



# Department of Justice

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## **SIX DEFENDANTS SENTENCED FOR SELLING MORE THAN \$25,000,000 WORTH OF COUNTERFEIT SOFTWARE ON EBAY**

WASHINGTON – Six defendants were sentenced yesterday for selling a combined total of more than \$25,000,000 worth of counterfeit computer software on the eBay Internet auction site, U.S. Attorney Steven M. Biskupic for the Eastern District of Wisconsin announced today.

Eric Neil Barber, 36, of Manila, Ark.; Phillip Buchanan, 29, of Hampton, Ga.; Wendell Jay Davis, 44, of Las Vegas; Craig J. Svestka, 38, of West Chicago, Ill.; Robert Koster, 38, of Jonesboro, Ark.; and Yutaka Yamamoto, 61, of Las Vegas, Nev., were sentenced by U.S. District Court Judge J.P. Stadtmueller, for selling counterfeit Rockwell Automation computer software over the Internet in violation of criminal copyright infringement laws. Though each defendant acted separately, the Rockwell Automation software sold by the six defendants had a combined retail value of \$25,107,592. These cases arose from a Department of Justice initiative to combat online auction/website piracy.

Svestka was sentenced to one year and one day in prison. Judge Stadtmueller also ordered Svestka to pay \$59,690.30 in restitution to Rockwell Automation and serve three years of supervised release upon his release from prison. From June 4, 2003, through Aug. 4, 2004, Svestka initiated 376 or more separate online auctions on eBay under usernames “branwen2003,” “frodo749,” “drydae11” and “huskerman54,” in which he sold Rockwell Automation software for a personal profit of approximately \$59,700. The actual retail value of this software was more than \$7.6 million. Svestka admitted that he was “familiar with Rockwell Automation from a prior job he held and was always worried about copying and selling the software because he knew it was illegal.”

Barber was sentenced to four months in prison, six months home confinement with electronic monitoring, three years supervised release following his release from prison and ordered Barber to pay \$32,465.10 in restitution to Rockwell Automation. From Apr. 29, 2003, through Aug. 12, 2004, Barber initiated 217 or more separate online auctions on eBay under usernames “lottagold,” “dragonfly.2003,” and “got6towin,” in which he sold copies of Rockwell Automation software for a personal profit of approximately \$32,500. The actual retail value of this software was more than \$1.4 million.

Koster was sentenced to four months in prison, six months home confinement with electronic monitoring, three years supervised released following his release from prison and ordered Koster to pay \$23,022.64 in restitution to Rockwell Automation. From Sept. 4, 2003, through Sept. 14, 2004, Koster initiated 105 or more separate online auctions on eBay under usernames “gsxr49,” and “kevvin23,” in which he sold copies of Rockwell Automation software for a personal profit of approximately \$23,000. The actual retail value of this software was more than \$5.4 million.

Davis was sentenced to four months in prison, four months home confinement with electronic monitoring, three years supervised released following his release from prison and ordered Davis to pay \$17,046.05 in restitution to Rockwell Automation. From Feb. 17, 2003, through Aug. 30, 2004, Davis initiated 53 or more separate online auctions on eBay under usernames “periwinkle2262” and “phoenix-electronics,” in which he sold copies of Rockwell Automation software for a personal profit of approximately \$17,000. The actual retail value of this software was nearly \$8 million. Davis admitted that he knew he was doing wrong, but felt he would not be caught because he was aware of others on eBay who were selling counterfeit Rockwell Automation software.

Buchanan was sentenced to three months in prison and seven months home confinement with electronic monitoring. Judge Stadtmueller also ordered Buchanan to pay \$ 13,094.75 in restitution to Rockwell Automation and serve three years of supervised release upon his release from prison. From Jan. 20, 2004, through Aug. 16, 2004, Buchanan initiated 67 or more separate online auctions on eBay under usernames “plchelper14” and “buchanan24” in which he sold Rockwell Automation software for a personal profit of approximately \$13,100. The actual retail value of this software was more than \$2 million.

Yamamoto was sentenced to one month in prison, five months home confinement with electronic monitoring, three years supervised released following his release from prison and ordered Yamamoto to pay 6,126.29 in restitution to Rockwell Automation. From Dec. 7, 2003, through Aug. 12, 2004, Yamamoto initiated 92 or more separate online auctions on eBay under usernames “yuhiro2004” and “capcom1981” in which he sold Rockwell Automation software for a personal profit of approximately \$6,100. The actual retail value of this software was more than \$542 thousand.

Rockwell Automation, Inc., is a global provider of automation, power, control and information solutions. Rockwell Automation, among other things, produces specialized factory management software. This software allows for the establishment of control and visualization disciplines when dealing with factory production lines and machinery. The majority of the software applications sold on eBay had an individual retail price ranging from approximately \$900 to \$11,325. Rockwell Automation owns the registered copyrights to all Rockwell/Allen Bradley software and the copyright on the product’s packaging.

Each defendant has forfeited the computers and other equipment used in the offense and will make restitution to Rockwell Automation in the amount equal to their gross profits. The combined total restitution to Rockwell Automation by these six defendants is \$151,445.60.

These cases were investigated by the FBI's Milwaukee Field Office. Trial attorney Matthew J. Bassiur of the Criminal Division's Computer Crime and Intellectual Property Section and Assistant U.S. Attorneys Stephen A. Ingraham and Joseph Wall for the Eastern District of Wisconsin prosecuted these cases on behalf of the government.

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