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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 vs.

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

Defendants.

Case No.: 2:23-cv-000102

**PLAINTIFF’S NOTICE OF RULE
55(b) RENEWED MOTION FOR
DEFAULT JUDGMENT**

DATE: March 1, 2024
TIME: 10:30 a.m.
COURTROOM: 8A, 8th Floor
JUDGE: Hon. Josephine L. Staton

Magistrate Judge: Karen L. Stevenson

1 **TO THE COURT, ALL PARTIES AND THEIR COUNSEL OF**
2 **RECORD:**

3 NOTICE IS HEREBY GIVEN that on March 1, 2024, at 10:30 a.m., before
4 the Honorable Josephine L. Staton, in Courtroom 8A of the United States
5 Courthouse for the Central District of California, 350 West 1st St., Los Angeles,
6 CA 90012, Plaintiff Akura Pte. Ltd (“Plaintiff”), by and through its counsel of
7 record, will and hereby does move the Court to enter an order for default judgment
8 against Defendants Begamob Global and Trusted Tools & Utilities Apps.

9 As set forth in the accompanying Motion and Memorandum of Points and
10 Authorities, there is good cause for the relief requested.

11 Plaintiff’s motion is based on this Notice of Motion, the accompanying
12 Memorandum of Points and Authorities, the L.R. 55-1 Declaration of Mark S. Lee,
13 the Declaration of Shelley Ivan and supporting exhibits, and such further
14 arguments and matters as may be offered at the time of hearing of this Motion.

15 Dated: February 1, 2024

RIMON, P.C.

16 By: /s/ Mark Lee

17 Mark S. Lee (SBN: 94103)

18 Zheng Liu (SBN: 229311)

19 Shelley Ivan (*pro hac vice*)

20 *Attorneys for Plaintiff*

21 AKRURA PTE. LTD

CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2024, a true correct copy of the foregoing **PLAINTIFF’S NOTICE OF RULE 55(b) RENEWED MOTION FOR DEFAULT JUDGMENT** was served upon Defendants, pursuant to the Court’s April 7, 2023 Order Granting Plaintiff’s Ex Parte Motion for Alternative (Dkt. No. 24) as follows:

(1) 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

(2) 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/ Jenny Houston
Jenny Houston

CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2024, I electronically transmitted the attached document to the Clerk’s office using the CM/ECF System for filing and service on all registered participants of the CM/ECF System with regard to this matter.

/s/ Mark S. Lee

Mark S. Lee

Counsel for Plaintiff Akrura Pte. Ltd

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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 RULE 55(b) RENEWED
MOTION FOR DEFAULT JUDGMENT**

DATE: March 1, 2024

TIME: 10:30 a.m.

COURTROOM: 8A, 8th Floor

JUDGE: Hon. Josephine L. Staton

Mag. Judge: Hon. Karen L. Stevenson

1 Plaintiff Akrura PTE LTD (“Plaintiff”), by and through its counsel of record,
2 hereby renews its Rule 55(b) Motion for Default Judgment as to Defendants
3 Begamob Global (“Begamob”) and Trusted Tools & Utilities Apps (“Tools”)
4 (together, “Defendants”),¹ pursuant to the Court’s Order, dated January 18, 2024
5 (Dkt. 43), which allows Plaintiff to submit this motion after filing a notice of
6 dismissal as to defendant Apero Technologies Group (“Apero”).

7 **I. INTRODUCTION**

8 Begamob and Tools stole Plaintiff’s copyrighted blood pressure mobile
9 application available on Google Play and started offering infringing counterfeits on
10 the same platform and targeting the same consumers. Plaintiff filed with Google
11 individual DMCA Takedown Requests against Defendants, and Google temporarily
12 removed the infringing content, pending this lawsuit. Plaintiff also filed this case to
13 permanently stop Defendants’ infringing and damaging actions.

14 Begamob and Tools did not respond to Plaintiff’s Complaint, effectively
15 admitting Plaintiff’s allegations, and the Court’s Clerk entered default against
16 Defendants. As demonstrated below, Plaintiff is entitled to default judgment and
17 permanent injunction against Begamob and Tools pursuant to Rule 55(b) of the
18 Federal Rules of Civil Procedure (“FRCP”).

19 **II. BACKGROUND**

20 **A. Plaintiff’s Allegations**

21 Plaintiff is the creator and copyright owner of the Blood Pressure mobile
22 application (“Plaintiff’s BP App”) and offers it on Google Play through the QR
23 Code Scanner developer account. Compl. ¶ 2.
24
25
26

27 ¹ Plaintiff’s initial motion for default judgment was filed against Defendants
28 Begamob, Tools, and Apero Technologies Group. However, Apero and Plaintiff
settled and filed a stipulation of dismissal on January 26, 2024. Dkt. 44.

1 Defendant Begamob is a mobile application developer that offers mobile
2 applications on Google Play. Begamob has a website at <http://www.begamob.com>
3 and uses the email address info@begamob.com. Compl. ¶ 8.

4 Defendant Tools is a mobile application developer that offers mobile
5 applications on Google Play. Defendant Tools does not appear to have a website
6 but uses the email address liveroyalstudio.inc@gmail.com. Compl. ¶ 9.

7 On September 20, 2022, Tools launched on Google Play its infringing
8 application, Blood Pressure App: BP Monitor (Tools’ BP Monitor App”). Compl.
9 ¶ 33.

10 A side-by-side comparison of Plaintiff’s BP App and Tools’ BP Monitor
11 App confirmed that defendant Tools had literally copied Plaintiff’s content as
12 certain significant language used in the two products appeared identical. Compl. ¶
13 34.

14 On October 25, 2022, Plaintiff filed with Google Play a DMCA Takedown
15 Request. *Id.* Plaintiff attached a side-by-side comparison of the two apps and
16 explained: “I’m writing to report that an infringing app [] 100% Copied our
17 original In-app Texts and UI Design WITHOUT any change. This high degree of
18 coincidence is by no means an accident. We created all In-app Text by ourselves,
19 we can provide all source evidence if needed.” Ex. A.²

20 On September 26, 2022, Begamob launched on Google Play its infringing
21 application, Blood Pressure Tracker App (“Begamob’s BP Tracker App”). Compl.
22 ¶ 33.

23 A side-by-side comparison of Plaintiff’s Blood Pressure App and
24 Begamob’s BP Tracker App confirmed that defendant Begamob Global had
25 literally copied Plaintiff’s content as significant language used in the two products
26 was identical. Compl. ¶ 35.

27
28 ² “Ex. _” refers to the Exhibits to the Declaration of Shelley Ivan, submitted in support of Plaintiff’s Rule 55(b) Renewed Moton for Default Judgment.

1 On December 1, 2022, Plaintiff filed with Google Play a DMCA Takedown
2 Request against Begamob. *Id.* Plaintiff attached to the DMCA Takedown Request
3 a side-by-side comparison of the two apps and explained: “Begamob [] maliciously
4 copied our string text on source code and in-app articles & UI design WITHOUT
5 any changes. We created all source code and articles by ourselves, we can provide
6 all of the source evidence if needed.” Ex. B.

7 Begamob’s and Tools’ offers of the infringing applications have thus caused
8 mistake, confusion, and deception among consumers and is irreparably harming
9 Plaintiff. Compl. ¶ 36.

10 **B. Procedural History**

11 On January 6, 2023, Plaintiff filed the instant lawsuit. Dkt. 1.

12 On April 7, 2023, the Court issued an Order Granting Plaintiff’s Ex Parte
13 Motion for Alternative Service (“Alternative Service Order”). Dkt. 24.

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

16 Despite being properly served pursuant to the Court’s Alternative Service
17 Order, Begamob and Tools never filed a response to the Complaint with the Court.

18 However, on March 22, 2023, Begamob responded to the email of Plaintiff’s
19 counsel regarding the Complaint, admitting that Begamob copied Plaintiff’s
20 mobile application. Ex. C (“[W]e inadvertently included components derived from
21 your content with regard to certain features in-app. We have identified and
22 removed the plagiarized content from our app immediately after receiving the
23 report from your team.”). *Id.*

24 On August 14, 2023, Plaintiff filed a Motion for Entry of Default by the
25 Clerk Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure (“Default
26 Motion”). Dkt. 26.

27 Also, on August 14, 2023, Plaintiff served its Default Motion on Begamob
28 and Tools in accordance with the Alternative Service Order. Ex. D.

1 Faced with the Motion for Entry of Default, Tools wrote to Google to
2 dispute the removal of its infringing application from Google Play. Ex. E.

3 On August 22, 2023, Google notified Plaintiff that Defendant Tools had
4 submitted a counter notification, disputing the removal of its application. *Id.*
5 Google also advised Plaintiff that Google would reinstate Tools' application unless
6 Plaintiff filed a lawsuit against Tools regarding its infringement. *Id.*

7 Plaintiff immediately responded to Google's notification, attaching the
8 Complaint in this action and explaining that Plaintiff had already filed a lawsuit
9 against Tools. *Id.*

10 On August 24, 2023, the Clerk entered default against all Defendants (Dkt.
11 29), pursuant to the Court's order regarding the same (Dkt. 28).

12 On September 1, 2023, Plaintiff filed a motion for default judgement against
13 all Defendants. Dkt. 31.

14 On October 11, 2023, after Defendant Apero had appeared in the case, the
15 Court issued an Order Granting Stipulation to Set Aside Entry of Default and for
16 Extension of Time to Respond to the Complaint on October 11, 2023. Dkt. 34.

17 On October 25, 2023, the Court entered an order striking Plaintiff's motion
18 for default judgment and instructing Plaintiff to file a Rule 55-1 declaration and a
19 supplemented proposed order, incorporating Plaintiff's analysis of the Eitel factors
20 and citing to evidence. Dkt. 37.

21 On November 7, 2023, Plaintiff refiled its motion for default judgment
22 against Begamob and Tools. Dkt. 38.

23 On January 4, 2024, the Court denied Plaintiff's renewed motion for default
24 against Begamob and Tools in part as to avoid inconsistent results given that the
25 Court had set aside entry of default as to Apero and that Plaintiff originally alleged
26 that Apero was associated with Begamob and Tools. Dkt. 40, at 4. The Court also
27 issued an Order to Show Cause why the action against Apero should not be
28 dismissed for failure to prosecute. *Id.*

1 On January 12, 2024, Plaintiff responded to the Order to Show Cause,
2 explaining that Plaintiff and Apero had settled the action as to Apero and that
3 Plaintiff would file a notice of dismissal after all terms of the settlement agreement
4 are satisfied. Dkt. 41. Plaintiff also explained that Apero was not associated with
5 defendants Begamob and Tools and that Plaintiff intended to renew its motion for
6 default judgement against Begamob and Tools after Apero’s dismissal from the
7 action. *Id.*

8 On January 18, 2024, the Court issued an order, directing Plaintiff to file a
9 notice of dismissal as to Apero by February 12, 2024. Dkt. 43. The Court also
10 instructed that “once Apero is dismissed, Plaintiff may renew its motion for default
11 judgment as to the remaining Defendants.” *Id.*

12 On January 26, 2024, Plaintiff filed a stipulation of dismissal as to Apero.
13 Dkt. 44.

14 On January 31, 2024, the Court discharged the Order to Show Cause. Dkt.
15 45.

16 Plaintiff hereby files this renewed motion for default judgment against
17 defendants Begamob and Tools and submits a supporting declaration from Apero’s
18 counsel, confirming that Apero is not associated with Begamob and Tools. Ex. F,
19 Declaration of Rona Eli, dated January 29, 2024 (“Eli Declaration”), ¶¶ 7-8
20 (“Defendant Apero is not related to or associated with defendants Begamob and
21 Tools. [And] Defendant Apero denies any liability in connection with the alleged
22 infringing actions or omissions of defendants Begamob and Tools.”).

23 **III. MEMORANDUM OF POINTS AND AUTHORITY**

24 Pursuant to Rule 55(b) of the FRCP, “a court may order default judgment
25 following the entry of default by the Clerk of the Court.” *PepsiCo, Inc. v. Cal. Sec.*
26 *Cans*, 238 F. Supp. 2d 1172, 1174 (C.D. Cal. 2002). Entry of default judgment is
27 thus a two-step process. *See Fed. R. Civ. P. 55(a)-(b)*. First, the plaintiff must
28 request and obtain an entry of default from the court’s clerk. *See Fed. R. Civ. P.*

1 55(a) (“When a party against whom a judgment for affirmative relief is sought has
2 failed to plead or otherwise defend, and that failure is shown by affidavit or
3 otherwise, the clerk must enter the party’s default.”). Second, Plaintiff must apply
4 to the Court for entry of default judgment. Fed. R. Civ. P. 55(b)(2). Here,
5 Defendants’ default was entered by the Clerk pursuant to FRCP 55(a) on August
6 24, 2023. Dkt. 29. Plaintiff can thus move the Court for default judgment pursuant
7 to FRCP 55(b)(2).

8 A district court has discretion to grant a motion for default judgment. *See*
9 *Aldabe v. Aldabe*, 616 F.2d 1089, 1092 (9th Cir. 1980). In the Ninth Circuit, Courts
10 may consider the following factors in determining whether to enter default
11 judgment: “(1) the possibility of prejudice to the plaintiff, (2) the merits of the case,
12 (3) the sufficiency of the complaint, (4) the sum of money at stake in the action, (5)
13 the possibility of a dispute concerning the material facts, (6) whether defendant’s
14 default was the product of excusable neglect, and (7) the strong public policy
15 favoring decision on the merits.” *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir.
16 1986).

17 **A. The *Eitel* Factors Favor Default Judgment**

18 The balancing of the *Eitel* factors here favors entry of a default judgment
19 under the Ninth Circuit’s *Eitel* analysis.

20 The first *Eitel* factor favors default judgment because, absent a default
21 judgment, Plaintiff will be prejudiced by Defendants’ failure to appear in this action
22 (Dkt. 29) since it will be left without a remedy.

23 The second and third *Eitel* factors similarly favor default judgment. The
24 Ninth Circuit has held that these “merits” and “sufficiency of the complaint”
25 factors require that Plaintiff “state a claim on which the [plaintiff] may recover.”
26 *Danning v. Lavine*, 572 F.2d 1386, 1388 (9th Cir. 1978). Here, Plaintiff has
27 asserted, *inter alia*, a claim for copyright infringement in violation of 17 U.S.C §
28 501, *et seq.* that is demonstrated by the side-by-side comparison between Plaintiff’s

1 original application and Defendants’ counterfeits, showing that those counterfeits
2 are substantially similar. Exs. A-B. The admitted allegations in the Complaint
3 explain that: (i) Plaintiff is the creator and copyright owner of a blood pressure
4 mobile application (Compl. ¶ 38); (ii) Defendants’ infringing applications use
5 identical language excerpts and interface layout as Plaintiff’s application (*id.* ¶¶ 41,
6 43-44); (iii) Plaintiff did not authorize Defendants to copy its original work (*id.* ¶
7 45); (iv) Defendants’ infringing conduct violates 17 U.S.C. §§106(1)-(3), (5) and 17
8 U.S.C. § 501(a) (*id.* ¶ 46); (v) Defendants damaged Plaintiff by intentionally
9 copying Plaintiff’s valuable content and using counterfeits to target the same
10 consumers and tap into Plaintiff’s previously generated user traffic and related
11 advertising income (*id.* ¶ 47); (vi) Defendants damaged Plaintiff by offering their
12 inferior counterfeit apps to Plaintiff’s consumer base and causing a current and
13 long-term reputational damage to Plaintiff (*id.* ¶ 48); and (vii) unless enjoined and
14 restrained by the Court, Defendants’ conduct is causing and will continue to cause
15 Plaintiff irreparable injury that cannot be compensated by monetary damages (*id.* ¶
16 51).

17 Given Defendants’ default entered by the Clerk, the above factual allegations
18 should be taken as true and are thus sufficient to support Plaintiff’s copyright
19 infringement claim. *See Gucci Am. Inc. v. Wang Huoqing*, No. C-09-05969 JCS,
20 2011 WL 31191, at *8 (N.D. Cal. Jan. 3, 2011) (“Once a party’s default has been
21 entered, the factual allegations of the complaint, except those concerning damages,
22 are deemed to have been admitted by the non-responding party.”).

23 The fourth *Eitel* factor, addressing the amount of money at stake, favors
24 default judgment because Plaintiff has decided to forego damages in favor of
25 permanent injunctive relief. *See PepsiCo*, 238 F. Supp.2d at 1177 (“[Plaintiffs]
26 seek only injunctive relief from the continued use of their trademarks on
27 Defendant’s counterfeit products. Accordingly, this factor favors granting default
28 judgment.”).

