

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: Oakland

**FILED**  
2016 OCT 20 P 3 21  
SUSAN Y. SOONG  
CLERK, US DISTRICT COURT  
NO. DIST. OF CA.

UNITED STATES OF AMERICA,

v.

YEVGENIY NIKULIN,  
a/k/a "Chinabig01"  
a/k/a "dex.007"  
a/k/a "valeriy.krutov3"  
a/k/a "itBlackHat",

**CR 16**

**0440**

**WHA**

DEFENDANT.

**INDICTMENT**

18 U.S.C. § 371 – Conspiracy; 18 U.S.C. § 1028A – Aggravated Identity Theft; 18 U.S.C. § 1029(a)(2) – Trafficking in Unauthorized Access Devices; 18 U.S.C. § 1030(a)(2)(C) – Computer Intrusion; 18 U.S.C. § 1030(a)(5)(A) – Intentional Transmission Causing Damage to a Protected Computer; 18 U.S.C. §§ 982(a)(2) (B), 1029(c)(1)(C), 18 U.S.C. §§ 1030(i) and (j) – Forfeiture.

A true bill.  
Kolent McCullough  
Foreman

Filed in open court this 20 day of  
OCTOBER 2016  
Stephen ybarra  
Clerk

Bail, \$ No bail warrant  
Bernard J. Immune

AO 257 (Rev 6/78)

AMENDED

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY:  COMPLAINT  INFORMATION  INDICTMENT  SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION 10/20/2016

OFFENSE CHARGED  
18 U.S.C. § 371;  Petty  
18 U.S.C. § 1028A(a)(1);  Minor  
18 U.S.C. § 1029(a)(2);  Misdemeanor  
18 U.S.C. § 1030(a)(2)(C);  Felony  
18 U.S.C. § 1030(a)(5)(A);  Felony  
PENALTY: See attached.

DEFENDANT - U.S.  
YEVGENIY NIKULIN  
DISTRICT COURT NUMBER  
CR16-00440 WHA  
SUSAN Y. SCONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

PROCEEDING  
Name of Complainant Agency, or Person (& Title, if any)  
FBI  
 person is awaiting trial in another Federal or State Court, give name of court  
 this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District  
this is a reprosecution of charges previously dismissed which were dismissed on motion of:  
 U.S. ATTORNEY  DEFENSE } SHOW DOCKET NO.  
 this prosecution relates to a pending case involving this same defendant } MAGISTRATE CASE NO.  
 prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under } 16-71303 MAG

DEFENDANT  
IS NOT IN CUSTODY  
Has not been arrested, pending outcome this proceeding.  
1)  If not detained give date any prior summons was served on above charges  
2)  Is a Fugitive  
3)  Is on Bail or Release from (show District)  
IS IN CUSTODY  
4)  On this charge  
5)  On another conviction }  Federal  State  
6)  Awaiting trial on other charges  
If answer to (6) is "Yes", show name of institution  
Has detainer been filed?  Yes  No } If "Yes" give date filed  
DATE OF ARREST Month/Day/Year  
Or... if Arresting Agency & Warrant were not  
DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year

Name and Office of Person Furnishing Information on this form  
BRIAN J. STRETCH  
 U.S. Attorney  Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)  
MICHELLE J. KANE

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS  
PROCESS:  
 SUMMONS  NO PROCESS\*  WARRANT  
If Summons, complete following:  
 Arraignment  Initial Appearance  
Defendant Address:  
Date/Time: Before Judge:  
Comments: Defendant is in custody in foreign jurisdiction.  
Bail Amount: No bail  
\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Attachment  
Penalty Sheet

Statutory Maximum Penalties:

18 U.S.C. § 371: Five years of imprisonment, \$250,000 fine (or alternatively, twice the gross gain or gross loss, whichever is greater), three years of supervised release, \$100 special assessment, forfeiture, and restitution.

18 U.S.C. § 1028A(1) : Two-year mandatory minimum sentence of imprisonment to run consecutive to any other sentence and in addition to the sentence for the underlying felony, \$250,000 fine (or alternatively, twice the gross gain or gross loss, whichever is greater), three years of supervised release, \$100 special assessment, restitution.

18 U.S.C. § 1029(a)(2) and (c)(1)(A)(i): Ten years of imprisonment, \$250,000 fine (or alternatively, twice the gross gain or gross loss, whichever is greater), three of years supervised release, \$100 special assessment, forfeiture, and restitution.

18 U.S.C. § 1030(a)(2)(C) and (c)(2)(B): Five years of imprisonment, \$250,000 fine (or alternatively, twice the gross gain or gross loss, whichever is greater), three years of supervised release, \$100 special assessment, forfeiture, and restitution.

