

Bird Marella Secures Rare and Complete Dismissal of Criminal Trade Secret Theft Charges Against Chinese National

Bird Marella attorneys [Terry Bird](#), [Gary Lincenberg](#), Peter Shakow, and David Chao secured a rare and complete dismissal of criminal trade secret theft charges against a Chinese national in federal court in Iowa.

After being separated from her young children for more than a year, Chinese national Mo Yun was dismissed from an indictment filed in the Southern District of Iowa alleging conspiracy to steal trade secrets under the Economic Espionage Act. Ms. Mo was charged, along with six others, with conspiring to steal trade secrets (corn germplasm) belonging to agri-business giants DuPont Pioneer and Monsanto. The statute under which she was charged, 18 U.S.C. 1832, is a criminal statute that has been utilized more and more often by Government prosecutors in recent years. It carries steep penalties, including up to ten years in federal prison.

From the outset of its defense of Ms. Mo, Bird Marella urged the Court to closely scrutinize the nature and admissibility of the Government's evidence against her. Ultimately, the Court found that evidence to be entirely inadmissible, granted a defense motion to exclude and soon after dismissed the case at the Government's request. [United States v. Li, at Docket No. 435 \(Order Granting Motion to Dismiss\)](#). Ms. Mo was innocent of the charges that she conspired to steal trade secret corn germplasm, and indeed had left the company alleged to be at the center of the conspiracy in late 2008 to be a full-time, stay-at-home mother. Now that the case against her has ended, she is looking forward to returning home.

"Mo Yun is an innocent woman," stated her lead attorneys Terry Bird and Gary Lincenberg. "This has been an arduous process for her, but she is relieved by this outcome. We are thankful to the Court for its courtesy and even-handedness. After not being allowed to leave the United States for more than a year, Dr. Mo has now returned to China and is reunited with her husband and children."

The cross-examination conducted by Mr. Lincenberg is highlighted in the book, *The Scientist and the Spy*. Click [here](#) to read an excerpt.

For more information on economic espionage and related statutes, please see Gary S. Lincenberg's and Peter J. Shakow's article, "[A Secret No More: The Rise of Economic Espionage Prosecutions and How to Litigate Them](#)," originally published in the Fall 2014 edition of *Criminal Justice Magazine*.