

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 9/22/86

[redacted] Security/Safety Manager, Atari Corporation, 1196 Borregas Avenue, telephone 408-745-4319, upon being advised of the identity of the interviewing agent and the purpose of the interview, furnished the following information:

For some time Atari Corporation has been aware that their copyrighted game software has been appearing for sale and trade on computer bulletin boards across the nation. "Neocrome 09" is one of their latest video games still under development and not yet released to the public for sale and distribution. Only nine people in Atari have the software program, and these nine have been working on its development at one location in the company. Several weeks previously, Atari became aware that "Neocrome 09" was being offered on a national computer network called Compuserve, which is a national computer network subscribed to by thousands of users, who make use of the information by paying a set fee. Subsequent to obtaining information that their new program was already appearing on Compuserve, Atari received an anonymous telephone call in which the caller stated that someone operating a bulletin board in Maryland, at telephone number 301-552-2573, had obtained the software program for "Neocrome 09" from someone inside Atari, and that this person had given or sold the program to Compuserve.

b6
b7c

[redacted] advised that each video game normally retails for between \$50.00 to \$100.00 apiece, and that developmental costs for each game produced are usually in excess of \$50,000.00. When games appear for sale on bulletin boards, particularly prior to distribution, it costs the company thousands of dollars in lost revenue.

Investigation on 9/19/86 at Sunnyvale, California File # SF 87A-40134-1
by SA [redacted] Date dictated 9/19/86

Field File No. BS 87A-21523

OO and File No. SF 87A-40134

Date Received 1/28/87

From _____
(Name of Contributor)

(Address of Contributor)

By _____

To Be Returned ☐ Yes

☒ No

☐ Yes


☒ No

Receipt Given ☐ Yes

☒ No

Grand Jury Material - Disseminate
Only Pursuant to Rules 6(e),
Federal Rules of Criminal
Procedure

Description:

Instructions Notes
on  *interview*

w/serial #10
87A-40134-1A(1)

b6
b7C

- How's park going
- Late for Early Summer.

b6
b7c

- How do you like DD
I don't see you out to run
with me.

* Different Versions.

I had 3 weeks of FBI investigation
call from Guy from saying
FBI investigation then for others
Nechrome 9.

wasn't even copyright - Not
a game.

I had Neochrome 5. Given to
him by original company assoc in 90.

update -
Somebody bought Neochrome 9
to him. Probably in 94, then
to 1/12.

2/28/87



*Neochrome -



Program,

Hard
Drive

Registered ~~As~~ Atari Developer
of software products with Atari.
RE \$2400 for Atari computer & also
them occurs to compromise
(word cde network, commercial
system, bulletin board)

b6
b7c

~~Dealing with~~ Atari meaning
deals to give it away with
machines

Forum

ST Term.

given 4d connected off Neochrome
FPC computer
to Neochrome. 305.



ST-TERM 2.2

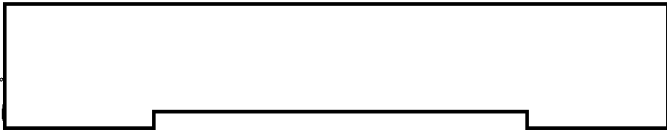
~~© 1985, 1986, 1987, Comnet Systems~~

b6
b7C


Terminal Mode - Press Help-> Menu Alt H-> Key Defs Undo->

Error reading setup file ST-TERM.SET

ANSI (VT100) mode



— Friend of
MIT. programmer.

— 
half WDC

— Blue Card
Blue Sheet
No
Programme. b6
b7C

— ~~6/2~~ 832 files.
NOEVA 9



two thousand

(30) files ^{1/2} from agency
G.M.

Field File No. _____

Serial # of Originating Document _____

OO and File No. 87A-40134

Date Received 3/16/87

From _____

(ADDRESS OF CONTRIBUTOR)

By _____

To Be Returned ☐ Yes ☐ No Receipt Given ☐ Yes ☐ No

Grand Jury Material - Disseminate Only Pursuant to
Rule 6(e), Federal Rules of Criminal Procedure

☐ Yes ☐ No

Title: _____

Reference: _____

(Communication Enclosing Material)