18 U.S.C. § 1030(a)(5)(A) and (c)(4)(B)(i): Ten years of imprisonment, \$250,000 fine (or alternatively, twice the gross gain or gross loss, whichever is greater), three years of supervised release, \$100 special assessment, forfeiture, and restitution.



1 passwords, on computers located in the Northern District of California. LinkedIn employees were  
2 assigned individual credentials by which they could remotely access the LinkedIn corporate network. An  
3 individual with the initials N.B. worked for LinkedIn at its Mountain View, California, headquarters.

4 2. Dropbox, Inc., was an electronic file storage service headquartered in San Francisco,  
5 California. Dropbox used cloud computing to enable users to store and share files and folders with other  
6 users across the Internet using file synchronization. Each Dropbox user had an individual account  
7 protected by a user name, which was an email address, and password. Dropbox maintained a computer  
8 database of user account information, including user names and encrypted passwords.

9 3. Formspring, Inc., was a corporation with its headquarters in San Francisco, California.  
10 Formspring operated a social question and answer website. Each Formspring user had an individual  
11 account protected by a user name and password. Formspring maintained a computer database of user  
12 account information, including user names and encrypted passwords. Formspring employees were  
13 assigned individual credentials by which they could remotely access the Formspring corporate network.  
14 An individual with the initials J.S. worked for Formspring at its San Francisco, California, headquarters.

15 4. Google, Inc., was a corporation with its headquarters in Mountain View, California.  
16 Google offered Internet-related services, including the Gmail email service, to customers all over the  
17 world.

18 COUNT ONE: (18 U.S.C. § 1030(a)(2)(C) and (c)(2)(B) – Computer Intrusion)

19 5. The factual allegations contained in Paragraph One are realleged and incorporated herein.

20 6. Beginning on approximately March 3, 2012, and continuing to approximately March 4,  
21 2012, in the Northern District of California and elsewhere, the defendant,

22 YEVGENIY NIKULIN,

23 intentionally accessed a protected computer used in interstate and foreign commerce without  
24 authorization and exceeding authorized access, and thereby obtained information from a protected  
25 computer, and committed the offense for purposes of commercial advantage and private financial gain,  
26 and the value of the information obtained exceeded \$5,000; that is, defendant used the Internet to access  
27 computers belonging to LinkedIn Corporation and obtained information, all in violation of Title 18

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1 United States Code, Sections 1030(a)(2)(C) and (c)(2)(B)(i) and (iii).

2 COUNT TWO: (18 U.S.C. § 1030(a)(5)(A) – Intentional Transmission of Information, Code, or  
3 Command Causing Damage to a Protected Computer)

4 7. The factual allegations contained in Paragraph One are realleged and incorporated herein.

5 8. Starting on or about March 3, 2012, and continuing through on or about March 4, 2012,  
6 in the Northern District of California and elsewhere, the defendant,

7 YEVGENIY NIKULIN,

8 knowingly caused the transmission of a program, information, code, and command, and, as a result of  
9 such conduct, intentionally caused damage without authorization to a protected computer; that is,  
10 NIKULIN knowingly transmitted a program, information, code, and command to a computer belonging  
11 to LinkedIn employee N.B. and thereby caused damage without authorization, and the offense caused  
12 loss to a person during a one year period from the defendant's course of conduct affecting a protected  
13 computer aggregating at least \$5,000 in value, all in violation of Title 18, United States Code, Sections  
14 1030(a)(5)(A) and (c)(4)(B)(i).

15 COUNT THREE: (18 U.S.C. § 1028A – Aggravated Identity Theft)

16 9. The factual allegations contained in Paragraph One are realleged and incorporated herein.

17 10. Beginning on approximately March 3, 2012, and continuing to approximately March 4,  
18 2012, in the Northern District of California and elsewhere, the defendant,

19 YEVGENIY NIKULIN,

20 did knowingly possess and use, without lawful authority, a means of identification of another person,  
21 that is, the user name and password assigned to LinkedIn employee N.B., during and in relation to  
22 violations of Title 18, United States Code, Section 1030(a)(2)(C) and (c)(2)(B)(i) and (iii), all in  
23 violation of Title 18, United States Code, Section 1028A(a)(1).

24 COUNT FOUR: (18 U.S.C. § 1030(a)(2)(C) and (c)(2)(B) - Computer Intrusion)

25 11. The factual allegations contained in Paragraph Two are realleged and incorporated  
26 herein.

