



United States of America  
FEDERAL TRADE COMMISSION  
Division of Marketing Practices

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March 5, 2013

By E-Mail  
Hon. Paul A. Engelmayer  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *FTC v. PCCare247, Inc. et al.*, No. 12-cv-7189

Dear Judge Engelmayer:

The Federal Trade Commission (“FTC”) writes to provide the supplemental information requested by the Court in its March 1, 2013 Order. More specifically, the Court asked the FTC to provide: (1) the email addresses at which the FTC proposes to serve each defendant; (2) the social networking sites through which the FTC intends to serve each defendant, and a specific description of how that service will work, and (3) the proposed means of publication.

### **Email Addresses**

We intend to serve the defendants through email addresses that we obtained through Civil Investigative Demands during the course of our investigation. Defendants’ prior counsel Marc Ullman has confirmed that he used these email addresses to correspond with Defendants.

- **Vikas Agrawal**: [Vikas.Agrawal@pccare247.com](mailto:Vikas.Agrawal@pccare247.com) and [kusalbag@hotmail.com](mailto:kusalbag@hotmail.com)  
Vikas Agrawal used the [pccare247.com](mailto:pccare247.com) email address to contact FTC counsel as recently as January 6, 2013,<sup>1</sup> and to setup a merchant account with First Data.<sup>2</sup> He used the [kusalbag@hotmail.com](mailto:kusalbag@hotmail.com) email address to register the [pccare247.com](http://pccare247.com) website.<sup>3</sup> Marc Ullman confirmed that Vikas Agarwal uses both email addresses.

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<sup>1</sup> Docket entry [84] contains e-mail messages sent to Christine Todaro from Vikas Agrawal using this e-mail address.

<sup>2</sup> See September 21, 2012 Declaration of Sheryl Novick submitted in Support of the FTC’s Motion for an *Ex Parte* Temporary Restraining Order (“Novick Dec”) at ¶40.

<sup>3</sup> Novick Dec. Att V.

- **Anuj Agrawal:** Anuj.Agrawal@iconnexxions.com and Anuj.Agrawal@pccare247.com  
Anuj Agrawal used the iconnexxions email address to set up a merchant account with First Data.<sup>4</sup> He used the pccare247 email address to set up an account with GoDaddy and to sign up for an advertising account with Google.<sup>5</sup> Marc Ullman confirmed that Anuj Agarwal uses the pccare247 email address.
- **Parmeshwar Agrawal:** Parmeshwar@marbleindian.com  
Parmeshwar Agarwal used this email address to sign up for his Facebook account.<sup>6</sup> Marc Ullman confirmed that Parmeshwar Agarwal uses this email address.

We intend to serve PCCare247 Solutions Pvt. Ltd and Connexxions IT Services Private Limited through their directors. Vikas Agrawal and Anuj Agrawal are listed as directors on Connexxions IT Services' corporate registry.<sup>7</sup> Vikas Agrawal, Anuj Agrawal, and Parmeshwar Agrawal are listed as directors on PcCare247 Solutions Pvt. Ltd's corporate registry.<sup>8</sup>

### **Social Networking Sites**

We intend to serve the individual defendants through their Facebook accounts.<sup>9</sup> To verify these accounts, we first identified Facebook profiles that purport to belong to the individual defendants through public searches of Facebook.<sup>10</sup> We then obtained the registration information for these accounts from Facebook, and we were able to confirm that the email addresses used to register these accounts belong to the individual defendants.<sup>11</sup> Service through Facebook can then be made by sending Facebook messages to the individual Facebook accounts and attaching the relevant judicial documents to those messages. The individual defendants will receive the messages when they logon to Facebook.

### **Publication**

Due to the costs associated with publishing notice, the FTC requests leave to serve the defendants through publication only if service through both email and social networking sites has

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<sup>4</sup> Novick Dec. at ¶ 59.

<sup>5</sup> *Id.* at ¶¶ 56, 61

<sup>6</sup> Novick Dec. Att Y.

<sup>7</sup> See September 21, 2012 Declaration of Jennifer Rodden submitted in Support of the FTC's Motion for an *Ex Parte* Temporary Restraining Order at ¶4

<sup>8</sup> *Id.*

<sup>9</sup> Facebook accounts can be identified by a Facebook user ID number. Should the Court request it, we can provide the specific user ID numbers associated with the individual defendants' accounts

<sup>10</sup> In their Facebook profiles, Vikas Agrawal claims to be the CEO of PcCare247 and Anuj Agrawal claims to be the Director of Connexxions Infotech. Parmeshwar Agrawal does not list any professional activities, but he is friends with Vikas Agrawal and Anuj Agrawal. Novick Dec. Att. Y.

<sup>11</sup> Vikas Agrawal registered his account with the same email address used to register the iConnexxions.com website. Novick Dec. Atts. V and Y. Anuj Agrawal registered his account with the Anuj.Agrawal@iconnexxions.com email address discussed above, and Parmeshwar Agrawal registered his account with the same parmshwar@marbleindian.com email address discussed above. Novick Dec. Att. Y.

been ineffective. Courts have found service through email alone to be sufficient under Rule 4(f). *See, e.g., Williams–Sonoma Inc. v. Friendfinder Inc.*, 2007 WL 1140639, at \*2 (N.D. Cal. Apr. 17, 2007) (permitting service by electronic mail for defendants in countries that objected to Article 10 of the Hague Convention); *MacLean-Fogg Co. v. Ningbo Fastlink Equipment Co., Ltd.* 2008 WL 5100414 (N.D. Ill. Dec. 1, 2008) (noting that service by email is particularly appropriate where defendants conduct business through a website and correspond with consumers via email).

Should the FTC learn that service through both email and social networking sites has been ineffective, it will promptly notify the Court and provide proposed language to be used in the publication and dates of publication. The FTC intends to comply with Rule 316 of New York Civil Practice Law and Rules and publish its notice at least once a week for four weeks and in two newspapers designed to reach the Defendants. *See SEC v. Antisevic* Civ. No. 05-cv-6991, 2009 WL 361739 at \*4 (S.D.N.Y. Feb. 13, 2009). The FTC also intends to publish its notice in the *Hindustan Times* and the *Times of India*, two papers that are widely circulated in the region where the Defendants live. These papers have been approved for publication in other cases with Indian defendants. *See Gurung v. Malhotra*, Civ. No. 10-cv-5086 (S.D.N.Y. December 10, 2010) (ordering service by publication in the *Hindustan Times* and the *Times of India*).

Thank you for your consideration.

Respectfully submitted,

s/Christine M. Todaro

Christine M. Todaro

cc: S. Todd Neil, Esq.  
Jonathan Harris, Esq.  
Julie Withers, Esq.