1 The fifth *Eitel* factor, addressing the possibility of a dispute concerning
2 material facts, is neutral at best because, as a result of Defendants' default and
3 failure to appear in this litigation, the Court is unable to determine if there are any
4 disputed material facts. *See Gucci Am. Inc.*, 2011 WL 31191, at *11.

5 The sixth *Eitel* factor, addressing whether Defendant's default was the
6 product of excusable neglect, favors default judgment because Plaintiff served
7 Defendants pursuant to the Court's alternative service order, directing Plaintiff to
8 use valid and active email addresses and Defendants received notice of this lawsuit
9 but decided not to appear. In fact, Defendants Begamob responded by admitting
10 infringement, but never appeared in this case. Ex. C ("We have identified and
11 removed the plagiarized content from our app immediately after receiving the report
12 from your team."). Similarly, after being served, Defendant Tools wrote to Google
13 to complain about the removal of its infringing application but never appeared in
14 this case. Ex. E.

15 The seventh and final *Eitel* factor, involving the strong public policy favoring
16 decision on the merits, is neutral because Defendants' own failure to respond to the
17 Complaint prevents a decision on the merits. Defendants should not be rewarded
18 for their failure to participate in this action. *See Gucci Am. Inc.*, 2011 WL 31191, at
19 *12.

20 As demonstrated above, *Eitel* factors 1, 2, 3, 4, and 6 favor default judgment
21 and *Eitel* factors 5 and 7 are neutral.

22 Accordingly, when balancing the *Eitel* factors, default judgment is proper.

23 **B. Permanent Injunction Is Proper In This Case**

24 It is well established that courts can issue injunctions as part of default
25 judgments. *See China Cent. Television v. Create New Tech. (HK) Ltd.*, No. CV 15–
26 01869, 2015 WL 12732432, at *19 (C.D. Cal. Dec. 7, 2015); *Priority Records,*
27 *LLC v. Tabora*, No. C 07–1023 PJH, 2007 WL 2517312, *2 (N.D. Cal. Aug. 31,

28

1 2007) (granting permanent injunctive relief in a copyright case as part of a default
2 judgment).

3 A permanent junction may be granted where Plaintiff demonstrates: “(1) that
4 it has suffered an irreparable injury; (2) that remedies available at law, such as
5 monetary damages, are inadequate to compensate for that injury; (3) that,
6 considering the balance of hardships between the plaintiff and defendant, a remedy
7 in equity is warranted; and (4) that the public interest would not be disserved by a
8 permanent injunction.” *EBay Inc. v. MercExchange, L.L.C.*, 547 U.S. 388, 391
9 (2006). The decision whether to grant or deny injunctive relief “rests within the
10 equitable discretion of the district courts.” *Id.* at 394. When “the infringing use is
11 for a similar service, a broad injunction is especially appropriate.” *Perfumebay.com*
12 *Inc. v. eBay Inc.*, 506 F.3d 1165, 1177 (9th Cir. 2007).

13 Here, with respect to elements 1 and 2, Plaintiff’s Complaint specifically
14 alleges that Defendants’ infringing actions have caused and, unless permanently
15 enjoined, will continue to cause irreparable harm to Plaintiff’s reputation and
16 goodwill and that such injury cannot be compensated by monetary damages.
17 Compl. ¶¶ 48, 51.

18 Further, with respect to element 3, because the damage here is
19 unquestionable but Plaintiff has decided to nevertheless forego all damages in favor
20 of permanent injunction, the relief of permanent injunction enjoining Defendants
21 from using Plaintiff’s application is appropriate and well within the equitable
22 discretion of the Court. *See Simple Design Ltd. v. Workshopplace 2021*, No. 2:22-
23 cv-02776-GW-KSx (S.D. Cal. Aug. 1, 2022) (ordering injunctive relief to enjoin
24 defendant from using infringing images, logos, icons and marks where plaintiff
25 agreed to forego all damages).

26 With respect to element 4, the public interest would not be disserved by a
27 permanent injunction because enjoining Defendants from copying Plaintiff’s work
28 will undoubtedly protect the copyright owner and advance the objective of the

1 Copyright Act by incentivizing the creation of original work. *See Fogerty v.*
2 *Fantasy, Inc.*, 510 U.S. 517, 524 (1994) (“The primary objective of the Copyright
3 Act is to encourage the production of original literary, artistic, and musical
4 expression for the good of the public.”).

5 Accordingly, the Court should grant Plaintiff permanent injunction against
6 Defendants.

7 Finally, Plaintiff and defendant Apero filed a stipulation of dismissal as to
8 Apero (Dkt. 44), and Apero submitted an affidavit in support of this motion,
9 confirming that Begamob and Tools are not associated with defendant Apero. *See*
10 *Ex. F, Eli Declaration*, ¶¶ 7-8. This fact resolves the Court’s previous concern that
11 “granting default judgment against one defendant would be inconsistent with a
12 judgment in favor of another defendant.” Dkt. 40 at 3. *See also Jazz Casual Prods.*
13 *Inc. v. Byron*, 2012 WL 13059823, at *2–4 (N.D. Cal. June 21, 2012) (need for
14 consistent adjudication not relevant here as the dismissed defendant Apero is not
15 associated with defendants Begmob and Tools and there is no risk of inconsistent
16 results).

17 **IV. CONCLUSION**

18 For all of the foregoing reasons, Plaintiff’s Rule 55(b) Renewed Motion for
19 Default Judgment against Defendants Begamob Global and Trusted Tools &
20 Utilities Apps should be granted.

21
22 Dated: February 1, 2024

RIMON, P.C.

23 By: /s/ Mark S. Lee
24 Mark S. Lee (SBN: 94103)
25 Zheng Liu (SBN: 229311)
26 Shelley Ivan (*pro hac vice*)

27 *Attorneys for Plaintiff*
28 AKRURA PTE. LTD

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on February 1, 2024, a true and correct copy of the
3 foregoing **PLAINTIFF’S RULE 55(b) RENEWED MOTION FOR DEFAULT**
4 **JUDGMENT** and supporting papers were served upon Defendants, in accordance
5 with the Court’s April 7, 2023 Order Granting Plaintiff’s Ex Parte Motion for
6 Alternative Service (Dkt. No. 24) as follows:

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

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

14
15 By: /s/ Jenny Houston
16 Jenny Houston

CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2024, I electronically transmitted the attached document to the Clerk’s office using the CM/ECF System for filing and service on all registered participants of the CM/ECF System with regard to this matter.

/s/ Mark S. Lee

Mark S. Lee

Counsel for Plaintiff Akrura Pte. Ltd

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19 *Attorneys for Plaintiff* AKRURA PTE. LTD

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

22 AKRURA PTE. LTD, a Singapore
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24 Plaintiff,

25 vs.

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

Defendants.

Case No.: 2:23-cv-000102

**L.R. 55-1 DECLARATION OF MARK
S. LEE IN SUPPORT OF PLAINTIFF'S
RULE 55(b) RENEWED MOTION FOR
DEFAULT JUDGMENT**

DATE: March 1, 2024

TIME: 10:30 a.m.

COURTROOM: 8A, 8th Floor

JUDGE: Hon. Josephine L. Staton

Magistrate Judge: Hon Karen L. Stevenson

1 I, Mark S. Lee, declare:

2 1. I am an attorney licensed to practice law in the state of California.

3 2. I am a partner at the law firm of Rimon, P.C., where I practice
4 intellectual property law litigation.

5 3. I represent Plaintiff Akrura PTE. LTD (“Plaintiff”) against
6 Defendants Apero Technologies Group (“Apero”), Begamob Global (“Begamob”) and Trusted Tools & Utilities Apps (“Tools”) in the above-captioned case for
7 copyright infringement, whereby Defendants improperly copied Plaintiff’s blood
8 pressure mobile application and offered infringing versions on Google Play.
9 Compl., Dkt. 1.

10
11 4. I submit this Declaration in support of Plaintiff’s Rule 55(b)
12 Renewed Motion for Default Judgment against Defendants Begamob and Tools.

13 5. On August 14, 2023, Plaintiff filed a Motion for Entry of Default by
14 the Clerk Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure. Dkt. 26.

15 6. On August 24, 2023, the Clerk entered default against all Defendants,
16 including Begamob and Tools. Dkt. 29.

17 7. The Clerk entered default against Begamob and Tools because they
18 failed to respond Plaintiff’s Complaint. Dkt. 1.

19 8. To the best of my knowledge, the defaulting parties, Begamob and
20 Tools, are companies, and not infants or incompetent persons.

21 9. To the best of my knowledge, the defaulting parties are not
22 represented by a general guardian, committee, conservator or other representative.

23 10. To the best of my knowledge, the Servicemembers Civil Relief Act
24 (50 U.S.C. App. § 521) does not apply here.

CERTIFICATE OF SERVICE

I, Jenny Houston, hereby certify that on February 1, 2024, a true and correct copy of the foregoing **L.R. 55-1 DECLARATION OF MARK S. LEE IN SUPPORT OF PLAINTIFF’S RULE 55(b) RENEWED MOTION FOR DEFAULT JUDGMENT** 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 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

(2) 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/ Jenny Houston
Jenny Houston

CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2024, I electronically transmitted the attached document to the Clerk’s office using the CM/ECF System for filing and service on all registered participants of the CM/ECF System with regard to this matter.

/s/ Mark S. Lee

Mark S. Lee

Counsel for Plaintiff Akrura Pte. Ltd

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1 Mark S. Lee, Esq. (SBN: 94103)
2 RIMON, P.C.
3 2029 Century Park East, Suite 400N
4 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. (*pro hac vice*)
14 RIMON, P.C.
15 100 Park Avenue 16th Floor
16 New York, NY 10017
17 Telephone: 332.600.4332
18 Email: shelley.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 vs.

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

Defendants.

Case No.: 2:23-cv-000102

**DECLARATION OF SHELLEY IVAN
IN SUPPORT OF PLAINTIFF’S RULE
55(b) RENEWED MOTION FOR
DEFAULT JUDGMENT**

DATE: March 1, 2024

TIME: 10:30 a.m.

COURTROOM: 8A, 8th Floor

JUDGE: Hon. Josephine L. Staton

Magistrate Judge: Hon Karen L. Stevenson

1 I, Shelley Ivan, declare:

2 1. I am an attorney licensed to practice law in the state of New
3 York. I am also admitted to practice *pro hac vice* before this Court. Dkt. 18.

4 2. I am a partner at the law firm of Rimon, P.C., where I practice
5 primarily intellectual property law and commercial litigation.

6 3. I represent Plaintiff Akrura PTE. LTD (“Plaintiff”) against
7 Defendants Apero Technologies Group (“Apero”), Begamob Global (“Begamob”)
8 and Trusted Tools & Utilities Apps (“Tools”) in the above-captioned case for
9 copyright infringement, whereby Defendants improperly copied Plaintiff’s blood
10 pressure mobile application and offered infringing versions on Google Play.
11 Compl., Dkt. 1.

12 4. I submit this Declaration in support of Plaintiff’s Rule 55(b)
13 Renewed Motion for Default Judgment against Begamob and Tools.

14 5. Attached hereto as Exhibit A is a true and correct copy of Plaintiff’s
15 DMCA Takedown Request to Google, dated October 25, 2022.

16 6. Attached hereto as Exhibit B is a true and correct copy of Plaintiff’s
17 DMCA Takedown Request to Google, dated December 1, 2022.

18 7. Attached hereto as Exhibit C is a true and correct copy of an email
19 from Defendant Begamob to Plaintiff, dated March 22, 2023.

20 8. Attached hereto as Exhibit D is a true and correct copy of a set of
21 service emails to Defendants Begamob and Tools, dated August 14, 2023.

22 9. Attached hereto as Exhibit E is a true and correct copy of an email
23 chain between Google and Plaintiff, dated August 22, 2023.

CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2024, a true and correct copy of the foregoing **DECLARATION OF SHELLEY IVAN IN SUPPORT OF PLAINTIFF’S RULE 55(b) RENEWED MOTION FOR DEFAULT JUDGMENT** 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 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

(2) 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/ Jenny Houston
Jenny Houston

CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2024, I electronically transmitted the attached document to the Clerk’s office using the CM/ECF System for filing and service on all registered participants of the CM/ECF System with regard to this matter.

/s/ Mark S. Lee

Mark S. Lee

Counsel for Plaintiff, Akrura Pte. Ltd

EXHIBIT A

----- Forwarded message -----

From: <removals@google.com>
Date: Tue, Oct 25, 2022 at 12:23 AM
Subject: Re: Your Request to Google [5-3967000033498]
To: <deephought7.5m@gmail.com>

Hello,

Thanks for reaching out to us.

We've decided not to take action on this content. You could send your request straight to the individual who posted the content.

If you need more information about the individual who posted the content, you'll need to serve us with valid legal process. For more information about this, contact us at google-legal-support@google.com from the U.S., or internationalcivil@google.com from outside the U.S.

If you pursue legal action and the content is found to be illegal or ordered to be removed, you can send us the court order seeking removal using [this form](#).

Regards,

The Google Team

For more information about our content removal process access g.co/legal.

Report alleged copyright infringement

Country of residence

Singapore

Full legal name

Sherry Smith

Full legal name of the copyright holder you represent

QR Code Scanner.

Contact email address

deephought7.5m@gmail.com

Identify and describe the copyrighted work

Dear Team,

I'm writing to report that an infringing app badly 100% Copied our original In-app Texts and UI Design WITHOUT any change. This high degree of coincidence is by no means an accident. We created all In-app Text by ourselves, we can provide all source evidence if needed.

Pursuant to Section 512(c) of the Digital Millennium Copyright Act("DMCA"), we would like to request immediate removal of this infringing app from the Google Play platform.

Many thanks in advance.

Regards,

Sherry

Where can we see an authorized example of the work?

<https://play.google.com/store/apps/details?id=bloodpressure.bloodpressureapp.bloodpressuretracker&hl=en&gl=us>

Allegedly infringing URLs

<https://play.google.com/store/apps/details?id=bloodpressureapp.bloodpressuremonitor.bloodpressuretracker>

Attach a screenshot of the allegedly infringing material

Violation Material.pdf

I have a good faith belief that use of the copyrighted materials described above as allegedly infringing is not authorized by the copyright owner, its agent, or the law.

Please check to confirm

The information in this notification is accurate and I swear, under penalty of perjury, that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

Please check to confirm

I understand that a copy of the notice may be sent to the developer of the affected content.