27 12. Beginning on approximately May 14, 2012, and continuing to approximately July 25,  
28

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1 2012, in the Northern District of California and elsewhere, the defendant,

2 YEVGENIY NIKULIN,

3 intentionally accessed a protected computer used in interstate and foreign commerce without  
4 authorization and exceeding authorized access, and thereby obtained information from a protected  
5 computer, and committed the offense for purposes of commercial advantage and private financial gain,  
6 and the value of the information obtained exceeded \$5,000; that is, defendant used the Internet to access  
7 computers belonging to Dropbox, Inc., and obtained information, all in violation of Title 18 United  
8 States Code, Sections 1030(a)(2)(C) and (c)(2)(B)(i) and (iii).

9 COUNT FIVE: (18 U.S.C. § 371 – Conspiracy)

10 13. The factual allegations contained in Paragraphs Three and Four are realleged and  
11 incorporated herein.

12 14. Beginning on a date unknown to the grand jury and continuing to on or about May 31,  
13 2013, in the Northern District of California, and elsewhere, the defendant,

14 YEVGENIY NIKULIN,

15 did knowingly and willfully conspire with others known and unknown to the grand jury to commit  
16 offenses against the United States, that is, NIKULIN conspired to knowingly and with intent to defraud  
17 traffic in unauthorized access devices, that is, user names, email addresses, and passwords, belonging to  
18 customers of Formspring, Inc., and other companies, and by such conduct obtain \$1,000 or more in any  
19 one-year period, and said trafficking would have affected interstate and foreign commerce, in violation  
20 of Title 18, United States Code Section 1029(a)(2).

21 Manner and Means of The Conspiracy

22 15. It was part of the conspiracy that NIKULIN gained unauthorized access to protected  
23 computers and thereby obtained the unauthorized access devices, including user names, email addresses,  
24 and passwords.

25 16. It was further part of the conspiracy that CO-CONSPIRATOR 1 possessed the  
26 unauthorized access devices and offered them for sale.

27 17. It was further part of the conspiracy that CO-CONSPIRATOR 3 purchased the

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1 unauthorized access devices.

2 18. It was further part of the conspiracy that CO-CONSPIRATORS 2 and 3 used Gmail  
3 accounts to communicate with CO-CONSPIRATOR 1 regarding the conspiracy.

4 Overt Acts

5 19. In furtherance of the conspiracy and to effect its objects, NIKULIN and his co-co-  
6 conspirators committed and caused to be committed the following overt acts, among others, in the  
7 Northern District of California and elsewhere:

8 a. Between on or about June 13, 2012, and on or about June 29, 2012, NIKULIN gained  
9 unauthorized access to the Formspring computers holding the user information database and  
10 downloaded the Formspring user information database, including user names, email addresses,  
11 and encrypted passwords, to a computer located outside the United States.

12 b. On or about July 13, 2012, CO-CONSPIRATOR 2, using a Gmail account, sent an email  
13 message to CO-CONSPIRATOR 1 vouching for NIKULIN's reliability in selling stolen user  
14 credentials.

15 c. On or about July 16, 2012, CO-CONSPIRATOR 1 sent an email message to CO-  
16 CONSPIRATOR 3's Gmail account offering to sell the stolen Formspring user information  
17 database for €5,500.

18 All in violation of Title 18, United States Code, Section 371.

19 COUNT SIX: (18 U.S.C. § 1029(a)(2) – Trafficking in Unauthorized Access Devices)

20 20. The factual allegations contained in Paragraphs Three, Four, and Thirteen through  
21 Nineteen are realleged and incorporated herein.

22 21. Beginning on a date unknown to the grand jury and continuing to approximately  
23 September 19, 2012, in the Northern District of California and elsewhere, the defendant,

24 YEVGENIY NIKULIN,

25 knowingly and with intent to defraud, trafficked in unauthorized access devices, that is, user names,  
26 email addresses, and passwords, belonging to customers of Formspring, Inc., and by such conduct from  
27 on or about June 1, 2012, and ending on or about May 31, 2013, obtained \$1,000 or more, said

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1 trafficking affecting interstate and foreign commerce, in violation of Title 18, United States Code,  
2 Sections 1029(a)(2) and (c)(1)(A)(i).

3 COUNT SEVEN: (18 U.S.C. § 1030(a)(2)(C) and (c)(2)(B) – Computer Intrusion)

4 22. The factual allegations contained in Paragraphs Three, Four, and Thirteen through  
5 Nineteen are realleged and incorporated herein.

6 23. Beginning on approximately June 13, 2012, and continuing to approximately June 29,  
7 2012, in the Northern District of California and elsewhere, the defendant,

8 YEVGENIY NIKULIN,

9 intentionally accessed a protected computer used in interstate and foreign commerce without  
10 authorization and exceeding authorized access, and thereby obtained information from a protected  
11 computer, and committed the offense for purposes of commercial advantage and private financial gain,  
12 and the value of the information obtained exceeded \$5,000; that is, defendant used the Internet to access  
13 computers belonging to Formspring, Inc., and obtained information, all in violation of Title 18 United  
14 States Code, Sections 1030(a)(2)(C) and (c)(2)(B)(i) and (iii).

