

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: San Francisco

CR14-00126

TFH  
EXE

UNITED STATES OF AMERICA,

v.

NIKITA KISLITSIN,  
a/k/a "Dor Fyo"  
a/k/a "Udalite",

~~SEALED~~  
BY COURT ORDER

**FILED**

MAR 13 2014

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

DEFENDANT.

INDICTMENT

18 U.S.C. § 371 - Conspiracy;  
18 U.S.C. § 1029(a)(2) - Trafficking in Unauthorized Access Devices;  
18 U.S.C. §§ 982(a)(2)(B) and 1029(c)(1)(C) - Forfeiture.

A true bill.

*[Signature]* Foreman

Filed in open court this 13<sup>th</sup> day of  
MARCH, 2014  
*[Signature]* Clerk

Bail, \$ no bail amount

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY:  COMPLAINT  INFORMATION  INDICTMENT  SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION  
FILED MAR 13 2014

OFFENSE CHARGED

18 U.S.C. §§ 371 and 1029(a)(2) - Conspiracy; Trafficking in Unauthorized Access Devices  
Forfeiture Allegation: 18 U.S.C. §§ 982(a)(2)(B) and 1029(c)(1) (C) - Forfeiture  
 Petty  
 Minor  
 Misdemeanor  
 Felony  
PENALTY: 18 USC 371 Maximum Penalties: 5 years imprisonment, \$250,000 fine, Maximum 3 years supervised release, Forfeiture.  
18 USC 1029(a)(2) Maximum Penalties: 10 years imprisonment; \$250,000 fine; 3 years supervised release.

DEFENDANT - U.S.  
NIKITA KISLITSIN  
DISTRICT COURT NUMBER  
CR14-00126  
RICHARD W. WICKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND  
TEH EXE

PROCEEDING BY

Name of Complainant Agency, or Person (& Title, if any)  
Federal Bureau of Investigation  
 person is awaiting trial in another Federal or State Court, give name of court  
 this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District  
 this is a reprosecution of charges previously dismissed which were dismissed on motion of:  
 U.S. ATTORNEY  DEFENSE } SHOW DOCKET NO.  
 this prosecution relates to a pending case involving this same defendant } MAGISTRATE CASE NO.  
 prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under }

DEFENDANT IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.  
1)  If not detained give date any prior summons was served on above charges  
2)  Is a Fugitive  
3)  Is on Bail or Release from (show District)

IS IN CUSTODY

4)  On this charge  
5)  On another conviction }  Federal  State  
6)  Awaiting trial on other charges  
If answer to (6) is "Yes", show name of institution

Has detainer been filed?  Yes  No } If "Yes" give date filed

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year

This report amends AO 257 previously submitted

Name and Office of Person Furnishing Information on this form  
MELINDA HAAG  
 U.S. Attorney  Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)  
MICHELLE J. KANE

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS  NO PROCESS\*  WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:  
 Arraignment  Initial Appearance

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address: \_\_\_\_\_

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments:

1 MELINDA HAAG (CABN 132612)  
2 United States Attorney  
3 Attorney for United States of America

**FILED**

**MAR 13 2014**

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

~~SEAL~~  
~~BY COURT ORDER~~

7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9 SAN FRANCISCO DIVISION

**TEH**

10 UNITED STATES OF AMERICA,

) CASE NO. **CR14-00126**

11 Plaintiff,

) VIOLATIONS: 18 U.S.C. § 371 – Conspiracy; 18  
) U.S.C. § 1029(a)(2) – Trafficking in Unauthorized  
) Access Devices; 18 U.S.C. §§ 982(a)(2)(B) and  
) 1029(c)(1)(C) – Forfeiture.

12 v.

13 NIKITA KISLITSIN,

) SAN FRANCISCO VENUE

14 a/k/a “Dor Fyo”

) ~~UNDER SEAL~~

15 a/k/a “Udalite”

16 Defendant.  
17

18  
19 INDICTMENT

20 The Grand Jury charges:

21 BACKGROUND

22 At all times relevant to the Indictment:

23 1. Formspring, Inc., was a corporation with its headquarters in San Francisco, California.  
24 Formspring operated a social question and answer website. Each Formspring user had an individual  
25 account protected by a user name and password. Formspring maintained a database of user account  
26 information, including user names and encrypted passwords, on computers located in the Northern  
27 District of California.

28 INDICTMENT

*18*

1 2. Google, Inc., was a corporation with its headquarters in Mountain View, California.  
2 Google offered Internet-related services, including the Gmail e-mail service, to customers all over the  
3 world.

4 COUNT ONE: (18 U.S.C. § 371 – Conspiracy)

5 3. Beginning on a date unknown to the grand jury and continuing to on or about May 31,  
6 2013, in the Northern District of California, and elsewhere, the defendant,

7 NIKITA KISLITSIN,

8 did knowingly and willfully conspire with others known and unknown to the grand jury to commit  
9 offenses against the United States, that is, KISLITSIN conspired to knowingly and with intent to defraud  
10 traffic in unauthorized access devices, that is, user names, e-mail addresses, and passwords, belonging to  
11 customers of Formspring, Inc., and other companies, and by such conduct obtain \$1,000 or more in any  
12 one-year period, and said trafficking would have affected interstate and foreign commerce, in violation  
13 of Title 18, United States Code Section 1029(a)(2).