Please check to confirm

Signature

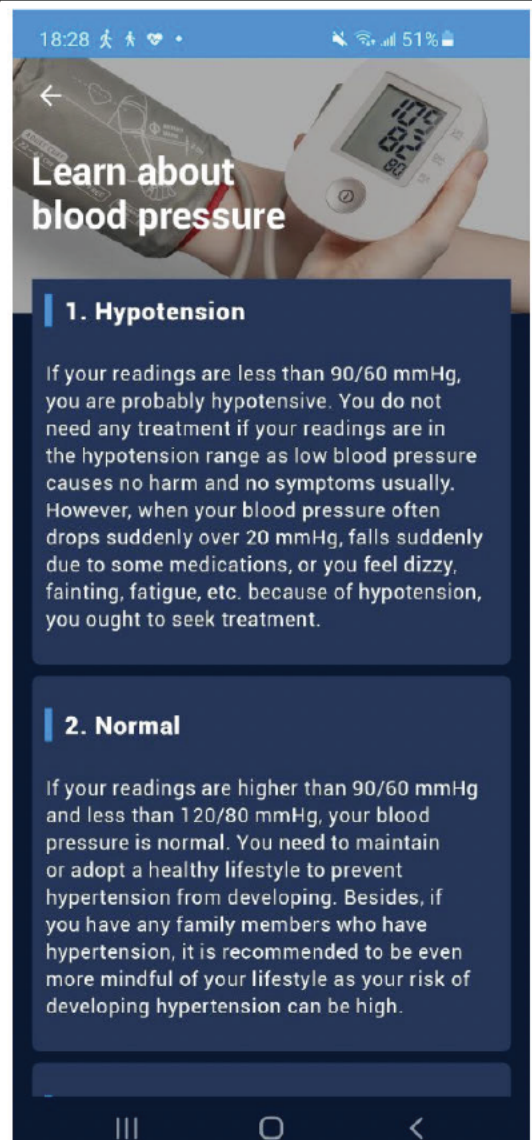
Sherry Smith

Our Original Creatives

Infringing Copies

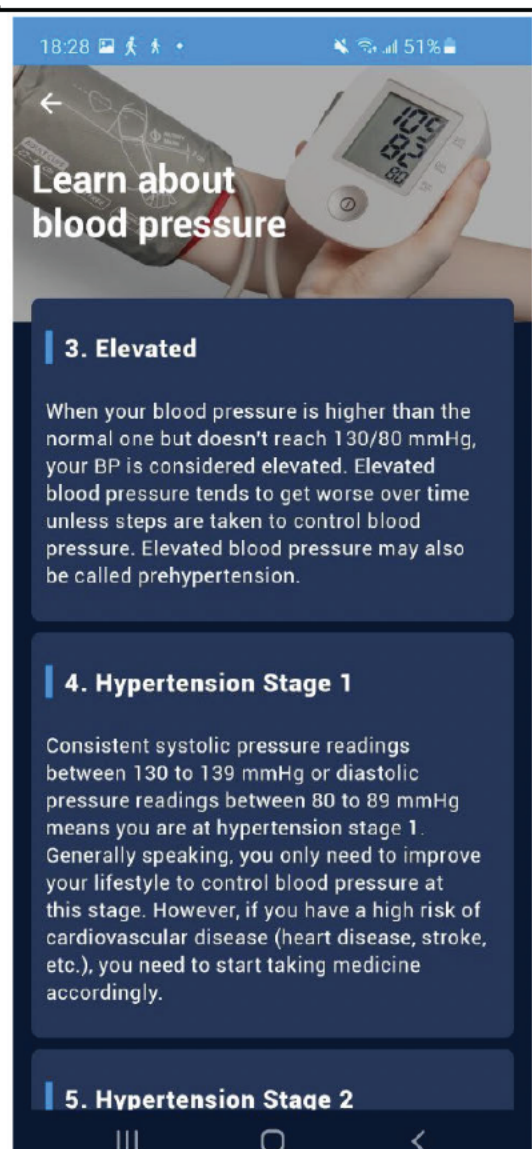
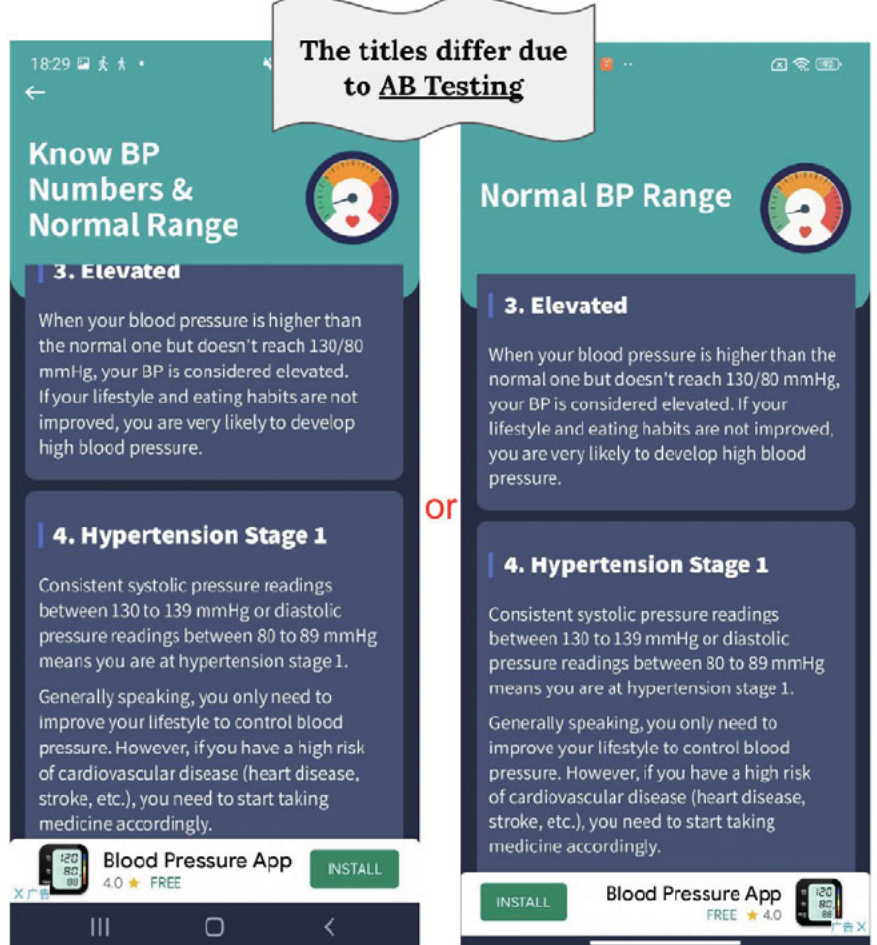
100% the Same

Totally the same copies of our articles as shown at right



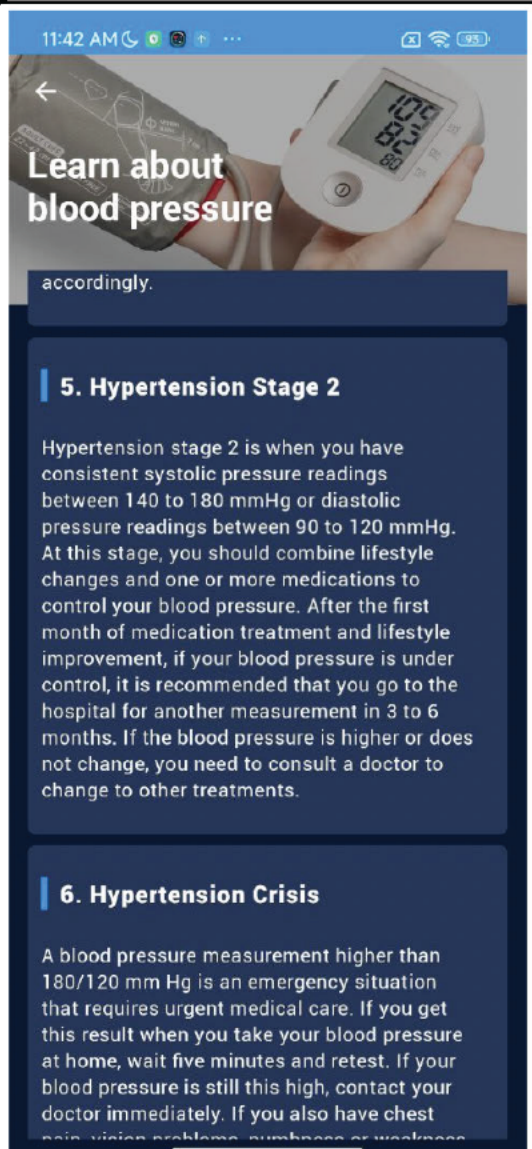
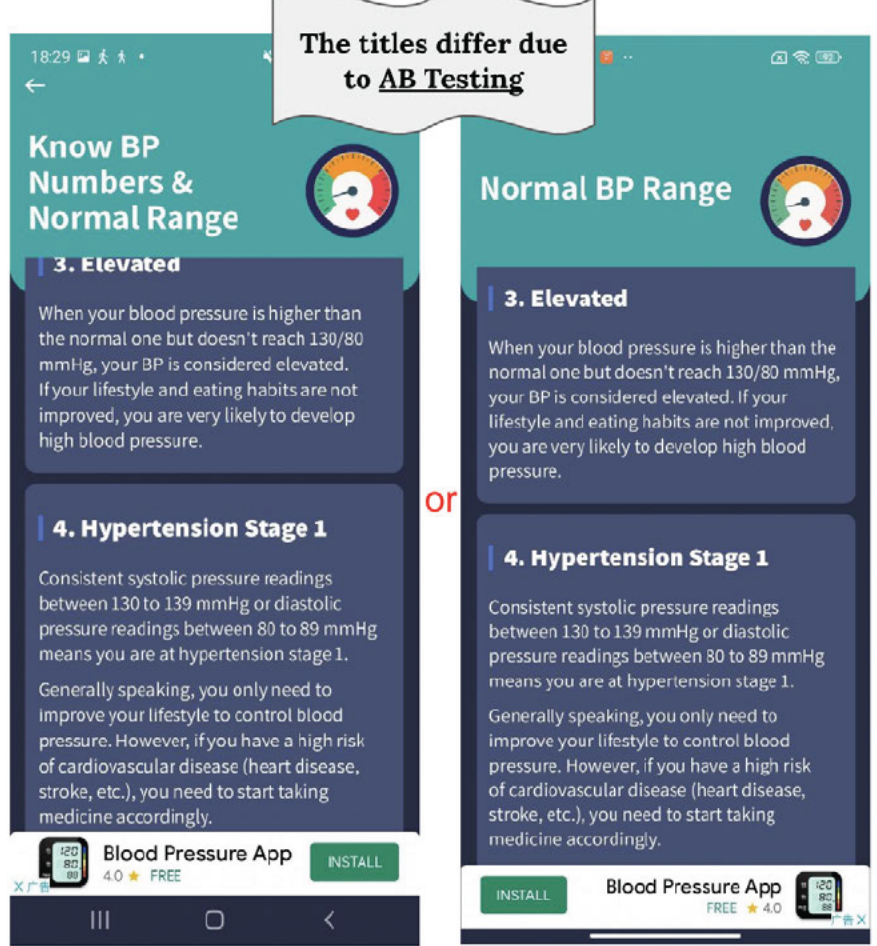
100% the Same

Totally the same copies of our articles as shown at right



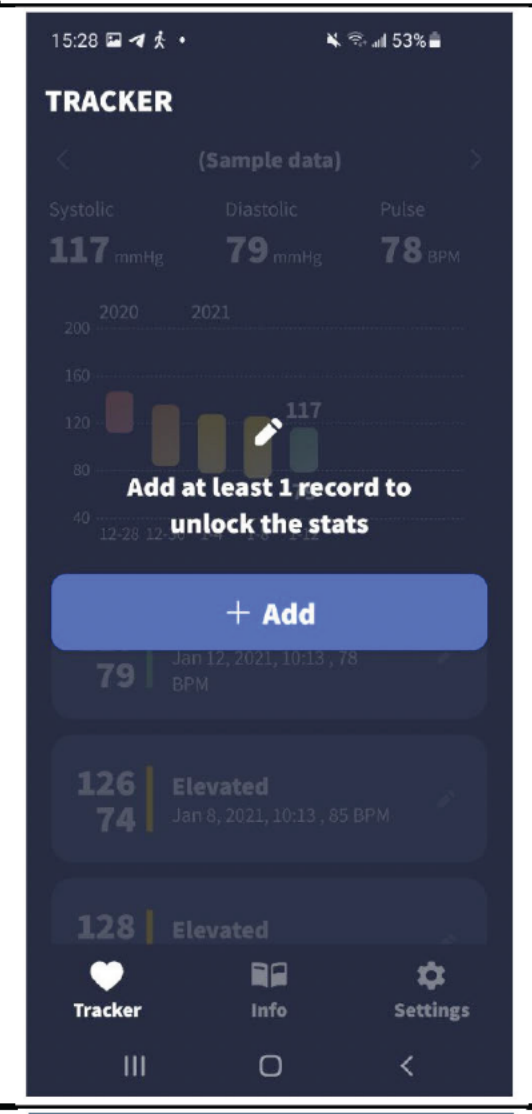
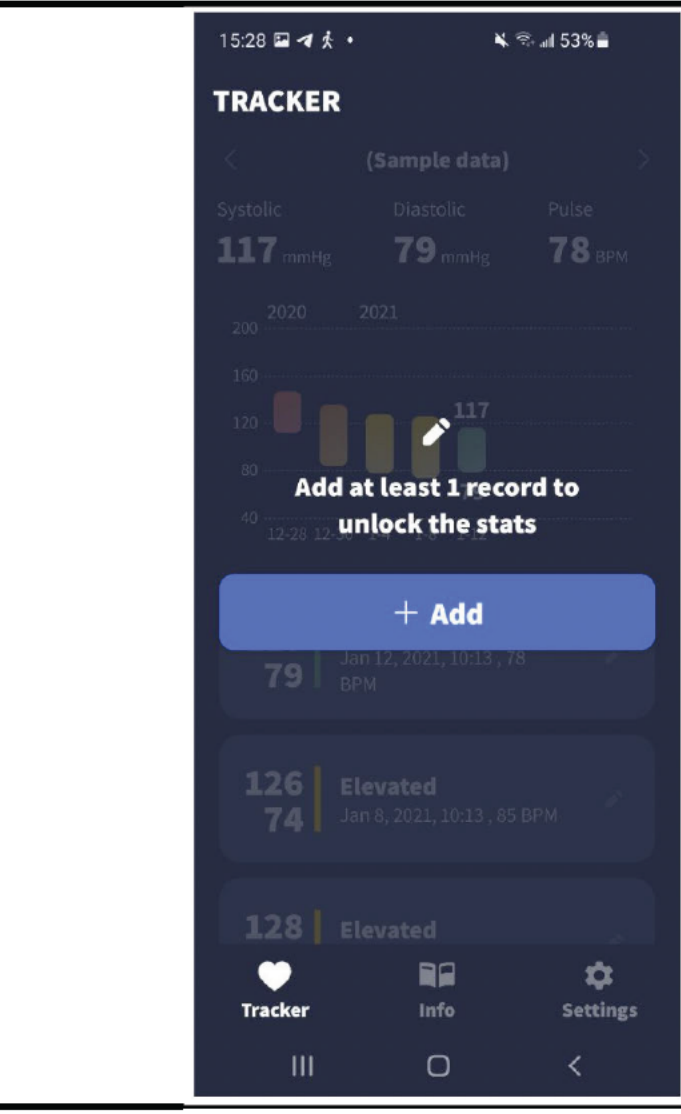
100% the Same

Totally the same copies of our articles as shown at right



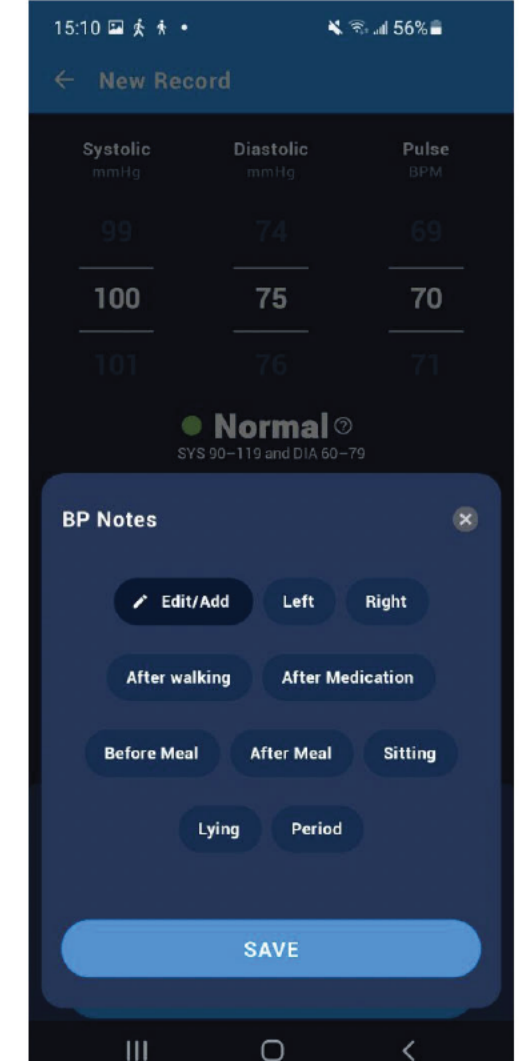
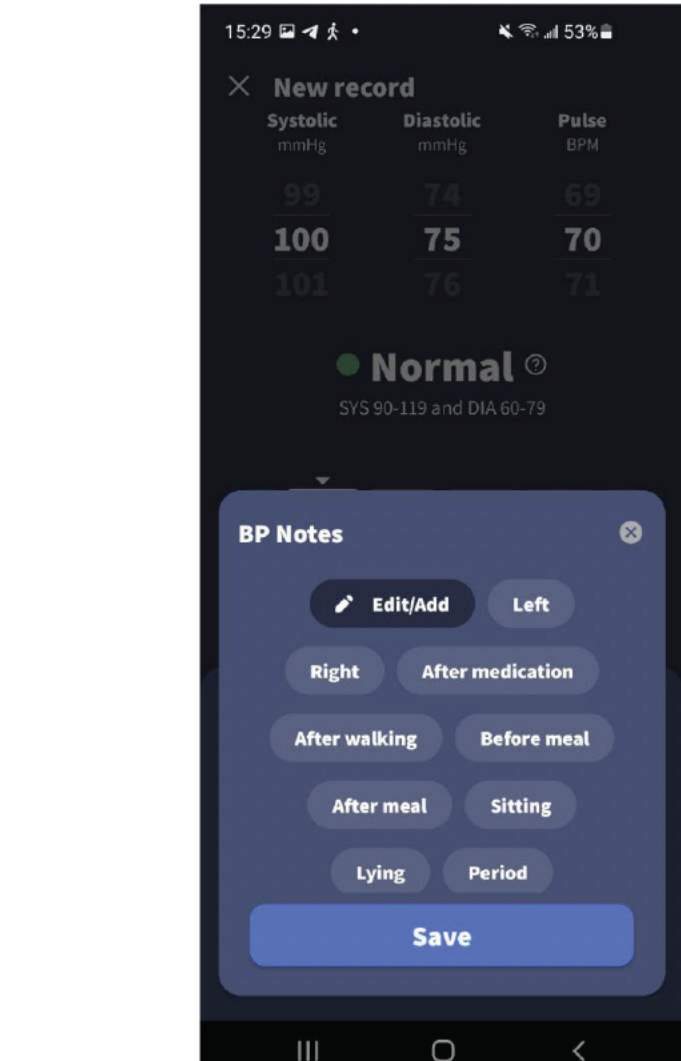
100% the Same

