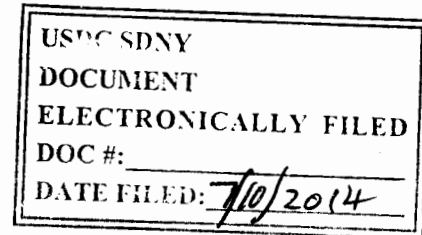


UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK



_____	)	Civil Action No. 12-CIV-7189 (PAE)
FEDERAL TRADE COMMISSION,	)	
	)	[Rel. 12-cv-7186]
Plaintiff,	)	
v.	)	
	)	
PCCare247 Inc. et al.	)	
	)	
Defendants.	)	
_____	)	

**FINAL DEFAULT JUDGMENT AND ORDER FOR PERMANENT INJUNCTION AND  
MONETARY JUDGMENT**

On September 24, 2012, plaintiff Federal Trade Commission (“FTC” or “Commission”) commenced this action, under Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 53(b) to obtain a permanent injunction and other equitable relief against Defendants PCCare247 Inc., Connexions Infotech Inc., PC Care247 Solutions Pvt. Ltd., Connexions IT Services Pvt. Ltd. d/b/a Connexions InfoTech Services Pvt. Ltd., Vikas Agrawal, Anuj Agrawal, Parmeshwar Agrawal, Navin Pasari, and Sanjay Agarwalla (collectively, Defendants), in connection with the marketing and sale of computer security or computer-related technical support services. On September 25, 2012, the Court granted a Temporary Restraining Order against the Defendants. On October 28, 2012, PCCare247 Inc., Connexions Infotech Inc., PC Care247 Solutions Pvt. Ltd., Connexions IT Services Pvt. Ltd., Vikas Agrawal, Anuj Agrawal, and Parmeshwar Agrawal (collectively, Defaulting Defendants), through licensed counsel, filed an Opposition to the FTC’s Motion for Preliminary Injunction; Defendants Anuj Agrawal and Parmeshwar Agrawal filed a motion to dismiss for lack of

personal jurisdiction; and Defendant Connexions IT Services Private Limited filed a motion to dismiss. On November 15, 2012, the Court granted a Preliminary Injunction against the Defaulting Defendants, and denied Defendants Parmeshwar Agrawal, Anuj Agrawal and Connexions IT Private Limited's motions to dismiss. Despite being properly served and having notice of this action, the Defaulting Defendants have failed to answer the Complaint. Accordingly, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, the Clerk of Court entered defaults against the Defaulting Defendants on February 7, 2014.

Having considered the Declaration and exhibits filed in support of said motion, it is **ORDERED AND ADJUDGED** that Plaintiff's Motion for Default Judgment against the Defendants is granted as follows:

#### **FINDINGS**

The Court, having considered the Complaint and all motions, declarations, exhibits, and memoranda of points and authorities filed in this action, finds that:

- A. The Court has jurisdiction over the subject matter of this case and the parties.
- B. Venue in this district is proper under 15 U.S.C. § 53(b) and 28 U.S.C. §§ 1391(b) and (c).
- C. Defaulting Defendants' activities as alleged in the Complaint are "in or affecting commerce" as "commerce" is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.
- D. The FTC's Complaint states a claim upon which relief may be granted under Sections 5 and 13(b) of the FTC Act, 15 U.S.C §§ 45, 53(b).
- E. The Defaulting Defendants have been properly served with the Summons and Complaint, as required by Federal Rule of Civil Procedure 4 and authorized by this Court in its September 18, 2013 Order.

