

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

BY:  COMPLAINT  INFORMATION  INDICTMENT  SUPERSEDING

OFFENSE CHARGED

- Petty
 Minor
 Misdemeanor
 Felony

PENALTY:

PLEASE SEE ATTACHED

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

AMR MOHSEN

DISTRICT COURT NUMBER

CR 03-0095 WBS

DEFENDANT

IS NOT IN CUSTODY

- 1)  Has not been arrested, pending outcome this proceeding. 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
6)  Awaiting trial on other charges }  Fed'l  State
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 Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY

This report amends AO 257 previously submitted

PROCEEDING
Name of Complainant Agency, or Person (&Title, if any)

FBI, S/A Christopher Forvour

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. Att'y  Defense

this prosecution relates to a pending case involving this same defendant

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

Name and Office of Person Furnishing Information on THIS FORM

KEVIN V. RYAN

U.S. Att'y  Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned)

ROBIN L. HARRIS

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS  NO PROCESS\*  WARRANT Bail Amount:

If Summons, complete following:

Arraignment  Initial Appearance

Defendant Address:

\*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: 4/3

Before Judge:

Comments:

**ATTACHMENT**

**to Penalty Sheet of Defendant AMR MOHSEN**

CHARGES:

- Count 1:** 18 U.S.C. § 371 - conspiracy to obstruct justice and commit perjury;
- Counts 2-9:** 18 U.S.C. § 1621(1) - perjury;
- Count 10:** 18 U.S.C. § 1622 - subornation of perjury;
- Counts 11-18:** 18 U.S.C. § 1341 - mail fraud;
- Count 19:** 18 U.S.C. § 1503 - obstruction of justice;
- Count 20:** 18 U.S.C. § 401(3) - contempt of court;
- Count 21:** 18 U.S.C. § 1512(b)(1) - attempted witness tampering;
- Count 22:** 18 U.S.C. § 373 - solicitation to commit arson;
- Count 23:** 18 U.S.C. § 373 - solicitation to commit murder.

PENALTIES:

**Counts 1 through 18:** 5 years imprisonment; \$250,000 fine; 3 years supervised release; \$100 special assessment per each count.

**Count 19:** 10 yrs imprisonment; \$250,000 fine; 3 years supervised release; \$100 special assessment.

**Count 20:** no maximum penalty; \$250,000 fine; 5 years supervised release; \$100 special assessment.

**Count 21:** 10 years imprisonment; \$250,000 fine; 3 years supervised release; \$100 special assessment.

**Count 22:** one-half of the maximum penalty for the crime solicited (18 U.S.C. § 844(h)) which carries 10 years mandatory consecutive imprisonment; \$250,000 fine; 3 years supervised release; \$100 special assessment.

**Count 23:** one-half of the maximum penalty for the crime solicited (18 U.S.C. § 1114) which carries maximum life imprisonment; \$250,000 fine; \$100 special assessment.

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BY:  COMPLAINT  INFORMATION  INDICTMENT  SUPERSEDING

OFFENSE CHARGED

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 Minor
 Misdemeanor
 Felony

PENALTY:

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FBI, S/A Christopher Forvour

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) FRCP 20, 21 or 40. Show District

this is a re prosecution of charges previously dismissed which were dismissed on motion of:

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this prosecution relates to a pending case involving this same defendant

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

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U.S. Att'y  Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned)

ROBIN L. HARRIS

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

ALY MOHSEN

DISTRICT COURT NUMBER

CR 03-0095 WBS

DEFENDANT

IS NOT IN CUSTODY

1)  Has not been arrested, pending outcome this proceeding. 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)

Northern District of California

IS IN CUSTODY

4)  On this charge

5)  On another conviction

6)  Awaiting trial on other charges }  Fed'l  State

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

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DATE TRANSFERRED TO U.S. CUSTODY

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS  NO PROCESS\*  WARRANT Bail Amount: \_\_\_\_\_

If Summons, complete following:

Arraignment  Initial Appearance

Defendant Address: \_\_\_\_\_

\*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_

Before Judge: \_\_\_\_\_

Comments: \_\_\_\_\_

**ATTACHMENT**

**to Penalty Sheet of Defendant ALY MOHSEN**

CHARGES:

- Count 1:** 18 U.S.C. § 371 - conspiracy to obstruct justice and commit perjury;
- Counts 2-9:** 18 U.S.C. § 1621(1) - perjury;
- Count 10:** 18 U.S.C. § 1622 - subornation of perjury;
- Counts 11-18:** 18 U.S.C. § 1341 - mail fraud;
- Count 19:** 18 U.S.C. § 1503 - obstruction of justice;
- Count 20:** 18 U.S.C. § 401(3) - contempt of court;
- Count 21:** 18 U.S.C. § 1512(b)(1) - attempted witness tampering;
- Count 22:** 18 U.S.C. § 373 - solicitation to commit arson;
- Count 23:** 18 U.S.C. § 373 - solicitation to commit murder.