Totally the same copies of our user interface as shown at right



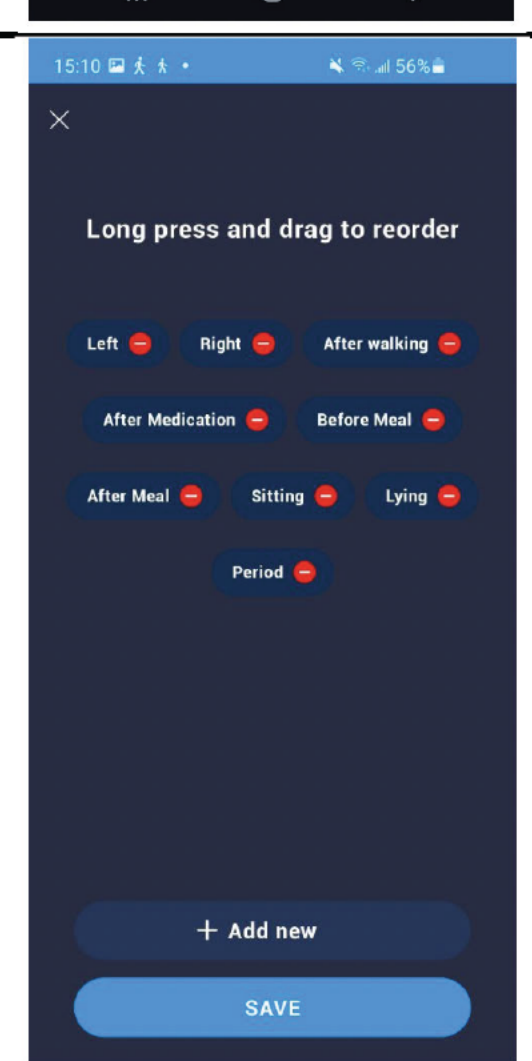
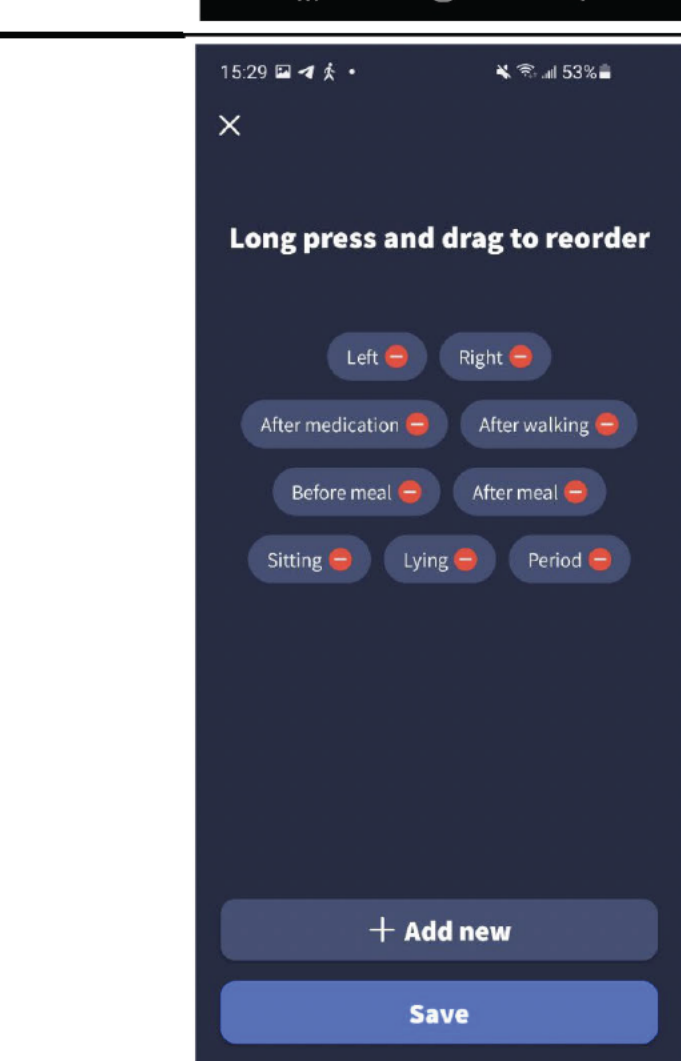
100% the Same

Totally the same copies of our user interface as shown at right



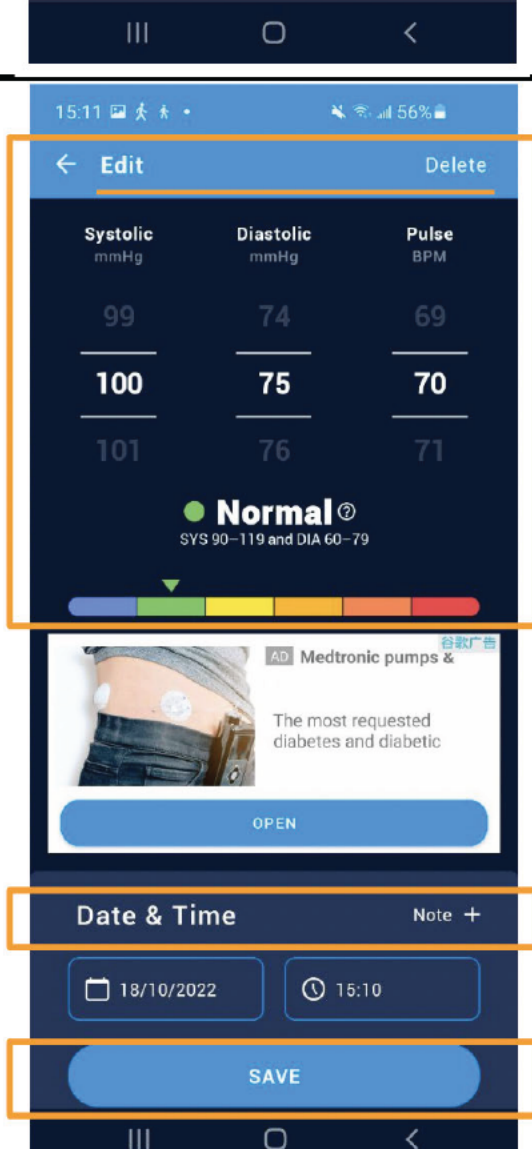
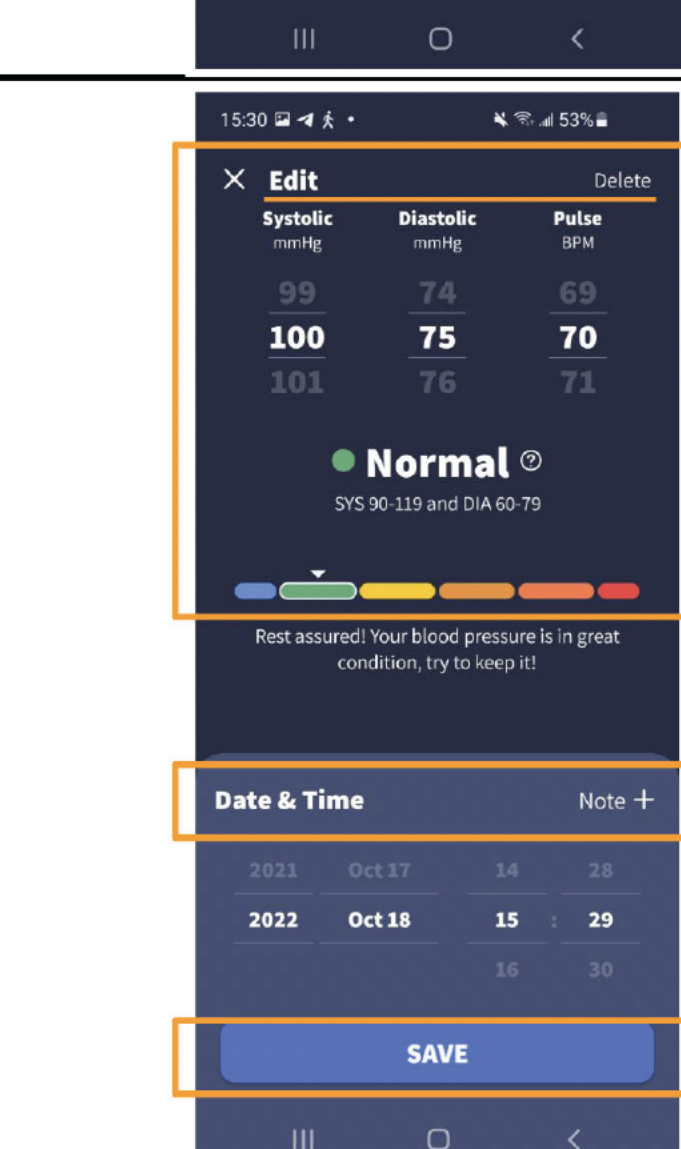
100% the Same

Totally the same copies of our user interface as shown at right



100% the Same

Totally the same copies of our user interface as shown at right



Our app was copyright protected for the **EARLIER RELEASE**

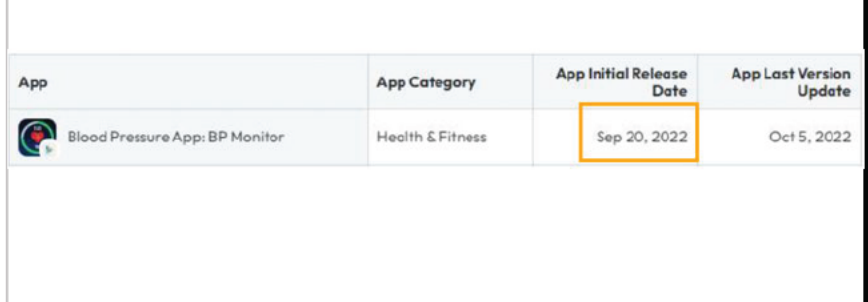
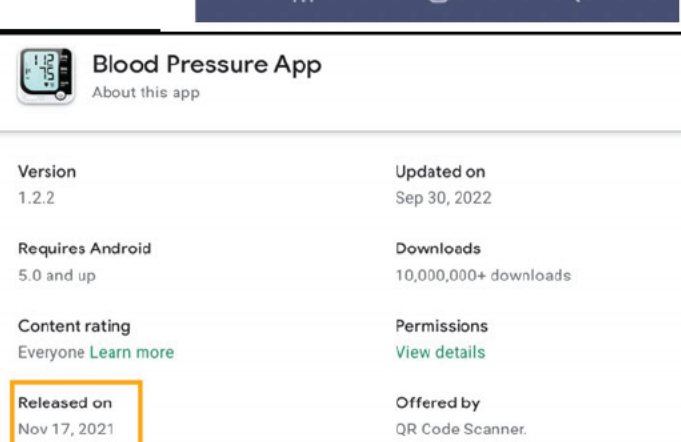


EXHIBIT B

Shelley Ivan

From: Shelley Ivan
Sent: Friday, January 6, 2023 2:30 AM
To: Shelley Ivan
Subject: FW: Re: Your Request to Google [2-7084000033674]

----- Forwarded message -----

From: <removals@google.com>
Date: Thu, Dec 1, 2022 at 11:08 PM
Subject: Re: Your Request to Google [2-7084000033674]
To: <deephought7.5m@gmail.com>

Hello,

Thanks for reaching out to us.

We've decided not to take action on this content. You could send your request straight to the individual who posted the content.

If you need more information about the individual who posted the content, you'll need to serve us with valid legal process. For more information about this, contact us at google-legal-support@google.com from the U.S., or internationalcivil@google.com from outside the U.S.

If you pursue legal action and the content is found to be illegal or ordered to be removed, you can send us the court order seeking removal using [this form](#).

Regards,

The Google Team

For more information about our content removal process access g.co/legal.

Report alleged copyright infringement

Country of residence
Singapore

Full legal name
Sherry Smith

Full legal name of the copyright holder you represent
QR Code Scanner.

Contact email address

deephought7.5m@gmail.com

Identify and describe the copyrighted work

QR Code Scanner. is the Copyright owner of the source code and articles in the app.

The developer "Begamob Global" maliciously copied our string text on source code and in-app articles & UI design WITHOUT any changes.

We created all source code and articles by ourselves, we can provide all of the source evidence if needed. The infringing apps violated the Copyright basic protection, bringing negative impact.

Pursuant to Section 512(c) of the Digital Millennium Copyright Act ("DMCA"), we would like to request an immediate removal of these infringing apps from the Google Play platform. Your assistance in this matter is highly appreciated.

Details of our copyrighted applications and the infringing evidence are on the attachment. Many thanks in advance.

Regards,

Where can we see an authorized example of the work?

<https://play.google.com/store/apps/details?id=bloodpressure.bloodpressureapp.bloodpressuretracker&gl=us>

Allegedly infringing URLs

<https://play.google.com/store/apps/details?id=com.bloodpressure.tracker.app.bpmonitor.bptracker&gl=us>

Attach a screenshot of the allegedly infringing material

BP Infringement Material.pdf

I have a good faith belief that use of the copyrighted materials described above as allegedly infringing is not authorized by the copyright owner, its agent, or the law.

Please check to confirm

The information in this notification is accurate and I swear, under penalty of perjury, that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

Please check to confirm

I understand that a copy of the notice may be sent to the developer of the affected content.

Please check to confirm

Signature

Sherry Smith

----- Forwarded message -----

From: <removals@google.com>
Date: Tue, Dec 13, 2022 at 10:08 PM
Subject: Re: Your Request to Google [9-3832000033281]
To: <deephought7.5m@gmail.com>

Hello,

Thanks for reaching out to us.

Regarding the following URLs:

<https://play.google.com/store/apps/details?id=com.bloodpressure.tracker.app.bpmonitor.bptracker>

We note that the developer in question has provided contact information in their application listing. Please confirm that you have first attempted to resolve this issue with the developer of the application in question by contacting them at info@begamob.com.

Regards,

The Google Team

For more information about our content removal process access g.co/legal.

Report alleged copyright infringement

Country of residence

Singapore

Full legal name

Ada Lee

Full legal name of the copyright holder you represent

QR Code Scanner.

Contact email address

deephought7.5m@gmail.com

Identify and describe the copyrighted work

This infringing app uses our in-app articles without authorization.

Where can we see an authorized example of the work?

