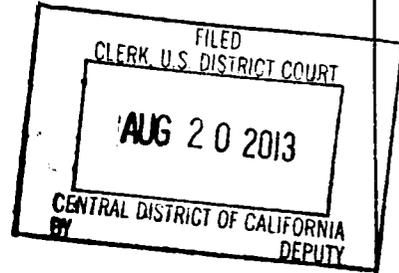


1 ALAN KORN, SBN 167933  
2 LAW OFFICE OF ALAN KORN  
3 1840 Woolsey Street  
4 Berkeley, California 94703  
5 Ph. (510) 548-7300  
6 Fax: (510) 540-4821

7 Attorney for Plaintiff  
8 Chris Horgan



9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA

11 CHRIS HORGAN, an individual,  
12 Plaintiff,  
13 v.  
14 MAURICIO IRAGORRI, an individual; and  
15 BEATROPOLIS MUSIC, LLC. a California  
16 Limited Liability Company,  
17 Defendants.

18 **CV 13-06099** - DSF  
19 (JCGx)

20 COMPLAINT FOR

- 21 1. FALSE DESIGNATION OF ORIGIN (15 U.S.C. § 1125(a))
- 22 2. CANCELLATION OF U.S. TRADEMARK REGISTRATION NO. 4,230,250 FOR FRAUD ON THE TRADEMARK OFFICE AND FOR DAMAGES (15 U.S.C. §§ 1119 and 1120)
- 23 3. CALIFORNIA COMMON LAW TRADEMARK INFRINGEMENT (Cal. Bus. & Prof. Code § 14200 et seq.)
- 24 4. UNFAIR COMPETITION AND UNFAIR BUSINESS PRACTICES (Cal. Bus. & Prof. Code § 17200 et seq.)

25 DEMAND FOR JURY TRIAL

1 Plaintiff Chris Horgan, an individual doing business as "Beatropolis" ("Plaintiff") for his  
2 Complaint against Defendants listed above, hereby complains and alleges as follows:

3 **I. PARTIES TO THE ACTION**

4 1. Plaintiff Chris Horgan is an individual residing and doing business within the  
5 State of California

6 2. Defendant Mauricio Irigorri is an individual residing and doing business within  
7 the State of California.

8 3 Beatropolis Music, LLC is a limited liability company organized and existing  
9 under the laws of California with its headquarters located in Woodland Hills, California. On  
10 information and belief, Plaintiff alleges that Beatropolis Music is an entity owned and operated  
11 solely by Defendant Irigorri.

12 **II. JURISDICTION AND VENUE**

13 4. This Court has Federal subject matter jurisdiction for this claim under the  
14 provisions of the Lanham Act, Act of July 5, 1946, 60 Stat. 427, U.S.C. and Title 15, §§ 1051-  
15 1127.

16 5. This is a civil action seeking damages and injunctive relief for false designation of origin  
17 under the Lanham Act pursuant to 15 U.S.C. § 1125, Cancellation of U.S. Trademark No.  
18 4,230,250 and damages under 15 U.S.C. §§ 1119 and 1120, California common law trademark  
19 infringement under California Business & Professions Code § 14200 *et seq.*, and unfair  
20 competition and unfair business practices under California Business & Professions Code § 17200  
21 *et seq.*

22 6. This Court has jurisdiction of the subject matter of this claim under the provisions  
23 of 15 U.S.C. §§ 1121, 1125 and 28 U.S.C. § 1331, because the action arises under the laws of the  
24 United States, specifically the above-cited Lanham Act. This Court has supplemental  
25 jurisdiction pursuant to 28 U.S.C. § 1367(a) and 1338(a)(b).



1           12.     On or about August 22, 2012 Defendant Iragorri submitted a Statement of Use  
2 with the USPTO alleging first use “anywhere” of the BEATROPOLIS mark with respect to each  
3 of the above goods on “08/02/2012.” and “first use in commerce” with respect those goods on  
4 “08/02/2012.”

5           13.     On or about October 23, 2012, the USPTO issued Trademark Registration No.  
6 4,230,250 to Iragorri based on his use of the BEATROPLIS mark commencing on August 2,  
7 2012.

8           14.     In early October 2012 Horgan retained legal counsel to address Defendant  
9 Iragorri’s pending registration of the BEATROPOLIS mark. On or about October 24, 2012,  
10 Horgan, through his attorney, wrote Iragorri and his trademark counsel demanding the immediate  
11 discontinuance of any use of the BEATROPOLIS mark based on Hogan’s pre-existing common  
12 law rights, and the immediate withdrawal of Iragorri’s application with the USPTO. A true and  
13 correct copy of Horgan’s October 24, 2012 letter is attached hereto as **Exhibit A**, and incorporated  
14 herein by this reference.

15           15.     By letter dated November 4, 2012, Iragorri’s trademark counsel responded by  
16 demanding instead that Plaintiff cease all use of his BEATROPOLIS mark based on Iragorri’s  
17 recent registration of that mark pursuant to Registration No. 4,230,250. A true and correct copy of  
18 Iragorri’s November 4, 2012 letter is attached hereto as **Exhibit B**, and incorporated herein by this  
19 reference.