PENALTIES:

**Counts 1 through 18:** 5 years imprisonment; \$250,000 fine; 3 years supervised release; \$100 special assessment per each count.

**Count 19:** 10 yrs imprisonment; \$250,000 fine; 3 years supervised release; \$100 special assessment.

**Count 20:** no maximum penalty; \$250,000 fine; 5 years supervised release; \$100 special assessment.

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**Count 23:** one-half of the maximum penalty for the crime solicited (18 U.S.C. § 1114) which carries maximum life imprisonment; \$250,000 fine; \$100 special assessment.

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA  
CRIMINAL DIVISION  
VENUE: SAN FRANCISCO

FILED  
CS JAN 24 AM 10:46  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

v.

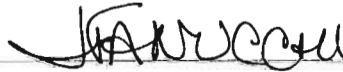
AMR MOHSEN and ALY MOHSEN

DEFENDANT.

## INDICTMENT

VIOLATIONS: 18 U.S.C. §371 - Conspiracy to Obstruct Justice and Commit Perjury; 18 U.S.C. § 1621(1) - Perjury; 18 U.S.C. § 1622 - Subornation of Perjury; 18 U.S.C. § 1341 - Mail Fraud; 18 U.S.C. § 1503 - Obstruction of Justice; 18 U.S.C. §§ 401(3) and 3148 - Contempt of Court; 18 U.S.C. § 2 - Aiding and Abetting and Willfully Causing Offenses; 18 U.S.C. § 1512(b)(1) - Attempted Witness Tampering; 18 U.S.C. § 373 - Solicitation to Commit Arson; 18 U.S.C. § 373 - Solicitation to Commit Murder

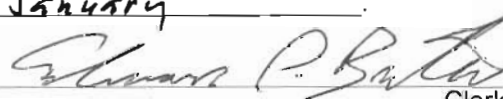
A true bill.



Foreman

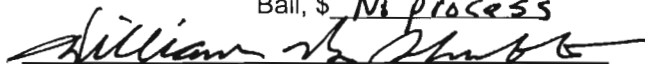
Filed in open court this 24<sup>th</sup> day of

January



Clerk

Bail, \$ No process



U.S.D.J.

FILED  
RECEIVED BY  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
CC JAN 24 AM 10:46

1 KEVIN V. RYAN (CSBN 118321)  
2 United States Attorney

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7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA, )  
12 Plaintiff, )  
13 v. )  
14 )  
15 AMR MOHSEN and )  
16 ALY MOHSEN, )  
17 Defendants. )  
18 )  
19 )  
20 )

No.: CR 03-0095 WBS  
VIOLATIONS: 18 U.S.C. § 371--  
Conspiracy to Obstruct Justice and  
Commit Perjury; 18 U.S.C. § 1621(1) --  
Perjury; 18 U.S.C. § 1622 -- Subornation  
of Perjury; 18 U.S.C. § 1341-- Mail  
Fraud; 18 U.S.C. § 1503--Obstruction of  
Justice; 18 U.S.C. §§ 401(3) and 3148--  
Contempt of Court; 18 U.S.C. § 2--  
Aiding and Abetting and Willfully  
Causing Offenses; 18 U.S.C. § 1512  
(b)(1)--Attempted Witness Tampering; 18  
U.S.C. § 373--Solicitation To Commit  
Arson; 18 U.S.C. § 373--Solicitation To  
Commit Murder  
SAN FRANCISCO VENUE

21 SUPERSEDING INDICTMENT RETURNED JANUARY 10, 2006

22 The Grand Jury charges:

23 1. At all times relevant to this Indictment:

24 The Defendants and Companies

25 a. Amr Mohsen ("Amr") is an engineer and the founder, chairman and chief  
26 executive officer of Aptix Corporation ("Aptix"), a California corporation headquartered  
27 in San Jose, California. Aptix owns United States Patent No. 5,544,069 ("069 Patent")  
28

SUPERSEDING INDICTMENT  
RETURNED JANUARY 10, 2006  
CR 03-0095 WBS

4738

1 which covers certain hardware-emulation technology. Amr Mohsen is the named  
2 inventor of the 069 Patent. The 069 Patent discloses and claims “field programmable”  
3 circuit boards that permit computer programmers to reconfigure the electronic  
4 components of an integrated circuit.