15 COUNT EIGHT: (18 U.S.C. § 1030(a)(5)(A) – Intentional Transmission of Information, Code, or  
16 Command Causing Damage to a Protected Computer)

17 24. The factual allegations contained in Paragraphs Three, Four, and Thirteen through  
18 Nineteen are realleged and incorporated herein.

19 25. Starting on or about June 13, 2012, and continuing through on or about June 29, 2012, in  
20 the Northern District of California and elsewhere, the defendant,

21 YEVGENIY NIKULIN,

22 knowingly caused the transmission of a program, information, code, and command, and, as a result of  
23 such conduct, intentionally caused damage without authorization to a protected computer; that is,  
24 NIKULIN knowingly transmitted a program, information, code, and command to a computer belonging  
25 to Formspring and thereby caused damage without authorization, and the offense caused loss to a person  
26 during a one year period from the defendant's course of conduct affecting a protected computer  
27 aggregating at least \$5,000 in value, all in violation of Title 18, United States Code, Sections

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1 1030(a)(5)(A) and (c)(4)(B)(i).

2 COUNT NINE: (18 U.S.C. § 1028A – Aggravated Identity Theft)

3 26. The factual allegations contained in Paragraphs Three, Four, and Thirteen through  
4 Nineteen are realleged and incorporated herein.

5 27. Beginning on approximately June 13, 2012, and continuing to approximately June 29,  
6 2012, within the Northern District of California and elsewhere, the defendant,

7 YEVGENIY NIKULIN,

8 did knowingly possess and use, without lawful authority, a means of identification of another person,  
9 that is, the user name and password assigned to Formspring employee J.S., during and in relation to  
10 violations of Title 18, United States Code, Section 1030(a)(2)(C) and (c)(2)(B)(i) and (iii), all in  
11 violation of Title 18, United States Code, Section 1028A(a)(1).

12 FORFEITURE ALLEGATION: (18 U.S.C. §§ 982(a)(2)(B), 1029(c)(1)(C), and 1030(i) and (j))

13 28. The allegations contained in this Indictment are hereby realleged and incorporated by  
14 reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Sections  
15 982(a)(2)(B) and 1029(c)(1)(C).

16 29. Upon conviction of the offenses in violation of Title 18, United States Code, Section  
17 1030(a) set forth in Counts One, Two, Four, Seven, and Eight of this Indictment, the defendant,

18 YEVGENIY NIKULIN,

19 shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 1030(i)  
20 and (j), any personal property used or intended to be used to commit or to facilitate the commission of  
21 said violation or a conspiracy to violate said provision, and any property, real or personal, which  
22 constitutes or is derived from proceeds traceable to the offenses, including but not limited to, a sum of  
23 money equal to the total amount of proceeds defendant obtained or derived, directly or indirectly, from  
24 the violation.

25 30. Upon conviction of any of the offenses set forth in Counts Five and Six of this  
26 Indictment, defendant,

27 YEVGENIY NIKULIN,

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1 shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section  
2 982(a)(2)(B), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a  
3 result of such violation, and, pursuant to Title 18, United States Code, Section 1029(c)(1)(C), any  
4 personal property used or intended to be used to commit the offense.

5 31. If any of the property described above, as a result of any act or omission  
6 of the defendant:

- 7 a. cannot be located upon the exercise of due diligence;
- 8 b. has been transferred or sold to, or deposited with, a third party;
- 9 c. has been placed beyond the jurisdiction of the court;
- 10 d. has been substantially diminished in value; or
- 11 e. has been commingled with other property which cannot be divided without  
12 difficulty,

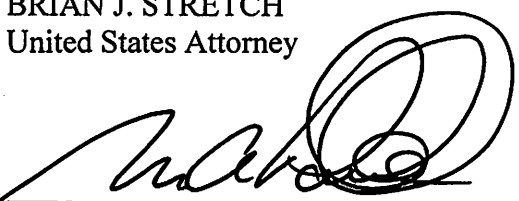
13 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,  
14 United States Code, Section 853(p), as incorporated by Title 18, United States Code, Sections 982(b)(1),  
15 1029(c)(2), and 1030(i)(2). All pursuant to Title 18 United States Code, Sections 982(a)(2)(B),  
16 1029(c)(1)(C), and 1030.


17 Dated:

A TRUE BILL.

  
FOREPERSON

20 BRIAN J. STRETCH  
21 United States Attorney

22   
23  
24 MATTHEW A. PARRELLA  
Chief, CHIP Unit

25  
26  
27 (Approved as to form:   
28 AUSA M. KANE

INDICTMENT