

1 Mark S. Lee (SBN: 94103)
2 RIMON, P.C.
3 2029 Century Park East, Suite
4 400N Los Angeles, CA 90067
5 Telephone: 310.561.5776
6 Email: mark.lee@rimonlaw.com

7 Zheng Liu, Esq. (SBN: 229311)
8 RIMON, P.C.
9 800 Oak Grove Avenue, Suite 250
10 Menlo Park, CA 94025
11 Telephone: 650.382.4546
12 Email: zheng.liu@rimonlaw.com

13 Shelley Ivan, Esq.
14 RIMON, P.C.
15 100 Park Avenue 16th
16 New York, NY 10017
17 Telephone: 332.600.4332
18 Email: shelly.ivan@rimonlaw.com

19 *Attorneys for Plaintiff* AKRURA PTE. LTD.

20 **UNITED STATES DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA**

22 AKRURA PTE. LTD., a Singapore
23 company,

24 Plaintiff,

25 v.

26 APERO TECHNOLOGIES GROUP, a
27 Vietnam company, BEGAMOB
28 GLOBAL, and TRUSTED TOOLS &
UTILITIES APPS,

Defendants.

Case No.: 2:23-cv-000102-JLS-KS

**PLAINTIFF'S MOTION FOR ENTRY
OF DEFAULT BY THE CLERK
PURSUANT TO RULE 55(a) OF THE
FEDERAL RULES OF CIVIL
PROCEDURE**

Dist. Judge: Hon. Josephine L. Staton

Mag. Judge: Hon. Karen L. Stevenson

COMES NOW, Plaintiff Akrura PTE LTD (“Plaintiff”), by and through its attorneys of record, files this motion for entry of default by the Court’s Clerk against Defendants Apero Technologies Group (“Apero”), Begamob Global (“Begamob”), and Trusted Tools & Utilities Apps (“Tools”) (collectively, “Defendants”), pursuant to Rule 55(a) of the Federal Rules of Civil Procedure (“FRCP”).

I. INTRODUCTION

Plaintiff’s motion is meritorious and should be granted. Defendant Apero stole Plaintiff’s copyrighted blood pressure mobile application available on Google Play and started offering an infringing counterfeit on the same platform and targeting the same consumers. After Plaintiff filed with Google a DMCA takedown request to remove the infringing content, Apero started offering substantially the same infringing counterfeits through the other two defendants, Begamob and Tools. Plaintiff filed this case to stop Defendants’ infringing and damaging actions. However, Defendants did not respond to Plaintiff’s Complaint. The Clerk should thus enter default against Defendants pursuant to FRCP 55(a).

II. BACKGROUND

Plaintiff is the creator and copyright owner of the Blood Pressure mobile application and offers it on Google Play through the QR Code Scanner developer account. Compl. ¶ 2.

On November 17, 2021, Plaintiff released Plaintiff’s Blood Pressure application on Google Play and quickly started generating considerable user traffic and resulting advertising income. *Id.* ¶ 19.

On July 24, 2022, to tap into Plaintiff’s user traffic and related income, Apero surreptitiously launched the Blood Pressure Tracker using the same content as Plaintiff’s application and targeting the same customers. *Id.* ¶ 20.

1 After comparing the two mobile applications, Plaintiff determined that the
2 infringing Apero application had copied the language and interface layout of
3 Plaintiff's application. *Id.* ¶ 21.

4 On December 13, 2022, Google removed Apero's application in response to
5 Plaintiff's DMCA takedown request to Google. *Id.* ¶ 30.

6 On December 23, 2022, Google notified Plaintiff that Apero had submitted a
7 counter notification, as described in 17 U.S.C. § 512(g). Google also advised
8 Plaintiff that Google would reinstate Apero's application unless Plaintiff filed a
9 lawsuit or a claim of infringement against Apero with the U.S. Copyright Office
10 Copyright Claims Board in 10 business days from the December 23, 2022 notice.
11 *Id.* ¶ 31.