5 b. Dr. Aly Mohsen (“Aly”) is a medical doctor and Amr’s brother. Aly resides in  
6 Springfield, Missouri, and owns 15,000 shares of stock in Aptix.

7 c. QuickTurn Design Systems, Inc. (“QuickTurn”), is a Delaware corporation  
8 headquartered in San Jose, California. QuickTurn and Aptix both do business in the  
9 hardware-logic-emulation field. Hardware emulation provides solutions for designing  
10 and verifying complex electronic systems for, among other items, digital wireless cellular  
11 phones, wireless base stations, network routers, graphics and multimedia devices.

12 Aptix Sues QuickTurn for Infringement of the 069 Patent

13 2. On February 26, 1998, Aptix and another corporation to which Aptix had licensed  
14 the 069 Patent, Meta Systems, Inc. (“Meta”), sued QuickTurn in federal court in San  
15 Francisco, California in a civil suit entitled *Aptix Corporation, et al. v. QuickTurn Design*  
16 *Systems, Inc.* No. C 98-00762 WHA (“Aptix case”), alleging infringement of the 069  
17 Patent. The 069 Patent was originally prosecuted by the patent law firm Skjerven,  
18 Morrill, MacPherson, Franklin & Friel (“Skjerven firm”). Aptix retained a different law  
19 firm to represent it in the litigation against QuickTurn.

20 3. Under existing principles of patent law, the presumed date of invention is the date  
21 of the patent application. In this case, the initial application for the 069 Patent was filed  
22 September 20, 1989. In order to establish a conception date earlier than the presumed  
23 date of invention, Rule 16-7(b)(3) of the 1998 Civil Local Rules for the Northern District  
24 of California required Aptix and Meta to state an alternate date of conception and to  
25 corroborate that date.

26 4. Engineers ordinarily document their process of invention in notebooks.  
27 Engineers’ notebooks are typically witnessed by a colleague, who acknowledges having  
28 read a particular entry by signing and dating the entry. The purpose of the witnessing

1 process is to satisfy the corroboration requirements established by patent case law for  
2 proving invention dates.

3 Amr Mohsen Claims July 31, 1988 Invention Date

4 5. On or about March 29, 1998, Amr Mohsen faxed photocopies of seventeen pages  
5 from an engineering notebook Amr started in 1989 ("1989 Notebook") which purported  
6 to document the research, design and development of the 069 invention to Aptix's  
7 attorneys. On April 13, 1998, Aptix produced these seventeen pages to QuickTurn  
8 pursuant to Local Rule 16-7(c).

9 6. On or about April 19, 1998, Amr Mohsen advised Aptix's counsel that he had  
10 found another engineering notebook, which he allegedly started in 1988 ("1988  
11 Notebook"). The 1988 Notebook supposedly documented the first conception of the 069  
12 invention.

13 7. On May 4, 1998, Aptix served QuickTurn with a supplemental initial disclosure  
14 which listed July 31, 1988 as the date of conception of the 069 invention. Aptix also  
15 produced a photocopy of the 1988 Notebook. The only person who witnessed the  
16 entries in the 1988 Notebook was Aly Mohsen.

17 8. On May 28, 1998, QuickTurn received a photocopy of the 1989 Notebook from  
18 the Skjerven firm, Amr Mohsen's patent counsel when he originally applied for the 069  
19 Patent on September 20, 1989 ("Skjerven Copy"), which was significantly different from  
20 and more abbreviated than the portion of the 1989 Notebook that Aptix produced to  
21 QuickTurn on April 13, 1998. The Skjerven firm did not have a copy of the 1988  
22 Notebook.

23 9. On June 4, 1998, QuickTurn deposed Amr Mohsen. Amr Mohsen brought the  
24 "originals" of both the 1988 and 1989 Notebooks to his deposition. QuickTurn made a  
25 photocopy of the 1989 Notebook. On August 19, 1998, QuickTurn made color copies of  
26 the "originals" of both the 1988 and 1989 Notebooks. Amr Mohsen retained custody of  
27 the "originals" of both Notebooks.

28 10. On November 24, 1998, QuickTurn moved to compel production of the

1 “original” 1988 and 1989 Notebooks for forensic testing by a questioned document  
2 expert. QuickTurn’s motion to compel was scheduled to be heard on December 29, 1998.

