

**UNITED STATES DISTRICT COURT
IN THE MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

VOIP TERMINATOR, INC., a corporation,

BLMARKETING, INC., a corporation, and

MUHAMMAD USMAN KHAN, individually and
as an officer of VOIP TERMINATOR, INC. and
BLMARKETING, INC.,

Defendants.

Case No. _____

**COMPLAINT FOR PERMANENT
INJUNCTION, CIVIL PENALTIES,
AND OTHER RELIEF**

Plaintiff, the United States of America, acting upon notification and authorization to the Attorney General by the Federal Trade Commission (“FTC”), pursuant to Section 16(a)(1) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 56(a)(1), for its Complaint alleges:

1. Plaintiff brings this action under Sections 5(a), 5(m)(1)(A), 13(b) and 16(a) of the FTC Act, 15 U.S.C. §§ 45(a), 45(m)(1)(A), 53(b) and 56(a), and Section 6 of the Telemarketing and Consumer Fraud and Abuse Prevention Act (“Telemarketing Act”), 15 U.S.C. § 6105, which authorize the FTC to seek, and the Court to order, permanent injunctive relief, monetary relief, and other equitable relief from Defendants for their violations of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and the FTC’s Telemarketing Sales Rule (“TSR” or “Rule”), as amended, 16 C.F.R. Part 310.

SUMMARY OF CASE

2. At all times material to this Complaint, Defendants provided Voice over Internet Protocol (“VoIP”) services, which enable transmission of telephone calls over the internet.

3. Defendants assisted and facilitated violations of the TSR by continuing to provide VoIP services to their customers even after knowing or consciously avoiding knowing their customers were using Defendants’ services to initiate calls that: (a) were placed to numbers on the National Do Not Call Registry; (b) delivered prerecorded messages; and (c) displayed spoofed caller ID numbers, including providing services to callers perpetrating scams related to credit card interest rate reduction, tech support, and the COVID-19 pandemic.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337(a), and 1345.

5. Venue is proper in this District under 28 U.S.C. § 1391 (b)(2), (c)(2), (c)(3), and (d), and 15 U.S.C. § 53(b).

DEFENDANTS

6. Defendant VoIP Terminator, Inc. (“VoIP Terminator”) is a former Florida corporation with its principal place of business at 250 International Parkway, Suite 108, Lake Mary, FL 32746. It was dissolved on May 25, 2021. VoIP Terminator transacted business in this District and throughout the United States.

7. VoIP Terminator was an interconnected VoIP service provider. As an interconnected VoIP service provider, VoIP Terminator provided information services pursuant to 47 U.S.C. § 153 of the Communications Act of 1934, as amended.

8. Defendant BLMarketing, Inc. (“BLMarketing”) is a former Virginia corporation with its principal place of business at 6564 Loisdale Road, Suite 600-D, Springfield, VA 22150. It was administratively terminated on January 31, 2020. BLMarketing transacted business in this District and throughout the United States.

9. Defendant Muhammad Usman Khan (“Khan”) is the founder, sole owner, and president of VoIP Terminator and the founder, sole owner, and director of BLMarketing. At all times relevant to this Complaint, acting alone or in concert with others, he has formulated, directed, controlled, had the authority to control, or participated in the acts and practices of VoIP Terminator and BLMarketing, including the acts and practices set forth in this Complaint. Defendant Khan resides in Islamabad, Pakistan, and in connection with the matters alleged herein, transacts or has transacted business in this District and throughout the United States.

COMMON ENTERPRISE

10. Defendants BLMarketing and VoIP Terminator (collectively, “Corporate Defendants”) have operated as a common enterprise while engaging in the unlawful acts and practices and other violations of law alleged below. Corporate Defendants have conducted the business practices described below through interrelated companies that have common ownership, officers, managers, business functions, employees, and addresses. Because these Corporate Defendants have operated as a common enterprise, each of them is liable for the acts and practices alleged below.

COMMERCE

11. At all times relevant to this Complaint, Defendants have maintained a substantial course of trade in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act,

15 U.S.C. § 44.

THE TELEMARKETING SALES RULE
AND THE NATIONAL DO NOT CALL REGISTRY

12. In 1994, Congress directed the FTC to prescribe rules prohibiting abusive and deceptive telemarketing acts or practices pursuant to the Telemarketing Act, 15 U.S.C. §§ 61016108. The FTC adopted the original TSR in 1995, extensively amended it in 2003, and amended certain provisions thereafter. 16 C.F.R. Part 310.

13. Among other things, the 2003 amendments to the TSR established a do not call registry, maintained by the FTC (the “National DNC Registry” or “Registry”), of consumers who do not wish to receive certain types of telemarketing calls. Consumers can register their telephone numbers on the Registry without charge either through a toll-free telephone call or online at donotcall.gov.

14. Consumers who receive telemarketing calls to their registered numbers can complain of Registry violations the same way they registered, through a toll-free telephone call or online at donotcall.gov, or by otherwise contacting law enforcement authorities.

15. The TSR defines “telemarketing” as a plan, program or campaign which is conducted to induce the purchase of goods or services or a charitable contribution, by use of one or more telephones and which involves more than one interstate telephone call. 16 C.F.R. § 310.2(gg).

16. Under the TSR, a “telemarketer” is any person who, in connection with telemarketing, initiates or receives telephone calls to or from a customer or donor. 16 C.F.R. § 310.2(ff).

17. A “seller” means any person who, in connection with a telemarketing transaction provides, offers to provide, or arranges for others to provide goods or services to the customer in exchange for consideration. 16 C.F.R. § 301.2(dd).

18. The FTC allows sellers, telemarketers, and other permitted organizations to access the Registry online at telemarketing.donotcall.gov, to pay any required fee(s), and to download the numbers not to call.

19. Under the TSR, an “outbound telephone call” means a telephone call initiated by a telemarketer to induce the purchase of goods or services or to solicit a charitable contribution. 16 C.F.R. § 310.2(x).

20. The TSR prohibits sellers and telemarketers from initiating an outbound telephone call to numbers on the Registry. 16 C.F.R. § 310.4(b)(1)(iii)(B).

21. As amended, effective September 1, 2009, the TSR prohibits initiating an outbound telephone call that delivers a prerecorded message to induce the purchase of any good or service. 16 C.F.R. § 310.4(b)(1)(v). Calls delivering prerecorded messages are commonly called “robocalls.”

22. The TSR requires that sellers and telemarketers transmit or cause to be transmitted the telephone number of the telemarketer and, when made available by the telemarketer’s carrier, the name of the telemarketer (“caller ID information”), to any caller identification service in use by a recipient of a telemarketing call, or transmit the customer service number of the seller on whose behalf the call is made and, when made available by the telemarketer’s carrier, the name of the seller. 16 C.F.R. § 310.4(a)(8). Transmitting inaccurate caller ID information, or causing inaccurate caller ID information to be transmitted, violates the

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