Description: ☒

87A-40134-1A(2)

b6
b7C

3/16/87

b6
b7c

systems operator
of Atari

manage data
base -

NY manage for
Compuserve
based
Dept of
Ohio -
for Atari -

manage data
by contract

purposed to keep from
f&cs -

same to Atari - say
program in prelim version
incomplete product. sent
out

given out - incomplete

given out to
encourage sales
of new computer

final releases 1.0
4.5.6 - preliminary
in beginning

had gotten earlier
versions on Atari
to allow for free release

Someone found .9 on a
bulletin board -

figure would do
a favor + up
load on Atari board /

had not been told
not to

said up load by 50 + 50

on commercial board -

let me see Atari - given innocently
looked innocently

erased immediately -

Atari told not
release for free

~~internally~~ talked to messages

tell me where got it -

did not touch to

B.B. -

said where got it -

Atari ~~is~~

new manuf. giving away
free versions -

not as good as other people's
drawing program -

Someone at Atari decided
to sell full featured
version -

working on inside house -

upset someone slipped

giving away in preliminary versions

Afan - embarrassed

- circulating on private
boards

member found on
video & uploaded
on his system -

sent out to user group -

- usually carry copyright notice -

- questionable link -

didn't keep records -

- logged on board -

- saw
- it there -

on his part done



@ Afan -

Field File No. _____

Serial # of Originating Document _____

OO and File No. 87A-40134

Date Received _____

From _____

(ADDRESS OF CONTRIBUTOR)

By _____

To Be Returned ☐ Yes ☐ No Receipt Given ☐ Yes ☐ No

Grand Jury Material - Disseminate Only Pursuant to
Rule 6(e), Federal Rules of Criminal Procedure

☐ Yes ☐ No

Title: _____

Reference: _____

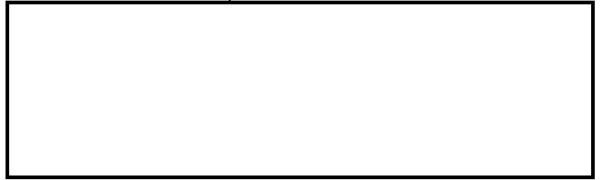
(Communication Enclosing Material)

Description: ☒ Or _____

87A-40134-1A(3)

b6
b7C

4/13/87



now who just gone

guy at
atari
looked
up



Computer Fair

found thing &
closed down

FBI looked into - b6
b7C

→ ← Dir. of Corp.
Communications



Mens Board -

one of members, scene
to atari

uploaded game

saw ork



BB



upright in Atari computer
wood

made decision - another

version of the one last
few months

Clasual ^{will} passing

Someone uploaded on
board

on a private board, can't tell who
uploaded.

will die at ~~met~~

version 0.9 appeared
on BB —

still not a final
version
if you did ^{talheado another} not network
know supposed to have —

if no reason to doubt — previous
free versions —

if they did — have free copies
— upcoming change in procedure

everyone had 5 -

unless play w/ frontiers -
1/2 screen -

to the best of my knowledge
no difference -

everyone cooperated w/ Atari
the instant they knew -

if release preliminary versions
mistakes in communication
on release

BB 's grew up because
you could get out w/ it
out of Atari -

heavily Van Nest -
tried to get
in touch

Sergey has a good
reputation -
w/ computer
science

would accept

he knows

b6
b7c

head of software

development

contact it arms

1.9 - last before release

Future releases - # less than 1, preliminary or free version

1.0 - would flag to atten. -

last version - implied another giveaway -

probably someone else

probably an accident -

may not have known to release

, 9

do buddy favor -

skip someone last pretty copy

since dec'd for 4 mo. -

passed word out -

this session not meant to
be released /
put up

Field File No. _____

Serial # of Originating Document _____

CD and File No. 87A-40134

Date Received 9/19/86

From _____
(NAME OF CONTRIBUTOR)

(ADDRESS OF CONTRIBUTOR)

By _____
(NAME OF SPECIAL AGENT)

To Be Returned ☐ Yes ☐ No Receipt Given ☐ Yes ☐ No

Grand Jury Material - Disseminate Only Pursuant to
Rule 6(e), Federal Rules of Criminal Procedure

☐ Yes ☒ No

Title: _____

Reference: _____
(Communication Enclosing Material)

Description: ☒ Original notes re interview of

87A-40134-1A(4)

b6
b7c

Pres.



initiate a case

only one place
it came from

10/1/84

Phone taps

only 15 people
have access
to program

some animosity
in dept,

pressure
phase 3 & 4 all had
bugs - & probs.

talked up



at

b6
b7c

Compulsive

is a legit board

Put it up - that
Public Domain
Admits he should
have called
atari
That earlier
version

Lawyers
said should
have

Spoke when
game from

trace - calls from
section

Field File No. _____

Serial # of Originating Document _____

OO and File No. 87A-40134

Date Received 3/23/87

From _____

Atari
(ADDRESS OF CONTRIBUTOR)

By _____
(NAME OF SPECIAL AGENT)

To Be Returned ☐ Yes ☐ No Receipt Given ☐ Yes ☐ No

Grand Jury Material - Disseminate Only Pursuant to
Rule 6(e), Federal Rules of Criminal Procedure.