<https://play.google.com/store/apps/details?id=bloodpressure.bloodpressureapp.bloodpressuretracker>

Allegedly infringing URLs

<https://play.google.com/store/apps/details?id=com.bloodpressure.tracker.app.bpmonitor.bptracker>

Attach a screenshot of the allegedly infringing material

Infringement Material_1209.pdf

Report Intentional Plagiarism of Copyrighted In-app Articles

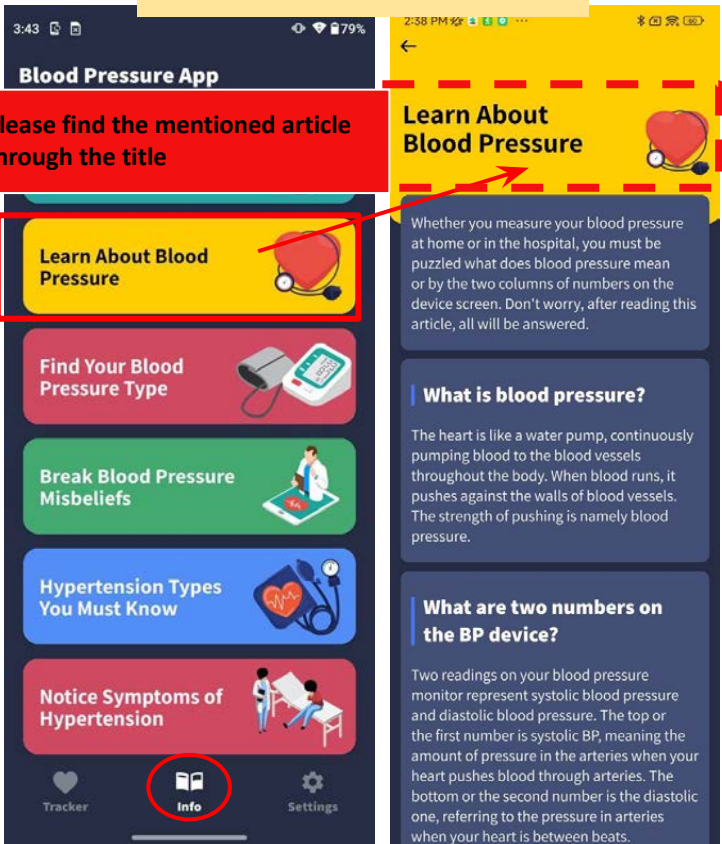


[Infringement Link](#)

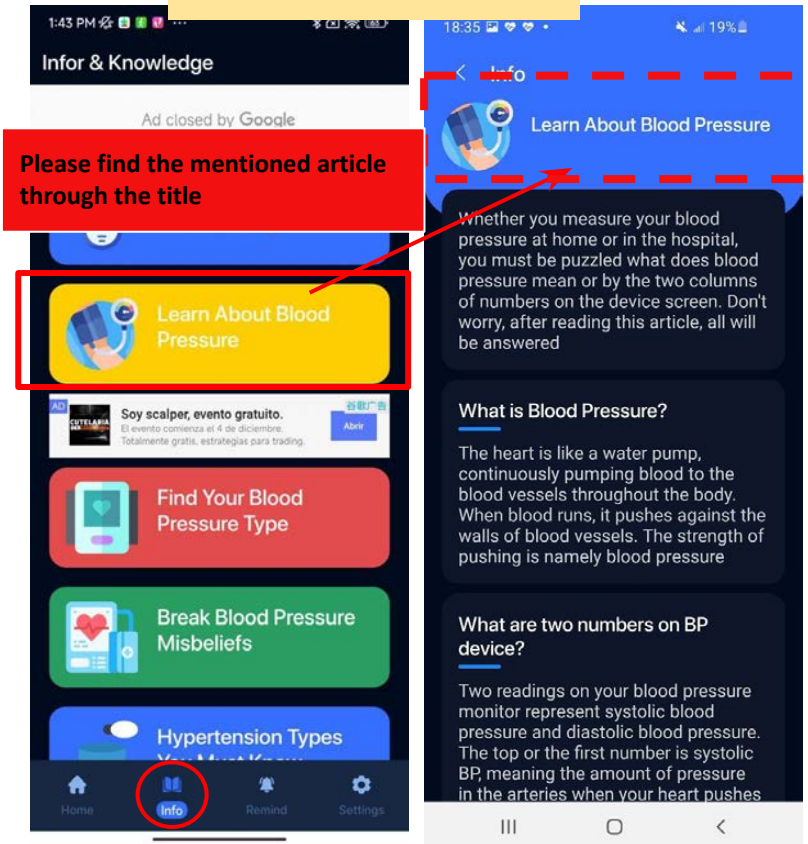
Blood Pressure Tracker App

➤ To Find the Mentioned Articles

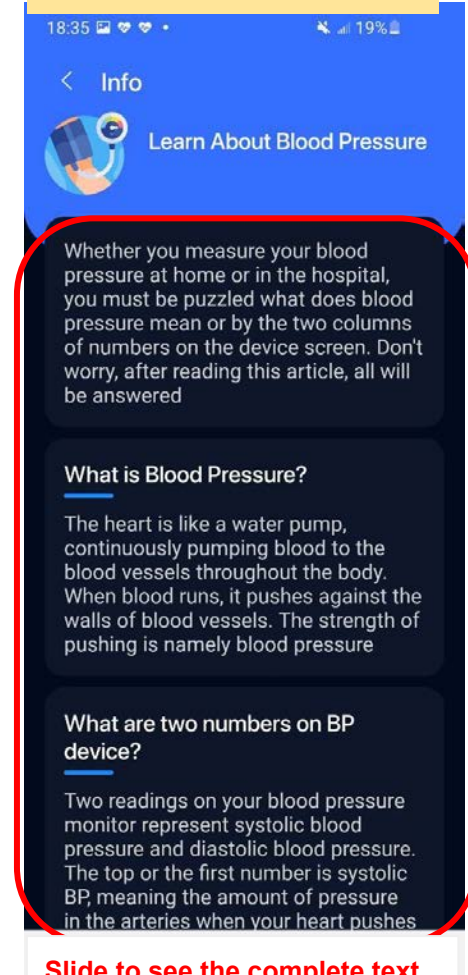
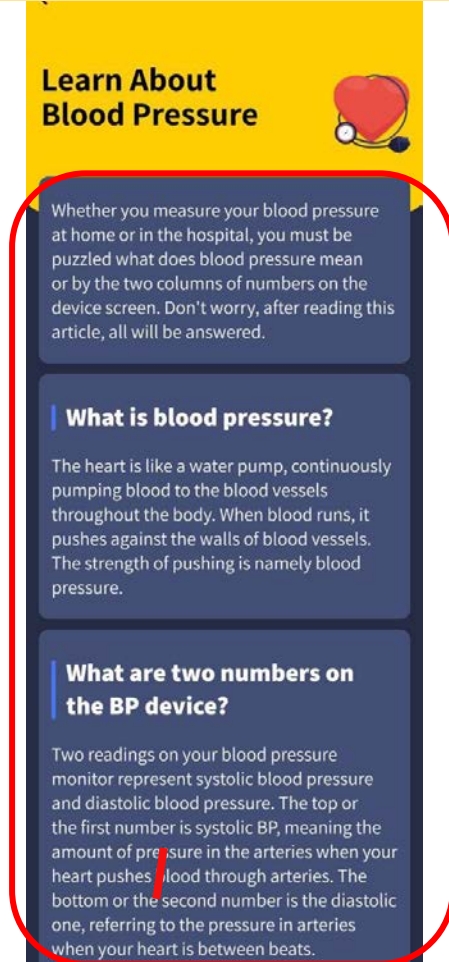
Our Copyrighted Work



Infringement



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Slide to see the complete text

Proof of Originality

Original Article

Learn About Blood Pressure

Whether you measure your blood pressure at home or in the hospital, you must be puzzled what does blood pressure mean or by the two columns of numbers on the device screen. Don't worry, after reading this article, all will be answered.

<h1> What is blood pressure?

The heart is like a water pump, continuously pumping blood to the blood vessels throughout the body. When blood runs, it pushes against the walls of blood vessels. The strength of pushing is namely blood pressure.

<h1>What are two numbers on the BP device?

Two readings on your blood pressure monitor represent systolic blood pressure and diastolic blood pressure. The top or the first number is systolic BP, meaning the amount of pressure in the arteries when your heart pushes blood through arteries. The bottom or the second number is the diastolic one, referring to the pressure in arteries when your heart is between beats.

Reference

In the most basic terms, when your heart beats, it pumps blood throughout your body, supplying it with the oxygen and energy it needs. As your blood moves, it pushes against the sides of your blood vessels. The strength of this pushing is what is known as blood pressure.

Normal blood pressure is vital to life. Without the pressure that forces our blood to flow around the circulatory system, no oxygen or nutrients would be delivered through our arteries to the tissues and organs.

When you get your blood pressure numbers, there are two of them. The first, or "top" one, is your systolic blood pressure. The second, or "bottom," one is diastolic blood pressure. Knowing both is important and could save your life.

The top number refers to the amount of pressure in your arteries during the contraction of your heart muscle. This is called systolic pressure.

The bottom number refers to your blood pressure when your heart muscle is between beats. This is called diastolic pressure.

Reference Website

<https://www.matherhospital.org/wellness-at-mather/diseases-conditions/cardiology-101-what-does-blood-pressure-really-mean/>

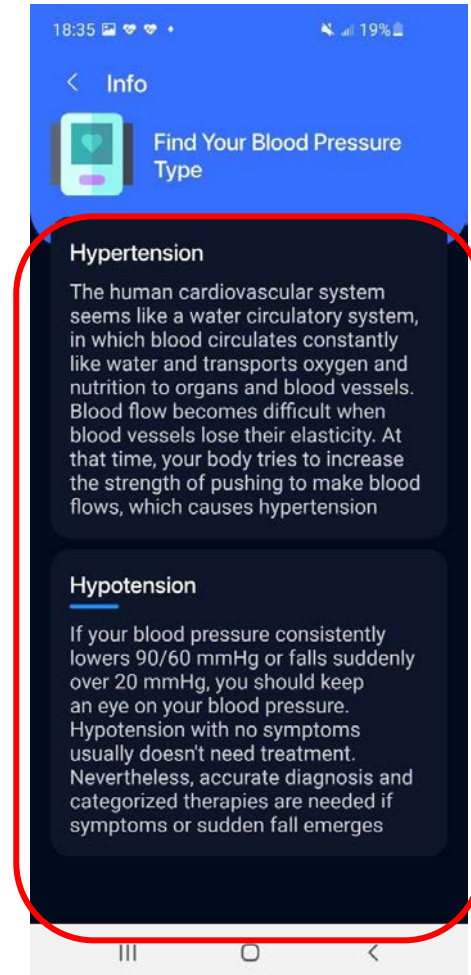
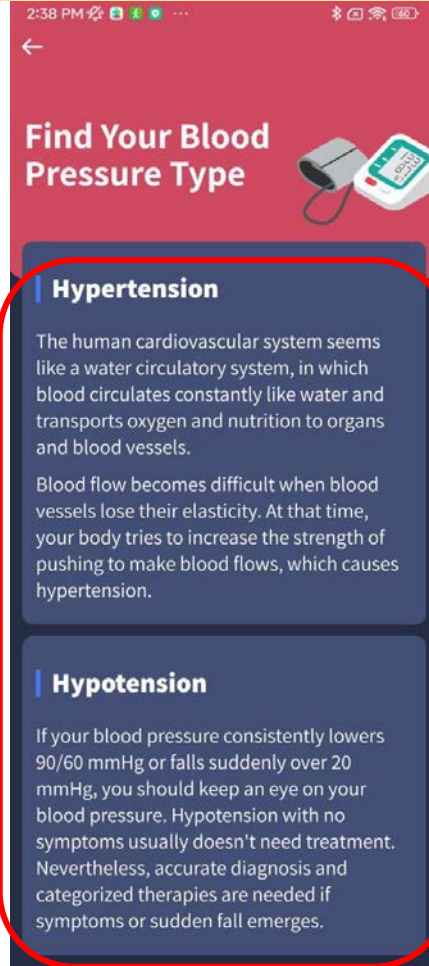
<https://www.medicalnewstoday.com/articles/270644>

<https://www.webmd.com/hypertension-high-blood-pressure/guide/diastolic-and-systolic-blood-pressure-know-your-numbers#1>

<https://www.healthline.com/health/high-blood-pressure-hypertension/blood-pressure-reading-explained>

Above is the editing process of our original articles: Our team created all the articles by ourselves with the detailed reference information as shown right

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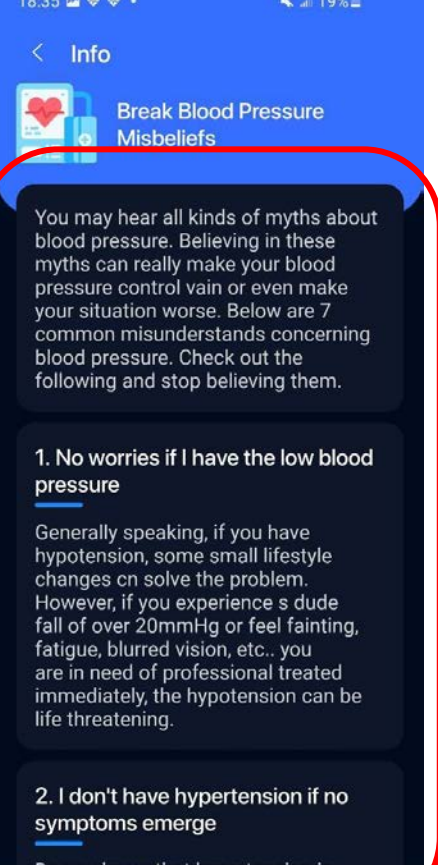


Our Copyrighted Work



Slide to see the complete text

Infringement



Slide to see the complete text

100% plagiarized copyrighted in-app articles deliberately without any changes

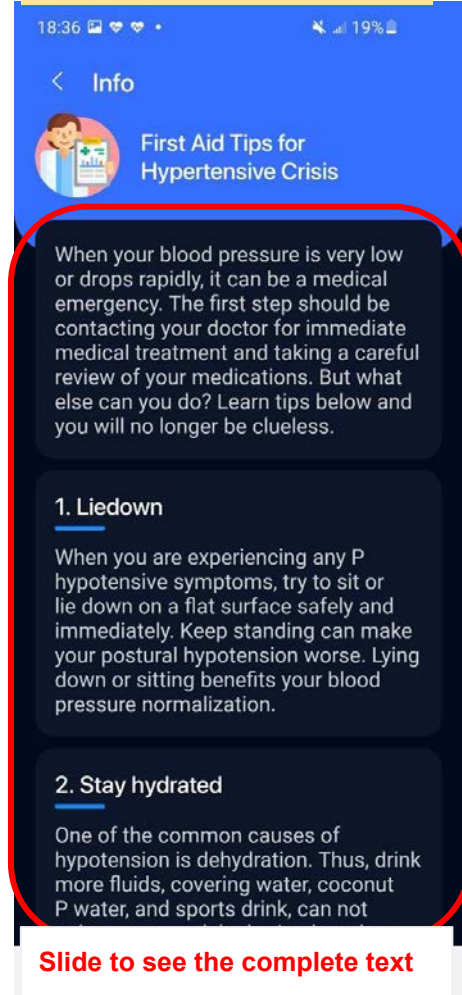
Proof of Originality

Original Article

Break Blood Pressure Misbeliefs	Reference	Reference Website
<p>You may hear all kinds of myths about blood pressure. Believing in these myths can really make your blood pressure control vain or even make your situation worse. Below are 7 common misunderstands concerning blood pressure. Check out the following and stop believing them.</p>	<p>Low blood pressure isn't anything to worry about.</p> <p>Fact: Low blood pressure, or hypotension, can be a concern if it causes symptoms, such as dizziness, fainting, or even shock. Dizziness or fainting could lead to a serious fall. Shock, if not treated immediately, could end in death. However, it's true that low blood pressure is actually normal for some people.</p>	<p>https://www.healthgrades.com/right-care/high-blood-pressure/9-myths-about-blood-pressure</p>
<p><h1>1. No worries if I have the low blood pressure</p> <p>Generally speaking, if you have hypotension, some small lifestyle changes can solve the problem. However, if you experience a sudden fall of over 20 mmHg or feel fainting, fatigue, blurred vision, etc., you are in need of professional treatment. If not treated immediately, the hypotension can be life-threatening.</p>	<p>A sudden fall in blood pressure can be dangerous. A change of just 20 mm Hg — a drop from 110 systolic to 90 mm Hg systolic, for example — can cause dizziness and fainting when the brain fails to receive enough blood. And big drops, such as those caused by uncontrolled bleeding, severe infections or allergic reactions, can be life-threatening.</p>	<p>https://www.mayoclinic.org/diseases-conditions/low-blood-pressure/symptoms-causes/syc-20355465#:~:text=Most%20doctors%20consider%20blood%20pressure,blood%20pressure%20can%20be%20dangerous.</p>
<p><h1>2. I don't have hypertension if no symptoms emerge</p> <p>Do you know that hypertension is called the "silent killer"? It often runs silent and may have no symptoms, or the symptoms may be mild, which will not be taken seriously while it is causing great damage to your health.</p>	<p>High blood pressure often runs silent and deep, stealthily building and cloaking its symptoms. As it continues along its insidious path, it can affect organ function and lead to serious and deadly consequences.</p>	<p>https://www.franciscanhealth.org/community/blog/hypertension-high-blood-pressure-a-silent-killer</p>
<p>When the symptoms appear, it indicates that the heart, brain, kidney, blood vessel or other organs have been severely damaged and cannot maintain normal functions. At that time, the optimal treatment opportunity has been</p>	<p>Fact: High blood pressure doesn't have symptoms. In fact, nearly one-third of U.S. adults with high blood pressure don't even know they have it. A simple blood pressure measurement can find those affected, yet still undiagnosed</p>	<p>https://www.healthgrades.com/right-care/high-blood-pressure/9-myths-about-blood-pressure</p>

Above is the editing process of our original articles: Our team created all the articles by ourselves with the detailed reference information as shown right

