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

AKRURA PTE. LTD., a Singapore  
company,

Plaintiff,  
v.

APERO TECHNOLOGIES GROUP, a  
Vietnam company, BEGAMOB  
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

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

7 **I. INTRODUCTION**

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

17 **II. BACKGROUND**

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

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

24 On July 24, 2022, to tap into Plaintiff’s user traffic and related income,  
25 Apero surreptitiously launched the Blood Pressure Tracker using the same content  
26 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.

## **CERTIFICATE OF SERVICE**

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

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

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

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

By: /s/ Shelley Ivan  
Shelley Ivan