24 PM 4:28
DEPUTY CLERK *S. Chen*

UNITED STATES OF AMERICA

v.

ELLEN CHEN YEH (01)

Criminal No. 3:08-CR-0096-P

(Supersedes Indictment of April 8, 2008)

SUPERSEDING INDICTMENT

The Grand Jury Charges:

At all times material to this Indictment:

INTRODUCTION

1. Texas Instruments, Inc. ("TI") was a global semiconductor design and manufacturing business with its principal place of business in Dallas, Texas. TI designed and manufactured semiconductors and associated technologies for use in industrial, medical, safety, and consumer products, including cellular phones, computers, and entertainment devices. Among the products TI designed and manufactured were integrated circuits ("ICs" or "chips") – a set of electrical circuits composed of transistors and other electronic components etched on a small piece of a semiconductor material. TI distributed its chips in interstate and foreign commerce to all states and territories of the United States and to numerous locations throughout the world.

2. The defendant, **Ellen Chen Yeh** ("**Chen**") was employed at TI from September 20, 1993, through March 11, 2005, as a design engineer. At least during the period September 2004 through March 11, 2005, **Chen** worked in the Design Section of the Worldwide Connectivity Group. **Chen's** responsibilities during this period included the design and testing of mixed signal and analog signal integrated circuits -- chips that processed and converted analog, "real world" signals, such as sound, pressure, temperature, and electricity, into digital signals (0s and 1s), and vice-versa.

3. During at least the September 2004 through March 21, 2005 time period, defendant **Chen** had access to schematics, data, and information relating to the design, testing, and manufacture of integrated circuits and associated technology developed or being developed by various groups at TI, including the Connectivity Group. Among other things, **Chen** had access to data and information relating to the TI LinBiCMOS (LBC) 4, 5, 6, and 7 process technologies, a set of technologies for the design of integrated circuits that TI sold for use in certain products or applications.

4. TI had invested a great deal of time and resources to design, test, validate, and implement the LBC process technologies, and TI relied on these process technologies to design and build effective, efficient, and competitive ICs for integrated power and other products. Information regarding the LBC process technologies, including the electronic components available to designers and specifications of components, design rules,

reliability rules, manufacturability rules, and process flow diagrams for each process were considered trade secrets by TI and protected by TI as confidential and proprietary information. During the September 2004 through March 11, 2005, time period, defendant **Chen** had access to these data.

5. TI used a number of reasonable measures to protect its confidential, proprietary information, including trade secrets such as:

- a. Restricting physical access to its facilities worldwide. Employees were issued badges, which defined what facilities or portions of facilities the employee could access. Visitors were required to register and to wear badges. Doors were controlled by badge readers, which logged all entries and exits;
- b. Requiring employees to sign a form acknowledging that they would not use TI proprietary information, including trade secrets, for their own benefit or the benefit of others; that they would not disclose TI proprietary information to persons outside of TI; and that they would not use any trade secrets belonging to a former employer in the performance of their work at TI;
- c. Providing training to new employees that included advising employees of and reviewing corporate policies and procedures that instructed employees how to classify, mark, and handle TI proprietary information;

- d. Requiring employees, suppliers, customers, or licensees who had access to any TI proprietary information to execute a non-disclosure agreement;
 - e. Restricting access to TI computer systems, and maintaining hardware software, policies and procedures intended to prevent unauthorized access to the network and confidential, proprietary information.
 - f. Requiring a user name and password to access the corporate network;
 - g. Restricting access to computers housing confidential, proprietary information about the design and manufacture of integrated circuit chips to employees who demonstrated a need to know;
 - h. Requiring employees leaving the company to attend an exit interview, during which the employee was reminded and required to acknowledge in writing that they could not disclose to persons outside of TI, or use for their own benefit or the benefit of others any proprietary information, including trade secrets, to which they gained access while working for TI, including specifically proprietary information developed for customers of the yields, designs, efficiencies, or capabilities of TI methods or systems.
6. In or about December 2005, while still employed by TI, defendant **Chen** accepted a position as Director of Design with MStar Semiconductor, Inc., a Taiwan-based semiconductor design company.