100% plagiarized copyrighted in-app articles deliberately without any changes



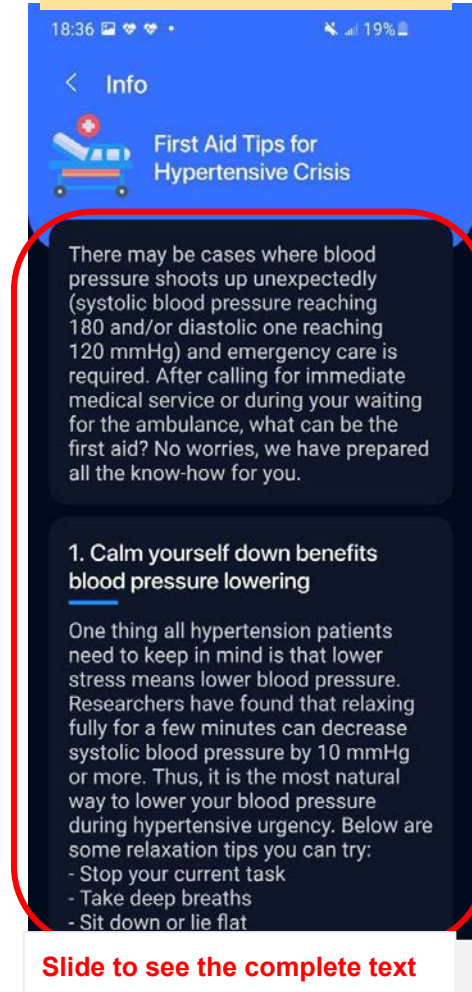
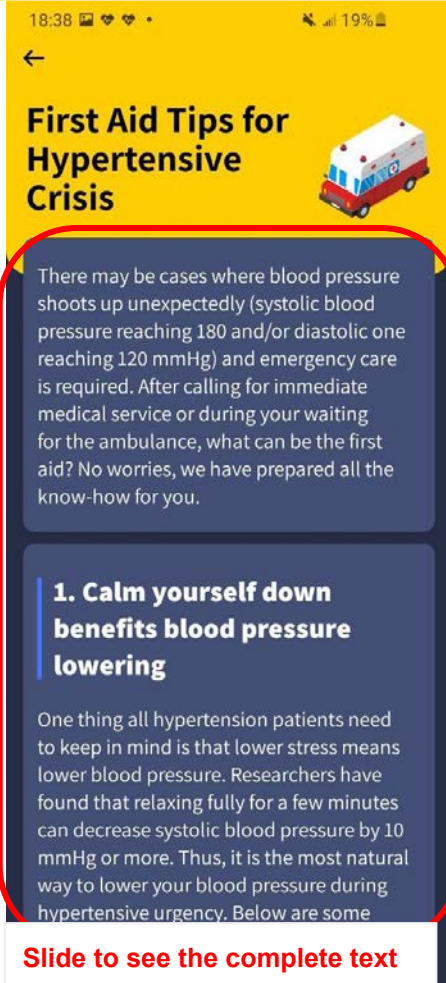
Proof of Originality

Original Article

First Aid Tips for Hypotensive Crisis	Reference	Reference Website
<p>When your blood pressure is very low or drops rapidly, it can be a medical emergency. The first step should be contacting your doctor for immediate medical treatment and taking a careful review of your medications. But what else can you do? Learn tips below and you will no longer be clueless.</p>	<p>If you feel faint, you should immediately sit or lie down if you can do so safely.</p>	
<p><h1>1. Liedown</p>	<p>The moment you experience the giddiness, dizziness, black out or any other symptom of low blood pressure, lie down on a flat surface. Close your eyes for a few minutes or until you feel your pressure normalise.</p>	<p>https://www.bupa.co.uk/health-information/heart-blood-circulation/low-blood-pressure-hypotension</p>
<p>When you are experiencing any hypotensive symptoms, try to sit or lie down on a flat surface safely and immediately. Keeping standing can make your postural hypotension worse. Lying down or sitting benefits your blood pressure normalization.</p>	<p>Drink at least 2 to 3 litres of water every day. Besides this, include drinks like coconut water, bael ka sharbat and aam panna in your low blood pressure diet. These will give you the necessary electrolytes required to maintain the fluids in your body. Dehydration is a common cause of low blood pressure. Pomegranate juice is rich in antioxidants called polyphenols and may help you lower your blood pressure. One of the best ways to fight dehydration is water; so, do not forget to load up on enough water for the day.</p>	<p>https://www.thehealthsite.com/diseases-conditions/first-aid-for-low-blood-pressure-b1215-356404/</p>
<p><h1>2. Stay hydrated</p>	<p>You can even add a pinch of salt and sugar to the water. Sodium in the salt improves your blood pressure while sugar helps in restoring the glucose level (if caused due to low blood glucose or hypoglycaemia).</p>	<p>https://food.ndtv.com/health/home-remedies-for-low-blood-pressure-1287697</p>
<p>One of the common causes of hypotension is dehydration. Thus, drinking more fluids, covering water, coconut water, and sports drink, can not only ease your dehydration but also helps maintain the fluids in your body. Besides, you can add a small amount of salt or sugar to improve your blood pressure or restore your glucose level.</p>	<p>Generally, the higher your sodium intake, the higher your blood pressure. Long-term, this can put an extra burden on your heart and blood vessels, so you should consult your doctor before adding too much sodium to your diet, as it may increase the chances of other cardiovascular conditions.</p>	<p>https://www.thehealthsite.com/diseases-conditions/first-aid-for-low-blood-pressure-b1215-356404/</p>
<p><h1>3. Take adequate salt</p>	<p>Oral rehydration salts or ORS not only rehydrates the body but also supplies salt and other electrolytes, which helps in</p>	

Above is the editing process of our original articles: Our team created all the articles by ourselves with the detailed reference information as shown right

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Original Article

First Aid Tips for Hypertensive Crisis

There may be cases where blood pressure shoots up unexpectedly (systolic blood pressure reaching 180 and/or diastolic one reaching 120 mmHg) and emergency care is required. After calling for immediate medical service or during your waiting for the ambulance, what can be the first aid? No worries, we have prepared all the know-how for you.

<h1>1. Calm yourself down benefits blood pressure lowering

One thing all hypertension patients need to keep in mind is that lower stress means lower blood pressure. [Researchers have found that relaxing fully for a few minutes can decrease systolic blood pressure by 10 mmHg or more.](#) Thus, it is the most natural way to lower your blood pressure during hypertensive urgency. Below are some relaxation tips you can try:

- [Stop your current task](#)
- [Take deep breaths](#)
- [Sit down or lie flat](#)
- Listen to relaxing sounds
- Meditate

<h1>2. Take your blood pressure medication

If you are a hypertension patient, you [must have blood pressure medicines that the doctor has prescribed for you.](#) Medication is the main option for treating high blood pressure. Therefore, if you or your family members experience a hypertensive emergency, never forget to take medical treatment as soon as possible.

<h1>3. Sip a cup of hibiscus tea

Reference

"If you have high blood pressure (hypertension), without any complications, [the first thing to do is to calm down and lie flat.](#) Leave aside the task you were engaged in and slowly start taking deep breaths. This stress-relieving technique helps to bring down the blood pressure to a certain extent. Additionally, do not forget to take your antihypertensive medications for blood pressure that is uncontrolled by lifestyle changes and diet."

For some people, medication — in addition to lifestyle changes — is necessary to get blood pressure to a healthy level. Even so, stress management can be a helpful addition. In fact, a randomized, controlled trial of older adults showed that an [eight-week program of relaxation response plus other stress management techniques lessened the amount of medication some of the participants needed to control their blood pressure.](#) Fully relaxing your body and your mind for a few minutes a day could [lower your systolic blood pressure \(the top number of a blood pressure reading\) by 10 points or more](#)—at no cost, and with no side effects.

"

If you have temporary high blood pressure from exercise, stress or excitement, you can lower your blood pressure fast by returning your body to a calm state. Since stress can also trigger unhealthy habits, such as overeating or poor sleep, which contribute to high blood pressure, [reducing stress can help lower high blood pressure naturally.](#)"

[Take your blood pressure medication if your doctor has prescribed something for you.](#)

"

Reference Website

https://www.medicinenet.com/how_to_lower_my_blood_pressure_immediately/article.htm

<https://www.health.harvard.edu/mind-and-mood/lower-stress-lower-your-blood-pressure>
<https://piedmonthealth.org/relax-your-way-to-lower-blood-pressure/#:~:text=Fully%20relaxing%20your%20body%20and,and%20with%20no%20side%20effects.>

<https://www.healthgrades.com/right-care/high-blood-pressure/how-can-you-lower-high-blood-pressure-immediately>

<https://www.adityabirlacapital.com/healthinsuranc/active-together/2020/06/24/lower-blood-pressure-in-emergency/>

<https://www.adityabirlacapital.com/healthinsuranc/active-together/2020/06/24/lower-blood-pressure-in-emergency/>

<https://www.thedailymeal.com/healthy-eating/best-tea-lower-blood-pressure>

<https://www.webmd.com/heart/news/20081110/hibiscus-tea-may-cut-blood-pressure>

<https://www.livestrong.com/article/464240-chomomile-tea-and-blood-pressure/>

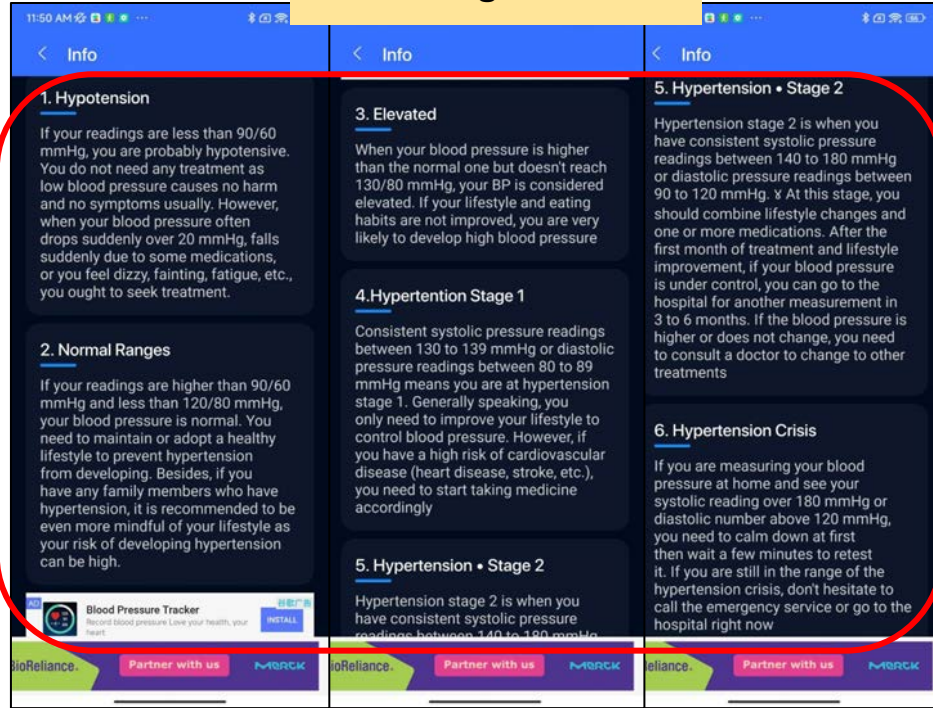
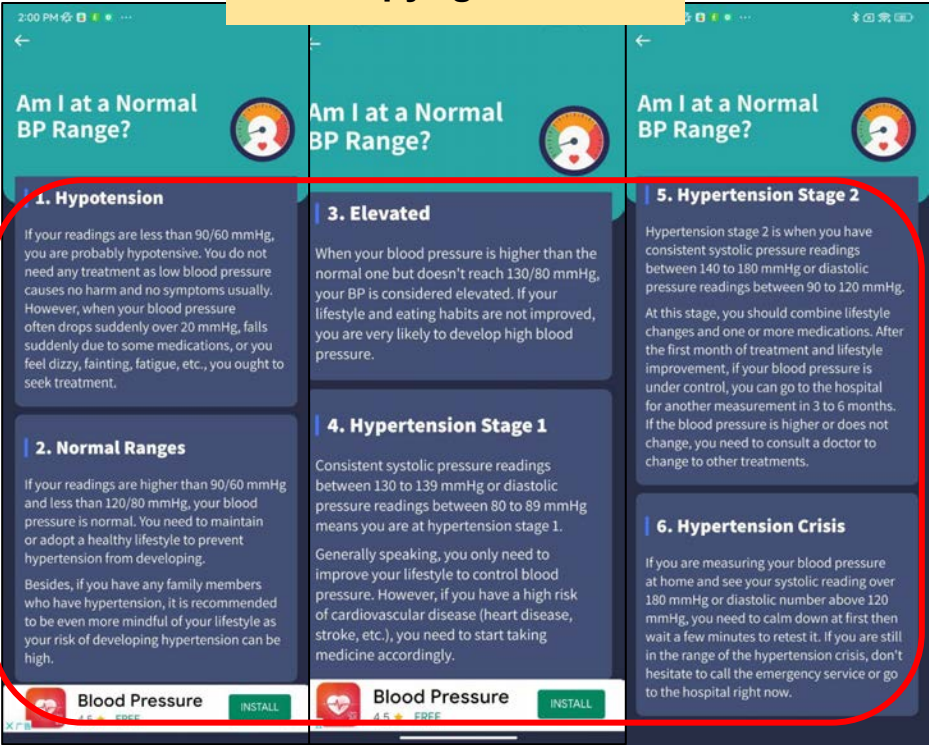
<https://www.webmd.com/hypertension-high-blood-pressure/news/20070703/dark-chocolate-may-help-blood-pressure>

<https://pumpingmarvellous.org/dark-chocolat>

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Our Copyrighted Work

Infringement



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Proof of Originality

Original Article

Am I at a normal BP range?	Reference	Reference Website
<p>What range can be determined as hypertension? If one of your readings reaches the standard for high blood pressure, but the other one does not, how to determine that? To define your blood pressure numbers, you can see the blood pressure category below.</p> <p><h1>1. Hypotension</p> <p>If your readings are less than 90/60 mmHg, you are probably hypotensive. You do not need any treatment as low blood pressure causes no harm and no symptoms usually. However, when your blood pressure often drops suddenly over 20 mmHg, falls suddenly due to some medications, or you feel dizzy, fainting, fatigue, etc., you ought to seek treatment.</p> <p><h1>2. Normal Ranges</p> <p>If your readings are higher than 90/60 mmHg and less than 120/80 mmHg, your blood pressure is normal. You need to maintain or adopt a healthy lifestyle to prevent hypertension from developing.</p> <p>Besides, if you have any family members who have hypertension, it is recommended to be even more mindful of your lifestyle as your risk of developing hypertension can be high.</p> <p><h1>3. Elevated</p> <p>When your blood pressure is higher than the normal one but doesn't reach 130/80 mmHg, your BP is considered elevated. If your lifestyle and eating habits are not improved, you are very likely to develop high blood pressure.</p>	<p>When you get your blood pressure numbers, there are two of them. The first, or "top" one, is your systolic blood pressure. The second, or "bottom," one is diastolic blood pressure. Knowing both is important and could save your life.</p> <p>The top number refers to the amount of pressure in your arteries during the contraction of your heart muscle. This is called systolic pressure.</p> <p>The bottom number refers to your blood pressure when your heart muscle is between beats. This is called diastolic pressure.</p> <p>A sudden fall in blood pressure can be dangerous. A change of just 20 mm Hg — a drop from 110 systolic to 90 mm Hg systolic, for example — can cause dizziness and fainting when the brain fails to receive enough blood. And big drops, such as those caused by uncontrolled bleeding, severe infections or allergic reactions, can be life-threatening.</p> <p>Low blood pressure is a reading of less than 90/60mmHg. It does not always cause symptoms, but you may need treatment if it does.</p> <p>Elevated blood pressure means that your blood pressure is slightly above what is considered normal. Some doctors refer to slightly elevated blood pressure as prehypertension. Elevated blood pressure will likely turn into high blood pressure (hypertension) unless you make lifestyle changes, such as getting more exercise and eating healthier foods.</p> <p>Anyone can have elevated blood pressure, even children, especially if they're overweight or obese.</p>	<p>https://www.webmd.com/hypertension-high-blood-pressure/guide/diastolic-and-systolic-blood-pressure</p> <p>https://www.healthline.com/health/high-blood-pressure-hypertension/blood-pressure</p> <p>https://www.mayoclinic.org/diseases-conditions/low-blood-pressure/symptoms-causes/syc-20355465#:~:text=Most%20doctors%20consider%20blood%20pressure,blood%20pressure%20can%20be%20dangerous.</p> <p>https://www.nhs.uk/conditions/low-blood-pressure-hypotension/</p> <p>https://www.mayoclinic.org/diseases-conditions/prehypertension/symptoms-causes/syc-20376703</p>

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Our team created all the articles by ourselves with the detailed reference information as shown right

App Release Date

Our Copyright Work

About

Category: Health & Fitness

Initial Release Date: Nov 17, 2021

Worldwide Release Date: Nov 17, 2021

Last Updated Time: Nov 27, 2022

Version: 1.4.4

Size: 7.86 mb

Content Rating: Rated for 3+

Requirement: 5.0

Contains Ads: Yes

Package name: bloodpressure.bloodpressureapp.bloodpressuretracker

Infringement

About

Category: Health & Fitness

Initial Release Date: Sep 26, 2022

Worldwide Release Date: Oct 2, 2022

Last Updated Time: Nov 27, 2022

Version: 2022.11.24

Company HQ: Vietnam

Content Rating: Rated for 3+

Contains Ads: Yes

Package name: com.bloodpressure.tracker.app.bpmonitor.bptracker



Our Copyright Work

More Evidence Can be Provided If Needed

I have a good faith belief that use of the copyrighted materials described above as allegedly infringing is not authorized by the copyright owner, its agent, or the law.

