

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION



In the Matter of  
May 11, 2022 Civil Investigative Demand  
Issued to Bachi.Tech Corporation

PUBLIC RECORD

FTC Matter No. 2223050

**Bachi.Tech Corporation’s Petition to Quash Civil Investigative Demand**

Petitioner Bachi.Tech Corporation (“Petitioner”), through undersigned counsel, hereby petitions the Federal Trade Commission (“FTC”), pursuant to 16 C.F.R. §2.7(d) to either quash or limit portions of the Civil Investigative Demand (“CID”) dated May 11, 2022 and served on Petitioner on June 9, 2022 (the “Petition”). The CID includes document requests that exceed the FTC’s authority under Section 45 of the Federal Trade Commission Act; these requests improperly ask Petitioner to provide information that is irrelevant and unlikely to lead to relevant evidence in the FTC’s investigation.

**STATEMENT OF FACTS**

**I. Petitioner and The Exchange**

Petitioner is a New Jersey Corporation that was incorporated on December 4, 2017. Petitioner is affiliated with a cryptocurrency exchange (the “Exchange”) that operates globally.

Many of the Exchange's operations are located in, and information is stored in, jurisdictions outside the United States.

## II. The CID

On June 9, 2022, Petitioner was served with the CID via an email to Petitioner's counsel.

The CID is attached hereto as Exhibit A. The CID describes the "Subject of the Investigation" as:

Whether entities marketing or operating [the Exchange], as defined herein, have engaged in deceptive, unfair, or otherwise unlawful acts or practices in connection with the advertising, marketing, offering for sale, or sale of currency exchange services in violation of the FTC Act, 15 U.S.C. § 45, or violated the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801-27; and whether Commission action to obtain monetary relief would be in the public interest. See also the attached resolutions.

Ex. A at 2. The referenced resolutions (File Nos. 2123125, 1823036, & 0023284) (the "FTC Resolutions") further describe the nature and scope of the FTC's investigation as authorized:

. . . whether any persons, partnerships or corporations, or others have been or are engaged in unfair, deceptive, anticompetitive, collusive, coercive, predatory, exploitative, or exclusionary acts or practices, in or affecting commerce, relating to the marketing of goods and services on the Internet, the manipulation of user interfaces (including but not limited to, dark patterns), or the use of e-mail, metatags, computer code or programs . . .

(*Id.* at 25 (File No. 2123125).)

. . . whether unnamed persons, partnerships, corporations, or others are engaged in, or may have engaged in, deceptive or unfair acts or practices related to consumer privacy and/or data security, including but not limited to the collection, acquisition, use, disclosure, security, storage, retention, or disposition of consumer information, in or affecting commerce . . .

(*Id.* at 26 (File No. 1823036).)

. . . whether unnamed persons, partnerships, corporations, or others have engaged in or are engaging in acts or practices in violation of Title V of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801-6809, 6821-6827, the Privacy of Consumer Financial Information Rule (16 C.F.R. pt. 313), the CFPB's Regulation P (12 C.F.R. pt. 1016), the Safeguards Rule (16 C.F.R. pt. 314), or whether any financial institution or its affiliates have engaged in or are engaging in deceptive or unfair acts or practices in or affecting commerce with respect to the privacy or security of consumer information . . .



(*Id.* at 27 (File No. 0023284).)

The CID includes 24 interrogatories and 31 document requests. (*Id.* at 2-13.) Many of these interrogatories and discovery requests contain several subparts. (*Id.*) The CID's discovery requests cover essentially every facet of Petitioners' business: from information concerning the finances of Petitioner and affiliated companies (e.g., Document Request 6 ("Financial statements including income statements, balance sheets, reserve computations, and statements of cash flow, for" Petitioner and affiliated companies); to Petitioner's communications to customers (e.g., Interrogatory N ("Identify all media, including email, internet websites, blogs, social media accounts . . . , and mobile applications, used to communicate with [the Exchange's] customers, and the manager or agent responsible for operating the media") & Document Request 21 (requesting documents for each "materially different advertisement" identified in Interrogatories N and O); to the webpages Petitioner's customers are presented with when accessing Petitioner's service (e.g., Document Request 19 ("Each materially different screen or page presented to a[n Exchange] account user in the process of logging in and requesting a transaction").

### **III. Discussions with the FTC Prior to the Filing of this Motion**

On May 16, 2022, the FTC served an identical CID a different entity affiliated with the Exchange in relation to the same investigation. Petitioner's counsel, who also represents the different entity, exchanged emails with FTC's counsel leading to telephone conferences between Petitioner's counsel and FTC's counsel on May 25, 2022 and June 1, 2022. In the initial phone call, Petitioner's counsel indicated that the recipient entity was interested in working with the FTC to provide information necessary for the FTC to conduct its investigation, but that Petitioner's counsel had just recently been informed of the FTC's CID to this entity and needed time to understand the issues raised within it.

On June 1, 2022, Petitioner's counsel and FTC's counsel had another telephone call to discuss the FTC's CID to the recipient entity. In this call, Petitioner's counsel informed FTC's counsel that the recipient of this CID objected to the scope of the requests contained within the CID and indicated that, based on the FTC-imposed deadline, the recipient entity needed to file a motion to quash before the 20-day deadline unless the recipient entity and the FTC could come to an agreement extending the deadline. The FTC's counsel rejected the recipient entity's proposal, but the FTC's counsel indicated that he understood the need to file a petition to quash in order to preserve the recipient entity's objections, necessitating the submission of a petition to quash by the recipient entity on June 6, 2022.

On June 9, 2022, the CID was served on Petitioner via an email to Petitioner's counsel. This CID is identical to the CID served on the other entity affiliated with the Exchange. Petitioner's counsel exchanged emails with FTC's counsel following Petitioner's receipt of the CID. Email Correspondence between Petitioner's counsel and FTC's counsel in June 2022 is attached hereto as Exhibit B. In this email correspondence, Petitioner's counsel indicated that Petitioner was making the same objections to the CID as the other entity affiliated with the Exchange made to an identical CID, so the Petitioner would be filing a petition to quash to formally raise and preserve its objections. Petitioner requested an extension of the deadline to file a petition to quash, but this request was denied by FTC's counsel.

FTC's counsel also "urge[d]" Petitioner to reconsider filing a petition to quash claiming that "[p]ursuing a petition rather than setting a schedule for the response will be viewed as demonstrating that [Petitioner] is seeking to obstruct the investigation." (Ex. B at 1-2.) FTC's counsel cited to the fact that the petition is likely to become public, and that Petitioner's burden and overbreadth arguments would likely be denied by the FTC for the reasons the FTC denied

petitions to quash in *In re Civil Investigative Demand to Liberty Auto City, Inc.*, FTC File No. 222-3077 (June 13, 2022) [hereinafter, “*Liberty Auto*”] and *In re Civil Investigative Demand to Innovative Capital Strategies, et al.*, FTC File No 202-3164 (July 19, 2021) [hereinafter “*Innovative Capital*”]. (*Id.*) FTC’s counsel also argued that the CID itself specifically addressed Petitioner’s concerns of privilege and documents not within respondents’ control. (*Id.* at 2.)

This email correspondence between Petitioner’s counsel and FTC’s counsel led to a telephone conference between Petitioner’s counsel and FTC’s counsel on June 27, 2022. In this call, Petitioner’s counsel again informed FTC’s counsel that Petitioner objected to the scope of the requests contained within the CID and indicated that based on the FTC-imposed deadline, Petitioner needed to file a petition to quash before the 20-day deadline unless Petitioner and the FTC could come to an agreement extending the deadline so that Petitioner and the FTC can meet and confer to limit the scope of the CID. The FTC’s counsel rejected Petitioner’s proposal, necessitating the submission of this Petition.

## ARGUMENT

### I. Legal Standard

The FTC has broad authority, but that authority is not limitless and was exceeded here with the requests in this CID. *FTC v. Ken Roberts Co.*, 276 F.3d 583, 586 (D.C. Cir. 2001). The U.S. Supreme Court has observed that the FTC may “exceed [its] investigatory power” when it conducts an “investigation into corporate matters . . . of such a sweeping nature and so unrelated to the matter properly under inquiry.” Accordingly, requests contained within a CID must not be “too indefinite” and the information sought must be “reasonably relevant.” *Id.* The relevance of an FTC subpoena request is measured against the purpose and scope of its investigation as defined in an FTC resolution. *F.T.C. v. Turner*, 609 F.2d 743, 745 (5th Cir. 1980). Further, the FTC exceeds



its investigatory power where it seeks information that is “unduly burdensome or unreasonably broad.” *F.T.C. v. Texaco, Inc.*, 555 F.2d 862, 882 (D.C. Cir. 1977).

## **II. The CID Should Be Quashed or Limited to the Extent it Seeks Information Not Located in the United States or Outside of Petitioner’s Custody and Control**

Some of the information the CID seeks from Petitioner is located outside of the United States and may not be in the Petitioner’s legal custody or control. The FTC’s statutory subpoena authority states that production of “documentary evidence [] may be required from any place in the United States.” 15 U.S.C. § 49. FTC guidelines state that the FTC can compel the production of documents or information located outside of the United States only “when the documents or information sought are within the ‘possession, custody, or control’ of an individual or entity subject to the jurisdiction of the United States.”<sup>1</sup>

The CID seeks information generated from business operations that is created and held by custodians located outside of the United States. For information held in jurisdictions outside the United States, foreign law likely prevents this information from being re-located to the United States and ultimately produced to U.S. authorities. Therefore, the FTC cannot compel Petitioner to produce information not located in the United States.

