

1 DAVID SILVER, ESQ. (California Bar No. 312445)  
david@bayramoglu-legal.com  
2 **BAYRAMOGLU LAW OFFICES LLC**  
1540 West Warm Springs Road, Suite 100  
3 Henderson, NV 89014  
Telephone: 702.462.5973  
4 Facsimile: 702.553.3404  
*Attorneys for Plaintiff*

5  
6 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
7

8 ASTRAL IP ENTERPRISE LTD.,  
9 Plaintiff,  
10 v.  
11 HORIZONMATRIX,  
12 Defendant.

Case No.: 5:24-cv-07428-EJD

**PLAINTIFFS MOTION FOR  
ENTRY OF CLERK’S DEFAULT  
PURSUANT TO FRCP 55(a)**

13  
14  
15 TO: Clerk of the United States District Court for the Northern District of  
16 California:

17 COMES NOW, the Plaintiff Astral IP Enterprise Ltd. (“Plaintiff”) by and  
18 through their attorney of record, Bayramoglu Law Offices LLC, files this Motion  
19 for Entry of Clerk’s Default against Defendant HORIZONMATRIX  
20 (“Defendant”).

21 **BACKGROUND**

22 This is an action for damages resulting from Federal copyright infringement  
23 and California Statutory unfair competition.

24 Plaintiff has designed and created various mobile applications and  
25 authorizes the use of those mobile applications by developer accounts on online  
platforms such as Google Play. Dkt. 1, ¶ 14. One of Plaintiff’s mobile applications

1 is titled “Lose Weight App for Women” (hereinafter “Plaintiff’s Mobile App”) and  
2 is offered on the Google Play store. *Id.* at ¶ 15.

3 Plaintiff owns all exclusive rights, including without limitation the rights to  
4 reproduce the copyrighted work within Plaintiff’s Mobile App, to prepare  
5 derivative works based upon the copyrighted work, and to distribute copies of the  
6 copyrighted work to the public. *Id.* at ¶ 18.

7 On or about August 2, 2024, August 7, 2024, and August 30, 2024,  
8 Defendant created three fitness mobile applications (“Defendant’s Infringing  
9 Apps”) under the current name of HorizonMatrix. *Id.* at ¶ 24. Defendant’s  
10 Infringing Apps directly copied numerous images as used by Plaintiff’s Mobile  
11 App with the direct and deliberate intention of confusing the consuming public so  
12 searches for Plaintiff’s Mobile App would download one Defendant’s Infringing  
13 Apps by mistake. *Id.* at ¶ 27. Defendant’s exploitation of Plaintiff’s copyrighted  
14 work within Plaintiff’s Mobile App for Defendant’s own auto clicker mobile  
15 application constitutes willful and deliberate infringement of Plaintiff’s copyrights.  
16 *Id.* at ¶¶ 32-33.

### 17 PROCEDURAL HISTORY

18 Plaintiff hereby requests, pursuant to Rule 55(a) of the Federal Rules of Civil  
19 Procedure, that the Clerk enter a Notice of Default against Defendant, which failed  
20 to plead or otherwise defend against this action in a timely matter.

21 Plaintiff filed the Complaint on October 24, 2024. Dkt. No. 1. The Summons  
22 for Defendant was issued on October 28, 2024. Dkt. No. 7. Plaintiff attempted to  
23 serve Defendant through the Hague Service process, which was ultimately  
24 unsuccessful. Plaintiff then filed a Motion for Alternative Service on August 26,  
25 2025 seeking to serve Defendant through electronic mail. See Dkt. No. 17. The  
Motion for Alternative Service was granted on October 15, 2025. See Dkt. No. 18.

1 Plaintiff filed the proof of service with the Court on October 16, 2025. Dkt. No.  
2 19. Plaintiff provided a status report for the service as ordered by the Court on  
3 November 5, 2025. See Dkt. No. 20.

4 In accordance with Fed. R. Civ. P. Rule 12, Defendant was required to plead  
5 or otherwise respond to the Complaint twenty-one (21) days after receipt of service.  
6 The service was completed on October 16, 2025 (Declaration of David Silver at ¶  
7 2), and Defendant was required to plead or otherwise respond to the Complaint at  
8 the latest by November 6, 2025. The applicable time limit for Defendant to respond  
9 to the Complaint has expired. Defendant has failed to appear in this case, serve or  
10 file a pleading, or otherwise respond to the Complaint. The time to plead or  
11 otherwise respond to the Complaint has not been extended by any agreement of  
12 the parties or any order of the Court. *Id.* at ¶ 3.

