

DISTRICT OF MARYLAND

2001 OCT 20 A 10:24

DISTRICT OF MARYLAND  
NORTHERN DIVISION

BY \_\_\_\_\_ DEPUTY

FEDERAL TRADE COMMISSION,

2001 03 CV 3108



5. Weighing the equities and considering plaintiff's likelihood of ultimate success, a

temporary restraining order requiring an immediate accounting of assets and providing other equitable

relief is in the public interest; and

6. Fed. R. Civ. P. 65(c) does not require security of the United States or an officer or agency thereof for the issuance of a restraining order.

#### DEFINITIONS

For the purpose of this temporary restraining order ("Order"), the following definitions shall apply:

A. "Defendants" means Anish Dhingra, Jeffrey Davis, D Squared Solutions, LLC (including

but not limited to the following d/b/a for D Squared Solutions

each of their successors, assigns, officers, agents, servants, employees, salespersons, subsidiaries or affiliates.

B. "Assets" means any legal or equitable interest in, right to, or claim to any real or personal property of any defendant or held for the benefit of any defendant, wherever located

including, but not limited to, "goods," "instruments," "equipment," "fixtures," "general intangibles," "inventory," "checks," "notes" (as these terms are defined in the Uniform Commercial Code), chattels, leaseholds, contracts, mails, other deliveries, shares of stock, lists of participants intellectual property accounts credits receivables cash and trusts

including but not limited to any other trust held for the benefit of any defendant any

computer screen in the form of a window or dialog box containing a banner at the top

entitled "Messenger Service."

"Windows Messenger Service message" (also called "Messenger Service error" "Messenger Service message")

I.

**IT IS THEREFORE ORDERED** that the defendants, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, are

Solutions, LLC, Anish Dhingra, or Jeffrey Davis, including but not limited to, computerized files,

storage media (including but not limited to floppy disks, hard drives, cd-ROMS, zip disks, punch cards,

magnetic tape, backup tapes, and computer chips) on which information has been saved, any and all  
equipment needed to read any such material, contracts, accounting data, correspondence, advertisements

first providing the Commission with a written statement disclosing: (1) the name of the

business entity; (2) the address and telephone number of the business entity; (3) a

names of the business entity's officers, directors, principals, managers and employees; and

(4) a detailed description of the business entity's intended activities.

## FINANCIAL STATEMENTS AND ACCOUNTING PROVISIONS

V.



- C. A completed statement, verified under oath and accurate, detailing the number of members of the public who purchased or licensed from the defendants any Windows Messenger Service message-blocking product or service and the aggregate total (gross) of funds received from such purchasers or licensees.

**DISTRIBUTION OF ORDER BY DEFENDANTS**

**VI.**

**IT IS FURTHER ORDERED** that defendants D Squared Solutions, LLC, Anish Dhingra, and Jeffrey Davis shall: (A) immediately provide a copy of this Order to each affiliate, subsidiary, division, sales entity, successor, assign, officer, director, employee, independent contractor, salesperson, agent, attorney, and representative of any defendant; and (B) within seven (7) days from the date of entry of this

and current purchaser or licensee, the time and date on which a copy of this Order was provided to such purchaser or licensee, and the identity of the person who provided such purchaser or licensee with a copy of this Order.

**SERVICE OF ORDER**

**VIII.**

[REDACTED]

X.

**IT IS FURTHER ORDERED** that for purposes of this Order all correspondence and

notification shall be sent to Mona Sedky Spivack or Deborah Matties at:

Federal Trade Commission - HQ-238  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
Tel: (202) 326-3795 (Spivack)  
(202) 326-2047 (Matties)  
FAX: (202) 326-3395

**ORDER TO SHOW CAUSE**

XI.

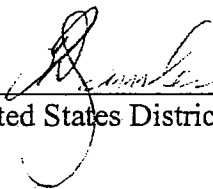
**IT IS FURTHER ORDERED** that defendants D Squared Solutions, LLC, Anish Dhingra, and

**RETENTION OF JURISDICTION**

**XII.**

**IT IS FURTHER ORDERED** that this Court shall retain jurisdiction of this matter for all purposes.

**SO ORDERED**, this 30<sup>th</sup> day of October, 2003, at Baltimore, Maryland. at 3:52 p.m.

  
\_\_\_\_\_  
United States District Judge