## **III. The CID Should Be Quashed or Modified because its Requests are Unduly Burdensome, Overly Broad, and Demand Irrelevant Information**

The CID is replete with requests that greatly exceed the scope of the FTC’s investigation into Petitioner. The scope of the FTC’s investigation into Petitioner is defined by the FTC Resolutions. *F.T.C. v. Carter*, 636 F.2d 781, 789 (D.C. Cir. 1980). According to the FTC Resolutions, the FTC’s inquiry is limited to the following conduct: (1) engaging in “marketing of

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<sup>1</sup> Department of Justice & Federal Trade Commission, *Antitrust Guidelines for International Enforcement and Cooperation*, at 39 (January 13, 2017).

goods and services on the Internet, the manipulation of user interfaces (including but not limited to, dark patterns), or the use of e-mail, metatags, computer code or programs”; (2) “related to consumer privacy and/or data security, including but not limited to the collection, acquisition, use, disclosure, security, storage, retention, or disposition of consumer information, in or affecting commerce”; and (3) “acts or practices in or affecting commerce with respect to the privacy or security of consumer information,” including conduct violating the Gramm-Leach Bliley Act, and applicable data protection and privacy regulations. (Ex. A at 25-27.)

Responding to such sweeping requests would be unduly burdensome for Petitioner. Information responsive to the requests touches on nearly every facet of Petitioner’s business and on information covering nearly the whole of Petitioner’s existence. Petitioner is a relatively small company. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Therefore, the CID should be quashed or limited for being unduly burdensome. Many of the requests contained in the CID bear no relevance to the conduct referenced in the FTC Resolutions. For example, Interrogatory B seeks Petitioner’s “total number of employees and the total annual revenue” for Petitioner and its affiliated entities and individuals. Interrogatory D seeks information concerning “each type of service [the Exchange] offers” and information concerning the number of customers and funds being traded on the Exchange. Interrogatory M seeks information concerning “any fees assessed for the services in response to Interrogatory D.” Document Request 6 seeks “financial statements, including income statements, balance sheets, reserve computations, and statements of cash flow” for Petitioner and affiliated entities.” Document Request 7 asks for audit reports or opinions associated with these

financial documents. These requests are all overly broad, unduly burdensome, and not sufficiently related to the subject of the investigation.

The CID seeks information concerning “materially different screen[s] and page[s]” viewed by [the Exchange]’s customers. (E.g., Ex. A at 12 (Document Request 18).) Not only are these types of requests impermissibly vague and confusing, as it is unclear what the FTC is referring to when it requests “screens” or “pages,” to the extent the requests are talking about webpages, this information is not discoverable because Petitioner does not possess every webpage containing responsive information. Petitioner cannot determine exactly what webpages consumers have seen and even if it could, it would not have this information in its records. Petitioner therefore cannot be compelled to produce this information and requests that the CID should be quashed or modified accordingly.

Further, information concerning Petitioner’s finances, each and every service it provides, and the fees it collects from those services, in addition to being overbroad, are irrelevant to the FTC’s investigation into purportedly improper marketing, manipulation, and consumer privacy and data security. Such sweeping requests are not justified under the FTC Resolutions and are therefore not reasonably related to the FTC’s investigation and should be stricken.

Finally, many of the CID requests are plainly overbroad and too indefinite to fall within the FTC’s investigatory power. For example, Interrogatories N and O ask Petitioner to “Identify all media used to communicate with [the Exchange]’s customers.” Interrogatory R asks Petitioner to “Identify and describe the methods used to provide customer support to [the Exchange],” and Interrogatory S asks Petitioner to describe every customer service request relating to the Exchange. Document Requests 18 through 22 request documents concerning all “materially different” webpages, advertisements, and communications that were directed towards customers. Document



Request 26 requests documents concerning seemingly all customer complaints ever received by Petitioner.

These requests are not explicitly tied to the conduct described in the FTC Resolutions. Accordingly, there is a significant amount of information responsive to these requests that fall well outside the scope of the FTC Resolutions and therefore the FTC's subpoena power. Further, these requests are not limited to any reasonable time period. The applicable time period for the CID "is from May 1, 2019, until the date of full and complete compliance with the CID." (Ex. A at 2.) Seeking information as far back as May 2019 is unreasonable as it encompasses nearly the entire time period of Petitioner's existence and would require months to recover, review, process and sort the voluminous amount of irrelevant data. Further, seeking information for an indeterminate period of time until the FTC believes that Petitioner has fully and completely complied with the CID essentially gives the FTC the power to compel an unlimited range of irrelevant information from Petitioner in perpetuity. The FTC is not authorized to issue such unreasonably broad and limitless requests, which should be stricken or modified.

#### **IV. FTC's Counsel's Arguments Against the Merits of Filing the Instant Petition to Quash Are Unfounded**

In a June 24, 2022 email, the FTC's counsel claimed that the filing of the Instant Petition would lack merit and be viewed by the FTC as "obstruct[ing] the investigation." (Ex. B at 2.) This claim by the FTC's counsel is unfounded. When another entity affiliated with the Exchange was served a CID in May of 2022, Petitioner's counsel told the FTC's counsel that the recipient entity was perfectly willing to cooperate and begin responding to the CID in a reasonable scope and timing. (*Id.* at 1.) Petitioner's counsel asked the FTC's counsel for an extension of the deadline to file a petition to quash and make objections so that Petitioner's counsel can further discuss the matter and negotiate a compromise with the FTC. (*Id.*) The FTC refused, so Petitioner's counsel

told the FTC's attorney that was required to file a petition to quash to preserve to prevent waiver of the recipient entity's legal rights. (*Id.*) FTC's counsel said that he understood Petitioner's counsel's course of action.

Now, FTC's counsel has urged Petitioner not to take this course of action, going as far as to threatening Petitioner with obstruction for merely ensuring that Petitioner's legal rights are reserved. (*Id.* at 1-2.) FTC's counsel claims that recent decisions by the FTC run counter to Petitioner's burden and overbreadth arguments and that Petitioner's concerns of privilege and documents not within Petitioner's control are specifically addressed in the CID. (*Id.*) However, FTC's counsel failed to acknowledge Petitioner's objections to requests seeking materials located outside of the United States and to relevance. Objections to both are central to this Petition and went completely unacknowledged by FTC's counsel.

Further, the FTC's *Liberty Auto* and *Innovative Capital* decisions are distinguishable. First, neither decision involves an issue involving the FTC's authority to compel the production of materials located outside of the United States. Further, *Liberty Auto* does not touch on the issue of relevance, and the relevance issue in *Innovative Capital* concerns the FTC's authority to seek materials concerning a company's non-profit status, an issue not relevant here. *Innovative Capital* at 7-9. Finally, the overbreadth and burden issues decided in in these two decisions required the FTC to engage in a highly fact specific inquiries into certain requests tailored to seek materials concerning activities in wholly different industries, namely automotive sales and lending in *Liberty Auto* and the funding, credit, and insurance of small businesses in *Innovative Capital*, than the industry that Petitioner operates in. *Liberty Auto* at 1, 4-6; *Innovative Capital* at 2-7. Thus, the FTC's Counsel's arguments against the merits of filing the instant Petition and of obstruction by Petitioner are unfounded.

**V. Petitioner Requests Confidential Treatment of the Petition and its Exhibit in its Entirety**

Confidential treatment for this Petition and its attached Exhibits A and B is warranted. Under section 21(f) of the FTC Act, “[a]ny material which is received by the [FTC] in any investigation, . . . and which is provided pursuant to any compulsory process. . . or which is provided voluntarily in place of such compulsory process shall not be required to be disclosed under section 552 of Title 5 or any other provision of law.” 5 U.S.C. 57b-2(f). The FTC served a CID on Petitioner, who will be compelled to provide confidential documents and information responsive to the CID if this petition to quash is denied. Petitioner is filing a petition to quash to exercise its right to object to a CID that Petitioner believes to be improper. Accordingly, this Petition and the attached Exhibits A and B constitutes a “material . . . provided voluntarily in place of such compulsory process” that the FTC Act explicitly states is exempt from public disclosure and must remain confidential. *Id.*

Indeed, Petitioner is compelled to file this Petition and the attached Exhibit to preserve its objections to the CID. The FTC’s counsel has indicated an unwillingness to reach an agreement on the scope of the requests contained within the CID prior to the deadline to file this Petition. (Ex. B at 1-2.) Thus, the filing of this Petition is necessary for the Petitioner to ensure that the FTC cannot later refuse to come to an agreement on the scope of the CID by arguing that the Petitioner waived the grounds in which the CID could be narrowed. (*Id.* at 1.) Therefore, the Petition and its Exhibits A and B is alternatively provided “pursuant to a[] compulsory process” that is also plainly exempt from public disclosure under the FTC Act. 5 U.S.C. 57b-2(f).

In any event, this Petition and its attached Exhibits A and B requires confidential treatment because it constitutes non-public commercial or financial information under section 6(f) of the



FTC Act. 15 U.S.C. 46(f). The Petition contains confidential information about the Petitioner's financial resources and ability to respond to the CID. Therefore, the Petition and its Exhibits A and B should be afforded confidential treatment because they are replete with non-public commercial and financial information that should be exempt from public disclosure.