### 13 POINTS AND AUTHORITY

14 As per Federal Rules of Civil Procedure 55(a), a default can be entered  
15 “When a party against whom a judgment for affirmative relief is sought has failed  
16 to plead or otherwise defend, and the failure is shown by affidavit ..., the clerk  
17 must enter the party’s default.” “[A] plain reading of Rule 55 demonstrates that  
18 entry of default by the clerk is a prerequisite to an entry of default judgment.”  
19 *Vongrave v. Sprint PCS*, 312 F. Supp. 2d 1313, 1318 (S.D. Cal. 2004).

20 “To warrant a default judgment, the defendant must be considered a totally  
21 unresponsive party, its default plainly willful, reflected by its failure to respond to  
22 the summons and complaint ....” *Boland v. Hetrick*, 277 F. Supp. 3d 112, 117  
23 (D.D.C. 2017), quoting *Serv. Emps. Int’l Union Nat’l Pension Fund v. Liberty*  
24 *House Nursing Home of Jersey City*, 232 F. Supp. 3d 69, 76. In this case, Defendant  
25 was served with the Complaint and Summons and has deliberately chosen to ignore  
said complaint. Defendant, as an unresponsive party, has willfully failed to respond

1 or defend against the claims of copyright infringement and California unfair  
2 competition.

3 **CONCLUSION**

4 Defendant's actions are irreparably harming Plaintiff's business by  
5 infringing on

6 Plaintiff's intellectual property rights. Without entry of the requested relief,  
7 Defendant will

8  
9 continue to profit from its wrongful conduct. Therefore, entry of default on  
10 Defendant is necessary. In view of the foregoing, Plaintiff respectfully requests  
11 this Court to enter a Clerk's Default against Defendant.

12  
13 DATED AND SIGNED this 13<sup>th</sup> day of November, 2025.

14 **BAYRAMOGLU LAW OFFICES LLC**

15 By: */s/ David Silver*

16 DAVID SILVER, ESQ.

17 david@bayramoglu-legal.com

18 1540 West Warm Springs Road, Suite 100

19 Henderson, Nevada 89014

20 *Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I, David Silver, hereby certified that a true correct copy of the foregoing  
**PLAINTIFF’S MOTION FOR ENTRY OF CLERK’S DEFAULT  
PURSUANT TO FRCP 55(a)** was served upon Defendant HORIZONMATRIX  
by electronic mail on this day of November 13<sup>th</sup> 2025 at the following address:

HORIZONMATRIX  
heartprayln@gmail.com

By: /s/ David Silver  
David Silver

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 DAVID SILVER, ESQ. (California Bar No. 312445)  
2 david@bayramoglu-legal.com  
3 **BAYRAMOGLU LAW OFFICES LLC**  
4 1540 West Warm Springs Road, Suite 100  
5 Henderson, NV 89014  
6 Telephone: 702.462.5973  
7 Facsimile: 702.553.3404  
8 *Attorneys for Plaintiff*

9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 **ASTRAL IP ENTERPRISE LTD.,**

12 Plaintiff,

13 v.

14 **HORIZONMATRIX,**

15 Defendant.

Case No. 5:24-cv-07428-EJD

**DECLARATION OF DAVID  
SILVER RE PLAINTIFF'S  
MOTION FOR ENTRY OF  
CLERK'S DEFAULT PURSUANT  
TO FRCP 55(a)**

17  
18 I, David Silver, declare under penalty of perjury that the following contents  
19 of this Declaration are true and accurate. If called upon, I am competent to testify as  
20 to the matters contained in this Declaration.

21 1. I am an attorney licensed to practice law in the State of California and  
22 in the State of Nevada and I am admitted to practice before this Court. I am an  
23 attorney-at-law in the law firm of Bayramoglu Law Offices LLC, where I practice  
24 primarily intellectual property law including patents, trademarks, and copyrights,  
25 and I am representing Plaintiff Astral IP Enterprise Ltd. in this matter.



**CERTIFICATE OF SERVICE**

I, David Silver, hereby certified that a true correct copy of the foregoing  
**PLAINTIFF’S MOTION FOR ENTRY OF CLERK’S DEFAULT  
PURSUANT TO FRCP 55(a)** was served upon Defendant HORIZONMATRIX  
by electronic mail on this day of November 13<sup>th</sup> 2025 at the following address:

HORIZONMATRIX  
heartprayln@gmail.com

By: /s/ David Silver  
David Silver

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25