



**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*

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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.

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