Please check to confirm

The information in this notification is accurate and I swear, under penalty of perjury, that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

Please check to confirm

I understand that a copy of the notice may be sent to the developer of the affected content.

Please check to confirm

Signature

Ada Lee

EXHIBIT C

Shelley Ivan

From: BEGAMOB <phuongntb@begamob.com>
Sent: Wednesday, March 22, 2023 8:51 PM
To: deepthought7.5m@gmail.com; Shelley Ivan
Subject: Truthly Apology from Begamob for copyright infringement mistake

Dear Akrura PTE. LTD and Shelley Ivan (Ms.) from Rimon, P.C, represent Akrura PTE. LTD,

Hope this email finds you well and that you had a wonderful day.

My name is Candace Nguyen. I take responsibility for Business Development at Begamob Global PTE. LTD.

I am writing this letter to discuss the Report Plagiarism of Copyrighted In App Articles without your company's authorization on Google Play, specifically here is *Heart Rate Monitor - Pulse App*. And there is an allegedly infringing app from Begamob's side: *Blood Pressure: Heart Rate* - Package name: com.bloodpressure.heartrate.bloodtracker.heartmonitor

I would like to represent my company to convey sincere apologies to your company for any mistakenly attributed copyright infringement which may have been associated with our mobile application on Google Play. We understand the importance of adhering to copyright laws and take full responsibility for it. We deeply regret any inconvenience or damage this may have caused to your organization.

While our application design was unique, we inadvertently included components derived from your content with regard to certain features in-app. We have identified and removed the plagiarized content from our app immediately after receiving the report from your team. In order to ensure that this issue will not recur in the future, we have taken the following proactive steps:

- We have implemented a thorough review process to ensure that all content used in our app is original and properly attributed.
- We have created an internal review of all app updates that must go through prior to their release. This process involves verifying that all code is in compliance with copyright and licensing laws.
- Our development team has been educated on best practices for avoiding copyright and licensing violations.

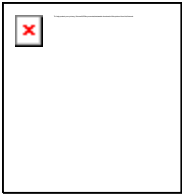
We value our relationship with your organization. Also, we hope that these steps taken demonstrate our commitment to maintaining a good relationship with your company and to protecting its hard-earned reputation.

We understand that the report has been filed with Google Play, and we would like to discuss other options to resolve this matter amicably. We would like to request your help in removing the report from Google Play. We hope that we can work together to find a mutually beneficial solution to this issue.

Again, we deeply apologize for any worries that this incident may cause you.

Thank you for your understanding and cooperation.

Sincerely,
Candace Nguyen



Candace Nguyen (MS.) | Business Development Executive

Phone: +84 394 000 881

Email: phuongntb@ikameglobal.com

LinkedIn: [Candace Nguyen](#)

Website: begamob.com

Headquarters: 36 Hoang Cau st., Dong Da dist., Hanoi, Viet Nam

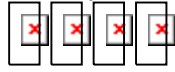


EXHIBIT D

Shelley Ivan

From: Shelley Ivan
Sent: Monday, August 14, 2023 2:41 PM
To: info@begamob.com
Cc: Zheng (Jen) Liu; Jenny Houston
Subject: Akrura v. Apero et al., Case No. 23-cv-000102
Attachments: 2023.08.14 Mtn for Default Entry by Clerk - FILING VERSION.pdf; 2023.08.14 Decl of Shelley Ivan ISO Mtn for Default Entry by Clerk - FILING VERSION.pdf

Dear Begamob Representative,

Pursuant to the Court's alternative service order (Dkt. No. 24), attached please find Plaintiff's Motion for Entry of Default by the Clerk Pursuant to Rule 55(a) of the Federal Rules of Civil procedure and supporting Declaration of Shelley Ivan. These papers are being filed with the Court today. Thank you.

Best regards,

Shelley Ivan

Shelley Ivan | Partner

RIMÓN PC

+1 332.600.4332 | shelley.ivan@rimonlaw.com
100 Park Avenue 16th Floor, New York, NY 10017

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This e-mail is sent by a law firm and contains information that may be confidential or privileged. If you have received this communication in error, please reply to the sender (only) and then please delete this message from your inbox as well as any copies. Thank you.

Shelley Ivan

From: Shelley Ivan
Sent: Monday, August 14, 2023 2:41 PM
To: liveroyalstudio.inc@gmail.com
Cc: Zheng (Jen) Liu; Jenny Houston
Subject: Akrura v. Aperio et al., Case No. 23-cv-000102
Attachments: 2023.08.14 Mtn for Default Entry by Clerk - FILING VERSION.pdf; 2023.08.14 Decl of Shelley Ivan ISO Mtn for Default Entry by Clerk - FILING VERSION.pdf

Dear Trusted Tools & Utilities Representative,

Pursuant to the Court's alternative service order (Dkt. No. 24), attached please find Plaintiff's Motion for Entry of Default by the Clerk Pursuant to Rule 55(a) of the Federal Rules of Civil procedure and supporting Declaration of Shelley Ivan. These papers are being filed with the Court today. Thank you.

Best regards,

Shelley Ivan

Shelley Ivan | Partner

RIMÔN PC

+1 332.600.4332 | shelly.ivan@rimonlaw.com
100 Park Avenue 16th Floor, New York, NY 10017

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EXHIBIT E

Shelley Ivan

From: Shelley Ivan
Sent: Tuesday, August 22, 2023 6:54 PM
To: removals@google.com
Cc: deepthought7.5m@gmail.com
Subject: RE: [9-5423000033857] Your Request to Google
Attachments: Akrura Complaint and Exhibits.pdf; Service Emails to Trusted Tools & Utilities App re Summons and Complaint in Akrura v. Apero.pdf

Dear Google Team,

My name is Shelley Ivan and my firm, Rimon, P.C., represents plaintiff Akrura PTE. LTD against three defendants, including Trusted Tools & Utilities App (“Tools”) in Akrura v. Apero, et al., Case No. 2:23-cv-000102, that was filed on January 6, 2023 with the United States District Court for the Central District of California. I have attached: (1) a filed copy of the complaint addressing defendant Tools’ infringing blood pressure application; and (ii) the service email to defendant Tools, advising them about the commencement of the lawsuit. Because this litigation is still pending, defendant Tools’ infringing application should not be reinstated.

Thank you very much for your time and attention to this matter.

Best regards,

Shelley Ivan

----- Forwarded message -----

From: <removals@google.com>
Date: Tue, Aug 22, 2023 at 2:36 PM
Subject: Re: [9-5423000033857] Your Request to Google
To: <deepthought7.5m@gmail.com>

Hello,

Thanks for reaching out to us.

In response to your copyright removal request, we’ve removed the content in question in all regions. However, the affected user has submitted a counter notice to dispute the removal. To help you understand the counter notice, a text copy is shown below.

We will reinstate the content in question in 10 business days unless you file a legal action seeking a court order to restrain the alleged infringement. Alternatively, you may have access to an out-of-court dispute resolution process. To learn more about your options in the EU, go to <https://support.google.com/european-union-digital-services-act-redress-options>. To learn more about your options in the US, go to <https://support.google.com/legal/answer/4558836>.

If you choose to pursue one of these options, please send us supporting documentation. If we receive your documentation after we have reinstated the alleged infringing content, we will reverse the reinstatement.

=====

Country of residence

Pakistan

Full legal name

Muhammad Abdullah

Your Title

Marketing Manager

Company name

Hazel Mobile

Contact email address

liveroyalstudio.inc@gmail.com

Address

Building 28, Ground Floor, Nishter Block, Sector E

Bahria Town, Lahore, Punjab, Pakistan 54000

Phone number

+923000506659

URL(s) of the content in question

<https://docs.google.com/presentation/d/1qV7x0aOx08BDCPhv1huQrZNOHChBFYA8wS1ARB3yicw/edit?usp=sharing>

Developer

Trusted Tools & Utilities Apps

App name

Blood Pressure App: BP Tracker

Why are you requesting reinstatement?

Select one of the options below.

I never used the content

Please provide more details to justify your request

Our app has been suspended due to an incorrect copyright complaint regarding the string code, in-app text, and app feature design. We want to provide a justification for why we did not infringe on any app.

To assist you in understanding the distinctions between our app and the claimed app, we have created a comprehensive comparison deck. This document visually and descriptively breaks down the key differences in design, features, and functionality, providing a clearer understanding of how our app differs from the claimed app. You can access the comparison deck using the following link:

<https://docs.google.com/presentation/d/1qV7x0aOx08BDCPhv1huQrZNOHChBFYA8wS1ARB3yjcw/edit?usp=sharing>

Our App ID and claimed App ID are provided in the document for clarity.

We request a thorough review of our app and the DMCA claim against it. We firmly believe that Blood Pressure App: BP Tracker fully complies with DMCA policies and regulations. Thus our app should be reinstated.

Thanks & Regards!

I consent to the jurisdiction of Federal District Court for the judicial district in which I reside (or the Northern District of California if my address is outside of the United States), and I will accept service of process from the person who provided notification under subsection (c)(1)(C) or an agent of such person.

Check to confirm

I swear, under penalty of perjury, that I have a good faith belief that the content identified above was removed or disabled as a result of a mistake or misidentification of the material to be removed or disabled.

Check to confirm

Signature

Muhammad Abdullah

<https://play.google.com/store/apps/details?id=bloodpressureapp.bloodpressuremonitor.bloodpressuretrack>

=====

Regards,

The Google Team

For more information about our content removal process, see [g.co/legal](https://www.google.com/legal).

Report alleged copyright infringement

Country of residence

Singapore

Full legal name

Sherry Smith

Full legal name of the copyright holder you represent

QR Code Scanner.

Contact email address

deephought7.5m@gmail.com

Identify and describe the copyrighted work

Above two infringing apps maliciously plagiarised our original copyrighted string code and in-app text, as well as the app feature design. Their intentional plagiarism not only infringes upon our intellectual property rights, but also violates the DMCA and google policies. Thus, we truly hope google could remove these two infringing apps ASAP to reduce the impact and losses it brings. Please contact us with any questions or further information.

Where can we see an authorized example of the work?

<https://play.google.com/store/apps/details?id=bloodpressure.bloodpressureapp.bloodpressuretracker>

Allegedly infringing URLs

<https://play.google.com/store/apps/details?id=com.bloodpressure.tracker.app.bpmonitor.bptracker>

<https://play.google.com/store/apps/details?id=bloodpressureapp.bloodpressuremonitor.bloodpressuretrack>

Attach a screenshot of the allegedly infringing material

Copyright_Infringement_Report_Gegamob_Global_&_Trusted_Tools.pdf

I have a good faith belief that use of the copyrighted materials described above as allegedly infringing is not authorized by the copyright owner, its agent, or the law.

Please check to confirm

The information in this notification is accurate and I swear, under penalty of perjury, that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

Please check to confirm

I understand that a copy of the notice may be sent to the developer of the affected content.

Please check to confirm

Signature

Sherry Smith

EXHIBIT F

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

AKRURA PTE. LTD, a Singapore
company,

Plaintiff,

v.

APEROTECNOLOGIES GROUP, a
Vietnam company, BEGAMOB
GLOBAL, and TRUSTED TOOLS &
UTILITIES APPS,

Defendants.

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

**DECLARATION OF RONA ELI
IN SUPPORT OF PLAINTIFF'S
RULE 55(b) RENEWED MOTION
FOR DEFAULT JUDGMENT AS TO
DEFENDANTS BEGAMOB GLOBAL
AND TRUSTED TOOLS &
UTILITIES APPS**

Judge: Hon. Josephine L. Staton
Magistrate Judge: Hon. Karen L.
Stevenson

- 1
- 2 1. I am an attorney licensed to practice law in the state of California.
- 3 2. I am an associate at the law firm of Duane Moris LLP.
- 4 3. I represent Defendant Apero Technologies Group (“Apero”) in the
- 5 above-captioned action.
- 6 4. I submit this Declaration in support of Plaintiff’s Rule 55(b)
- 7 Renewed Motion for Default Judgment against defendants Begamob Global
- 8 (“Begamob”) and Trusted Tools & Utilities Apps (“Tools”).
- 9 5. On January 12, 2024, Plaintiff and defendant Apero filed a notice of
- 10 settlement as to Apero.
- 11 6. On January 25, 2024, Plaintiff and defendant Apero filed a
- 12 stipulation of dismissal with prejudice as to Apero.
- 13 7. Defendant Apero is not related to or associated with defendants
- 14 Begamob and Tools.
- 15 8. Defendant Apero denies any liability in connection with the alleged
- 16 infringing actions or omissions of defendants Begamob and Tools.
- 17

18 Executed this 29th day of January, 2024, at Los Angeles, California.

19 

20 _____
21 Rona Eli

1 Before the Court is Plaintiff Akrura Pte. Ltd’s (“Plaintiff”) Rule 55(b)
2 renewed motion for default judgment against Defendants Begamob Global
3 (“Begamob”) and Trusted Tools & Utilities Apps (“Tools”) (together,
4 “Defendants”).¹

5 **I. FACTUAL BACKGROUND**

6 **A. Plaintiff’s Allegations**

7 Plaintiff is the creator and copyright owner of the Blood Pressure mobile
8 application (“Plaintiff’s BP App”) and offers it on Google Play through the QR
9 Code Scanner developer account. Compl. ¶ 2.

10 Defendant Begamob is a mobile application developer that offers mobile
11 applications on Google Play. Begamob has a website at
12 <http://www.begamob.com> and uses the email address info@begamob.com.
13 Compl. ¶ 8.

14 Defendant Tools is a mobile application developer that offers mobile
15 applications on Google Play. Defendant Tools does not appear to have a website
16 but uses the email address liveroyalstudio.inc@gmail.com. Compl. ¶ 9.

17 On September 20, 2022, Tools launched on Google Play its infringing
18 application, Blood Pressure App: BP Monitor (Tools’ BP Monitor App”).
19 Compl. ¶ 33.

20 A side-by-side comparison of Plaintiff’s BP App and Tools’ BP Monitor
21 App confirmed that defendant Tools had literally copied Plaintiff’s content as
22 certain significant language used in the two products appeared identical. Compl.
23 ¶ 34.

24
25
26 ¹ Plaintiff’s initial motion for default judgment was filed against Defendants
27 Begamob, Tools, and Apero Technologies Group (“Apero”). However, Plaintiff
28 settled with Apero and the parties filed a stipulation of dismissal as to Apero on
January 26, 2024. Dkt. 44.

1 On October 25, 2022, Plaintiff filed with Google Play a DMCA
2 Takedown Request. *Id.* Plaintiff attached a side-by-side comparison of the two
3 apps and explained: “I’m writing to report that an infringing app [] 100%
4 Copied our original In-app Texts and UI Design WITHOUT any change. This
5 high degree of coincidence is by no means an accident. We created all In-app
6 Text by ourselves, we can provide all source evidence if needed.” Ex. A.²

7 On September 26, 2022, Begamob launched on Google Play its infringing
8 application, Blood Pressure Tracker App (“Begamob’s BP Tracker App”).
9 Compl. ¶ 33.

10 A side-by-side comparison of Plaintiff’s Blood Pressure App and
11 Begamob’s BP Tracker App confirmed that defendant Begamob Global had
12 literally copied Plaintiff’s content as significant language used in the two
13 products was identical. Compl. ¶ 35.

14 On December 1, 2022, Plaintiff filed with Google Play a DMCA
15 Takedown Request against Begamob. *Id.* Plaintiff attached to the DMCA
16 Takedown Request a side-by-side comparison of the two apps and explained:
17 “Begamob [] maliciously copied our string text on source code and in-app
18 articles & UI design WITHOUT any changes. We created all source code and
19 articles by ourselves, we can provide all of the source evidence if needed.” Ex.
20 B.

21 Begamob’s and Tools’ offers of the infringing applications have thus
22 caused mistake, confusion, and deception among consumers and is irreparably
23 harming Plaintiff. Compl. ¶ 36.