7. On or about March 22, 2005, defendant **Chen** left the United States and traveled to the People's Republic of China.

Counts One Through Four
Theft and Attempted Theft of a Trade Secret
(Violation of 18 U.S.C. § 1832(a)(1), (a)(4) & § 2)

8. The Grand Jury incorporates and realleges the allegations set out in paragraphs 1-7 of the Introduction to the Indictment.

9. Beginning on or about October 1, 2005, and continuing through at least March 11, 2005, in the Dallas Division of the Northern District of Texas, and elsewhere, the defendant **Ellen Chen Yeh**, with the intent to convert a trade secret to the economic benefit of someone other than Texas Instruments, Inc., and intending and knowing that the offense would injure Texas Instruments, did knowingly steal and appropriate without authorization, and did attempt to do so, trade secrets owned by Texas Instruments, Inc., specifically, information and data contained in computer files and specified in each count below, which were related to and included in a product that was produced for and placed in interstate and foreign commerce:

COUNT	DESCRIPTION OF TRADE SECRET
1	Design, specification, manufacturing, and performance data for the LBC4 process, 0.7-micron 60V Power BiCMOS process technology targeted for use in designing and building integrated circuits used in a variety of integrated power products;

2	Design, specification, manufacturing, and performance data for the LBC5 technology, a 0.35-micron 80V Power BiCMOS process targeted for use in designing and building ICs used in a variety of integrated power products;
3	Design, specification, manufacturing, and performance data for the LBC6 technology, a 0.5-micron 16V Power BiCMOS process targeted for use in designing and building ICs used in integrated power products for hard-disk drive applications;
4	Design, specification, manufacturing, and performance data for the LBC7 technology, a 0.25-micron 40V Power BiCMOS process targeted for use in designing and building ICs used in a variety of integrated power products.

In violation of 18 U.S.C. § 1832(a)(1), (a)(4) and § 2.

Counts Five Through Eight

Copying, Uploading, Downloading, and Replicating, and
 Attempted Copying, Uploading, Downloading, and Replicating of a Trade Secret
 (Violation of 18 U.S.C. § 1832(a)(2), (a)(4) & § 2)

10. The Grand Jury incorporates and realleges the allegations set out in paragraphs 1-7 of the Introduction to the Indictment.

11. Beginning on or about October 1, 2004, and continuing through at least March 11, 2005, in the Dallas Division of the Northern District of Texas, and elsewhere, the defendant **Ellen Chen Yeh**, with the intent to convert a trade secret to the economic benefit of someone other than Texas Instruments, Inc., and intending and knowing that the offense would injure Texas Instruments, did knowingly, and without authorization, copy, duplicate, download, upload, and replicate a trade secret owned by Texas Instruments, Inc., and did attempt to do so, specifically, data and information contained in computer files specified in each count below, which were related to and included in a product that was produced for and placed in interstate or foreign commerce:

COUNT	DESCRIPTION OF TRADE SECRET
5	Design, specification, manufacturing, and performance data for the LBC4 process, 0.7-micron 60V Power BiCMOS process technology targeted for use in designing and building integrated circuits used in a variety of integrated power products
6	Design, specification, manufacturing, and performance data for the LBC5 technology, a 0.35-micron 80V Power BiCMOS process targeted for use in designing and building ICs used in a variety of integrated power product

7	Design, specification, manufacturing, and performance data for the LBC6 technology, a 0.5-micron 16V Power BiCMOS process targeted for use in designing and building ICs used in integrated power products for hard-disk drive applications
8	Design, specification, manufacturing, and performance data for the LBC7 technology, a 0.25-micron 40V Power BiCMOS process targeted for use in designing and building ICs used in a variety of integrated power products

In violation of 18 U.S.C. § 1832(a)(2), (a)(4) and § 2.

Counts Nine Through Twelve
 Possession and Attempted Possession of a Trade Secret
 (Violation of 18 U.S.C. § 1832(a)(3), (a)(4) & § 2)

12. The Grand Jury incorporates and realleges the allegations set out in paragraphs 1-7 of the Introduction to the Indictment.