3 Amr Mohsen Retains a Forensic Document Examiner

4 11. Between about August 25, 1998 and March 1, 1999, Amr Mohsen, without  
5 the knowledge of Aptix’s attorneys, contacted a forensic document examiner and an ink  
6 expert to determine what forensic testing of the “original” 1988 and 1989 Notebooks  
7 would reveal.

8 12. After examining the original Notebooks, the forensic document examiner found  
9 numerous indicators that raised concerns about the creation of the 1988 Notebook. These  
10 findings were reported to Amr Mohsen in September 1998.

11 13. On December 14, 1998, Amr Mohsen reported that the “original” Notebooks had  
12 been stolen from his car.

13 14. On or about February 25, 1999, in response to an earlier inquiry from  
14 Amr Mohsen, the forensic document examiner advised Amr Mohsen that it was not  
15 possible to determine dating on photocopies of documents created by an office copy  
16 machine.

17 Amr and Aly Mohsen’s Efforts To Corroborate the Authenticity of the 1988 Notebook

18 15. Between January 1999 and February 10, 2000, Amr and Aly Mohsen produced  
19 fabricated documents to QuickTurn in an effort to demonstrate the authenticity of the  
20 stolen 1988 Notebook and to persuade the District Court to allow Aptix to introduce  
21 photocopies of both Notebooks at the patent infringement trial in lieu of the originals.

22 16. Between June 4, 1998 and February 18, 2000, Amr Mohsen made numerous  
23 material false statements under oath regarding the 1988 and 1989 Notebooks during his  
24 deposition testimony.

25 17. On May 25, 1999, Aly Mohsen made numerous material false statements under  
26 oath regarding the 1988 Notebook during his deposition testimony.

1 COUNT ONE: (18 U.S.C. § 371 – Conspiracy to Obstruct Justice and Commit Perjury)

2 18. Paragraphs 1 through 17 of this Superseding Indictment are realleged and  
3 incorporated as if fully set forth here.

4 19. Beginning on or about March 29, 1998 and continuing to on or about May 10,  
5 2000, in the Northern District of California, and elsewhere, the defendants

6 AMR MOHSEN and  
7 ALY MOHSEN,

8 and others, did knowingly and intentionally conspire to obstruct justice by fabricating  
9 evidence relating to the priority of the 069 Patent and to commit perjury in testimony  
10 given in connection with the Aptix case, in violation of 18 U.S.C. §§ 1503 and 1621.

11 Overt Acts Committed in Furtherance of the Conspiracy

12 20. During the course of the conspiracy, and in order to further the objects thereof,  
13 the defendants and their co-conspirators knowingly committed the following overt acts,  
14 among others, in the Northern District of California, and elsewhere:

- 15 a. Between March 29, 1998 and May 4, 1998, Amr Mohsen fabricated the 1988  
16 Notebook;
- 17 b. Between March 29, 1998 and May 4, 1998, Amr Mohsen directed Aly Mohsen  
18 to sign and back date various entries in the fabricated 1988 Notebook;
- 19 c. On or about May 4, 1998, Amr Mohsen directed and caused Aptix to list July  
20 31, 1988 as the date of conception of the 069 invention;
- 21 d. On or about August 25, 1998, Amr Mohsen, without the knowledge of Aptix's  
22 attorneys or QuickTurn, contacted a private forensic document examiner;
- 23 e. On or about September 9, 1998, Amr Mohsen brought the "original" 1988  
24 Notebook to an expert ink chemist;
- 25 f. On or about September 26, 1998, Amr Mohsen received a briefing from the  
26 forensic document examiner which described the results of the examiner's tests  
27 on the "original" 1988 Notebook;
- 28 g. On or about December 14, 1998, Amr Mohsen staged a theft of the 1988 and  
1989 Notebooks;
- h. On or about January, 1999, Aly Mohsen "found" photocopies of pages 2-15 of  
the 1988 Notebook;
- i. On or about January 30, 1999, Amr Mohsen asked the forensic document  
examiner whether it was possible to determine dating on photocopies of  
documents made from an office copy machine;

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- j. On or about March 1, 1999, Amr Mohsen sent his original 1989 Daytimer to the forensic document examiner;
- k. On or about April 29, 1999, Amr Mohsen produced his 1989 Daytimer to QuickTurn;
- l. On or about January 3, 2000, Amr Mohsen arranged for fragments of the “stolen” original 1988 and 1989 Notebooks to be “anonymously” mailed back to himself;
- m. On or about February 18, 2000, Amr Mohsen made material false statements under oath at his deposition concerning the entries in the fabricated 1988 Notebook;
- n. On or about May 25, 1999, Aly Mohsen made material false statements under oath at his deposition concerning the dates on which he witnessed the 1988 Notebook, each material false statement constituting a separate and distinct act; and,
- o. On or about May 10, 2000, Aly Mohsen made material false statements under oath at an evidentiary hearing in United States District Court concerning the dates on which he witnessed the 1988 Notebook and the dates on which he made photocopies of pages of the 1988 Notebook, each material false statement constituting a separate and distinct act.