☐ Yes ☐ No

Title: _____

Reference: _____
(Communication Enclosing Material)

Description: ☒ Original notes re interview of _____

87A-40134 1A(5)

b6
b7C

Watts # 15 Jan
@ Atari

3/23/87

b6
b7c

neo nine
was not
supposed to be released

last version before release

found it
+ put on
board

told Atari
guy in Maryland
on his board

(BB person said)

Guy in Maryland -
put on
B.B.

can't come
from
Boya site

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ AIRTEL

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 9/22/86

TO: SAC, BALTIMORE

FROM: SAC, SAN FRANCISCO (87A-NEW) (P) (SJRA)

SUBJECT: UNSUB(S);
 THEFT OF SOFTWARE FOR VIDEO-
 COMPUTER GAME "NEOCROME 09";
 ATARI CORPORATION
 1196 BORREGAS AVE.
 SUNNYVALE, CA - VICTIM;
 ITSP; COPYRIGHT; FBW
 OO: SF

Enclosed for Baltimore is one copy of an FD-302 of an interview of [redacted] dated 9/19/86, which sets forth details of referenced case.

For information of Baltimore, [redacted] advised that he will continue to attempt to obtain information from Compuserve on how they obtained software for Atari's "Neocrome 09."

LEADS

BALTIMORE AT BALTIMORE: Identify subscriber of telephone number 301-552-2573, from which a computer bulletin board system is allegedly being operated out of. Attempt to determine scope and type of information offered on the bulletin board. Interview operator of the system concerning how he obtained software for the Atari "Neocrome 09" computer game.

2 - Baltimore (Enc. 5)

2 - San Francisco

LLF/cas

(4)

Approved: _____

Transmitted _____

(Number)

(Time)

Per _____

SEARCHED _____

SERIALIZED _____

INDEXED _____

FILED _____

87A-40134-2



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

450 Golden Gate Avenue
Box 36015
San Francisco, California 94102

October 16, 1986

b6
b7C

Mr. Joseph Russoniello
United States Attorney
Northern District of California
450 Golden Gate Avenue
Box 36055
San Francisco, California 94102

Attention: [REDACTED]
Assistant U.S. Attorney

Dear Mr. Russoniello:

Re: UNSUB(s);
Theft of Software for Video
Computer Game "Neocrome 09";
Atari Corporation
1196 Borregas Ave.
Sunnyvale, Ca. - Victim;
Interstate Transportation of
Stolen Property, Copyright,
Fraud By Wire

Enclosed for your office is a copy of an FD302 of an interview conducted of [REDACTED] Atari Corporation, dated September 19, 1986, which sets forth the details of this investigation. In this interview, [REDACTED] states that a copyrighted video software game, developed in one room at Atari Corporation by nine engineers, had appeared on a nationwide computer bulletin board before it had even been commercially marketed by Atari. The bulletin board, Comuserve, advised that they had obtained the software from an individual operating another computer bulletin board, out of Maryland, at telephone number 301-552-2573. Investigation conducted by our Baltimore office determined that this is an unlisted number, which will require a subpoena. Your office is requested to issue a subpoena directed to [REDACTED]

b7D

Very Truly yours,

Richard W. Held, Jr.
Special Agent in Charge

SEARCHED
SERIALIZED
INDEXED
FILED

87A-40134-3

1 - Addressee
1 - SF 87A-40134
LLF/sc
(2)

b6
b7C

By: [REDACTED]
Senior Supervisory Resident Agent

FORMS.TEXT HAS 2 DOCUMENTS

INBOX: 1 (#1457)

TO SF @ EMH1

FROM: BA @ EMH2

SUBJECT: 290/004 ROUTINE

DATE: 17 OCT 86 15 23 36 GMT

CC

TEXT.