- F. Despite proper service, the Defaulting Defendants have failed to file a responsive pleading in response to the Complaint.
- G. The Clerk of Court properly entered default against the Defaulting Defendants on February 7, 2014.
- H. The Defaulting Defendants made false or misleading statements in connection with marketing, selling, and distributing computer security or computer-related technical support services in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).
- L. The Defaulting Defendants' total revenues from the conduct alleged in the Complaint amount to \$2,967,393.50. The amount was ascertained by an expert Economist whose declaration was submitted to this Court by the FTC in support of its Declaration for Application of Default Judgment.
- M. The Court finds that, due to the Defaulting Defendants' default, the FTC is now entitled to a default judgment against them pursuant to Rule 55(b) of the Federal Rules of Civil Procedure.
- N. The Commission is entitled to equitable monetary relief against PCCare247 Inc., Connexions Infotech Inc., PC Care247 Solutions Pvt. Ltd., Connexions IT Services Pvt. Ltd. d/b/a Connexions InfoTech Services Pvt. Ltd., Vikas Agrawal, and Anuj Agrawal, jointly and severally, in the amount of \$2,967,393.50.
- O. Because of the Defaulting Defendants' default, all factual allegations in the Complaint, except those relating to damages, are deemed admitted and taken as true. *Au Bon Pain Corp. v. Arctect, Inc.*, 653 F.2d 61, 65 (2d Cir. 1981).
- P. The Court has authority, pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), to

grant injunctive and other ancillary relief, including rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies, to prevent and remedy any violations of any provision of law enforced by the FTC.

R. The Court finds that, absent a permanent injunction, the Defaulting Defendants will likely violate the FTC Act in the future.

S. The Court finds that the equities weigh in favor of granting a permanent injunction, and that such injunction is in the public interest.

T. This Order is in addition to, and not in lieu of, any other civil or criminal remedies that may be provided by law.

U. Entry of this Order resolves Plaintiff's claims as to the Defaulting Defendants. Because the Defaulting Defendants are in default, and because entry of final default judgment as to the Defaulting Defendants would aid in the expeditious resolution of the case and is not likely to lead to inconsistent adjudications or logically inconsistent results, there is no just reason for delay in certifying this Order as final pursuant to Rule 54(b) of the Federal Rules of Civil Procedure. Accordingly, the Court expressly directs entry of this Default Final Judgment and Order.

#### DEFINITIONS

For the purpose of this order, the following definitions shall apply:

1. **"Assets"** means any legal or equitable interest in, right to, or claim to, any real, personal, or intellectual property wherever located, including, but not limited to, chattel, goods, instruments, equipment, fixtures, general intangibles, effects, leaseholds, premises, contracts, mail or other deliveries, shares of stock, list of customer names, inventory, checks, notes,

accounts, credits, receivables (as those terms are defined in the Uniform Commercial Code), funds, cash, and trusts.

2. **“Computer”** means any cell phone, handheld device, smartphone, tablet, laptop computer, desktop computer, or any other electronic device on which a software program, code, script, or other content can be downloaded, installed or run.

3. **“Defaulting Defendant” or “Defaulting Defendants”** means PCCare247 Inc. et al., Connexions Infotech Inc., PC Care247 Solutions Private Limited, Connexions IT Services Private Limited d/b/a Connexions Infotech Services Private Limited, Vikas Agrawal, Anuj Agrawal, and Parmeshwar Agrawal, individually, collectively, or in any combination, and their successors and assigns.

4. **“Individual Defendant” or “Individual Defendants”** means Vikas Agrawal, Anuj Agrawal, and Parmeshwar Agrawal, individually, collectively, or in any combination.

5. **“Person”** means a natural person, organization, or other legal entity, including a corporation, partnership, proprietorship, association, cooperative, government or governmental subdivision or agency, or any other group or combination acting as an entity.

6. **“Plaintiff”** means the Federal Trade Commission.

7. **“Representative”** means any person insofar as he or she is acting in the capacity of an officer, agent, servant, employee, or attorney of the Defaulting Defendants, and any person or entity in active concert or participation with any of the foregoing who receives actual notice of this Order by personal service or otherwise.

9. The terms **“and”** and **“or”** shall be construed conjunctively or disjunctively as necessary, and to make the applicable phrase or sentence inclusive rather than exclusive.

**I.**

**BAN ON MARKETING OR SALE OF COMPUTER SECURITY  
AND COMPUTER-RELATED TECHNICAL SUPPORT SERVICES**

**IT IS THEREFORE ORDERED** that the Defaulting Defendants, whether acting directly or through any other person, are hereby permanently restrained and enjoined from:

- A. Advertising, marketing, promoting, offering for sale, or selling any computer security or computer-related technical support service; and
- B. Assisting others engaged in advertising, marketing, promoting, offering for sale, or selling any computer security or computer-related technical support service.