### CONCLUSION

Petitioner intends to cooperate as fully as possible with the FTC's investigation. However, the CID in its current state contains requests that are irrelevant, unduly burdensome, and that are impossible to comply with because they seek information outside of the United States and/or over which Petitioner does not have control. For these reasons, Petitioner respectfully requests that the FTC quash or modify the CID. Specifically, Petitioner respectfully requests that the FTC quash or modify the following Interrogatories: B, D, E.5&6, M, N, O, S, T, U, V, and Document Requests: 1, 2, 4, 5, 6, 7, 9, 10, 17, 18, 19, 20, 21, 22, 24, 26, 27, 28, 29. Petitioner further respectfully requests that the applicable time period of the CID be modified from "May 1, 2019, until the date of full and complete compliance with the CID" to "January 1, 2021 to May 12, 2022," and any other relief deemed proper. Finally, Petitioner requests that this Petition be treated as confidential pursuant to Sections 6(f) and 21(f) of the Federal Trade Commission Act and/or any other applicable confidentiality laws. *See* 15 U.S.C. §§ 46,(f) and 57b-2(f).

Dated: June 29, 2022

**MCDERMOTT WILL & EMERY LLP**

By: /s/ Todd Harrison

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*Attorneys for the Petitioner Bachi.Tech Corporation*

**CERTIFICATION OF GOOD FAITH**

Counsel for Petitioner Bachi.Tech Corporation certifies that he has tried on several occasions, and in good faith, to resolve with the FTC staff the issues raised in this Petition. However, those efforts have proved unsuccessful and have necessitated the filing of this Petition.

Dated: June 29, 2022

By: /s/ Todd Harrison  
Todd Harrison



United States of America  
Federal Trade Commission  
**CIVIL INVESTIGATIVE DEMAND**

1. TO  Bachi.Tech Corporation c/o Erte Xia 200 Washington St, Floor 4 Hoboken, NJ 07030	1a. MATTER NUMBER  2223050
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This demand is issued pursuant to Section 20 of the Federal Trade Commission Act, 15 U.S.C. § 57b-1, in the course of an investigation to determine whether there is, has been, or may be a violation of any laws administered by the Federal Trade Commission by conduct, activities or proposed action as described in Item 3.

2. ACTION REQUIRED <input type="checkbox"/> You are required to appear and testify.	
LOCATION OF HEARING	YOUR APPEARANCE WILL BE BEFORE  DATE AND TIME OF HEARING OR DEPOSITION

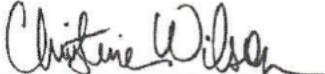
- You are required to produce all documents described in the attached schedule that are in your possession, custody, or control, and to make them available at your address indicated above for inspection and copying or reproduction at the date and time specified below.
- You are required to answer the interrogatories or provide the written report described on the attached schedule. Answer each interrogatory or report separately and fully in writing. Submit your answers or report to the Records Custodian named in Item 4 on or before the date specified below.
- You are required to produce the tangible things described on the attached schedule. Produce such things to the Records Custodian named in Item 4 on or before the date specified below.

DATE AND TIME THE DOCUMENTS, ANSWERS TO INTERROGATORIES, REPORTS, AND/OR TANGIBLE THINGS MUST BE AVAILABLE

June 10, 2022 by 5:00 pm ET

3. SUBJECT OF INVESTIGATION See attached schedule and attached resolutions
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4. RECORDS CUSTODIAN/DEPUTY RECORDS CUSTODIAN Kendra Freeman /Michael Tankersley Federal Trade Commission 600 Pennsylvania Ave., NW Mail Stop: CC-10232 Washington, DC 20580	5. COMMISSION COUNSEL Michael Tankersley Federal Trade Commission 600 Pennsylvania Ave., NW Mail Stop: CC-10232 Washington, DC 20580
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DATE ISSUED 5/11/22	COMMISSIONER'S SIGNATURE 
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**INSTRUCTIONS AND NOTICES**

The delivery of this demand to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply. The production of documents or the submission of answers and report in response to this demand must be made under a sworn certificate, in the form printed on the second page of this demand, by the person to whom this demand is directed or, if not a natural person, by a person or persons having knowledge of the facts and circumstances of such production or responsible for answering each interrogatory or report question. This demand does not require approval by OMB under the Paperwork Reduction Act of 1980.

**PETITION TO LIMIT OR QUASH**

The Commission's Rules of Practice require that any petition to limit or quash this demand be filed within 20 days after service, or, if the return date is less than 20 days after service, prior to the return date. The original and twelve copies of the petition must be filed with the Secretary of the Federal Trade Commission, and one copy should be sent to the Commission Counsel named in Item 5.

**YOUR RIGHTS TO REGULATORY ENFORCEMENT FAIRNESS**

The FTC has a longstanding commitment to a fair regulatory enforcement environment. If you are a small business (under Small Business Administration standards), you have a right to contact the Small Business Administration's National Ombudsman at 1-888-REGFAIR (1-888-734-3247) or [www.sba.gov/ombudsman](http://www.sba.gov/ombudsman) regarding the fairness of the compliance and enforcement activities of the agency. You should understand, however, that the National Ombudsman cannot change, stop, or delay a federal agency enforcement action.

The FTC strictly forbids retaliatory acts by its employees, and you will not be penalized for expressing a concern about these activities.

**TRAVEL EXPENSES**

Use the enclosed travel voucher to claim compensation to which you are entitled as a witness for the Commission. The completed travel voucher and this demand should be presented to Commission Counsel for payment. If you are permanently or temporarily living somewhere other than the address on this demand and it would require excessive travel for you to appear, you must get prior approval from Commission Counsel.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCSRulesofPractice>. Paper copies are available upon request.



## Form of Certificate of Compliance\*

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I/We do certify that all of the documents, information and tangible things required by the attached Civil Investigative Demand which are in the possession, custody, control, or knowledge of the person to whom the demand is directed have been submitted to a custodian named herein.

If a document or tangible thing responsive to this Civil Investigative Demand has not been submitted, the objections to its submission and the reasons for the objection have been stated.

If an interrogatory or a portion of the request has not been fully answered or a portion of the report has not been completed, the objections to its submission and the reasons for the objections have been stated.

Signature \_\_\_\_\_

Title \_\_\_\_\_

Sworn to before me this day

\_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_

\*In the event that more than one person is responsible for complying with this demand, the certificate shall identify the documents for which each certifying individual was responsible. In place of a sworn statement, the above certificate of compliance may be supported by an unsworn declaration as provided for by 28 U.S.C. § 1746.

**FEDERAL TRADE COMMISSION (“FTC”)  
CIVIL INVESTIGATIVE DEMAND (“CID”) SCHEDULE  
FTC File No. 2223050**

**Meet and Confer:** You must contact **FTC counsel, Michael Tankersley (202-631-7091; mtankersley@ftc.gov)**, as soon as possible to schedule a telephonic meeting to be held within fourteen (14) days after You receive this CID. At the meeting, You must discuss with FTC counsel any questions You have regarding this CID or any possible CID modifications that could reduce Your cost, burden, or response time yet still provide the FTC with the information it needs to pursue its investigation. The meeting also will address how to assert any claims of protected status (e.g., privilege, work-product, etc.) and the production of electronically stored information. You must make available at the meeting personnel knowledgeable about Your information or records management systems, Your systems for electronically stored information, custodians likely to have information responsive to this CID, and any other issues relevant to compliance with this CID.

**Document Retention:** You must retain all documentary materials used in preparing responses to this CID. The FTC may require the submission of additional Documents later during this investigation. **Accordingly, You must suspend any routine procedures for Document destruction and take other measures to prevent the destruction of Documents in Your possession, custody, or control** that are in any way relevant to this investigation, even if those Documents are being retained by a third party or You believe those Documents are protected from discovery. *See* 15 U.S.C. § 50; *see also* 18 U.S.C. §§ 1505, 1519.

**Sharing of Information:** The FTC will use information You provide in response to the CID for the purpose of investigating violations of the laws the FTC enforces. We will not disclose such information under the Freedom of Information Act, 5 U.S.C. § 552. We also will not disclose such information, except as allowed under the FTC Act (15 U.S.C. § 57b-2), the Commission’s Rules of Practice (16 C.F.R. §§ 4.10 & 4.11), or if required by a legal obligation. Under the FTC Act, we may provide Your information in response to a request from Congress or a proper request from another law enforcement agency. However, we will not publicly disclose such information without giving You prior notice.

**Manner of Production:** Contact **Kendra Freeman (202-326-3701; kfreeman1@ftc.gov)** by email or telephone at least five days before the return date for instructions on how to produce information responsive to this CID.

**Certification of Compliance:** You or any person with knowledge of the facts and circumstances relating to the responses to this CID must certify that such responses are complete by signing the “Certification of Compliance” attached to this CID.

**Certification of Records of Regularly Conducted Activity:** Attached is a Certification of Records of Regularly Conducted Activity. Please execute and return this Certification with Your response. Completing this certification may reduce the need to subpoena You to testify at future proceedings to establish the admissibility of Documents produced in response to this CID.



**Definitions and Instructions:** Please review carefully the Definitions and Instructions that appear after the Specifications and provide important information regarding compliance with this CID.

## **I. SUBJECT OF INVESTIGATION**

Whether entities marketing or operating BitMart, as defined herein, have engaged in deceptive, unfair, or otherwise unlawful acts or practices in connection with the advertising, marketing, offering for sale, or sale of currency exchange services in violation of the FTC Act, 15 U.S.C. § 45, or violated the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801-27; and whether Commission action to obtain monetary relief would be in the public interest. See also attached resolutions.

## **II. SPECIFICATIONS**

**Applicable Time Period:** Unless otherwise directed, the applicable time period for the requests set forth below is from **May 1, 2019, until the date of full and complete compliance with this CID.** If it is necessary to refer to a prior time to answer a request fully or completely, You should do so.

