

UNITED STATES  
FOREIGN INTELLIGENCE SURVEILLANCE COURT  
WASHINGTON, D.C.

2013 JUN 25 PM 4:38

IN RE MOTION TO DISCLOSE AGGREGATE )  
DATA REGARDING FISA ORDERS )  
\_\_\_\_\_ )

Docket No. Misc. 13-04

**RESPONSE OF THE UNITED STATES TO  
THE COURT'S ORDER DATED JUNE 20, 2013**

JOHN P. CARLIN  
Acting Assistant Attorney General  
for National Security

TASHINA GAUHAR  
Deputy Assistant Attorney General

JEFFREY M. SMITH  
NICHOLAS J. PATTERSON  
U.S. Department of Justice  
National Security Division  
950 Pennsylvania Ave., N.W.  
Washington, D.C. 20530  
Phone: (202) 514-5600  
Fax: (202) 514-8053

Attorneys for the United States of America

On June 19, 2013, Microsoft filed a Motion for Declaratory Judgment in the above-captioned matter. By order dated June 20, 2013, this Court provided the Government until June 25, 2013, to respond in writing with an assessment as to whether said motion contains classified information, potentially classified information, or information that is or should be sealed.

The motion does not contain information that is now classified, nor information that should be held under seal, and the Government thus has no objection to its public posting. This determination has been made on the basis of the contents of this particular motion and the facts as they relate specifically to Microsoft, including public statements the Government has made in response to the unauthorized disclosure of previously classified information.

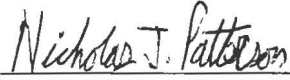
The Government will submit its substantive response to the motion no later than July 9, 2013.

June 25, 2013

Respectfully submitted,

JOHN P. CARLIN  
Acting Assistant Attorney General  
for National Security

TASHINA GAUHAR  
Deputy Assistant Attorney General

  
\_\_\_\_\_  
JEFFREY M. SMITH  
NICHOLAS J. PATTERSON  
U.S. Department of Justice  
National Security Division  
950 Pennsylvania Ave., N.W.  
Washington, D.C. 20530  
Phone: (202) 514-5600  
Fax: (202) 514-8053

Attorneys for the United States of America

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the Response of the United States to the Court's Order

Dated June 20, 2013 was served via Federal Express and email on this 25th day of June, 2013,

addressed to:

James M. Garland  
David N. Fagan  
Alexander A. Berengaut  
Covington & Burling LLP  
1201 Pennsylvania Avenue, NW  
Washington, DC 20004-2401

  
\_\_\_\_\_  
Nicholas J. Patterson