BA0004 2901525Z

RR SF

DE BA

R 171505Z OCRT 86

FM BALTIMORE (87A 23472) (SQ 12) (P)

TO SAN FRANCISCO (87A-NEW) (SJRA) ROUTINE

BT

UNCLAS

UNSUB (S) THEFT OF SOFTWARE FOR COMPUTER VIDEO COMPUTER GAMES,

"NEOCROME 09"; ATARI CORPORATION [REDACTED]

CA. VICTIM ITSP COPYRIGHT FBI, CO: SAN FRANCISCO

RE SAN FRANCISCO AIRTEL TO BALTIMORE DATED SEPTEMBER 22, 1986.

AND TELEPHONE CALL FROM SA [REDACTED], SAN FRANCISCO DIVISION

TO SA [REDACTED] BALTIMORE DIVISION ON OCTOBER 16, 1986.

SAN FRANCISCO: [REDACTED]

[REDACTED] ADVISED ON OCTOBER 15, 1986, THAT TELEPHONE NUMBER

[REDACTED] WAS A NON PUBLISHED NUMBER. THEREFORE, A FEDERAL

GRAND JURY SUBPOENA WILL BE REQUIRED BY [REDACTED] IN ORDER

TO OBTAIN [REDACTED]

[REDACTED]

14 12

SEARCHED	INDEXED
SERIALIZED	FILED
OCT 17 1986	
FBI - SAN FRANCISCO	
87A-40134-4	

b6
b7C
b7D

MMMM
PAGE TWO (87A 23472) UNCLAS

SAN FRANCISCO DIVISION AT SAN JOSE, CALIFORNIA, WILL OBTAIN
GRAND JURY SUBPOENA AND FORWARD TO THE BALTIMORE DIVISION FOR
SERVICE UPON [REDACTED] b7D

BALTIMORE DIVISION AT HYATTSVILLE, MARYLAND, WILL HOLD LEAD *BS*
TO INTERVIEW SUBSCRIBER OF TELEPHONE NUMBER [REDACTED] IN
OBEYANCE PENDING RECEIPT OF SUBPOENA FROM SAN FRANCISCO DIVISION. *5/18*

BT

87A-40134-4

MMMM

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ AIRTEL

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 11/20/86

TO: SAC, BALTIMORE (87A-23472)
 FROM: SAC, SAN FRANCISCO (87A-40134) (P) (SJRA)
 SUBJECT: UNSUB(S);
 THEFT OF SOFTWARE FOR VIDEO
 COMPUTER GAME "NEOCROME 09";
 ATARI CORPORATION
 1196 BORREGAS AVE.
 SUNNYVALE, CA - VICTIM;
 ITSP; COPYRIGHT; FBW
 OO: SF

Re Baltimore teletype to SF dated 10/17/86.

Enclosed for Baltimore are the original and one copy
 of a Federal Grand Jury Subpoena directed to [REDACTED] b3

LEADS

Baltimore at Hyattsville, Maryland: Serve enclosed
 subpoena, and once [REDACTED]
 [REDACTED], conduct lead as set forth in
 SF airtel to Baltimore dated 9/22/86.

2 - Baltimore (Enc. 2)
 2 - San Francisco
 MLF/sc
 (4)

Approved: _____ Transmitted _____ Per _____
 (Number) (Time)

SEARCHED _____
 SERIALIZED BE
 INDEXED _____
 FILED BE
 87A-40134-5

b6
 b7C

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☐ AIRTEL

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 12/23/86

TO: SAC, BOSTON (87-NEW)
 FROM: SAC, BALTIMORE (87A-23472)(SQ 12)(P)
 SUBJECT: UNSUB(S); /
 THEFT OF SOFTWARE FOR VIDEO
 COMPUTER GAME "NEOCROME 09";
 ATARI CORPORATION
 1966 BORREGAS AVENUE
 SUNNYVALE, CALIFORNIA-VICTIM;
 ITSP; COPYRIGHT; FBW;
 OO: SAN FRANCISCO

b6
 b7C

Re San Francisco airtels to Baltimore, dated 9/22/86,
 and 11/20/86.