### **Interrogatories**

- A. State the following information for the Company:
1. Its full legal name and all other names under which it does or has done business;
  2. The mailing address, street address, and telephone number of its headquarters;
  3. The mailing address, street address, and telephone number of its principal place of business and each location where employees of the Company conduct its operations;
  4. The date and jurisdictions in which it is incorporated, registered, or licensed to conduct business, including registration with the Financial Crimes Enforcement Network (FinCEN) and registration or licensing as a money transmitter, money exchange business, or digital currency business;
  5. The names, addresses, owners and officers of all parent, subsidiary, and affiliate companies, including states or countries of incorporation;
  6. The names and titles of all its officers, directors, principal stockholders, and owners;
  7. The names and percentages of ownership of all persons holding any ownership in it;
  8. Its affiliation with or relationship to (i) GBM Global Holding Company Limited; and (ii) GBM Foundation Company Limited; and



9. Its role(s) in BitMart and the period(s) during which it has had performed such role(s).
- B. For each of 2018, 2019, 2020 and 2021, state the total number of employees and the total annual revenues (gross and net) for the Company.
- C. In connection with BitMart, Identify the officer or manager responsible for:
1. Security of private keys and account access;
  2. Customer service operations;
  3. Investigation of reports of fraud, attempted fraud, or other security incidents, including cyber-security attacks;
  4. Suspending access to wallets, freezing accounts, or restricting trading in particular Currencies;
  5. Overseeing and implementing Your information security program;
  6. Responding to complaints that failed transfer, suspension of trading, fraud, cybersecurity attacks, blocked account access, or delays in processing requested trades have resulted in losses to account holders, and assessing the causes and magnitude of such incidents;
  7. Responsibility for compliance with any laws, rules, or regulations relating to consumer protection, advertising, or financial transactions, including “know your customer” and anti-money laundering requirements;
  8. The review and approval of any advertising materials (including websites, mobile apps, and other digital content);
  9. Creating, designing, managing, implementing or enforcing the policies, practices and procedures described in response to Interrogatory G; and
  10. The relationship between the Company and each third party identified in response to Interrogatories E and F.
- D. Describe each type of service BitMart offers, and provide the following information for each on an annual basis:
1. The number of customers who hold an account for the service or have otherwise accessed the service;
  2. The number of customers who deposited, withdrew, or held money in an account for the service;
  3. The total value of customers’ accounts in US dollars;

4. The total US dollar value of fiat currency that has been exchanged using BitMart;
  5. For those consumer accounts that have exchanged fiat currency into cryptocurrency on BitMart, the average amount in US dollars of fiat currency exchanged into cryptocurrency per account; and
  6. The value of the reserves, if any, maintained to support the service.
- E. Identify each third party that provides the following services in connection with BitMart:
1. Customer service or otherwise responding to consumer inquiries or complaints;
  2. Data security;
  3. Investigation of cyber-attacks, reported loss of Currency, fraud or attempted fraud, or misappropriation of consumer assets;
  4. Insurance for cyber-attacks, loss of Currency, fraud or attempted fraud, or misappropriation of consumer assets;
  5. Preparing or auditing financial statements;
  6. Payment processing or maintenance of merchant accounts to process transactions through banks or credit card services.
- F. Identify all third parties, including individuals and companies, that have promoted or advertised BitMart, and state the following information for each third party:
1. The dates during which the third party promoted or advertised BitMart;
  2. The media in which the third party promoted or advertised BitMart;
  3. The total amount paid to the third party on a monthly basis for promoting or advertising BitMart;
  4. The compensation structure for promoting BitMart or distributing Advertising regarding its services.
- G. Describe in detail the Company's policies, practices, and procedures for safeguarding systems that collect, process, transmit, or store Restricted Information in connection with BitMart, including:
1. Authentication requirements;
  2. Cryptography or security protocols applicable to the collection, transfer, or storage of Restricted Information in any of the Company's databases or systems;
  3. Anomaly/intrusion detection and prevention systems, including configurations of such systems;

4. Anti-virus and anti-malware software and the names, versions, and functionalities of any such software;
  5. Monitoring, alert, and logging procedures, or any other mechanisms used to identify security events or suspicious network activity, including, but not limited to:
    - a. Access-control mechanisms, such as firewalls or access-control lists;
    - b. Logging mechanisms;
    - c. Logs and security events to detect suspicious activity; and
    - d. Asset or inventory management of software or devices connected to such systems.
  6. Network segmentation, firewalls, and any other mechanisms to limit or prevent access among or between the Company's systems or networks;
  7. Asset management;
  8. Patch management;
  9. Internal and external network vulnerability scanning and testing, including the number and frequency of such scans and who conducted them;
  10. Penetration testing, including the number and frequency of such tests and who conducted them;
  11. Third party assessments of any aspects of the Company's information security;
  12. Information security training;
  13. Retention and/or destruction of Restricted Information; and
  14. Any material changes to relevant policies and procedures during the Applicable Time Period, including the date(s) of any such changes.
- H. Describe in detail the Company's procedures for monitoring compliance with and enforcing any information security policy, practice, or procedure listed in response to Interrogatory G.
- I. Describe Your policies and procedures for receiving, logging, and responding to Vulnerability Reports, and for monitoring the efficacy of Your Vulnerability Reporting program. Your response should include a description of Your bug bounty program, if any.
- J. Describe each Breach during the Applicable Time Period that involved BitMart information, including each Breach that resulted in suspending access to wallets, freezing accounts, or restricting trading in particular Currencies, and include in the description:
1. The date(s) of the Breach;
  2. When and how the Company learned of the Breach (Your response should Identify who discovered the Breach, when it was discovered, how it was



discovered, and the Identity of the senior management personnel who learned of the Breach);

3. The duration of the Breach;
4. The number of consumers whose Restricted Information is known or reasonably suspected to have been accessed without authorization in the Breach;
5. The location, type(s), and amount(s) of Restricted Information that unauthorized person(s) (1) could have accessed or viewed; and (2) did copy, download, remove, or exfiltrate based on where the Company or its forensic or cybersecurity investigators, analysts, consultants, or vendors believe the intruders entered, moved through, and exited the Company's systems;
6. Any incidents of theft, fraud, misuse of Restricted Information, or other unauthorized access to the Company's systems or networks attributable to the Breach, including the losses or estimated losses ascribed to each such incident;
7. Each Internet Protocol address associated with an intruder that accessed or potentially accessed Restricted Information and, for each address, list the country of origin;
8. When and how the intruder accessed or potentially accessed Restricted Information, including the actual or suspected entry point, through all actual or suspected intermediate points, and any actual or suspected exit or exfiltration points;
9. The types and names of resources that the intruder accessed or potentially accessed, and the Identity of the person(s) who maintain or configure these resources;
10. The Identity of each person who investigated or assessed the incident, including forensic or cybersecurity investigators, analysts, consultants, or vendors, and Identify each Company employee or manager responsible for providing information to any such persons;
11. All findings or conclusions from any internal or external investigation or assessment of the Breach;
12. Each information security standard, policy, practice, or procedure the Company had in place to prevent the unauthorized activity and why the protections failed; and
13. Each information security standard, policy, practice, or procedure the Company implemented or changed in response to the Breach, and when each standard, policy, practice, or procedure was implemented or changed.

K. For each Breach identified in response to Interrogatory J, state whether, when and describe how the Company notified consumers, law enforcement, and other third parties about the Breach. Your response should include, but not be limited to, a description of:

1. How the Company determined who to notify; and
2. Why the Company notified people and entities when it did.

L. For each Breach identified in response to Interrogatory J, describe in detail any measures taken to recover losses attributed to the Breach, including restoring or retrieving Currency.

M. Describe any fees assessed for the services identified in response to Interrogatory D, and provide the following information for each fee:

1. The total dollar amount consumers paid on an annual basis;
2. The number of consumers who were assessed the fee on an annual basis;
3. Each method by which You disclose the fee;
4. The documents, identified by Bates number or other unique identifier, produced in response to this Civil Investigative Demand containing such disclosures; and
5. The time and manner by which consumers receive such disclosures.

N. Identify all media, including email, Internet websites, blogs, social media accounts (such as Facebook, Instagram, Snapchat, and Twitter), and mobile applications, used to communicate with BitMart consumers, and the manager or agent responsible for operating the media.

O. Identify all media used to communicate with BitMart consumers regarding the features of BitMart and how to use or access BitMart, including access to secure digital wallets; depositing Currency; selling or exchanging Currency; and withdrawing or transferring Currency.

P. For each consumer-facing Document, produced in response to Requests for Production No. 17, 18, 19, 21 and 22, provide:

1. The date range when it was disseminated;
2. The website(s) or other media through which it was disseminated;
3. If the Document was disseminated directly to consumers or by third parties, the names of the third party or parties responsible for its distribution; and
4. The Bates number or other unique identifier placed on the copy produced.

Q. Describe the methods, practices, policies, or procedures applicable to Advertising concerning BitMart, including (i) disclosure of material connections between BitMart and the third party displaying BitMart Advertising; (ii) when each method, practice, policy, or procedure was in effect; and (iii) any changes to each method, practice, policy, or procedure.



R. Identify and describe the methods used to provide customer support to BitMart users including:

1. The media or platforms BitMart representatives use to communicate with users regarding any problems or concerns, and
2. All policies and practices You maintain regarding responding to consumer complaints or inquiries.

S. Describe the requests for customer service relating to BitMart, and the resources used to respond to such requests, including:

1. The number of such requests received on a monthly basis, regardless of how they are received;
2. The number of individuals whose primary responsibility is to communicate with consumers in response to requests for customer service;
3. If You have employees whose responsibilities include, in part, responding directly to requests for customer service, the number of employees and what other responsibilities those employees also possess; and
4. Any relationships You maintain with third parties related to customer service, including Telegram.