13. Beginning on or about October 1, 2004, and continuing through at least March 11, 2005, in the Dallas Division of the Northern District of Texas, Dallas Division, and elsewhere, the defendant **Ellen Chen Yeh**, with the intent to convert a trade secret to the economic benefit of someone other than Texas Instruments, Inc., and intending and knowing that the offense would injure Texas Instruments, did knowingly receive and possess a trade secret, knowing the same to have been stolen and appropriated, obtained, and converted without authorization, and did attempt to do so, specifically, data and information contained in computer files specified in each count below, which were related to and included in a product that was produced for and placed in interstate and foreign commerce:

COUNT	DESCRIPTION OF TRADE SECRET
9	Design, specification, manufacturing, and performance data for the LBC4 process, 0.7-micron 60V Power BiCMOS process technology targeted for use in designing and building integrated circuits used in a variety of integrated power products
10	Design, specification, manufacturing, and performance data for the LBC5 technology, a 0.35-micron 80V Power BiCMOS process targeted for use in designing and building ICs used in a variety of integrated power products

11	Design, specification, manufacturing, and performance data for the LBC6 technology, a 0.5-micron 16V Power BiCMOS process targeted for use in designing and building ICs used in integrated power products for hard-disk drive applications
12	Design, specification, manufacturing, and performance data for the LBC7 technology, a 0.25-micron 40V Power BiCMOS process targeted for use in designing and building ICs used in a variety of integrated power products

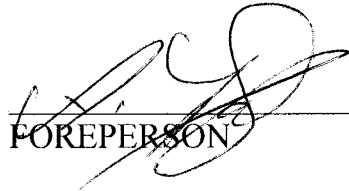
In violation of 18 U.S.C. § 1832(a)(3), (a)(4) & § 2.

Forfeiture Notice - Theft of Trade Secrets
(Violation of 18 U.S.C. § 1834 (West 2006))

14. Upon conviction of any one or more of the offenses alleged in Counts One through Twelve, inclusive, and pursuant to 18 U.S.C. § 1834 (West 2006), defendant **Ellen Chen Yeh** shall forfeit to the United States any and all property, real or personal, used, or intended to be used, in any manner or part, to commit and facilitate the commission of the aforesaid violations, including but not limited to the following:

- a. Seagate 120 GB hard drive, serial number 3JT07XIN;
- b. Maxtor 120 GB hard drive, serial number 44318JGE;
- c. Hitachi 60 GB hard drive, serial number MRH403M4GTSAUB;
- d. Lexar 256 MB compact flash card;
- e. Viking Interworks 128 MB compact flash card.

A TRUE BILL:



FOREPERSON

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

THE UNITED STATES OF AMERICA

v.

ELLEN CHEN YEH

SUPERSEDING INDICTMENT

18 U.S.C. § 1832(a)(1), (a)(4) & § 2
Theft and Attempted Theft of a Trade Secret

18 U.S.C. § 1832(a)(2), (a)(4) & § 2
Copying, Uploading, Downloading, and Replicating, and
Attempted Copying, Uploading, Downloading, and Replicating of a Trade Secret

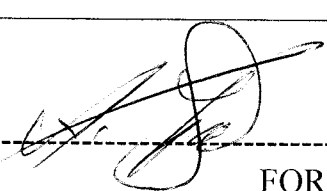
18 U.S.C. § 1832(a)(3), (a)(4) & § 2
Possession and Attempted Possession of a Trade Secret

18 U.S.C. § 1834
Forfeiture Notice

12 Counts

A true bill rendered

DALLAS

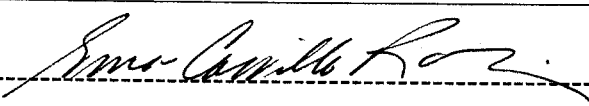


FOREPERSON

Filed in open court this 4 day of February, 2014

Clerk

On BOND since 8/26/2013



UNITED STATES DISTRICT/MAGISTRATE JUDGE

Criminal Case Pending: 3:08-CR-096-P