**II.**

**PROHIBITION AGAINST MISREPRESENTATIONS**

**IT IS FURTHER ORDERED** that the Defaulting Defendants and their Representatives, whether acting directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, marketing, promotion, offering for sale, or sale of any good or service, other than computer security or computer-related technical support services, are hereby permanently restrained and enjoined from misrepresenting or assisting others in misrepresenting, expressly or by implication, any material fact, including but not limited to:

- A. Any material aspect of the performance, efficacy, nature, characteristics, benefits, or qualities of the good or service;
- B. The total costs to purchase, receive, or use, and the quantity of, the good or service;
- C. Any material restriction, limitation, or condition to purchase, receive, or use the good or service;
- D. Any material aspect of the nature or terms of any refund, cancellation, exchange, or repurchase policy, including, but not limited to, the likelihood of a consumer obtaining a full or

partial refund, or the circumstances in which a full or partial refund will be granted to the consumer; and

E. Any material fact, including but not limited to, any affiliation with, endorsement or approval by, ownership interest in, or officer status of, any business.

### III.

#### **BAN ON THE USE OF CONSUMER INFORMATION**

**IT IS FURTHER ORDERED** that the Defaulting Defendants, whether acting directly or through any Person or Representative, are permanently restrained and enjoined from:

A. Disclosing, using, or benefitting from customer information, including the name, address, telephone number, email address, social security number, other identifying information, or any data that enables access to a customer's account (including a credit card, bank account, or other financial account), of any person which any Defendant named in the Complaint obtained prior to entry of this Order.

B. Failing to dispose of such customer information in all forms in his possession, custody, or control within thirty (30) days after entry of this Order. Disposal shall be by means that protect against unauthorized access to the customer information, such as by burning, pulverizing, or shredding any papers, and by erasing or destroying any electronic media, to ensure that the customer information cannot practicably be read or reconstructed.

**Provided, however,** that customer information need not be disposed of, and may be disclosed, to the extent requested by a government agency or required by a law, regulation, or court order.

### IV.

#### **MONETARY JUDGMENT**

**IT IS FURTHER ORDERED** that:

A. Judgment in the amount of two million, nine hundred sixty-seven thousand, three hundred ninety-three and fifty cents (\$2,967,393.50) is entered in favor of the Commission against PCCare247 Inc., Connexions Infotech Inc., PC Care247 Solutions Pvt. Ltd., Connexions IT Services Pvt. Ltd. d/b/a Connexions InfoTech Services Pvt. Ltd., Vikas Agrawal, and Anuj Agrawal, jointly and severally. The monetary judgment shall become immediately due and payable by PCCare247 Inc., Connexions Infotech Inc., PC Care247 Solutions Pvt. Ltd., Connexions IT Services Pvt. Ltd. d/b/a Connexions InfoTech Services Pvt. Ltd., Vikas Agrawal, and Anuj Agrawal upon entry of this order, and interest computed at the rate prescribed under 28 U.S.C. § 1961(a), as amended, shall immediately begin to accrue on the unpaid balance.

B. All money paid to the Commission pursuant to this Order may be deposited into a fund administered by the Commission or its designee to be used for equitable relief, including consumer redress and any attendant expenses for the administration of any redress fund. If a representative of the Commission decides that direct redress to consumers is wholly or partially impracticable or money remains after redress is completed, the Commission may apply any remaining money for such other equitable relief (including consumer information remedies) as it determines to be reasonably related to the Defaulting Defendants' practices alleged in the Complaint. Any money not used for such equitable relief is to be deposited to the U.S. Treasury as disgorgement. Defaulting Defendants have no right to challenge any actions the Commission or its representatives may take pursuant to this Subsection; and

C. PCCare247 Inc., Connexions Infotech Inc., PC Care247 Solutions Pvt. Ltd., Connexions IT Services Pvt. Ltd. d/b/a Connexions InfoTech Services Pvt. Ltd., Vikas



Agrawal, and Anuj Agrawal must submit their Taxpayer Identification Number to a Commission representative within ten (10) days.