T. Identify and describe any federal, state, or local law enforcement or governmental actions, inquiries, investigations, proceedings, or subpoenas (collectively, "actions") relating to BitMart. For each action, describe:

1. The Identity of the law enforcement or governmental entity;
2. The nature of the action;
3. If applicable, the case number, name, jurisdiction, date filed, and any other identifying information about the case;
4. The parties involved; and
5. The status of the action, including the date and resolution of the action, if applicable.

U. Identify and describe any private lawsuit or arbitration proceeding filed concerning BitMart, including any actual, alleged, or potential violation of any consumer protection laws, rules, or regulations. For each lawsuit, describe:

1. The nature of the suit;
2. If applicable, the case number, name, jurisdiction, date filed, and any other identifying information about the case;



3. The parties involved; and
  4. The status of the action, including the date and resolution of the action, if applicable.
- V. Describe your procedures for assessing whether any cryptocurrency listed or considered for listing with BitMart is regulated by the U.S. Securities and Exchange Commission or other agency of the United States.
- W. Describe the Company's document retention procedures.
- X. Identify each person who has prepared, supervised the preparation of, or reviewed the response to this CID.

### **Requests for Production of Documents**

1. Organizational charts, directories, diagrams, by-laws, and any other Document that lists officers and managers, or describes the relationships and responsibilities of (i) Your personnel (including parents or subsidiaries); (ii) GBM Global Holding Company Limited or GBM Foundation Company Limited or their successors, or (iii) entities providing operational support for BitMart.
2. Documents that describe the duties, authority, or responsibilities of officers, directors, and managers of (i) the Company; (ii) GBM Global Holding Company Limited or GBM Foundation Company Limited or their successors, or (iii) entities providing operational support for BitMart.
3. Documents sufficient to show (a) the Company's charter, bylaws, registrations to do business, and registrations or applications to be recognized in the United States as an exchange or money transfer business; and (b) agreements between the Company and GBM Global Holding Company Limited or GBM Global Holding Company Limited.
4. Documents sufficient to show all business entities (a) You have acquired or (b) in which You have or have had an ownership interest, including (i) their current and former names, (ii) date(s) of acquisition, (iii) Your ownership share, and (iv) type of business.
5. Documents sufficient to show the charter, bylaws, and registrations to do business of (a) any parent companies or (b) entities that have or have had an ownership interest in the Company, including (i) the date(s) of the interest was acquired, (ii) their ownership share, and (iii) the manner in which they exercise control over the Company.
6. Financial statements including income statements, balance sheets, reserve computations, and statements of cash flow, for:
  - a. The Company;
  - b. GBM Global Holding Company Limited or its successors;

- c. GBM Foundation Company Limited or its successors; and
  - d. BitMart operations.
7. To the extent the Company's financial statements are audited or reviewed by an independent auditor, produce any audit report or opinion associated with the financial statements.
  8. Documents sufficient to identify and describe any data fields or data dictionaries that relate to Documents produced in response to any of these specifications.
  9. Each agreement, formal or informal, that governed the services of the entities identified in Interrogatories E and F during the Applicable Time Period.
  10. Documents sufficient to show all payments, including in-kind payments and purchases of goods and services, between the Company and any third party identified in response to Interrogatories E and F, including each payment amount, the date of each payment, and the reason for the payment.
  11. Each information security program and risk assessment that, in whole or in part, satisfies any part of 16 C.F.R. § 314.4.
  12. Documents and materials sufficient to
    - a. Show each materially different policy, practice, or procedure described in response to Interrogatories G, H, I, J.12 and J.13;
    - b. Describe in detail the technical specifications, components, and software deployed on each resource relevant to providing and securing the BitMart information, including operating systems, database programs, web server programs, security software (including antivirus software, firewalls, intrusion detection systems, and any other software designed to protect such resources).
  13. Assessments of BitMart security practices or risk of loss, including Vulnerability Reports and documents prepared for the purposes of underwriting, applications for insurance, or loss mitigation.
  14. Reports, evaluations, or assessments regarding:
    - a. The performance of BitMart account user verification and authentication measures;
    - b. Security of BitMart private keys and account access;
    - c. Any program to prevent or investigate the misappropriation of Currency serviced through BitMart;
    - d. Fraud, attempted fraud, or other security incidents, including cyber-security attacks, involving BitMart;



- e. Suspending access to BitMart wallets, freezing accounts, or restricting trading in particular Currencies;
  - f. BitMart account holder reports of losses, including those attributed to cyber-security attacks, failed transfers, fraud, suspension of trading, blocked account access, and delays in processing requested trades;
  - g. Compensation to BitMart account holders for reported losses, including those attributed to cyber-security attacks, failed transfers, fraud, suspension of trading, blocked account access and delays in processing requested trades;
  - h. Practices for segregating or not segregating blockchain addresses for digital currencies owned by BitMart consumers and those for currencies owned by GBM Global Holding Company Limited or GBM Foundation Company Limited;
  - i. Internal or external investigations or audits relating to BitMart consumer protection or advertising, including compliance reports or memoranda in final or draft form, not otherwise provided in response to Request for Production No. 30;
  - j. The performance of customer service for BitMart;
  - k. Delays in implementing BitMart transactions, including the time necessary to access private keys to execute a cryptocurrency transaction; and
  - l. Representations made in advertising materials concerning BitMart.
15. Documents that are the basis for the Your response to Interrogatory J.
16. Documents created in response to any Breach described in Interrogatory J, including, but not limited to:
- a. Security audits, assessments, tests, Breach investigation reports;
  - b. Agendas, presentations, talking points for oral presentations;
  - c. Minutes of any meetings of the Company's directors, Company personnel or third parties concerning the Breach or related security practices, including the response to the Breach;
  - d. Descriptions of actions proposed or taken in response; and
  - e. Each materially different written notification of a Breach released to the public or sent to consumers, users, employees, banks, payment card networks, or government entities.
17. Each materially different privacy policy and user agreement or contract BitMart has provided to consumers during the Applicable Time Period.



18. For each media used to solicit consumers for BitMart, each materially different screen or page presented to a consumer during the process of signing up for service, including documents that show the manner in which privacy policies, user agreements, or terms of service were presented to consumers and the method by which consumers were asked to record assent or awareness of such statements.

19. Each materially different screen or page presented to a BitMart account user in the process of logging in and requesting a transaction.

20. Documents sufficient to show BitMart's methods, practices, policies, or procedures regarding each of the fees described in Interrogatory M, including:

- a. Policies and procedures for disclosing these fees to consumers; and
- b. All materially different copies of disclosures of these fees.

21. Documents sufficient to show each materially different Advertisement relating or referring to BitMart that appeared in the media identified in response to Interrogatories N and O.

22. Documents sufficient to show each materially different communication, including screenshots of websites or mobile applications, that informs consumers how long Currency transactions may be delayed when using BitMart.

23. Instructions to third parties engaged in promoting or advertising BitMart regarding the content of promotional and advertising materials, including instructions regarding the representations that may or may not appear in such materials.

24. All Documents that discuss or substantiate the following claims:

- a. "Our support team is available 24/7. We are receptive to your needs and are always available to help you out."
- b. "100% secure for trading and digital asset management."
- c. "Only less than 0.5% of our assets are stored in a hot wallet for daily operation in order to strengthen the protection of digital assets."
- d. "BitMart will use our own funding to cover the incident and compensate affected users."
- e. "As of April 30th, [2018,] BitMart Exchange's U.S. office is officially registered as a Money Service Business (MSB) with U.S. regulators, administered by the Financial Crimes Enforcement Network (FinCEN)."

25. Documents that describe practices, policies, or procedures for collecting, handling, investigating, and responding to consumer complaints and inquiries regarding BitMart, including documents that record or describe efforts to discourage consumers from communicating complaints regarding BitMart or BitMart's response.

26. Documents that (i) describe consumer complaints and inquiries regarding the exchange of Currency using BitMart; the depositing of Currency into a BitMart account; the withdrawal or transfer of Currency from a BitMart account; any third parties providing services on related to BitMart; an inability to contact customer service or inadequate customer service; and fraud; or (ii) contain or describe the response to such complaints and inquiries.

Such documents should include, but are not limited to:

- a. Complaints or inquiries to or by Better Business Bureaus or government agencies;
- b. Transcripts, recordings, or notes of telephone calls between BitMart representatives and consumers;
- c. Email correspondence between BitMart representatives and consumers;
- d. Evaluations of complaints and the business practices that generate such complaints;
- e. Communications about consumers sharing information about BitMart with authorities, including requests that consumers agree not to communicate with authorities regarding complaints or BitMart conduct;
- f. Agreements or proposed agreements to resolve or settle complaints; and
- g. Assessments of the responses to such complaints or inquiries.

27. All Documents relating to any actions, inquiries, investigations, proceedings, subpoenas, lawsuits, or arbitration proceedings identified in response to Interrogatories T and U.

28. Documents regarding insurance for, or indemnification of losses to, consumers of BitMart, including:

- a. Agreements describing such coverage;
- b. Applications for insurance or indemnification;
- c. Any documents regarding the underwriting of such agreements; and
- d. Claims submitted under such agreements.

29. Documents assessing whether any cryptocurrency listed or considered for listing with BitMart is a security under the Securities Act of 1934.

30. Documents sufficient to describe the Company's methods, practices, policies, or procedures to ensure compliance with any laws, rules, or regulations relating to consumer protection or advertising, including Section 5 of the FTC Act, 15 U.S.C. § 45, and the FTC's Endorsement Guides, 16 C.F.R. Part 255.

31. Your Document retention policies.



### III. DEFINITIONS

The following definitions apply to this CID:

D-1. “**Advertisement**” or “**Advertising**” or “**Ad**” means any written or verbal statement, illustration, or depiction that promotes the sale of a good or service or is designed to increase consumer interest in a brand, good, or service. Advertising media includes but is not limited to: packaging and labeling; promotional materials; print; television; radio; and Internet, social media, and other digital content.