Enclosed for Boston is one copy of an FD-302 reflecting
 the interview of [REDACTED]

For the information of Boston, San Francisco airtel to
 Baltimore dated 9/22/86 requested that the subscriber to
 telephone number [REDACTED] be interviewed regarding his/her
 knowledge of captioned matter. On 10/15/86, Baltimore Division
 determined that above number was a non-published number. Grand
 jury subpoena for [REDACTED] was
 received by the Baltimore Division on referenced airtel dated
 11/20/86. [REDACTED]

b3

2-Boston (Encl. 1)
 ②-San Francisco (87A-40134)
 2-Baltimore
 JMB:d1m
 (6)

Approved: _____ Transmitted _____
 (Number) (Time)

ST #1

SEARCHED	INDEXED
SERIALIZED	FILED
DEC 29 1986	
FBI - SAN FRANCISCO	

87A-40134-6

b6
 b7C

BA 87A-23472

On 12/22/86, [redacted]
[redacted] Maryland, advised that he was renting his residence from
[redacted] and [redacted] and furnished their forwarding address
to be [redacted] Massachusetts, telephone number
[redacted] was not personally acquainted with the
[redacted] He moved into the residence during the beginning of
November, 1986.

LEADS

BOSTON DIVISION

b6
b7C

AT FRAMINGHAM, MASSACHUSETTS

Will interview [redacted] and/or [redacted] re their
knowledge of captioned matter. Attempt to determine scope and
type of information formerly offered on computer bulletin board
at [redacted] Interview operator of the system concerning
how he/she obtained software for the Atari "Neocrome" computer
game. Determine if computer bulletin board is currently being
operated under new telephone number. Note: Telephone number
[redacted] was called on numerous occasions on and about
10/15/86, and on each occasion a computer generated tone was heard
when the calls were connected.

BALTIMORE DIVISION

AT BALTIMORE, MARYLAND

Will forward [redacted] to San Francisco b3
upon receipt from [redacted]

b6
b7C
b7D

BS 87A-21523

TGT/mmh

1

-

On January 15, 1987, [] advised as follows:

Telephone number [] is a computer bulletin board (BBS) that advertises Atari programs. The name of this BBS is "Forum S.T." and runs an advertisement "Comnet Systems, []". There was nothing on this BBS on January 14, 1987 that appeared to be copyrighted material. The program for this BBS was prepared by the systems operator who is apparently offering to sell his BBS program. The Atari game "Neocrome 09" has been advertised on Compuserve since fall 1986 and has also appeared on several Atari based BBS. "Neocrome 09" has also been offered as a "give away" inducement to purchase Atari hardware packages from dealers.

C/A []

SSA []

SEARCHED	INDEXED
SERIALIZED	FILED
FEB 17 1987	
FBI - SAN FRANCISCO	
[]	
87A-40134	

BS 87A-21523

TGT/mmh

1.

Re:

On January 14, 1987, [redacted] advised as follows:

There are two computer bulletin boards in Framingham. One is reached at telephone number [redacted] and the other, known as COMPUCLUB is reached at telephone number (617)-879-5232. COMPUCLUB offers several Atari items.

b6
b7C
b7D

SEARCHED	INDEXED
SERIALIZED	FILED
FEB 17 1987	
FBI - SAN FRANCISCO	

SA [redacted]

87A-40134-B

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 1/29/87

[redacted] was interviewed at his home [redacted]
Road, telephone [redacted] He freely and voluntarily
furnished the following information:

He has rented his former residence at [redacted]
[redacted] Maryland and lived at his current one for four
months. (X)

He stated that he is registered with ATARI as a
developer of software products and owns a \$2400 ATARI ST
computer. He runs a computer bulletin board at (617) 620-0903
formerly at (301) 522-2573. He furnished the ad for his board
"FOREM ST" from Page 24 in the February issue of the "ST-Log",
the Atari ST Monthly magazine. The only individual he has ever
talked to at ATARI CORPORATION was [redacted]. In November of
1985 ATARI did not give him the "hard drive" for his ST computer,
at time of purchase. He contacted [redacted] at ATARI, and
threatened to sue; the "hard drive" arrived two days later.

[redacted] stated that he was aware his toll records had
been subpoenaed in Maryland and had tried to call the Assistant
United States Attorney (AUSA) in California to ask what was going
on and offer his cooperation. The AUSA never returned his calls.

He stated the only NEOCHROME software he has is 5.
However, about three weeks ago he heard a rumor that the Federal
Bureau of Investigation was investigating him for advertising
Neochrome 9 on his bulletin board. He checked his board, which
has 832 files, and located a NOEVA 9. NOEVA 9 proved to be
Neochrome 9, which he was not aware was on his board. He removed
it and subsequently determined someone must have "UP-LOADED" it
into his bulletin board. He does not know who did it or when.
However, it was before November 1986 because that is when he
began keeping track of who was putting things on his board.