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

1 COUNT TWO: (18 U.S.C. §1621(1) – Perjury)

2 21. Paragraphs 1 through 17 of this Superseding Indictment are realleged and  
3 incorporated as if fully set forth here.

4 22. On or about April 29, 1999, in the Northern District of California, the  
5 defendant

6 AMR MOHSEN,

7 having taken an oath before a competent person that he would testify truthfully at an oral  
8 proceeding in connection with the Aptix case, did willfully and contrary to his oath testify  
9 falsely as to a material matter, in that he was specifically asked whether he had ever  
10 shown the original Notebooks to any independent expert and he gave the following  
11 testimony:

12 Q: Did you ever deliver the original notebooks to  
13 [Aptix's attorneys] or an independent expert so that  
14 they could do an independent test on those notebooks  
to see what the tests would show?

15 A: No.

16 Q: You never did that yourself?

17 A: No.

18 when in truth, as the defendant well knew, he had given the original 1988 Notebook to an  
19 ink chemist and a forensic document examiner before December 14, 1998; in violation of  
20 Title 18, United States Code, Section 1621(1).

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1 COUNT THREE: (18 U.S.C. § 1621(1) – Perjury)

2 23. Paragraphs 1 through 17 of this Superseding Indictment are realleged and  
3 incorporated as if fully set forth here.

4 24. On or about April 29, 1999, in the Northern District of California, the  
5 defendant

6 AMR MOHSEN,

7 having taken an oath before a competent person that he would testify truthfully at an oral  
8 proceeding in connection with the Aptix case, did willfully and contrary to his oath testify  
9 falsely as to a material matter, in that he was asked whether the original Notebooks were  
10 ever out of his possession other than for the purpose of having the patent infringement  
11 attorneys make copies, and he gave the following testimony:

12 Q: Other than the limited periods of time  
13 necessary to make copies by both your lawyers  
14 and [QuickTurn's lawyers], were the original of  
those notebooks ever out of your possession?

15 A: No.

16 when in truth, as the defendant well knew, on September 19, 1998 he had provided the  
17 original 1988 Notebook to a forensic document examiner for the purpose of having that  
18 person conduct forensic testing; in violation of Title 18, United States Code, Section  
19 1621(1).

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1 COUNT FOUR: (18 U.S.C. § 1621(1) – Perjury)

2 25. Paragraphs 1 through 17 of this Superseding Indictment are realleged and  
3 incorporated as if fully set forth here.

4 26. On or about February 18, 2000 in the Northern District of California, the  
5 defendant

6 AMR MOHSEN,

7 having taken an oath before a competent person that he would testify truthfully at an oral  
8 proceeding in connection with the Aptix case, did willfully and contrary to his oath testify  
9 falsely as to a material matter, in that he was asked when he made the last entry in the  
10 1988 Notebook and gave the following testimony:

11 Q: When is the last time you made an entry into  
12 any page of the [1988 Notebook], that is the  
13 original of the [1988 Notebook]. When did you  
last put pen to paper in that notebook?

14 A: June of '89.

15 when in truth, as the defendant well knew, the 1988 Notebook was created after June  
16 1989; in violation of Title 18, United States Code, Section 1621(1).

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1 COUNT FIVE: (18 U.S.C. § 1621(1) – Perjury)

2 27. Paragraphs 1 through 17 of this Superseding Indictment are realleged and  
3 incorporated as if fully set forth here.

4 28. On or about May 25, 1999, in the Northern District of California, the  
5 defendant

6 ALY MOHSEN,

7 having taken an oath before a competent person that he would testify truthfully at an oral  
8 proceeding in connection with the Aptix case, did willfully and contrary to his oath testify  
9 falsely as to a material matter, in that he was asked whether the date December 30, 1988  
10 following his signature under the words “Read and Understood” was the true date on  
11 which he signed as a witness to pages 40 and 41 of the 1988 Notebook and gave the  
12 following testimony:

13 Q. Pages 40 and 41, [of the 1988 Notebook],  
14 Could you look at those please?

15 A. Yes, Sir.

16 Q. Do those pages bear your signature?

17 A. Yes, Sir.

18 Q: And on what day did you sign those pages?

19 A: Again, its December 30<sup>th</sup>, ‘88, for both 40  
and 41.

20 when in truth, as the defendant well knew, he did not sign pages 40 and 41 on December  
21 30, 1988, but signed pages 40 and 41 sometime after December 30, 1988; in violation of  
22 Title 18, United States Code, Section 1621(1).

