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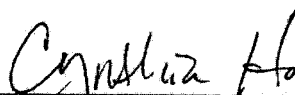
14	UNITED STATES OF AMERICA,)	CASE NO. CR-11-0573-JSW
15	Plaintiff,)	
16	v.)	DECLARATION OF SPECIAL AGENT CYNTHIA
17	WALTER LIEW and CHRISTINA LIEW,)	HO IN SUPPORT RESPONSE BY UNITED
18	Defendants.)	STATES TO SUPPLEMENTAL BRIEF OF
19)	DEFENDANTS WALTER AND CHRISTINA LIEW

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1. On March 17, 2011, FBI agents conducted an interview of James Jubb, an employee from DuPont Corporate Security. FBI Special Agent (“SA”) Katherine Pattillo authored the interview report.
2. On April 18, 2011, FBI agents conducted an interview of Brijesh Bhatnagar, owner of A-1 Plumbing and a former employee of USA Performance Technology, Inc. (“USAPTI”). SA Benjamin Hojnacki authored the report.
3. On April 19, 2011, FBI agents conducted an interview of Wendell C. Baker, owner of Able-Baker Automation, Inc., and a former consultant of USA Performance Technology, Inc. On April 20, 2011, Baker communicated to SA Hojnacki via electronic mail as a follow up to the April 19, 2011 interview. SA Hojnacki authored the interview reports.
4. On May 5, 2011, I interviewed Baker with another FBI agent. I authored the interview report.
5. On May 31, 2011, I interviewed Jubb, an employee from DuPont Corporate Security. Present during the interview were two other FBI agents, Assistant United States Attorney John Hemann, and DuPont legal counsel, Morgan K. Lopez, from Glynn & Finney, LLP. I authored the interview report.
6. On June 7, 2011, I interviewed Leonard Tilton, a former employee of USAPTI, with another FBI agent. I authored the interview report.
7. On June 16, 2011, Mary McNamara, attorney for John Jian Liu, provided an attorney proffer to AUSA Hemann and Supervisory Special Agent Kevin Phelan. SSA Phelan authored the interview report.

8. On June 21, 2011, I interviewed Liu with another agent. Present during the interview were AUSA Hemann and Mary McNamara. SA Thomas Wei authored the interview report.
9. On June 30, 2011 and July 11, 2011, I interviewed Peter Wong, a former employee of USAPTI, with another FBI agent. I took notes during the June 30th Wong interview and provided the notes to SA Hojnacki who authored the interview report. I authored the July 11, 2011 interview report.
10. On July 6, 2011, I interviewed Liu with another FBI agent. Present during the interview was Mary McNamara. SA Thomas Wei authored the interview report. The July 6th John Liu FD-302 interview report, previously provided to the defense counsel through the discovery process, is attached as Exhibit A. During the July 6th interview, as stated in the FD-302, Liu informed the FBI that Walter Liew sometimes worked from home.
11. On July 11, 2011 and July 14, 2011, as a follow-up to the interviews of Liu, Mary McNamara provided materials to the FBI via email communication. I authored the reports.
12. After interviewing John Liu, the FBI and US Attorney's Office determined that time was of the essence in conducting searches for evidence because, based on the Liew's obstructive conduct as described by John Liu, we were concerned that the Liew's would destroy evidence. We decided for this reason to wait to conduct additional interviews until after the searches.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 9th day of August 2013, at Palo Alto, California.



Cynthia Ho
Federal Bureau of Investigation, Special Agent

EXHIBIT A

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 07/07/2011

On July 6, 2011, JIAN LIU ("LIU"), date of birth October 23, 1967, was interviewed at the United States Attorney's Office, 450 Golden Gate Avenue, San Francisco, California by Federal Bureau of Investigation Special Agent (SA) Cynthia Ho and SA Thomas Wei. Also present during the interview was LIU's legal counsel, August Gugelmann, Swanson & McNamara, 300 Montgomery Street, Suite 1100, San Francisco, California, telephone (415)477-3800. LIU was already familiar with the identities of the interviewing agents and the nature of the interview from a previous meeting, LIU provided the following information:

CHARLIE QI worked at Chevron with LIU. LIU introduced QI to USA Performance Technology, Inc. (hereinafter referred to as "USAPTI") around August 2010. QI started working on the USAPTI titanium dioxide ("TiO2") project around October 2010. QI primarily worked on the instrument data sheet.