**V.**

**LIFTING OF THE ASSET FREEZE**

**IT IS FURTHER ORDERED** that the freeze on the assets of Parmeshwar Agrawal shall be lifted immediately. The freeze on the assets of PCCare247 Inc., Connexions Infotech Inc., PC Care247 Solutions Pvt. Ltd., Connexions IT Services Pvt. Ltd. d/b/a Connexions InfoTech Services Pvt. Ltd., Vikas Agrawal, and Anuj Agrawal shall remain in effect until the Commission has received the total amount required by Section IV above, provided, however, that PCCare247 Inc., Connexions Infotech Inc., PC Care247 Solutions Pvt. Ltd., Connexions IT Services Pvt. Ltd. d/b/a Connexions InfoTech Services Pvt. Ltd., Vikas Agrawal, and Anuj Agrawal may transfer funds to the extent necessary to make all payments required by Section IV. Upon payment to the Commission of the total amount required by Section IV above, the freeze against the assets of PCCare247 Inc., Connexions Infotech Inc., PC Care247 Solutions Pvt. Ltd., Connexions IT Services Pvt. Ltd. d/b/a Connexions InfoTech Services Pvt. Ltd., Vikas Agrawal, and Anuj Agrawal shall be lifted permanently.

**VI.**

**TURNOVER OF ASSETS HELD BY THIRD PARTIES**

**IT IS FURTHER ORDERED** that, in order to partially satisfy the monetary judgment set forth in Section IV above, any financial or brokerage institution, escrow agent, title company, commodity trading company, automated clearing house, network transaction processor, payment processor, business entity, or person that holds, controls, or maintains custody of any account or asset of PCCare247 Inc., Connexions Infotech Inc., PC Care247 Solutions Pvt. Ltd.,

Connexions IT Services Pvt. Ltd. d/b/a Connexions InfoTech Services Pvt. Ltd., Vikas Agrawal, and Anuj Agrawal, or any account or asset held on behalf of, or for the benefit of, PCCare247 Inc., Connexions Infotech Inc., PC Care247 Solutions Pvt. Ltd., Connexions IT Services Pvt. Ltd. d/b/a Connexions InfoTech Services Pvt. Ltd., Vikas Agrawal, and Anuj Agrawal, or any account or asset frozen pursuant to (a) the *Ex Parte* Temporary Restraining Order and (b) the Preliminary Injunction, previously entered against the PCCare247 Inc., Connexions Infotech Inc., PC Care247 Solutions Pvt. Ltd., Connexions IT Services Pvt. Ltd. d/b/a Connexions InfoTech Services Pvt. Ltd., Vikas Agrawal, and Anuj Agrawal in this matter, shall turn over such account or asset to the Commission, by wire transfer pursuant to directions provided by counsel for the Commission, or as otherwise agreed to in writing by counsel for the Commission, within ten (10) business days of receiving notice of this Order by any means, including, but not limited to, via facsimile.

## VII.

### ORDER ACKNOWLEDGMENTS

**IT IS FURTHER ORDERED** that the Defaulting Defendants obtain acknowledgments of receipt of this Order:

- A. The Defaulting Defendants, within 7 days of entry of this Order, must submit to the Commission an acknowledgment of receipt of this Order sworn under penalty of perjury.
- B. For five (5) years after entry of this Order, the Defaulting Defendants, for any business that they, individually or collectively with any other Defendant named in the Complaint, is the majority owner or directly or indirectly controls, must deliver a copy of this Order to: (1) all principals, officers, directors, and LLC managers and members; (2) all employees, agents, and representatives who participate in telemarketing; and (3) any business entity resulting from any

change in structure as set forth in the Section titled Compliance Reporting. Delivery must occur within 7 days of entry of this Order for current personnel. For all others, delivery must occur before they assume their responsibilities.

C. From each individual or entity to which the Defaulting Defendants delivered a copy of this Order, they must obtain, within thirty (30) days, a signed and dated acknowledgment of receipt of this Order.

### VIII.

#### COMPLIANCE REPORTING

**IT IS FURTHER ORDERED** that the Defaulting Defendants make timely submissions to the Commission:

A. One (1) year after entry of this Order, the Defaulting Defendants must submit a compliance report, sworn under penalty of perjury. They must:

(1) identify all telephone numbers and all physical, postal, email, and Internet addresses, including all residences;

(2) identify all business activities, including any business for which the Defaulting Defendants perform services whether as an employee or otherwise and any entity in which the Defendants have any ownership interest;

(3) describe in detail the Defaulting Defendants' involvement in each such business, including title, role, responsibilities, participation, authority, control, and any ownership.