D-2. “**BitMart**” means services offered under the name or servicemark “BitMart,” under user agreements with GBM Global Holding Company Limited or GBM Foundation Company Limited or their successors, or through the domain bitmart.com, an associated Application Programming Interface, or a BitMart mobile application.

D-3. “**Breach**” means the loss of control, compromise, unauthorized disclosure, unauthorized acquisition, or any similar occurrence where: (i) a person other than an authorized user accesses or potentially accesses Restricted Information; (ii) an authorized user accesses Restricted Information for an other than authorized purpose; or (iii) a user uses or manipulates an account or accounts for unauthorized purposes, including to conduct trades in Currency that is fake or unauthorized.

D-4. “**Company**,” “**You**,” or “**Your**” means **Bachi.Tech Corporation**, its wholly or partially owned subsidiaries, unincorporated divisions, joint ventures, operations under assumed names, and affiliates, and all directors, officers, members, employees, agents, consultants, and other persons working for or on behalf of the foregoing.

D-5. “**Currency**” means digital or fiat currency.

D-6. “**Document**” means the complete original, all drafts, and any non-identical copy, whether different from the original because of notations on the copy, different metadata, or otherwise, of any item covered by 15 U.S.C. § 57b-1(a)(5), 16 C.F.R. § 2.7(a)(2), or Federal Rule of Civil Procedure 34(a)(1)(A).

D-7. “**Identify**” or “**the Identity of**” requires identification of (a) natural persons by name, title, present business affiliation, present business address, telephone number, and email address or, if a present business affiliation or present business address is not known, the last known business and home addresses; and (b) businesses or other organizations by name, address, and the identities of Your contact persons at the business or organization.

D-8. “**Restricted Information**” shall mean (i) digital currency private keys; (ii) account or wallet authentication codes; and (iii) personal information including: first and last name; physical address, email address or other online contact information, such as a user identifier or screen name; telephone number; date of birth; government-issued identification number (such as a driver’s license, military identification, passport, or Social Security number); and biometric information.



D-9. **“Vulnerability Report”** means any communication from a security researcher, hacker, customer, service provider, or other individual or entity or any public report (such as in the news media) regarding a Breach or suspected Breach, including reports of unusual Currency transactions.

#### IV. INSTRUCTIONS

I-1. **Petitions to Limit or Quash:** You must file any petition to limit or quash this CID with the Secretary of the FTC no later than twenty (20) days after service of the CID, or, if the return date is less than twenty (20) days after service, prior to the return date. Such petition must set forth all assertions of protected status or other factual and legal objections to the CID and comply with the requirements set forth in 16 C.F.R. § 2.10(a)(1) – (2). **The FTC will not consider petitions to quash or limit if You have not previously met and conferred with FTC staff and, absent extraordinary circumstances, will consider only issues raised during the meet and confer process.** 16 C.F.R. § 2.7(k); *see also* § 2.11(b). **If You file a petition to limit or quash, You must still timely respond to all requests that You do not seek to modify or set aside in Your petition.** 15 U.S.C. § 57b-1(f); 16 C.F.R. § 2.10(b).

I-2. **Withholding Requested Material / Privilege Claims:** For specifications requesting production of Documents or answers to written interrogatories, if You withhold from production any material responsive to this CID based on a claim of privilege, work product protection, statutory exemption, or any similar claim, You must assert the claim no later than the return date of this CID, and You must submit a detailed log, in a searchable electronic format, of the items withheld that identifies the basis for withholding the material and meets all the requirements set forth in 16 C.F.R. § 2.11(a) – (c). The information in the log must be of sufficient detail to enable FTC staff to assess the validity of the claim for each Document, including attachments, without disclosing the protected information. If only some portion of any responsive material is privileged, You must submit all non-privileged portions of the material. Otherwise, produce all responsive information and material without redaction. 16 C.F.R. § 2.11(c). The failure to provide information sufficient to support a claim of protected status may result in denial of the claim. 16 C.F.R. § 2.11(a)(1).

I-3. **Modification of Specifications:** The Bureau Director, a Deputy Bureau Director, Associate Director, Regional Director, or Assistant Regional Director must agree in writing to any modifications of this CID. 16 C.F.R. § 2.7(l).

I-4. **Scope of Search:** This CID covers Documents and information in Your possession or under Your actual or constructive custody or control, including Documents and information in the possession, custody, or control of Your attorneys, accountants, directors, officers, employees, service providers, and other agents and consultants, whether or not such Documents or information were received from or disseminated to any person or entity.

I-5. **Identification of Responsive Documents:** For specifications requesting production of Documents, You must identify in writing the Documents that are responsive to the specification. Documents that may be responsive to more than one specification of this CID need not be produced more than once. If any Documents responsive to this CID have been previously



supplied to the FTC, You may identify the Documents previously provided and the date of submission.

**I-6. Maintain Document Order:** For specifications requesting production of Documents, You must produce Documents in the order in which they appear in Your files or as electronically stored. If Documents are removed from their original folders, binders, covers, containers, or electronic source, You must specify the folder, binder, cover, container, or electronic media or file paths from which such Documents came.

**I-7. Numbering of Documents:** For specifications requesting production of Documents, You must number all Documents in Your submission with a unique identifier such as a Bates number or a Document ID.

**I-8. Production of Copies:** For specifications requesting production of Documents, unless otherwise stated, You may submit copies in lieu of original Documents if they are true, correct, and complete copies of the originals and You preserve and retain the originals in their same state as of the time You received this CID. Submission of copies constitutes a waiver of any claim as to the authenticity of the copies should the FTC introduce such copies as evidence in any legal proceeding.

**I-9. Production in Color:** For specifications requesting production of Documents, You must produce copies of Advertisements in color, and You must produce copies of other materials in color if necessary to interpret them or render them intelligible.

**I-10. Electronically Stored Information:** For specifications requesting production of Documents, see the attached FTC Bureau of Consumer Protection Production Requirements (“Production Requirements”), which detail all requirements for the production of electronically stored information to the FTC. You must discuss issues relating to the production of electronically stored information with FTC staff **prior to** production.

**I-11. Sensitive Personally Identifiable Information (“Sensitive PII”) or Sensitive Health Information (“SHI”):** For specifications requesting production of Documents or answers to written interrogatories, if any responsive materials contain Sensitive PII or SHI, please contact FTC counsel before producing those materials to discuss whether there are steps You can take to minimize the amount of Sensitive PII or SHI You produce, and how to securely transmit such information to the FTC.

Sensitive PII includes an individual’s Social Security number; an individual’s biometric data; and an individual’s name, address, or phone number in combination with one or more of the following: date of birth, driver’s license or state identification number (or foreign country equivalent), military identification number, passport number, financial account number, credit card number, or debit card number. Biometric data includes biometric identifiers, such as fingerprints or retina scans, but does not include photographs (with the exception of photographs and corresponding analyses used or maintained in connection with facial recognition software) or voice recordings and signatures (with the exception of those stored in a database and used to verify a person’s identity). SHI includes medical records and other individually identifiable health information relating to the past, present, or future physical or mental health or conditions



of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual.

**I-12. Interrogatory Responses:** For specifications requesting answers to written interrogatories: (a) answer each interrogatory and each interrogatory subpart separately, fully, and in writing; and (b) verify that Your answers are true and correct by signing Your answers under the following statement: "I verify under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)." The verification must be submitted contemporaneously with Your interrogatory responses.

**NOTICE:** This CID does not seek any information that is prohibited from disclosure under the Cable Communications Policy Act of 1984 ("Cable Act"), 47 U.S.C. §§ 551 et seq., the Satellite Television Extension and Location Act ("STELA"), 47 U.S.C. § 338(i), or the Electronic Communications Privacy Act ("ECPA"), 18 U.S.C. §§ 2701 et seq. To the extent that You are, for purposes of ECPA, a provider of Electronic Communications Service or Remote Computing Service to a customer or subscriber about whom this CID seeks information, do not divulge a record or information pertaining to such customer or subscriber or the content of such customer's or subscriber's communications, other than the content, records, and information specifically requested in this CID.

**If You have any questions, please contact FTC counsel before providing responsive information.**

**CERTIFICATION OF COMPLIANCE**  
**Pursuant to 28 U.S.C. § 1746**

I, \_\_\_\_\_, certify the following with respect to the Federal Trade Commission's ("FTC") Civil Investigative Demand directed to Bachi.Tech Corporation (the "Company") (FTC File No. 2123136) (the "CID"):

The Company has identified all documents, information, and/or tangible things ("responsive information") in the Company's possession, custody, or control responsive to the CID and either:

provided such responsive information to the FTC; or

for any responsive information not provided, given the FTC written objections setting forth the basis for withholding the responsive information.

I verify that the responses to the CID are complete and true and correct to my knowledge.

I certify under penalty of perjury that the foregoing is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title



**CERTIFICATION OF RECORDS OF REGULARLY CONDUCTED ACTIVITY**  
**Pursuant to 28 U.S.C. § 1746**

1. I, \_\_\_\_\_, have personal knowledge of the facts set forth below and am competent to testify as follows:
2. I have authority to certify the authenticity of the records produced by Bachi.Tech Corporation (the "Company") and attached hereto.
3. The documents produced and attached hereto by the Company are originals or true copies of records of regularly conducted activity that:
  - a) Were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters;
  - b) Were kept in the course of the regularly conducted activity of the Company; and
  - c) Were made by the regularly conducted activity as a regular practice of the Company.