Around late-November or early-December 2010, "BOB" MAEGERLE (previously identified by the FBI as ROBERT J. MAEGERLE, hereafter as "MAEGERLE") visited USAPTI. This was the second time LIU met MAEGERLE in person. MAEGERLE primarily worked on mechanical equipment issues. MAEGERLE previously visited in July 2010 when USAPTI hosted visitors from PANGANG TITANIUM GROUP (hereafter referred to as "PANGANG").

After the group from PANGANG left the San Francisco Bay Area, the group went to the east coast, either New York or New Jersey, to visit two companies. The group purchased a fired heater from one of the companies. MAEGERLE knew the sellers of the fired heater and assisted with the transaction. The fired heater cost around \$3 million USD. In the TiO2 process, the fired heater is used to increase the initial heat of titanium tetrachloride ("TiCl4").

Around December 18-31, 2010, LIU went to Beijing, China with WALTER LIEW ("WALTER"), CHRISTINA LIEW ("CHRISTINA"), and their child. WALTER and CHRISTINA's child was around 10 years old. They met with PANGANG representatives in Beijing, including the head of PANGANG, ZHUANG KAI. The meeting did not go well, so LIU, WALTER, and CHRISTINA left Beijing and headed to Jinzhou.

Investigation on 07/06/2011 at San Francisco, California

File # [REDACTED] - 15 Date dictated Not dictated.

by SA Thomas Wei:tw TW
SA Cynthia Ho

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In Jinzhou, they met with QI MU, the CEO of JINZHOU TITANIUM GROUP (hereinafter referred to as "JINZHOU"). The discussion revolved around a possible joint venture between USAPTI and JINZHOU. WALTER and QI MU had a very good relationship. QI MU's father may have been in the military in China.

After meeting in Jinzhou, they returned to Beijing and handed some equipment data sheets to PANGANG. PANGANG had made a list of items consisting of four or five pages which USAPTI had to address. Alan LNU, a young engineer in his twenties who graduated from Berkeley, in the USAPTI office frequently talked to MAEGERLE on the phone about instrument data or equipment data to address the demands from PANGANG.

Around January 2011, approximately six representatives from JINZHOU visited USAPTI for about a month. The representatives received training from Rockwell, an instrument supplier. JINZHOU had purchased some instruments, such as a control valve and control logic, from Rockwell. The representatives also worked on the Process and Instrument Diagrams (P&ID) during their visit and conducted the final P&ID review. LIU, CHARLIE QI, and MAEGERLE were present for the final P&ID review. This was the third time LIU met MAEGERLE in person.

It appeared that MAEGERLE was also working on the process manual. MAEGERLE provided a copy of the process manual on a thumbdrive to LIU which LIU copied so he could work on it. In addition to the process manual, LIU inadvertently copied other items from MAEGERLE's thumbdrive that included possibly the DuPont plant photos. MAEGERLE also gave LIU the oxidation reactor manual.

LIU went on a business trip for Chevron around February 23-27, 2011.

Around March 12-20, 2011, LIU went with WALTER to China to discuss an equipment purchase. They flew from San Francisco to Beijing and then to Chengdu. CHRISTINA met them in Chengdu, at which point LIU was told not to go on because CHRISTINA explained that it was all related to business not engineering matters. WALTER and CHRISTINA then headed to Xichang, a city in the Sichuan province, to visit PANZHUIHUA. There is a plant in Xichang that is different from PANGANG's plant. One plant used chlorine (Cl₂) technology while the other one used sulfuric acid (H₂SO₄). PANGANG is a subsidiary of PANZHUIHUA.

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After the DuPont investigator visited LIU's house while WALTER and CHRISTINA were there, WALTER and CHRISTINA went to LIU's house almost every day to get updates on the investigation. Around April 1 or April 2, LIU told WALTER and CHRISTINA that he did not want to join USAPTI. CHRISTINA visited LIU's house early the next day and proposed forming ADVANCED ENGINEERING.

After he received the lawsuit notice, LIU told WALTER and CHRISTINA that he did not want to be a part of ADVANCED ENGINEERING. WALTER and CHRISTINA stated that ADVANCED ENGINEERING was no longer being registered.

Around April 2011, WALTER gave LIU a SIM card for a cellphone so LIU would have a phone line to use. LIU put the SIM card into one of his own phones. USAPTI paid the bill associated with that SIM card. The telephone number associated with that SIM card was 510-316-4438.

