



U.S. Department of Justice
United States Attorney's Office
Eastern District of Virginia

Dana J. Boente ■ United States Attorney ■ 2100 Jamieson Avenue ■ Alexandria, VA 22314
(703) 299-3700 ■ (703) 299-3892 (fax)

, 2016

Open Whisper Systems
Signal
San Francisco, CA

Re:

Dear Sir/Madam:

You have been served with a subpoena issued in connection with a criminal investigation being conducted in this District. That subpoena directs you to produce certain records on [REDACTED] 2016 before the grand jury in Alexandria, Virginia.

As a convenience to you, in lieu of appearing personally before the grand jury, you may deliver the requested documents to:

Special Agent [REDACTED], Federal Bureau of Investigation, Northern Virginia
Region, 9325 Discovery Blvd Manassas, VA 20109 (703) [REDACTED],
[REDACTED]@ic.fbi.gov.

Any questions pertaining to the records under subpoena should be directed to the agent listed above. I appreciate your cooperation in this manner.

Because premature disclosure of this request might impede the investigation in this case, you are requested not to disclose the existence of this subpoena. I appreciate your cooperation in this matter. If you have any questions, please feel free to contact me at (703) 299-3700.

Sincerely,
Dana J. Boente
United States Attorney

By:

Assistant United States Attorney

UNITED STATES DISTRICT COURT
for the
Eastern District of Virginia

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

Open Whisper Systems
Signal
To: San Francisco, CA

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: U.S. District Court 401 Courthouse Square Alexandria, VA 22314	Date and Time: [REDACTED], 2016 [REDACTED]
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You must also bring with you the following documents, electronically stored information, or objects (blank if not applicable). **Please provide any and all subscriber account information and any associated accounts to include subscriber name, addresses, telephone numbers, email addresses, method of payment, IP registration, IP history logs and addresses, account history, toll records, upstream and downstream providers, any associated accounts acquired through cookie data, and any other contact information from inception to the present for the following accounts:**

[REDACTED]

This subpoena remains in effect until all documents are provided.

PLEASE NOTIFY THE UNDERSIGNED ATTORNEY BEFORE INCURRING COSTS OF MORE THAN \$300.00

Date: [REDACTED] 2016

CLERK OF COURT

[Signature]

Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the United States attorney, or assistant United States attorney, who requests this subpoena, are [REDACTED] AUSA

Office of the United States Attorney
Justin W. Williams United States Attorney's Building
2100 Jamieson Avenue
Alexandria, Virginia 22314 (703) 299-3700

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC BUSINESS RECORDS
PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)**

I, _____ (name), attest under penalties of perjury (or criminal punishment for false statement or false attestation) that I am employed by _____ (business), and that my official title is _____ (title). I am a custodian of records for such business entity. I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of _____ (business), and that I am the custodian of the attached records consisting of _____ pages. I have provided the following records to the United States:

I further state that:

- A. all records attached to this certificate were made at or near the time of the occurrence of the matters set forth, by, or from information transmitted by, a person with knowledge of those matters;
- B. such records were kept in the course of a regularly conducted business activity of _____ (business); and
- C. such records were made by _____ (business) as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the Federal Rules of Evidence.

(Signature)



(Date)

(Address)

(Phone)

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

IN RE: APPLICATION FOR AN ORDER
PURSUANT TO 18 U.S.C. §2705(b)
RELATING TO A SUBPOENA TO OPEN
WHISPER SYSTEMS FOR THE
ACCOUNTS LISTED: [REDACTED] and
[REDACTED]

Case No. [REDACTED]
Grand Jury [REDACTED]

Filed Under Seal

ORDER


The United States has submitted an Application pursuant to 18 U.S.C. § 2705(b), requesting that the Court issue an Order commanding OPEN WHISPER SYSTEMS, an electronic communications service provider and/or a remote computing service, not to notify any person (including the subscribers or customers of the accounts listed on the subpoena) of the existence of the attached subpoena until further order of the Court.

The Court determines that there is reason to believe that notification of the existence of the attached subpoena will seriously jeopardize the investigation, including by giving targets an opportunity to flee or continue flight from prosecution, destroy or tamper with evidence, change patterns of behavior, or notify confederates. *See* 18 U.S.C. § 2705(b)(2), (3), (5).

IT IS THEREFORE ORDERED under 18 U.S.C. § 2705(b) that OPEN WHISPER SYSTEMS shall not disclose the existence of the attached subpoena, or this Order of the Court, to the listed subscriber or to any other person, for a period of one year from the date of this order, except that OPEN WHISPER SYSTEMS may disclose the attached subpoena to an attorney for OPEN WHISPER SYSTEMS for the purpose of receiving legal advice.

IT IS FURTHER ORDERED that the Application and this Order are sealed until one year from the date ordered by the Court.

Date  1/16


s/ ~~Theresa C. Buchanan~~
~~United States Magistrate Judge~~
The Honorable Theresa C. Buchanan
United States Magistrate Judge