24 **B. Procedural History**

25 On January 6, 2023, Plaintiff filed the instant lawsuit. Dkt. 1.

26
27 ² “Ex. _” refers to the Exhibits to the Declaration of Shelley Ivan, submitted in
28 support of Plaintiff’s Rule 55(b) Renewed Motion for Default Judgment.

1 On April 7, 2023, the Court issued an Order Granting Plaintiff’s Ex Parte
2 Motion for Alternative Service (“Alternative Service Order”). Dkt. 24.

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

5 Despite being properly served pursuant to the Court’s Alternative Service
6 Order, Begamob and Tools never filed a response to the Complaint with the
7 Court.

8 However, on March 22, 2023, Begamob responded to the email of
9 Plaintiff’s counsel regarding the Complaint, admitting that Begamob copied
10 Plaintiff’s mobile application. Ex. C (“[W]e inadvertently included components
11 derived from your content with regard to certain features in-app. We have
12 identified and removed the plagiarized content from our app immediately after
13 receiving the report from your team.”). *Id.*

14 On August 14, 2023, Plaintiff filed a Motion for Entry of Default by the
15 Clerk Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure (“Default
16 Motion”). Dkt. 26.

17 Also, on August 14, 2023, Plaintiff served its Default Motion on Begamob
18 and Tools in accordance with the Alternative Service Order. Ex. D.

19 Faced with the Motion for Entry of Default, Tools wrote to Google to
20 dispute the removal of its infringing application from Google Play. Ex. E.

21 On August 22, 2023, Google notified Plaintiff that Defenant Tools had
22 submitted a counter notification, disputing the removal of its application. *Id.*
23 Google also advised Plaintiff that Google would reinstate Tools’ application
24 unless Plaintiff filed a lawsuit against Tools regarding its infringement. *Id.*

25 Plaintiff immediately responded to Google’s notification, attaching the
26 Complaint in this action and explaining that Plaintiff had already filed a lawsuit
27 against Tools. *Id.*

1 On August 24, 2023, the Clerk entered default against all Defendants
2 (Dkt. 29), pursuant to the Court's order regarding the same (Dkt. 28).

3 On September 1, 2023, Plaintiff filed a motion for default judgement
4 against all Defendants. Dkt. 31.

5 On October 11, 2023, after Defendant Apero had appeared in the case, the
6 Court issued an Order Granting Stipulation to Set Aside Entry of Default and for
7 Extension of Time to Respond to the Complaint on October 11, 2023. Dkt. 34.

8 On October 25, 2023, the Court entered an order striking Plaintiff's
9 motion for default judgment and instructing Plaintiff to file a Rule 55-1
10 declaration and a supplemented proposed order, incorporating Plaintiff's
11 analysis of the Eitel factors and citing to evidence. Dkt. 37.

12 On November 7, 2023, Plaintiff refiled its motion for default judgment
13 against Begamob and Tools. Dkt. 38.

14 On January 4, 2024, the Court denied Plaintiff's renewed motion for
15 default against Begamob and Tools in part as to avoid inconsistent results given
16 that the Court had set aside entry of default as to Apero and that Plaintiff
17 originally alleged that Apero was associated with Begamob and Tools. Dkt. 40,
18 at 4. The Court also issued an Order to Show Cause why the action against
19 Apero should not be dismissed for failure to prosecute. *Id.*

20 On January 12, 2024, Plaintiff responded to the Order to Show Cause,
21 explaining that Plaintiff and Apero had settled the action as to Apero and that
22 Plaintiff would file a notice of dismissal after all terms of the settlement
23 agreement are satisfied. Dkt. 41. Plaintiff also explained that Apero was not
24 associated with defendants Begamob and Tools and that Plaintiff intended to
25 renew its motion for default judgement against Begamob and Tools after
26 Apero's dismissal from the action. *Id.*

27 On January 18, 2024, the Court issued an order, directing Plaintiff to file a
28 notice of dismissal as to Apero by February 12, 2024. Dkt. 43. The Court also

1 instructed that “once Apero is dismissed, Plaintiff may renew its motion for
2 default judgment as to the remaining Defendants.” *Id.*

3 On January 26, 2024, Plaintiff filed a stipulation of dismissal as to Apero.
4 Dkt. 44.

5 On January 31, 2024, the Court discharged the Order to Show Cause.
6 Dkt. 45.

7 On February 1, 2024, Plaintiff filed a renewed motion for default
8 judgment against defendants Begamob and Tools. In support of its motion,
9 Plaintiff submitted a declaration from Apero’s counsel, confirming that Apero is
10 not associated with Begamob and Tools. Ex. F, Declaration of Rona Eli, dated
11 January 29, 2024 (“Eli Declaration”), ¶¶ 7-8 (“Defendant Apero is not related to
12 or associated with defendants Begamob and Tools. [And] Defendant Apero
13 denies any liability in connection with the alleged infringing actions or
14 omissions of defendants Begamob and Tools.”).

15 **II. LEGAL ANALYSIS**

16 Pursuant to Rule 55(b) of the FRCP, “a court may order default judgment
17 following the entry of default by the Clerk of the Court.” *PepsiCo, Inc. v. Cal.*
18 *Sec. Cans*, 238 F. Supp. 2d 1172, 1174 (C.D. Cal. 2002). Entry of default
19 judgment is thus a two-step process. *See* Fed. R. Civ. P. 55(a)-(b). First, the
20 plaintiff must request and obtain an entry of default from the court’s clerk. *See*
21 Fed. R. Civ. P. 55(a) (“When a party against whom a judgment for affirmative
22 relief is sought has failed to plead or otherwise defend, and that failure is shown
23 by affidavit or otherwise, the clerk must enter the party’s default.”). Second,
24 Plaintiff must apply to the Court for entry of default judgment. Fed. R. Civ. P.
25 55(b)(2). Here, Defendants’ default was entered by the Clerk pursuant to FRCP
26 55(a) on August 24, 2023. Dkt. 29. Plaintiff can thus move the Court for default
27 judgment pursuant to FRCP 55(b)(2).

1 A district court has discretion to grant a motion for default judgment. *See*
2 *Aldabe v. Aldabe*, 616 F.2d 1089, 1092 (9th Cir. 1980). In the Ninth Circuit,
3 Courts may consider the following factors in determining whether to enter default
4 judgment: “(1) the possibility of prejudice to the plaintiff, (2) the merits of the
5 case, (3) the sufficiency of the complaint, (4) the sum of money at stake in the
6 action, (5) the possibility of a dispute concerning the material facts, (6) whether
7 defendant’s default was the product of excusable neglect, and (7) the strong
8 public policy favoring decision on the merits.” *Eitel v. McCool*, 782 F.2d 1470,
9 1471-72 (9th Cir. 1986).

10 **A. The *Eitel* Factors Favor Default Judgment**

11 The balancing of the *Eitel* factors here favors entry of a default judgment
12 under the Ninth Circuit’s *Eitel* analysis.

13 The first *Eitel* factor favors default judgment because, absent a default
14 judgment, Plaintiff will be prejudiced by Defendants’ failure to appear in this
15 action (Dkt. 29) since it will be left without a remedy.

16 The second and third *Eitel* factors similarly favor default judgment. The
17 Ninth Circuit has held that these “merits” and “sufficiency of the complaint”
18 factors require that Plaintiff “state a claim on which the [plaintiff] may recover.”
19 *Danning v. Lavine*, 572 F.2d 1386, 1388 (9th Cir. 1978). Here, Plaintiff has
20 asserted, *inter alia*, a claim for copyright infringement in violation of 17 U.S.C §
21 501, *et seq.* that is demonstrated by the side-by-side comparison between
22 Plaintiff’s original application and Defendants’ counterfeits, showing that those
23 counterfeits are substantially similar. Exs. A-B. The admitted allegations in the
24 Complaint explain that: (i) Plaintiff is the creator and copyright owner of a blood
25 pressure mobile application (Compl. ¶ 38); (ii) Defendants’ infringing
26 applications use identical language excerpts and interface layout as Plaintiff’s
27 application (*id.* ¶¶ 41, 43-44); (iii) Plaintiff did not authorize Defendants to copy
28 its original work (*id.* ¶ 45); (iv) Defendants’ infringing conduct violates 17

1 U.S.C. §§106(1)-(3), (5) and 17 U.S.C. § 501(a) (*id.* ¶ 46); (v) Defendants
2 damaged Plaintiff by intentionally copying Plaintiff’s valuable content and using
3 counterfeits to target the same consumers and tap into Plaintiff’s previously
4 generated user traffic and related advertising income (*id.* ¶ 47); (vi) Defendants
5 damaged Plaintiff by offering their inferior counterfeit apps to Plaintiff’s
6 consumer base and causing a current and long-term reputational damage to
7 Plaintiff (*id.* ¶ 48); and (vii) unless enjoined and restrained by the Court,
8 Defendants’ conduct is causing and will continue to cause Plaintiff irreparable
9 injury that cannot be compensated by monetary damages (*id.* ¶ 51).

10 Given Defendants’ default entered by the Clerk, the above factual
11 allegations should be taken as true and are thus sufficient to support Plaintiff’s
12 copyright infringement claim. *See Gucci Am. Inc. v. Wang Huoqing*, No. C-09-
13 05969 JCS, 2011 WL 31191, at *8 (N.D. Cal. Jan. 3, 2011) (“Once a party’s
14 default has been entered, the factual allegations of the complaint, except those
15 concerning damages, are deemed to have been admitted by the non-responding
16 party.”).

17 The fourth *Eitel* factor, addressing the amount of money at stake, favors
18 default judgment because Plaintiff has decided to forego damages in favor of
19 permanent injunctive relief. *See PepsiCo*, 238 F. Supp.2d at 1177 (“[Plaintiffs]
20 seek only injunctive relief from the continued use of their trademarks on
21 Defendant’s counterfeit products. Accordingly, this factor favors granting
22 default judgment.”).

23 The fifth *Eitel* factor, addressing the possibility of a dispute concerning
24 material facts, is neutral at best because, as a result of Defendants’ default and
25 failure to appear in this litigation, the Court is unable to determine if there are any
26 disputed material facts. *See Gucci Am. Inc.*, 2011 WL 31191, at *11.

27 The sixth *Eitel* factor, addressing whether Defendant’s default was the
28 product of excusable neglect, favors default judgment because Plaintiff served

1 Defendants pursuant to the Court’s alternative service order, directing Plaintiff to
2 use valid and active email addresses and Defendants received notice of this
3 lawsuit but decided not to appear. In fact, Defendants Begamob responded by
4 admitting infringement, but never appeared in this case. Ex. C (“We have
5 identified and removed the plagiarized content from our app immediately after
6 receiving the report from your team.”). Similarly, after being served, Defendant
7 Tools wrote to Google to complain about the removal of its infringing application
8 but never appeared in this case. Ex. E.

9 The seventh and final *Eitel* factor, involving the strong public policy
10 favoring decision on the merits, is neutral because Defendants’ own failure to
11 respond to the Complaint prevents a decision on the merits. Defendants should
12 not be rewarded for their failure to participate in this action. *See Gucci Am. Inc.*,
13 2011 WL 31191, at *12.

14 As a result, *Eitel* factors 1, 2, 3, 4, and 6 favor default judgment and *Eitel*
15 factors 5 and 7 are neutral.

16 Accordingly, when balancing the *Eitel* factors, default judgment is proper.

17 **B. Permanent Injunction Is Proper In This Case**

18 It is well established that courts can issue injunctions as part of default
19 judgments. *See China Cent. Television v. Create New Tech. (HK) Ltd.*, No. CV
20 15–01869, 2015 WL 12732432, at *19 (C.D. Cal. Dec. 7, 2015); *Priority*
21 *Records, LLC v. Tabora*, No. C 07–1023 PJH, 2007 WL 2517312, *2 (N.D. Cal.
22 Aug. 31, 2007) (granting permanent injunctive relief in a copyright case as part
23 of a default judgment).

24 A permanent junction may be granted where Plaintiff demonstrates: “(1)
25 that it has suffered an irreparable injury; (2) that remedies available at law, such
26 as monetary damages, are inadequate to compensate for that injury; (3) that,
27 considering the balance of hardships between the plaintiff and defendant, a
28 remedy in equity is warranted; and (4) that the public interest would not be

1 disserved by a permanent injunction.” *EBay Inc. v. MercExchange, L.L.C.*, 547
2 U.S. 388, 391 (2006). The decision whether to grant or deny injunctive relief
3 “rests within the equitable discretion of the district courts.” *Id.* at 394. When
4 “the infringing use is for a similar service, a broad injunction is especially
5 appropriate.” *Perfumebay.com Inc. v. eBay Inc.*, 506 F.3d 1165, 1177 (9th Cir.
6 2007).

7 Here, with respect to elements 1 and 2, Plaintiff’s Complaint specifically
8 alleges that Defendants’ infringing actions have caused and, unless permanently
9 enjoined, will continue to cause irreparable harm to Plaintiff’s reputation and
10 goodwill and that such injury cannot be compensated by monetary damages.
11 Compl. ¶¶ 48, 51.

12 Further, with respect to element 3, because the damage here is
13 unquestionable but Plaintiff has decided to nevertheless forego all damages in
14 favor of permanent injunction, the relief of permanent injunction enjoining
15 Defendants from using Plaintiff’s application is appropriate and well within the
16 equitable discretion of the Court. *See Simple Design Ltd. v. Workshopplace*
17 *2021*, No. 2:22-cv-02776-GW-KSx (S.D. Cal. Aug. 1, 2022) (ordering injunctive
18 relief to enjoin defendant from using infringing images, logos, icons and marks
19 where plaintiff agreed to forego all damages).

20 With respect to element 4, the public interest would not be disserved by a
21 permanent injunction because enjoining Defendants from copying Plaintiff’s
22 work will undoubtedly protect the copyright owner and advance the objective of
23 the Copyright Act by incentivizing the creation of original work. *See Fogerty v.*
24 *Fantasy, Inc.*, 510 U.S. 517, 524 (1994) (“The primary objective of the Copyright
25 Act is to encourage the production of original literary, artistic, and musical
26 expression for the good of the public.”).

27 Accordingly, permanent injunction against Defendants is proper in this
28 case.

1 Finally, because defendant Apero was dismissed from this case and
2 Plaintiff demonstrated that Apero is not associated with Begamob and Tools,
3 entering default judgment against Begamob and Tools will not create a risk of
4 inconsistent adjudication.

5 **III. RELIEF GRANTED**

6 For all of the foregoing reasons, Plaintiff's Rule 55(b) Renewed Motion for
7 Default Judgment against Defendants Begamob Global and Trusted Tools &
8 Utilities Apps is granted.

9 The Court hereby orders that:

10 (1) Defendants and all of their agents and representatives, and any other
11 persons and entities acting on Defendants' behalf or with them, be permanently
12 enjoined and restrained from:

13 (i) using Plaintiff's Blood Pressure mobile application or any of
14 the infringing images, language and interface layouts, as
15 described in Plaintiff's Complaint and attached exhibits;

16 (ii) using mobile applications, images, language or interface
17 layouts, which are substantially similar to Plaintiff's Blood
18 Pressure mobile application or its images, language and
19 interface layout, as described in Plaintiff's Complaint and
20 attached exhibits;

21 (iii) committing any acts intended to cause consumers to believe
22 that Defendants' mobile application(s) are offered for download
23 or sold under Plaintiff's control, authorization, or approval; and

24 (iv) creating, providing or offering for download or sale any mobile
25 applications substantially similar to Plaintiff's Blood Pressure
26 mobile application.

27 (2) Defendants shall, within ten (10) business days after receipt of this
28

1 Order, remove all of its infringing mobile applications and other infringing content
2 from any online platform;

3 (3) Should Defendants’ infringing mobile applications remain active on
4 any online platforms of third-party providers after ten (10) business days following
5 Defendants’ receipt of this Order, and upon Plaintiff’s request to such third-party
6 providers, those third-party providers shall, within ten (10) business days after
7 receipt of this Order, remove Defendants’ infringing mobile applications.

8 Entered this ____ day of _____, 2024.

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Hon. Josephine L. Staton
U.S. District Judge
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CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2024, a true and correct copy of the foregoing **[PROPOSED] ORDER ENTERING DEFAULT JUDGMENT AGAINST DEFENDANTS BEGAMOB GLOBAL AND TRUSTED TOOLS & UTILITIES APPS** 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 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

(2) 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/ Jenny Houston
Jenny Houston

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on February 1, 2024, I electronically transmitted the
3 attached document to the Clerk’s office using the CM/ECF System for filing and
4 service on all registered participants of the CM/ECF System with regard to this
5 matter.

6
7 */s/ Mark S. Lee*

8

Mark S. Lee

9 Counsel for Plaintiff Akrura Pte. Ltd

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