Around April 11 or April 12, WALTER told LIU not to report anything because it would only harm LIU and LIU's family.

Chevron had given LIU a laptop for work which was subsequently returned to Chevron prior to LIU's leaving the company. LIU had used that laptop to check USAPTI email and send/receive documents related to USAPTI. Around April 26 or April 28, WALTER told LIU that the material on the laptop belonged to USAPTI. It was wrong for Chevron to give that material to DuPont. WALTER also hinted that because LIU used that laptop to do USAPTI work which enabled Chevron to provide USAPTI material to DuPont after Chevron repossessed the laptop, LIU was subject to legal action by USAPTI.

Around May 22, 2011, CHRISTINA stated that LIU's wife could join USAPTI so that LIU's family would have some income. LIU could then work behind the scenes. Around May 24, 2011, LIU was asked to accompany WALTER on a trip to China to work on getting a new client in Kunming called YUN TONG (STC 0061 6894). YUN TONG either worked on TiO2 or TiCl4 processes.

LIU did not receive any financial compensation from USAPTI between December 2010 to March 2011, a backpay amount of around \$25,000 USD. USAPTI also owed LIU for miscellaneous items such as hotel bills, meals, and some expenses that were incurred during their travel to China. WALTER and CHRISTINA had stated on several occasions that they would cover LIU's legal costs for the

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DuPont lawsuit because the lawsuit was a result of working with USAPTI. After LIU was asked to go to China with WALTER to talk to YUN TONG, LIU was told that they would also settle his financial matters while in China.

Around May 24, 2011, LIU contacted CHRISTINA and told her that his wife was not going to work for USAPTI and also that LIU was not going to China with WALTER. CHRISTINA's tone was not pleasant after that notification. CHRISTINA revealed that Ken LNU will accompany WALTER instead. WALTER and CHRISTINA have not called, emailed, or tried to contact LIU since late-May 2011.

HUPING LU, STEVE SONG, and CHARLIE QI had already returned to work at Chevron.

MAEGERLE usually traveled with a laptop.

LIU met TIMOTHY "TIM" SPITLER ("SPITLER") only once during the design review at the Hilton hotel in San Francisco around July 2010. LIU did not have SPITLER's contact information. SPITLER worked for a company in Reno, Nevada. This company may have been bought out by a Chinese company. SPITLER worked on operation issues for USAPTI's TiO2 project. On one of the Saturdays in October 2010, WALTER visited SPITLER's home in Reno. WALTER stated that he received a traffic ticket on the way back from SPITLER's home. WALTER later attended traffic school. WALTER and SPITLER phoned each other frequently and discussed technical questions and possibly other issues related to equipment. WALTER and SPITLER were overheard on the phone, on at least two occasions, talking about the operation of the oxygen reactor. The oxygen reactor is a unique piece of equipment as detailed in some of the drawings previously provided to the FBI by LIU. It may be possible that the company SPITLER worked for in Reno was also looking into giving USAPTI some work.

WALTER produced the Fortran code and press filter manual about a month after visiting SPITLER's home in October.

WALTER revealed that SPITLER joined DuPont right out of school and had worked for DuPont for a long time. SPITLER and MAEGERLE were very close. WALTER and CHRISTINA also maintained close relationships with SPITLER. WALTER and CHRISTINA were close enough to SPITLER to know that SPITLER's daughter had committed suicide a long time ago. SPITLER's wife and CHRISTINA are also close.

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WALTER told LIU that SPITLER and MAEGERLE used to work at DuPont together. MAEGERLE was involved with some of WALTER's previous projects.

MAEGERLE stated that he worked on the oxidation side of the process. MAEGERLE felt that SPITLER over engineered things and worried too much. MAEGERLE did not view SPITLER as a good design engineer.

The chlorinator reactor document was most certainly DuPont property based on the content of the document. In the USAPTI office, there was a copy of an old Process Flow Diagram (PFD) posted on the wall. The writing on the PFD indicated that it was a DuPont Edge Moor plant. All the employees working in the office have seen and know about this PFD posted on the wall.

WALTER sometimes worked from home. The building in which USAPTI was located locked out cardkeys after 7:00 p.m., so when WALTER stated that he worked late, he was working from home. WALTER sometimes worked late in the night to early morning, to 1:00 a.m.

USAPTI is located on the 4th floor, Suite 480, at 1000 Broadway in Oakland.