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1 COUNT SIX: (18 U.S.C. § 1621(1) – Perjury)

2 29. Paragraphs 1 through 17 of this Superseding Indictment are realleged and  
3 incorporated as if fully set forth here.

4 30. On or about May 25, 1999, in the Northern District of California, the  
5 defendant

6 ALY MOHSEN,  
7 having taken an oath before a competent person that he would testify truthfully at an oral  
8 proceeding in connection with the Aptix case, did willfully and contrary to his oath testify  
9 falsely as to a material matter, in that he was asked whether the date March 26, 1989  
10 following his signature under the words “Read and Understood” was the true date on  
11 which he signed as a witness to page 42 of the 1988 Notebook and gave the following  
12 testimony:

13 Q: Is that your signature on page 42 sir?

14 A: That is correct.

15 Q: And what is the date on which you signed  
16 page 42 of the Notebook?

17 A: 3/26/89.

18 when in truth, as the defendant well knew, he did not sign pages 42 on March 26, 1989,  
19 but signed page 42 sometime after March 26, 1989; in violation of Title 18, United States  
20 Code, Section 1621(1).

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1 COUNT SEVEN: (18 U.S.C. § 1621(1) – Perjury)

2 31. Paragraphs 1 through 17 of this Superseding Indictment are realleged and  
3 incorporated as if fully set forth here.

4 32. On or about May 25, 1999, in the Northern District of California, the  
5 defendant

6 ALY MOHSEN,

7 having taken an oath before a competent person that he would testify truthfully at an oral  
8 proceeding in connection with the Aptix case, did willfully and contrary to his oath testify  
9 falsely as to a material matter, in that he was asked when Amr first showed him the 1988  
10 Notebook and gave the following testimony:

11 Q: When did Amr first show you the [1988] Notebook?

12 A: Amr show me this notebook sometimes in August 1988, when he  
13 visited me.

14 when in truth, as the defendant well knew, he was not shown the 1988 Notebook in  
15 August, 1988 because it was created well after that date; in violation of Title 18, United  
16 States Code, Section 1621(1).

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1 COUNT EIGHT: (18 U.S.C. § 1621(1) – Perjury)

2 33. Paragraphs 1 through 17 of this Superseding Indictment are realleged and  
3 incorporated as if fully set forth here.

4 34. On or about May 25, 1999, in the Northern District of California, the  
5 defendant

6 ALY MOHSEN,

7 having taken an oath before a competent person that he would testify truthfully at an oral  
8 proceeding in connection with the Aptix case, did willfully and contrary to his oath testify  
9 falsely as to a material matter, in that he was asked when the photocopies of pages 2-15 of  
10 the 1988 Notebook were made by him and he gave the following testimony:

11 Q: When exactly was that copy that's Mohsen Exhibit 1[photocopies  
12 of pages 2-15 of the 1988 Notebook] made?

13 A: September the 5<sup>th</sup>, 1988.

14 when in truth, as the defendant well knew, the photocopies of pages 2-15 of the 1988  
15 Notebook were not made on September 5, 1988, but were made sometime after  
16 September 5, 1988; in violation of Title 18, United States Code, Section 1621(1).

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1 COUNT NINE: (18 U.S.C. § 1621(1) – Perjury)

2 35. Paragraphs 1 through 17 of this Superseding Indictment are realleged and  
3 incorporated as if fully set forth here.

4 36. On or about May 10, 2000, in the Northern District of California, the  
5 defendant

6 ALY MOHSEN,

7 having taken an oath before a competent person that he would testify truthfully at an oral  
8 proceeding in connection with the Aptix case, did willfully and contrary to his oath testify  
9 falsely as to a material matter, in that he was asked when he signed page 2 of the 1988  
10 Notebook and he gave the following testimony:

11 Q: There's a date [on page 2 of Evidentiary Hearing Exhibit 120]  
12 8/14/88, August 14, 1988. Is that your handwriting?

13 A: Yes.

14 Q: Did you place those documents or those—that signature and date  
15 on that page on the 14<sup>th</sup> of August 1988?