(4) identify the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the Commission may use to communicate with the Defendants;

(5) identify all of the Defaulting Defendants' businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses;

(6) describe the activities of each business, including the goods and services offered, the means of advertising, marketing, and sales, and the involvement of any of the Defendants named in the Complaint;

(7) describe in detail whether and how the Defaulting Defendants are in compliance with each Section of this Order; and

(8) provide a copy of each Order Acknowledgment obtained pursuant to this Order, unless previously submitted to the Commission;

B. For twenty (20) years after entry of this Order, the Defaulting Defendants must submit a compliance notice, sworn under penalty of perjury, within 14 days of any change in the following:

(1) name, including aliases or fictitious name, or residence address;

(2) title or role in any business activity, including any business for which the Defaulting Defendants perform services whether as an employee or otherwise and any entity in which the Defaulting Defendants have any ownership interest, and identify the name, physical address, and any Internet address of the business or entity;

(3) any designated point of contact; or

(4) the structure of any entity that the Defaulting Defendants have any ownership interest in or directly or indirectly controls that may affect compliance obligations arising under this Order, including: creation, merger, sale, or dissolution of the entity or any subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order.

C. Defaulting Defendants must submit to the Commission notice of the filing of any bankruptcy petition, insolvency proceeding, or any similar proceeding by or against him within fourteen (14) days of its filing.

D. Any submission to the Commission required by this Order to be sworn under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as by concluding: “I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on:\_\_\_\_\_” and supplying the date, signatory’s full name, title (if applicable), and signature.

E. Unless otherwise directed by a Commission representative in writing, all submissions to the Commission pursuant to this Order must be emailed to DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin: FTC v. PCCare247 Inc., et al.

## IX.

### RECORDKEEPING

**IT IS FURTHER ORDERED** that the Defaulting Defendants must create certain records for twenty (20) years after entry of the Order, and retain each such record for five (5) years. Specifically, the Defaulting Defendants for any business in which they, individually or collectively with any other Defendant named in the Complaint, is a majority owner or directly or indirectly controls, must create and retain the following records:

A. Accounting records showing the revenues from all goods or services sold;

- B. Personnel records showing, for each person providing services, whether as an employee or otherwise, that person's: name, addresses, and telephone numbers; job title or position; dates of service; and, if applicable, the reason for termination;
- C. Records of all consumer complaints and refund requests, whether received directly or indirectly, such as through a third party, and any response;
- D. All records necessary to demonstrate full compliance with each provision of this Order, including all submissions to the Commission;
- E. A copy of each unique advertisement or other marketing material; and
- F. Copies of any website used to market goods or services.

**X.**

**COMPLIANCE MONITORING**

**IT IS FURTHER ORDERED** that, for the purpose of monitoring the Defaulting Defendants' compliance with this Order:

- A. Within fourteen (14) days of receipt of a written request from a representative of the Commission, the Defaulting Defendants must: submit additional compliance reports or other requested information, which must be sworn under penalty of perjury; appear for depositions; and produce documents for inspection and copying. The Commission is also authorized to obtain discovery, without further leave of court, using any of the procedures prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36, 45, and 69.
- B. For matters concerning this Order, the Commission is authorized to communicate directly with the Defaulting Defendants. The Defaulting Defendants must permit representatives of the

Commission to interview any employee or other person affiliated with them who has agreed to such an interview. The person interviewed may have counsel present.

C. The Commission may use all other lawful means, including posing, through its representatives, as consumers, suppliers, or other individuals or entities, to the Defaulting Defendants or any individual or entity affiliated with the Defaulting Defendants, without the necessity of identification or prior notice. Nothing in this Order limits the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1.

**XI.**

**RETENTION OF JURISDICTION**

**IT IS FURTHER ORDERED** that this Court retains jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

**IT IS SO ORDERED**, this 10<sup>th</sup> day of July 2014.

Paul A. Engelmayer

Judge Paul A. Engelmayer  
United States District Judge  
Southern District of New York