12 Notably, several weeks after Plaintiff's first DMCA Takedown Request
13 regarding Apero's application, Apero launched infringing Tool and Begamob
14 applications from the other defendants' developer accounts. *Id.* ¶ 33. Plaintiff
15 later performed a side-by-side comparison for those mobile applications and
16 determined that they had largely the same infringing content as Plaintiff's
17 application. *Id.* ¶ 34.

18 On January 6, 2023, Plaintiff filed the Complaint in this case. Dkt. 1.

19 On April 7, 2023, the Court issued an Order Granting Plaintiff's Ex Parte
20 Motion for Alternative Service ("Alternative Service Order"). Dkt. 24.

21 Pursuant to the Alternative Service Order, Plaintiff served all Defendants
22 and filed a Proof of Service on May 18, 2023. Dkt. 25.

23 Defendants did not file an answer or response to the Complaint, which was
24 due on June 8, 2023.

25 **III. POINTS AND AUTHORITY**

26 Pursuant to Rule 55(a), "[w]hen a party against whom a judgment for
27 affirmative relief is sought has failed to plead or otherwise defend, and that failure
28 is shown by affidavit or otherwise, the clerk must enter the party's default." Fed.

1 R. Civ. P. 55(a). Case law confirms that default should be entered when the
2 defendant fails to respond to a complaint. *See Structural Concrete Prods., LC v.*
3 *Clarendon Am. Inc.*, 244 F.R.D. 317, 348 (E.D. Va. 2007) (“Before the plaintiff
4 can move for default, the clerk or the court must enter default.”).

5 Here, Plaintiff served the Complaint on each Defendant pursuant to the
6 Alternative Service Order and filed a Proof of Service. Dkt. 24-25. Despite
7 Plaintiff’s proper service, Defendants failed to answer or otherwise respond to the
8 Complaint. Ivan Decl. ¶¶ 5-7.

9 Accordingly, the Clerk should enter default against all Defendants.

10 **IV. CONCLUSION**

11 For all of the foregoing reasons, Plaintiff respectfully requests that the Clerk
12 enter default against all Defendants.

13 Dated: August 14, 2023

14 RIMON, P.C.

15 By: /s/ Mark S. Lee

16 Mark S. Lee
17 Zheng Liu
18 Shelley Ivan

19 Attorneys for Plaintiff
20 AKRURA PTE. LTD.

1 **CERTIFICATE OF SERVICE**

2 I, Shelley Ivan, hereby certify that on August 14, 2023, a true and correct
3 copy of the foregoing **PLAINTIFF’S MOTION FOR ENTRY OF DEFAULT**
4 **BY THE CLERK PURSUANT TO RULE 55(a) OF THE FEDERAL RULES**
5 **OF CIVIL PROCEDURE** was served upon Defendants, in accordance with the
6 Court’s April 7, 2023 Order Granting Plaintiff’s Ex Parte Motion for Alternative
7 Service (Dkt. No. 24) as follows:

8 (1) Defendant Apero Technologies Group – by emailing the Service Papers
9 to trustedapp.help@gmail.com, haudt@apero.vn and admin@apero.vn, and
10 mailing the Service Papers via FedEx to 2 Le Van Thiem, Thanh Xuan, Hanoi,
11 Vietnam;

12 (2) Defendant Begamob Global – by emailing the Service Papers to
13 info@begamob.com and mailing the Service Papers to (i) 11 Beach Rd., #03-01,
14 Crasco Building, Singapore, and (ii) 34 Hoang Cau, Dong Da, Hanoi, Vietnam, via
15 FedEx; and

16 (3) Defendant Trusted Tools & Utilities Apps – by emailing the Service
17 Papers to liveroyalstudio.inc@gmail.com and electronically publishing a link to
18 the Service Papers.

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20 By: /s/ Shelley Ivan
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