Investigation on 1/28/87 at Framingham, MA File # SF 87A-40134
BS 87A-21523
by SA [redacted] /jat Date dictated 1/29/87

Continuation of FD-302 of [REDACTED], On 1/28/87, Page [REDACTED]

[REDACTED] is not familiar with Neochrome 9 but believes it is a "GRAPHICS DRAWING PROGRAM" not a game.

He knows a lot of people who would like to get him into trouble with the Federal Bureau of Investigation or ATARI. He stated a man named [REDACTED] in his thirties, from Lanham, Maryland is on probation after conviction in Federal Court. [REDACTED] was convicted of illegally getting into the IRS computer system and randomly erasing files. He stated in the spring of 1986 he was talking to [REDACTED] by computer and "wised off" in asking him how probation was; shortly after someone got into his Bulletin Board, erased his name, address, copyright warning and changed the header "ST-Term 2,2" to "PD-Term 2,2". (PD meaning public domain). [REDACTED] thereafter received a call on his answering machine from a male who said "How do you like PD? Don't fuck with me." [REDACTED] believes the caller was [REDACTED]

[REDACTED] stated he would cooperate with the Federal Bureau of Investigation and ATARI anyway he could and at any place. He knows nothing about how Neochrome 9 got on his board but is aware people like [REDACTED] would like to get him in trouble as would some of the "loonies" you always meet in a job competition situation.

[REDACTED] advised his date of birth is [REDACTED] and he works at the MIT LINCOLN LAB as a programmer.

Also present during the interview was [REDACTED] date of birth [REDACTED] who is employed by BLUE CROSS/BLUE SHIELD of Massachusetts as a programmer.

ST-LOG

THE ATARI ST
MONTHLY
MAGAZINE

U.S.A. \$5.50
CANADA \$6.75

FEBRUARY 1987

ISSUE 11

Appointment calendar
Atari at COMDEX
MIDI on the ST
New product reviews
An exclusive look:
Publishing Partner

FEBRUARY

1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

5

0

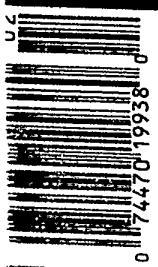
POINT

REDEMPT.

1

KITCH.

DEW



ST-LOG

1187

FBI

4

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ Airtel

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS 2/10/87

Date

TO: SAC, SAN FRANCISCO (87A-40134)

FROM: SAC, *FA/RS* BOSTON (87A-21523) (RUC)

UNSUBS;
 THEFT OF SOFTWARE FOR
 VIDEO COMPUTER GAME
 "NEOCROME 09";
 ATARI CORPORATION,
 1966 BORREGAS AVENUE,
 SUNNYVALE, CALIFORNIA -
 VICTIM;
 ITSP; COPY RIGHT; FEW;
 OO: SAN FRANCISCO

Re Baltimore airtel to Boston, 12/23/86.

Enclosed for San Francisco are two copies and
 for Baltimore one copy of the following items: Also
 enclosed for San Francisco are the investigator's notes.

1. FD-302 reflecting interview of [redacted]
 [redacted] on 1/28/87 at Framingham, Massachusetts.

2. Insert reflecting 1/14/87 contact with
 Boston informant.

3. Insert reflecting 1/15/87 contact with
 Boston informant.

It is noted the enclosed FD-302 reflects that
 [redacted] disavows all knowledge of any violations of
 federal law.

② - San Francisco (87A-40134)(Enc. 7) *RS*
 1 - Baltimore (87A-23472)(SQ 12) (Enc. 3)
 1 - Boston (87A-21523)

JK:jat

(4)

Approved: _____ Transmitted 1*

(Number)

(Time)

see attached enclosures

SEARCHED <i>RS</i>	INDEXED <i>RS</i>
SERIALIZED <i>RS</i>	FILED <i>RS</i>
Per _____	
FEB 17 1987	
FBI - SAN FRANCISCO	

87A-40134-10

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 2/13/87

Upon the issuance of an administrative subpoena duces tecum
directed to [REDACTED]

[REDACTED]

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Copies of these [REDACTED] are attached hereto:

GRAND JURY MATERIAL DISSEMINATE
PURSUANT TO RULE 6(e), FED. R. CRIM. P.

