

**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

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

Defendants.

Case No. _____

**STIPULATED ORDER FOR
PERMANENT INJUNCTION,
CIVIL PENALTY JUDGMENT, AND
OTHER RELIEF**

Plaintiff, the United States of America, acting upon notification and authorization to the Attorney General by the Federal Trade Commission (“Commission” or “FTC”), filed its Complaint for a permanent injunction, civil penalties, and other relief (“Complaint”), pursuant to Sections 5(a), 5(m)(1)(A), 13(b), and 16(a)(1) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 45(a), 45(m)(1)(A), 53(b), and 56(a)(1), and Section 6 of the Telemarketing and Consumer Fraud and Abuse Prevention Act (the “Telemarketing Act”), 15 U.S.C. § 6105. Defendants have waived service of the summons and the Complaint. Plaintiff and Defendants stipulate to the entry of this Stipulated Order for Permanent Injunction, Civil Penalty Judgment, and Other Relief (“Order”) to resolve all matters in dispute in this action between them.

THEREFORE, IT IS ORDERED as follows:

FINDINGS

1. This Court has jurisdiction over this matter.
2. The Complaint charges that Defendants participated in acts or practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45 and the FTC’s Telemarketing Sales Rule (the “TSR” or “Rule”), as amended, 16 C.F.R. Part 310, by, among other things, assisting and facilitating:
(a) placing telemarketing calls to consumers that delivered prerecorded messages; (b) placing telemarketing calls to consumers whose telephone numbers were on the National Do Not Call (“DNC”) Registry; and (c) transmitting inaccurate caller ID numbers and names with their telemarketing calls.
3. Defendants neither admit nor deny any of the allegations in the Complaint, except as specifically stated in this Order. Only for purposes of this action, Defendants admit the facts necessary to establish jurisdiction.
4. Defendants waive any claim that they may have under the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action through the date of this Order, and agree to bear their own costs and attorney fees.
5. Defendants and the Plaintiff waive all rights to appeal or otherwise challenge or contest the validity of this Order.

DEFINITIONS

For the purpose of this Order, the following definitions apply:

- A. “**Assisting**” includes, among other conduct, providing or reselling Voice over Internet Protocol (“VoIP”) telephony services and providing or licensing telephone numbers.
- B. “**Defendants**” means the Individual Defendant and Corporate Defendants, individually, collectively, or in any combination.

1. **“Corporate Defendants”** means VoIP Terminator, Inc. and BLMarketing, Inc. and their successors and assigns.
 2. **“Individual Defendant”** means Muhammed Usman Khan.
- C. **“Invalid Number”** means any caller ID number that is invalid under the North American Numbering Plan (“NANP”), including, for example, any number that does not contain the requisite number of digits.
- D. **“National Do Not Call Registry”** means the National Do Not Call Registry, which is the “do-not-call” registry maintained by the Commission pursuant to 16 C.F.R. § 310.4(b)(1)(iii)(B).
- E. **“Person”** means any individual, group, unincorporated association, limited or general partnership, corporation, or other business entity.
- F. **“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, whether or not such person is under the jurisdiction of the Commission.
- G. **“Telemarketing”** means 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.
- H. **“Traceback Request”** means any request from:
1. A telecommunications carrier or voice service provider;
 2. A consortium that conducts privately-led efforts to trace back the origin of suspected unlawful robocalls, as contemplated under Section 13 of the TRACED Act; or

3. Any other industry organization comprised of telecommunications carriers and/or voice service providers that seek to combat and reduce unlawful robocalls to disclose information in order to protect the rights or property of such entity, or to protect users of telecommunications and voice services and others from fraudulent, abusive, or unlawful use of, or subscription to, telecommunications services.

I. **“Unassigned Number”** means any caller ID number for which the administrator of NANP has never opened:

1. The NPA area code for carrier number assignments; or
2. The NPA-NXX central office code for carrier number assignments.

ORDER

I. PROHIBITION ON ASSISTING AND FACILITATING ABUSIVE TELEMARKETING

IT IS ORDERED that Defendants, their officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, whether acting directly or indirectly, are permanently restrained and enjoined from Assisting or providing substantial assistance or support to any Person that Defendants know, or should know, is engaged in, causing others to engage in, or assisting others engaging in, any of the following practices:

- A. Initiating, causing the initiation of, or transmitting Telemarketing calls that: (1) deliver prerecorded messages; or (2) are placed to numbers on the Do Not Call Registry; or
- B. Initiating, causing the initiation of, or transmitting any telephone call displaying a caller ID number that the calling party does not have legal authority to use.

II. PROHIBITION ON VIOLATING THE TELEMARKETING SALES RULE

IT IS FURTHER ORDERED that Defendants, their officers, agents, employees, and all other Persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection with Telemarketing, are permanently restrained and enjoined from engaging in, causing others to engage in, or Assisting others engaging in violating the Telemarketing Sales Rule, 16 C.F.R. Part 310, a copy of which is attached to this Order as Attachment A.

III. BAN ON CERTAIN TELEPHONE CALLS

IT IS FURTHER ORDERED that Defendants, whether acting directly or through an intermediary, are permanently restrained and enjoined from providing interconnected VoIP telephony services or provisioning or assigning telephone numbers without having ongoing automated procedures in place to block calls that:

- A. Display as the caller ID number any Unassigned Number, or any Invalid Number; Or
- B. Are not authenticated through the Federal Communications Commission's STIR/SHAKEN Authentication Framework, or a successor authentication framework if subsequently mandated by applicable federal law or regulation.

Provided, however, that Section III shall not apply to inbound calls dialed to Defendants' Customers by Persons who are not Defendants' Customers.

IV. SCREENING OF CURRENT AND PROSPECTIVE CUSTOMERS

IT IS FURTHER ORDERED that Defendants, their officers, agents, employees, and all other Persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, are permanently restrained and enjoined from providing VoIP telephony services or telephone numbers to any new or prospective customer,

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