

# United States Senate

WASHINGTON, DC 20510

VIA ELECTRONIC TRANSMISSION

September 12, 2023

Nicole Argentieri  
Assistant Attorney General (Acting), Criminal Division  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

John Lynch  
Chief, Computer Crime & Intellectual Property Section  
United States Department of Justice  
John C. Keeney Building, Suite 600  
Washington, DC 20530

Dear Assistant Attorney General Argentieri and Chief Lynch:

We write you today as advocates for the protection of intellectual property rights. We take great interest in the enactment of laws intended to encourage American innovation and creativity, as well as how those laws are being enforced against those who seek to misappropriate American innovation to the detriment of scientific, artistic, and economic advancement.

The Department of Justice's ability to enforce the intellectual property protections Congress has designed is paramount to the success of American businesses. We are aware of troubling allegations of persistent attacks on American intellectual property involving both U.S.-based and foreign individuals and companies, some of which have prompted the Department to intervene and some of which have not. For example:

- The U.S. Attorney for the Southern District of New York prosecuted a criminal case against Joshua Streit, an individual who illegally streamed copyrighted content from major sports leagues by accessing their websites without authorization via misappropriated login credentials from legitimate users.
- The U.S. Attorney for the Eastern District of Pennsylvania prosecuted a criminal copyright infringement case under the Digital Millennium Copyright Act against Bill Omar Carrasquillo, an individual who fraudulently obtained cable television accounts and then resold copyrighted content to thousands of paying customers.
- The U.S. Attorney for the Central District of California recently announced a case against Liming Li, an individual who stole trade secrets from two California companies in order to build a competing business in China.
- A civil suit in the Central District of California alleges that California-based Commercial Real Estate Exchange, Inc. (CREXi) has used stolen passwords to impermissibly access the database of its primary competitor and to steal content. CREXi has also allegedly used foreign companies in India to impermissibly access that competitor's websites to steal and crop copyrighted photos for CREXi's own use. To date, the U.S. Attorney for the Central

District of California has not announced any related criminal charges, nor have charges been brought in any other jurisdiction.

- A civil suit in the District of Delaware alleges that Booking.com, owned by Connecticut-based Booking Holdings Inc., violated the Computer Fraud and Abuse Act by accessing an airline website without authorization and mass-copying data from a password-protected section of the site. To date, the U.S. Attorney for the District of Delaware has not announced any criminal charges, nor have charges been brought in any other jurisdiction.

While we will not comment on the specifics of these allegations, we are concerned that the Department appears to be focused on prosecuting individuals, while similar alleged corporate wrongdoing is left in the hands of the civil courts, which often takes years to resolve while the theft continues unchecked.

In light of the continued threats to intellectual property by both individuals and corporate entities, as well as the scale of the wrongdoing and adverse impact on the economy that often accompanies corporate misconduct, we respectfully ask the Computer Crime & Intellectual Property Section and the Department more generally to provide an overview of the Department's goals and priorities in bringing and enforcing cases alleging violations of the Computer Fraud and Abuse Act, the Digital Millennium Copyright Act, and other intellectual property protections Congress has enacted. As part of that overview, we are particularly interested in receiving information about how individuals and corporate entities are using artificial intelligence to misappropriate American innovations and creations.

Your prompt attention to this matter is greatly appreciated. Please confirm receipt of this letter and provide a formal response to this letter, in writing, by no later than December 12, 2023.

Please do not hesitate to contact us should you have any questions.


Sincerely,



Thom Tillis  
United States Senator



Chris Coons  
United States Senator



Marsha Blackburn  
United States Senator