Investigation on 1/13/87 at Cockeysville, Maryland File # BA 87A-23472
by IA [REDACTED] : saw [REDACTED] Date dictated 1/20/87

FBI

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TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ AIRTEL

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 2/13/87

TO: SAC, SAN FRANCISCO (87A-40134) (SJRA)
 FROM: SAC, BALTIMORE (87A-23472) (SQ. 7) (RUC)

UNSUB(S);
 THEFT OF SOFTWARE FOR VIDEO
 COMPUTER GAME "NEOCROME 09"
 ATARI CORPORATION
 1196 BORREGAS AVENUE
 SUNNYVALE, CA - VICTIM;
 ITSP; COPYRIGHT; FBW
 OO: SF

Reference San Francisco airtel to Baltimore 11/20/86.

Enclosed for San Francisco are the original and two copies
 of an FD-302 reflecting [redacted] regarding telephone number

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Also enclosed for San Francisco is the original subpoena
 served to the [redacted]

② - San Francisco (Enc. 4) *PS*
 2 - Baltimore
 CF:saw
 (4)

Approved: _____

Transmitted _____

(Number)

(Time)

FEB 23 1987

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*see attached enclosures
 with subpoena*

Subpoena Attached

SA [redacted]

87A-40134-13

FEDERAL BUREAU OF INVESTIGATION

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b7CDate of transcription 4/10/871

[redacted], Atari Corporation, 1196 Borregas Avenue, telephone number (408) 745-4319, furnished the following information:

Neocrome .09 was the final version before release of the computer game, and it was not supposed to be given to anyone outside of Atari. [redacted], Operator of the compuserve bulletin board, previously told him that the guy in Maryland, who operated a computer bulletin board, found the game on his board in Maryland, and uploaded the game onto the compuserve board.

Atari has a Watts number which does not record telephone calls placed, so it would be impossible to determine who from Atari might have accessed the bulletin board in Maryland and uploaded the computer game on it.

[redacted] whom [redacted] advised he knew at Atari Corporation, is a software engineer in the area in which Neocrome .09 was developed. [redacted] has had a series of run-ins with the Vice President in charge of the software development section. He might have a motive in giving out an Atari game before official release.

Investigation on 3/23/87 at San Jose, California File # SF 87A-40134-14
by SA [redacted] Date dictated 3/24/87

FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 4/10/87

[] Systems Operator, Atari Compuserve bulletin board, telephone number 212-598-0719, upon being advised of the identity of the interviewing agent and the purpose of the interview, furnished the following information:

[] Atari Director of Corporate Communications, at telephone number [], is aware of what took place concerning the placement of NEOCROME Nine on his computer bulletin board system. [] runs a computer bulletin board and one of the members of the board uploaded the game, NEOCROME Nine into his system. This member saw the game on [] bulletin board in Maryland. [] previously gave the name of this member to Atari Corporate Security Agent [] but he no longer has the game. [] considers [] to be an upright individual who runs a good Computer Bulletin Board System. When [] first saw the game on his bulletin board, he considered it to be just another version of the NEOCROME which had been handed out free in the last few months. On a Computer Bulletin Board System, it is impossible to tell who uploads information on the system. Point nine after of the game, indicated that it was just another version. He had no reason to doubt that it related to other previous versions. Once they found out this was the final version, everyone cooperated with Atari in removing it. Since previous versions were released for free by Atari, there must have been a foul up in communications, on release of the point nine version.

Bulletin Boards grew up in the first place because no one was able to get any information out of Atari. Atari users joined together and pooled what knowledge they had of the systems. [] had a good reputation with other Atari users and Luks. [] would believe any information [] gave concerning this matter to be truthful.

[] has heard the name [] as head of Atari's software development. He has also heard of [] who had prior trouble with Compuserve.

Investigation on 4/3/87 at San Jose, California File # SF 87A-40134

by SA [] Date dictated 4/4/87

Continuation of FD-302 of [] by SA [] /kmr , On 4/3/87 , Page 2

Any number after a game title indicates the game is a preliminary version, and not the final release. A 1.0 after the game title would indicate it was the final version. The .9 in this case, would simply indicate it was still a preliminary, giveaway version.

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In [] opinion, the release of the .9 version is now a dead issue. The bulletin board it was on has removed it, and the word is out that the .9 was the final version, and not just another free edition.

[] advised that he would cooperate in this matter in any way possible.

FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 4/10/87

[] telephone number [], advised that he is a systems operator at an Atari Computer Board based in Ohio. He manages the data base on this board and is a manager for Compuserve for Atari. He manages this area by contract for Atari.

[] was surprised to hear from the Federal Bureau of Investigation concerning the individual in Maryland who had an Atari Game on his bulletin board. He furnished all his information in this matter to the guy from Atari seven months ago, and since being advised NEOCROME was an Atari copyrighted game, he had taken the game off his computer bulletin board. When he first saw this game on his bulletin board, he assumed it was another preliminary version which Atari was handing out to the public. As soon as Atari informed him that it was the final copyright version, he removed it from his bulletin board. Atari often gives out these games to encourage sales. When different computer software games are being developed, each version along the way is labeled point four, point five, or point six. This indicates that it is a preliminary game version. [] had received prior versions of NEOCROME for his computer bulletin board. Someone found the point nine, or latest version on a computer bulletin board, and figured that they would give Atari users on Compuserve a favor by uploading it on [] Atari board. [] had not been told by Atari not to put the point nine version on his board, he assumed it was just another free release prior to the final version. If Atari is now claiming that this version is the final version, there is a leak inside Atari who gave it out. As far as [] knows, the game was placed on his board innocently and once he found from Atari that it was the final version, he erased it immediately. He put a message on his bulletin board to ask the person who had placed the game there, where he got it, and he gave this person's name to the security manager at Atari. This individual advised him that he got it from a bulletin board in Maryland.

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This particular Atari program is a drawing program, which in [] opinion is not as good a drawing program as several other companies have put out. In his opinion, someone at Atari slipped up and gave away this final version, they

Investigation on 3/16/87 at San Jose, California File # SF 87A-40134-18

by SA [] ar Date dictated 3/17/87

Continuation of FD-302 of [] by SA [] /kmr , On 3/16/87 , Page 2

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probably confused it with the preliminary versions which were being given out. Atari is probably greatly embarrassed over this mistake. [] has also seen NEOCROME nine on other computer bulletin boards. But in the case of it appearing on his bulletin board, a member found it on another bulletin board and uploaded it on his system. The final versions of computer software usually carry a copyright notice. In his opinion, there is definitely questionable leak at Atari. He does not keep records of who logged on and off his bulletin board, he saw the game there, and feels like he did his part by taking it off the board. A sloppy procedure at Atari is what caused the confusion on this game.



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

450 Golden Gate Avenue
Box 36015
San Francisco, California 94102

July 2, 1987

Mr. Joseph P. Russoniello
United States Attorney
Northern District of California
450 Golden Gate Avenue 94102

Attention:
Assistant U.S. Attorney

Dear

Re: UNSUB (S);
Theft of Software for Video Computer Game, "Neocrome
09"; Atari Corporation, 1196 Borregas Avenue,
Sunnyvale, California - Victim; ITSP; Copyright; FBW

Interviews conducted in this matter of individuals at Atari,
and owners and operators of computer bulletin boards have failed to
determine a knowing violation of federal law regarding either
the illegal sale, distribution or copying of the Atari computer
game. Therefore, our office is conducting no further investigation
into this matter and considers this investigation closed.

Very truly yours,

RICHARD W. HELD
Special Agent in Charge

By:
Supervisory Special Agent

Searched _____
Serialized *OK*
Indexed _____
Filed *OK*

S CHECKED

87A-40134-19

FBI/DOJ

File - Serial Charge Out
FD-5 (Rev. 6-17-70)

File 87A 40136 Date _____
Class. Case No. Last Serial

☐ Pending ☐ Closed

Serial No. Description of Serial Date Charged

SSRA 2	BA TH SF, 10/17/82	9/24/86
SSRA 4		10/28/86
SSRA 6	BA A/H BS, 12/23/86	11/25/86
SSRA 7	BS insert 1/14/87	12/29/86
SSRA 8	BS insert 1/15/87	2/18
SSRA 9	BS insert 1/15/87	"
SSRA 10	BS insert 1/15/87	"
SSRA 11	BS A/H SF 2/10/87	"
	our subpoena served to	2/24

Employee

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RECHARGE

Date _____

To _____ From _____

Initials of Clerk

Date

Date charged

Employee

Location

FEDERAL BUREAU OF INVESTIGATION
FOIPA
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No Duplication Fees are charged for Deleted Page Information Sheet(s).

Total Deleted Page(s) ~ 6

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