16 A: Yes.

17 when in truth, as the defendant well knew, he did not sign page 2 of the 1988 Notebook  
18 on August 14, 1988, because the 1988 Notebook was created well after that date; in  
19 violation of Title 18, United States Code, Section 1621(1).

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1 COUNT TEN: (18 U.S.C. § 1622 – Subornation of Perjury)

2 37. Paragraphs 1 through 17 of this Superseding Indictment are realleged and  
3 incorporated as if fully set forth here.

4 38. Beginning on or about March 29, 1998 and continuing through May 25, 1999,  
5 in the Northern District of California, the defendant  
6 AMR MOHSEN,  
7 did procure another person, namely, Aly Mohsen, to commit perjury in that he directed  
8 Aly Mohsen to falsely backdate and witness certain entries in the 1988 Notebook and to  
9 thereafter falsely testify under oath as to a material matter, namely that he actually  
10 witnessed the entries on the dates reflected in the fabricated 1988 Notebook, when in  
11 truth, as the defendant well knew, Aly Mohsen did not witness any entries in the 1988  
12 Notebook in 1988; in violation of Title 18, United States Code, Section 1622.

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1 COUNTS ELEVEN THROUGH EIGHTEEN (18 U.S.C. §§ 1341 and 2 – Mail Fraud)

2 39. The allegations contained in paragraphs 1 through 17 above are realleged  
3 as though fully set forth herein.

4 40. From at least March 29, 1998 and continuing through at least June 1, 2000  
5 in the Northern District of California and elsewhere, the defendant

6 AMR MOHSEN,

7 and others, having devised and intending to devise a scheme and artifice to defraud  
8 QuickTurn as to a material matter, as more fully described in paragraphs 5 through 17  
9 above, and to obtain money and property by means of material false and fraudulent  
10 pretenses and representations, did knowingly cause to be placed in the United States mail  
11 and delivered by the United States Postal Service and knowingly caused to be delivered  
12 by a private or commercial interstate carrier the items described below:

13 <u>Count</u>	14 <u>Approximate Date of Mailing</u>	15 <u>Sender</u>	16 <u>Addressee</u>	17 <u>Item Mailed</u>
18 Eleven	19 9/25/98	20 Amr Mohsen 21 c/o Aptix 22 2880 N. First St. 23 San Jose, CA	24 Forensic Examiner 25 9010 Barrhill Way 26 Fair Oaks, CA	27 Copy of 1988 28 Notebook Cover (Via UPS)
Twelve	3/1/99	Amr Mohsen c/o Aptix 2880 N. First St. San Jose, CA	Forensic Examiner 9010 Barrhill Way Fair Oaks, CA	Amr Mohsen 1989 Daytimer (Via Fed Ex)
Thirteen	3/4/99	Forensic Examiner 9010 Barrhill Way Fair Oaks, CA	Amr Mohsen c/o Aptix 2880 N. First St. San Jose, CA	Amr Mohsen 1989 Daytimer (Via Fed Ex)
Fourteen	6/4/99	Amr Mohsen c/o Aptix 2880 N. First St. San Jose, CA	Forensic Examiner 9010 Barrhill Way Fair Oaks, CA	Check in Amount of \$919.85 (U.S. Mail)

Count	Approximate Date of Mailing	Sender	Addressee	Item Mailed
Fifteen	1/3/00	FL Address Unknown	Amr Mohsen 16348 Aztec Ridge Los Gatos, CA 95030	Fragments of Original 1988 Notebook (U.S. Mail)
Sixteen	3/1/00	Amr Mohsen c/o Aptix 2880 N. First St. San Jose, CA	Forensic Examiner 9010 Barrhill Way Fair Oaks, CA	Copies of Notebook Pages (Via Fed Ex)
Seventeen	3/2/00	Forensic Examiner 9010 Barrhill Way Fair Oaks, CA	Amr Mohsen c/o Aptix 2880 N. First St. San Jose, CA	Forensic Test Results on Notebook Copies (Via Fed Ex)
Eighteen	6/1/00	Amr Mohsen, 2880 N. First St. San Jose, CA	Forensic Examiner 9010 Barrhill Way Fair Oaks, CA	Check in Amount of \$131.00 (U.S. Mail)

All in violation of Title 18, United States Code, Sections 1341 and 2.

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1 COUNT NINETEEN (18 U.S.C. §§ 1503 and 2– Obstruction of Justice)

2 41. Paragraphs 1 through 17 of this Superseding Indictment are realleged and  
3 incorporated as if fully set forth here.