14 MANNER AND MEANS OF THE CONSPIRACY

15 4. It was part of the conspiracy that an individual identified as CO-CONSPIRATOR A  
16 gained unauthorized access to protected computers and thereby obtained the unauthorized access  
17 devices, including user names, e-mail addresses, and passwords.

18 5. It was further part of the conspiracy that KISLITSIN possessed the unauthorized access  
19 devices and offered them for sale.

20 6. It was further part of the conspiracy that CO-CONSPIRATOR C purchased the  
21 unauthorized access devices.

22 7. It was further part of the conspiracy that CO-CONSPIRATORS B and C used Gmail  
23 accounts to communicate with Kislitsin regarding the conspiracy.

24 OVERT ACTS

25 8. In furtherance of the conspiracy and to effect its objects, Kislitsin and his co-co-  
26 conspirators committed and caused to be committed the following overt acts, among others, in the  
27 Northern District of California and elsewhere:

28 INDICTMENT

1 a. Between on or about June 13, 2012, and on or about June 29, 2012, CO-CONSPIRATOR  
2 A gained unauthorized access to the Formspring computers holding the user information  
3 database and downloaded the Formspring user information database, including user names, e-  
4 mail addresses, and encrypted passwords, to a computer located outside the United States.

5 b. On or about July 13, 2012, CO-CONSPIRATOR B, using a Gmail account, sent an e-  
6 mail message to KISLITSIN informing him that CO-CONSPIRATOR A possessed the stolen  
7 Formspring user information database.

8 c. On or about July 16, 2012, KISLITSIN sent an e-mail message to CO-CONSPIRATOR  
9 C's Gmail account offering to sell the stolen Formspring user information database for €5,500.

10 All in violation of Title 18, United States Code, Section 371.

11 COUNT TWO: (18 U.S.C. § 1029(a)(2) – Trafficking in Unauthorized Access Devices)

12 9. Beginning on a date unknown to the grand jury and continuing to approximately  
13 September 19, 2012, within the Northern District of California and elsewhere, the defendant,  
14 NIKITA KISLITSIN,  
15 knowingly and with intent to defraud, trafficked in unauthorized access devices, that is, user names, e-  
16 mail addresses, and passwords, belonging to customers of Formspring, Inc., and by such conduct from  
17 on or about June 1, 2012, and ending on or about May 31, 2013, obtained \$1,000 or more, said  
18 trafficking affecting interstate and foreign commerce, in violation of Title 18, United States Code,  
19 Sections 1029(a)(2) and (c)(1)(A)(i).

20 CRIMINAL FORFEITURE ALLEGATION: (18 U.S.C. §§ 982(a)(2)(B) and 1029(c)(1)(C))

21 10. The allegations contained in this Indictment are hereby realleged and incorporated by  
22 reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Sections  
23 982(a)(2)(B) and 1029(c)(1)(C).

24 11. Upon conviction of any of the offenses set forth in Counts One and Two of this  
25 Indictment, defendant,

26 NIKITA KISLITSIN,

27 shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section  
28

INDICTMENT

1 982(a)(2)(B), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a  
2 result of such violation, and, pursuant to Title 18, United States Code, Section 1029(c)(1)(C), any  
3 personal property used or intended to be used to commit the offense.

4 12. If any of the property described above, as a result of any act or omission of the defendant:

- 5 a. cannot be located upon the exercise of due diligence;
- 6 b. has been transferred or sold to, or deposited with, a third party;
- 7 c. has been placed beyond the jurisdiction of the court;
- 8 d. has been substantially diminished in value; or
- 9 e. has been commingled with other property which cannot be divided without

10 difficulty, the United States of America shall be entitled to forfeiture of substitute property  
11 pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United  
12 States Code, Sections

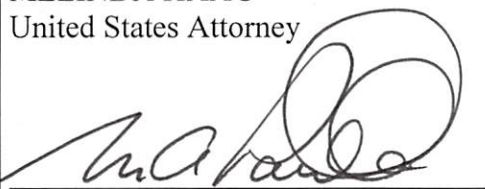
13 982(b)(1) and 1029(c)(2) and Title 28, United States Code, Section 2461(c); all pursuant to Title 18,  
14 United States Code, Sections 982(a)(2)(B) and 1029(c)(1)(C).

15 Dated: 3/12/14

A TRUE BILL.

16  
17   
18 FOREPERSON

19 MELINDA HAAG  
United States Attorney

20  
21 

22 MATTHEW A. PARRELLA  
Chief, CHIP Unit

23  
24   
25 (Approved as to form: \_\_\_\_\_)  
26 AUSA M. KANE

27  
28 INDICTMENT

~~SEALED  
COURT ORDER~~

United States District Court  
Northern District of California

FILED  
MAR 13 2014

CRIMINAL COVER SHEET

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

**Instructions:** Effective January 3, 2012, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

Case Name:

USA v. NIKITA KISLITSIN

Case Number:

CR14-00126

TEH

Total Number of Defendants:

1

2-7

8 or more

Is This Case Under Seal?

Yes

No

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes

No

Venue (Per Crim. L.R. 18-1):

SF  OAK

SJ

EUR

MON

Is any defendant charged with a death-penalty-eligible crime?

Yes

No

Assigned AUSA (Lead Attorney):

MICHELLE J. KANE

Is this a RICO Act gang case?

Yes

No

Date Submitted:

March 13, 2014

Comments:

[Empty box for comments]

Save

Print

Clear Form