I certify under penalty of perjury that the foregoing is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

**Federal Trade Commission - Bureau of Consumer Protection****Production Requirements**

Revised July 2020

In producing information to the FTC, comply with the following requirements, unless the FTC agrees otherwise. If you have questions about these requirements, please contact FTC counsel before production.

**Production Format**

1. **General Format:** Provide load-ready electronic productions with:

- a. A delimited data load file (.DAT) containing a line for every document, unique id number for every document (DocID), metadata fields, and native file links where applicable; and
- b. A document level text file, named for the DocID, containing the text of each produced document.

Do not produce corresponding image renderings (e.g., TIFF or JPEG) for files in native format unless the FTC requests them. If the FTC requests corresponding image renderings, provide an Opticon image load file (.OPT) containing a line for every image file.

2. **Electronically Stored Information (ESI):** Documents stored in electronic format in the ordinary course of business must be produced in the following format:

- a. For ESI other than the categories below, submit in native format with all metadata and either document level extracted text or Optical Character Recognition (OCR). Do not produce corresponding image renderings (e.g., TIFF or JPEG) for files in native format unless the FTC requests them. If the FTC requests corresponding image renderings, they should be converted to Group IV, 300 DPI, single-page TIFF (or color JPEG images when necessary to interpret the contents or render them intelligible.)
- b. For Microsoft Excel, Access, or PowerPoint files, submit in native format with extracted text and metadata. Data compilations in Excel spreadsheets or delimited text formats must contain all underlying data, formulas, and algorithms without redaction.
- c. For other spreadsheet, database, presentation, or multimedia formats; instant messages; or proprietary applications, discuss the production format with FTC counsel.

3. **Hard Copy Documents:** Documents stored in hard copy in the ordinary course of business must be scanned and submitted as either one multi-page pdf per document or as 300 DPI single page TIFFs (or color JPEGs when necessary to interpret the contents or render them intelligible), with corresponding document-level OCR text and logical document determination in an accompanying load file.

4. **Document Identification:** Provide a unique DocID for each hard copy or electronic document, consisting of a prefix and a consistent number of numerals using leading zeros. Do not use a space to separate the prefix from numbers.



5. **Attachments:** Preserve the parent/child relationship by producing attachments as separate documents, numbering them consecutively to the parent email, and including a reference to all attachments.
6. **Metadata Production:** For each document submitted electronically, include the standard metadata fields listed below in a standard delimited data load file. The first line of the data load file shall include the field names. Submit date and time data in separate fields. Use these standard Concordance delimiters in delimited data load files:

Description	Symbol	ASCII Character
Field Separator	¶	20
Quote Character	␣	254
Multi Entry delimiter	®	174
<Return> Value in data	~	126

7. **De-duplication:** Do not use de-duplication or email threading software without FTC approval.
8. **Password-Protected Files:** Remove passwords prior to production. If password removal is not possible, provide the original and production filenames and the passwords, under separate cover.

**Producing Data to the FTC**

1. Prior to production, scan all data and media for viruses and confirm they are virus-free.
2. For productions smaller than 50 GB, submit data electronically using the FTC’s secure file transfer protocol. Contact FTC counsel for instructions. **The FTC cannot accept files via Dropbox, Google Drive, OneDrive, or other third-party file transfer sites.**
3. If you submit data using physical media:
  - a. Use only CDs, DVDs, flash drives, or hard drives. Format the media for use with Windows 7;
  - b. Use data encryption to protect any Sensitive Personally Identifiable Information or Sensitive Health Information (as defined in the instructions), and provide passwords in advance of delivery, under separate cover; and
  - c. Use a courier service (e.g., Federal Express, UPS) because heightened security measures delay postal delivery.
4. Provide a transmittal letter with each production that includes:
  - a. Production volume name (e.g., Volume 1) and date of production;
  - b. Numeric DocID range of all documents in the production, and any gaps in the DocID range; and
  - c. List of custodians and the DocID range for each custodian.



Standard Metadata Fields

DAT FILE FIELDS	DEFINITIONS	POPULATE FIELD FOR:
DocID	Unique ID number for each document	All Documents
FamilyID	Unique ID for all documents in a family including parent and all child documents	All Documents
ParentID	Document ID of the parent document. This field will only be populated on child items	All Documents
File Path	Path to produced native file	All Documents
TextPath	Path to document level text or OCR file	All Documents
Custodian	Name of the record owner/holder	All Documents
AllCustodians	Names of all custodians that had copy of this record (populate if data was deduplicated or email threading was used)	All Documents
Source	Source of documents: CID, Subpoena, Third Party Data, etc.	All Documents
Filename	Original file name	All Documents
File Size	Size of documents	All Documents
File Extensions	Extension of file type	All Documents
MD5 Hash	Unique identifier for electronic data used in de-duplication	All Documents
PRODUCTION_VOLUME	Production Volume	All Documents
HASREDACTIONS	Redacted document	All Documents
Exception Reason	Reason for exception encountered during processing (e.g., empty file, source file, password-protected file, virus)	All Documents
PRODBEG	Beginning production bates number	Documents with Produced Images
PRODEND	Ending production bates number	Documents with Produced Images
PRODBEG_ATTACH	Beginning production family bates number	Documents with Produced Images
PRODEND_ATTACH	Ending production family bates number	Documents with Produced Images
Page Count	The number of pages the document contains	Documents with Produced Images
From	Names retrieved from the FROM field in a message	Emails
To	Names retrieved from the TO field in a message; the recipient(s)	Emails
CC	Names retrieved from the CC field in a message; the copied recipient(s)	Emails
BCC	Names retrieved from the BCC field in a message; the blind copied recipient(s)	Emails
EmailSubject	Email subject line	Emails
Date Sent	The date an email message was sent	Emails
Time Sent	The time an email message was sent	Emails
Date Received	The date an email message was received	Emails
Time Received	The time an email message was received	Emails
Author	File Author	Loose Native Files and Email Attachments
Title	File Title	Loose Native Files and Email Attachments
Subject	File Subject	Loose Native Files and Email Attachments
Date Created	Date a document was created by the file system	Loose Native Files and Email Attachments
Time Created	Time a document was created by the file system	Loose Native Files and Email Attachments
Date Modified	Last date a document was modified and recorded by the file system	Loose Native Files and Email Attachments
Time Modified	Last time a document was modified and recorded by the file system	Loose Native Files and Email Attachments
Date Printed	Last date a document was printed and recorded by the file system	Loose Native Files and Email Attachments
Time Printed	Last time a document was printed and recorded by the file system	Loose Native Files and Email Attachments



UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS:           Lina M. Khan, Chair  
                                  Noah Joshua Phillips  
                                  Rohit Chopra  
                                  Rebecca Kelly Slaughter  
                                  Christine S. Wilson

RESOLUTION DIRECTING USE OF COMPULSORY PROCESS  
REGARDING DECEPTIVE AND MANIPULATIVE CONDUCT ON THE INTERNET

File No. 212 3125

Nature and Scope of Investigation:


To determine whether any persons, partnerships or corporations, or others have been or are engaged in unfair, deceptive, anticompetitive, collusive, coercive, predatory, exploitative, or exclusionary acts or practices, in or affecting commerce, relating to the marketing of goods and services on the Internet, the manipulation of user interfaces (including, but not limited to, dark patterns), or the use of e-mail, metatags, computer code or programs, in violation of Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45, as amended, or any statutes or rules enforced by the Commission; and to determine the appropriate remedy, including whether injunctive or monetary relief would be in the public interest.

The Federal Trade Commission hereby resolves and directs that any and all compulsory processes available to it be used in connection with this investigation for a period not to exceed ten years from the date of issuance of this resolution. The expiration of this ten-year period shall not limit or terminate the investigation or the legal effect of any compulsory process issued during the ten-year period. The Federal Trade Commission specifically authorizes the filing or continuation of actions to enforce any such compulsory process after the expiration of the ten-year period.

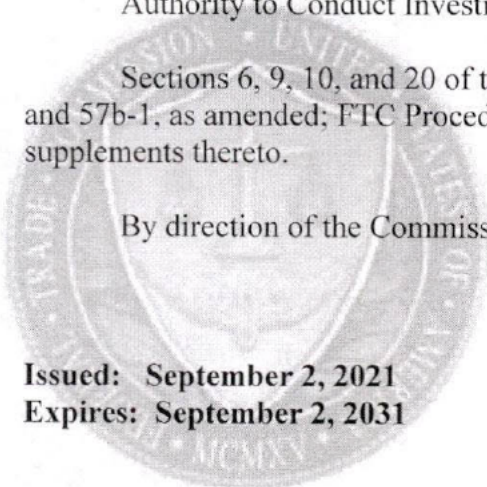
Authority to Conduct Investigation:

Sections 6, 9, 10, and 20 of the Federal Trade Commission Act, 15 U.S.C. §§ 46, 49, 50, and 57b-1, as amended; FTC Procedures and Rules of Practice, 16 C.F.R. Part 1.1 et seq. and supplements thereto.

By direction of the Commission.

  
April J. Tabor  
Secretary

Issued: September 2, 2021  
Expires: September 2, 2031



UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Joseph J. Simons, Chairman  
Noah Joshua Phillips  
Rohit Chopra  
Rebecca Kelly Slaughter  
Christine S. Wilson

RESOLUTION DIRECTING USE OF COMPULSORY PROCESS IN NONPUBLIC  
INVESTIGATION OF ACTS AND PRACTICES RELATED TO CONSUMER PRIVACY  
AND/OR DATA SECURITY

File No. 1823036

Nature and Scope of Investigation:

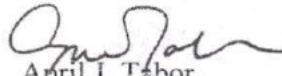
To determine whether unnamed persons, partnerships, corporations, or others are engaged in, or may have engaged in, deceptive or unfair acts or practices related to consumer privacy and/or data security, including but not limited to the collection, acquisition, use, disclosure, security, storage, retention, or disposition of consumer information, in or affecting commerce, in violation of Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45, as amended. Such investigation shall, in addition, determine whether Commission action to obtain monetary relief would be in the public interest.