4 42. Beginning on or about March 29, 1998 and continuing through on or about  
5 May 23, 2000, in the Northern District of California, the defendants

6  
7 AMR MOHSEN and  
ALY MOHSEN

8 did corruptly endeavor to influence, obstruct and impede the due administration of justice  
9 by creating a fraudulent 1988 Notebook and falsely backdating and witnessing certain  
10 entries in the 1988 Notebook and thereafter falsely testifying under oath that they actually  
11 created and witnessed the entries on the dates reflected in the fabricated 1988 Notebook,  
12 all in effort to influence, obstruct and impede the United States District Court in the Aptix  
13 case; in violation of Title 18, United States Code, Sections 1503 and 2.  
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1 COUNT TWENTY (18 U.S.C. §§ 401(3) and 3148 – Contempt of Court)

2 43. Paragraphs 1 through 17 of this Superseding Indictment are realleged and  
3 incorporated as if fully set forth here.

4 44. From at least March 25, 2004 and continuing through on or about March 27,  
5 2004, in the Northern District of California, the defendant

6 AMR MOHSEN

7 did knowingly commit contempt of Court by disobeying and resisting a lawful order of a  
8 Court of the United States in that the defendant violated conditions of his release in  
9 *United States v. Amr Mohsen, et. al.*, CR 03-0095 WHA, by applying for an Egyptian  
10 passport; in violation of Title 18, United States Code, Sections 401(3) and 3148.

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1 COUNT TWENTY-ONE (18 U.S.C. § 1512(b)(1) – Attempted Witness Tampering)

2 45. Paragraphs 1 through 17 of this Superseding Indictment are realleged and  
3 incorporated as if fully set forth here.

4 46. Beginning in or about May of 2004 and continuing through at least June 13,  
5 2004, in the Northern District of California, the defendant

6 AMR MOHSEN

7 did knowingly attempt to use intimidation, threaten, and corruptly persuade other persons,  
8 with intent to influence, delay, and prevent the testimony of those persons in an official  
9 proceeding, to wit, *United States v. Amr Mohsen, et. al*, CR 03-0095 WHA; in violation  
10 of Title 18, United States Code, Section 1512 (b)(1).

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1 COUNT TWENTY- TWO (18 U.S.C. § 373 – Solicitation To Commit Arson)

2 47. Paragraphs 1 through 17 of this Superseding Indictment are realleged and  
3 incorporated as if fully set forth here.

4 48. Beginning in or about May of 2004 and continuing through at least June 13,  
5 2004, in the Northern District of California, the defendant

6 AMR MOHSEN,

7 with intent that another person engage in conduct constituting a felony that has as an  
8 element the use of physical force against the property of another, to wit, arson to commit  
9 a federal felony in violation of 18 U.S.C. § 844(h)(1), and under circumstances strongly  
10 corroborative of that intent, did solicit, command, induce and otherwise endeavor to  
11 persuade such person to engage in such conduct, namely the use of fire to burn a witness'  
12 car in order to influence, delay and prevent the testimony of that witness in *United States*  
13 *v. Amr Mohsen, et. al*, CR 03-0095 WHA; in violation of Title 18, United States Code,  
14 Section 373.

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1 COUNT TWENTY-THREE (18 U.S.C. § 373–Solicitation To Commit Murder)

2 Paragraphs 1 through 17 of this Superseding Indictment are realleged and  
3 incorporated as if fully set forth here.

4 49. Beginning in or about May of 2004 and continuing through at least June 13,  
5 2004, in the Northern District of California, the defendant

6 AMR MOHSEN,

7 with intent that another person engage in conduct constituting a felony that has as an  
8 element the use of physical force against the person of another, to wit, the murder of a  
9 Federal Judge in violation of 18 U.S.C. § 1114, and under circumstances strongly  
10 corroborative of that intent, did solicit, command, induce and otherwise endeavor to  
11 persuade such person to engage in such conduct, namely the murder of the Federal Judge  
12 who was then presiding over *United States v. Amr Mohsen, et. al*, CR 03-0095 WHA in  
13 order to prevent that judge from performing his official judicial duties; in violation of  
14 Title 18, United States Code, Section 373.

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16 DATED:

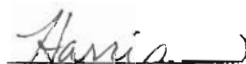
A TRUE BILL.

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18 JAN 10 2006

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FOREPERSON

20 KEVIN V. RYAN  
21 United States Attorney

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23 EUMIL. CHOI  
Chief, Criminal Division

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25 (Approved as to form: )  
AUSA Harris

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SUPERSEDING INDICTMENT  
RETURNED JANUARY 10, 2006  
CR 03-0095 WBS