The Federal Trade Commission hereby resolves and directs that any and all compulsory processes available to it be used in connection with this investigation not to exceed five (5) years from the date of issuance of this resolution. The expiration of this five-year period shall not limit or terminate the investigation or the legal effect of any compulsory process issued during the five-year period. The Federal Trade Commission specifically authorizes the filing or continuation of actions to enforce any such compulsory process after the expiration of the five-year period.

Authority to Conduct Investigation:

Sections 6, 9, 10, and 20 of the Federal Trade Commission Act, 15 U.S.C. §§ 46, 49, 50, and 576-1, as amended; FTC Procedures and Rules of Practice, 16 C.F.R. § 1.1 *et seq.* and supplements thereto.

By direction of the Commission.

  
April J. Tabor  
Acting Secretary

Issued: March 14, 2019



UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Joseph J. Simons, Chairman  
Noah Joshua Phillips  
Rohit Chopra  
Rebecca Kelly Slaughter  
Christine S. Wilson

**RESOLUTION DIRECTING USE OF COMPULSORY PROCESS IN A NON-PUBLIC INVESTIGATION OF UNNAMED PERSONS, PARTNERSHIPS, CORPORATIONS, OR OTHERS ENGAGED IN ACTS OR PRACTICES IN VIOLATION OF TITLE V OF THE GRAMM-LEACH-BLILEY ACT, ITS IMPLEMENTING RULES, AND/OR SECTION 5 OF THE FTC ACT**

File No. 0023284

Nature and Scope of Investigation:

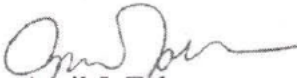
To determine whether unnamed persons, partnerships, corporations, or others have engaged or are engaging in acts or practices in violation of Title V of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801-6809, 6821-6827, the Privacy of Consumer Financial Information Rule (16 C.F.R. pt. 313), the CFPB's Regulation P (12 C.F.R. pt. 1016), the Safeguards Rule (16 C.F.R. pt. 314), or whether any financial institution or its affiliates have engaged or are engaging in deceptive or unfair acts or practices in or affecting commerce with respect to the privacy or security of consumer information in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, as amended. The investigation is also to determine whether Commission action to obtain monetary relief would be in the public interest.

The Federal Trade Commission hereby resolves and directs that any and all compulsory process available to it be used in connection with this investigation for a period not to exceed five (5) years from the date of issuance of this resolution. The expiration of this five-year period shall not limit or terminate the investigation or the legal effect of any compulsory process issued during the five-year period. The Federal Trade Commission specifically authorizes the filing or continuation of actions to enforce any such compulsory process after the expiration of the five-year period.

Authority to Conduct Investigation:

Sections 6, 9, 10, and 20 of the Federal Trade Commission Act, 15 U.S.C. §§ 46, 49, 50, and 57b-1, as amended; and FTC Procedures and Rules of Practice, 16 C.F.R § 1.1 *et seq.*, and supplements thereto.

By direction of the Commission.

  
April J. Tabor  
Acting Secretary

**Issued: July 16, 2019**



**Albino, Mabel R.**

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**From:** Harrison, Todd  
**Sent:** Friday, June 24, 2022 11:44 PM  
**To:** Tankersley, Michael  
**Cc:** Turner, Larkin  
**Subject:** Re: FTC CID to Spread Technology Meet and Confer Meeting, Bachi.Tech CID

Michael – I am traveling today and will not be able to call you. I will call you on Monday.

As for your message below, I am surprised, to say the least, that you would make such a threat. In relation to the Spread Technologies CID, I told you that Spread Technologies was perfectly willing to cooperate and make productions in response to a CID that was reasonable in scope and timing. I asked you to extend for some period of time the deadline for us to make objections and file a motion to quash so that we could further discuss the matter and negotiate a compromise. You refused, as is your right. However, as I mentioned, I cannot simply waive my client's legal rights, and you cannot force me to waive those legal rights and simply do whatever you tell me to do. Therefore, as I told you directly, I had no choice but to file a motion to quash, as I was unwilling to waive any such rights. To threaten either of my clients, Spread Technologies or Bachi.Tech, with obstruction simply for exercising, or considering exercising, their legal rights, is an inappropriate position for the government to take, and a wholly inappropriate threat for the government to make. I also wonder why you make these threats about obstruction and the potential publication of the petitions now, only after the filing of a motion a quash in relation to the Spread Technologies subpoena, even though I told you well in advance that we were going to file a motion to quash.

Todd Harrison

Sent from my iPhone

On Jun 24, 2022, at 11:03 AM, Tankersley, Michael <MTANKERSLEY@ftc.gov> wrote:

[ External Email ]

Todd,

I have added Larkin Turner to the thread, an FTC attorney who is also working on this investigation.

You are correct that we are not authorized to extend the time for at petition by Bachi.Tech on the same grounds.

We urge you to reconsider before you commit to this course for Bachi.Tech. If filed, the Petition is likely to become public (16 CFR 2.10(d)), and the burden and

overbreadth arguments rejected for the reasons recently articulated by the Commission in denying similar petitions by Liberty Auto City and Innovative Capital Strategies, LLC. The objections you have made that the CID requests material that is not within the respondent's control or privileged are also out of place because the instructions to the CID specifically address both issues. Pursuing a petition rather than setting a schedule for the response will be viewed as demonstrating that Bachi.Tech is seeking to obstruct the investigation.

We urge Bachi.Tech to reconsider, begin providing responses, and schedule a time for a meet and confer. You can reach me today at the number below.

Michael Tankersley  
Federal Trade Commission  
Bureau of Consumer Protection  
600 Pennsylvania Ave., NW  
Org 1148, Mail Stop CC-5201  
Washington, DC 20580  
(202) 631-7091  
[mtankersley@ftc.gov](mailto:mtankersley@ftc.gov)

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**From:** Harrison, Todd <Tdharrison@mwe.com>  
**Sent:** Thursday, June 23, 2022 6:24 PM  
**To:** Tankersley, Michael <MTANKERSLEY@ftc.gov>  
**Subject:** Re: FTC CID to Spread Technology Meet and Confer Meeting, Bachi.Tech CID

Hi Michael - As the Bachi.Tech CID is identical to the Spread Technologies CID, and therefore our objections are the same, my intent is to file another motion to quash, as I assume your position is the same - that you will not agree to extend the motion deadline. Best, Todd Harrison

Sent from my iPhone

On Jun 9, 2022, at 6:31 PM, Tankersley, Michael <MTANKERSLEY@ftc.gov> wrote:

[ External Email ]

A copy of the Bachi.Tech CID is attached.

Michael Tankersley  
Federal Trade Commission  
Bureau of Consumer Protection  
600 Pennsylvania Ave., NW  
Org 1148, Mail Stop CC-5201  
Washington, DC 20580  
(202) 631-7091  
[mtankersley@ftc.gov](mailto:mtankersley@ftc.gov)



**From:** Harrison, Todd <Tdharrison@mwe.com>  
**Sent:** Thursday, June 9, 2022 6:14 PM  
**To:** Tankersley, Michael <MTANKERSLEY@ftc.gov>  
**Subject:** Re: FTC CID to Spread Technology Meet and Confer Meeting, Bachi.Tech CID

Hi Michael - Apologies for the slightly delayed response - I was [REDACTED] then travelling. Yes, I am authorized to accept service of the Bachi.Tech CID. No, we were not intending to make a production on June 10, as we have filed a motion to quash, which stays the production until the FTC issues a decision on the motion. It would seem to make sense to wait for the decision on the motion before we meet and confer further, as assumedly the FTC decision on the motion will inform any meet and confers in the future. Best, Todd

Sent from my iPhone

On Jun 8, 2022, at 10:51 AM, Tankersley, Michael <MTANKERSLEY@ftc.gov> wrote:

[ External Email ]

Todd,

- Will Spread Technologies be making a production in response to some of the CID specifications on June 10?
- Can you give me some times that your folks will be available for the postponed meet and confer meeting regarding the CID response (including the objections in your petition to quash)?
- With regard to the Bachi.Tech CID, the CID was sent to the address given to New Jersey for the registered agent, Erte Xia (see attached). Are you authorized to accept service on his behalf?

Michael Tankersley  
Federal Trade Commission  
Bureau of Consumer Protection  
600 Pennsylvania Ave., NW  
Org 1148, Mail Stop CC-5201  
Washington, DC 20580  
(202) 631-7091  
[mtankersley@ftc.gov](mailto:mtankersley@ftc.gov)

-----Original Message-----

From: Harrison, Todd <Tdharrison@mwe.com>

Sent: Monday, June 6, 2022 12:44 PM

To: Tankersley, Michael  
<MTANKERSLEY@ftc.gov>  
Subject: Meeting

Michael - one of our folks necessary for today's meeting now cannot be on today, so we need to reschedule. I will get back to you. Apologies, Todd Harrison

Sent from my iPhone

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This message is a PRIVATE communication. This message and all attachments are a private communication sent by a law firm and may be confidential or protected by privilege. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the information contained in or attached to this message is strictly prohibited. Please notify the sender of the delivery error by replying to this message, and then delete it from your system. Our Privacy Policy<<https://www.mwe.com/en/general-content-folder/privacy-policy>> explains how we may use your personal information or data and any personal information or data provided or made available to us. Thank you.

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Please visit <http://www.mwe.com/> for more information about our Firm.