20           16.     On November 26, 2012, Plaintiff’s counsel responded that Iragorri’s Registration  
21 No. 4,230,250 appeared to have been procured through fraudulent representations in his Statement  
22 of Use. In that letter Plaintiff’s counsel further reiterated his demand that Iragorri cancel  
23 Registration No. 4,230,250 and immediately cease and desist from all uses of Horgan’s  
24 BEATROPOLIS mark. A true and correct copy of Plaintiff’s counsel’s letter dated November 26,  
25 2012 is attached hereto as **Exhibit C**, and incorporated herein by this reference.

1 17. Despite Plaintiff's demands, Defendants continues to use the BEATROPOLIS mark  
2 to market, distribute and sell MP3 recordings of music in willful violation of Plaintiff's rights. At  
3 no time has Plaintiff authorized the use of the BEATROPOLIS mark by Defendants. nor have  
4 Defendants offered to compensate Plaintiff for their unauthorized use of his trademark.

5 **FIRST CAUSE OF ACTION**

6 **False Designation of Origin – Lanham Act, 15 U.S.C. § 1125(a)**

7 **All Defendants**

8 18. Plaintiff repeats and realizes each of the allegations set forth in Paragraphs 1  
9 through 17 inclusive, and by this reference incorporate the same as though fully set forth herein.

10 19. Since at least 2005, Horgan began using the BEATROPOLIS mark in connection  
11 with phonorecords, music videos and related goods featuring a “heady mix of dope beats, edgy  
12 hooks, and delicious vocals drives a concoction of drum-n-bass, down tempo, and hip hop,” and  
13 Plaintiff has consistently used BEATROPOLIS on goods and services through the present date.  
14 Consumers recognize and associate the BEATROPOLIS trademark as originating from Plaintiff,  
15 and Plaintiff has established significant common law trademark rights in connection with his  
16 BEATROPOLIS mark.

17 20. By virtue of his longstanding use of the BEATROPOLIS mark, Plaintiff has  
18 developed a reputation for quality and goodwill associated with his brand. He has invested  
19 considerable time, effort and expense with respect to the ration, advertising and promotion of  
20 BEATROPOLIS phonorecords and music videos.

21 21. Plaintiff's use and rights in and to the BEATROPOLIS mark significantly  
22 predates any use or rights to the confusingly identical mark used by Defendants.

23 22. Defendants, through their use of the identical BEATROPOLIS mark as described  
24 above, are engaged in trademark infringement and unfair competition in violation of Section  
25 43(s) of the Lanham Act. 15 U.S.C. § 1125(a).







1 public as to the source of Defendants' products; (b) are a form of "passing off"; and (c) create  
2 reverse confusion to capitalize on Plaintiff's reputation for quality and goodwill associated with  
3 his BEATROPOLIS mark and brand.

4 42. Plaintiff has suffered injury arising from Defendants' unfair competition in the  
5 form of damage to his goodwill, lost sales and other actual damages.

6 43. The harm to Horgan and to members of the general public outweighs the utility of  
7 Defendants' business practices.

8 44. The unlawful, unfair and fraudulent business practices of Defendants, as  
9 described in the Complaint, present a continuing threat to members of the public in that they are  
10 likely to cause confusion as to the source of Defendants' products in that the general public is  
11 likely to believe that Defendants' products originate from, or are affiliated or associated with  
12 Plaintiff, or are otherwise sponsored or endorsed by Plaintiff.

13 45. As a direct and proximate result of Defendants' wrongful acts as alleged herein,  
14 Defendants obtained unlawful profits to the detriment of Plaintiff.

15 46. Unless restrained, Defendants will continue the acts and conduct set forth in this  
16 Complaint, to Plaintiff's irreparable harm, for which damages will not afford adequate relief.  
17 Plaintiff is therefore entitled to an injunction prohibiting Defendants' wrongful acts.

18 47. Because Defendants committed their wrongful acts willfully, intending to gain  
19 business and a share of the market at the expense of Plaintiff's profits and mark share while  
20 creating customer confusing regarding the source of goods bearing the BEATROPOLIS mark,  
21 their conduct justifies an award of exemplary damages.

#### 22 PRAYER FOR RELIEF

23 WHEREFORE, Plaintiff prays judgment against each of the Defendants identified  
24 above for all of the causes of action, as follows:

25 1. For an order requiring Defendants to show cause why they should not be enjoined  
as set forth below, during the pendency of this action;

1           2.     For a temporary restraining order, preliminary injunction and a permanent  
2 injunction enjoining Defendants and their agents, servants and employees, and all persons acting  
3 in concert with them, from:

4           (a)     Using the trademark BEATROPOLIS, or any colorable imitation thereof,  
5 in the United States and elsewhere. in connection with phonorecords, music videos or any other  
6 services in the nature of a musical group:

7           (b)     Otherwise infringing Plaintiff's trademark;

8           (c)     Causing likelihood of confusion, deception, or mistake as to the source,  
9 nature, or quality of Defendants' goods and services;

10          3.     For an order directing Defendants to file with this Court and serve on Plaintiff  
11 within 30 days after service of an injunction, a report in writing under oath, setting forth in detail  
12 the manner and form in which Defendants have complied with the injunction;

13          4.     For an order requiring Defendants to deliver up and destroy all compact discs.  
14 phonorecords, artwork, posters, literature, advertising and other materials containing the  
15 infringing designation;

16          5.     For cancellation of U.S. Trademark Registration No. 4,230,250 for the  
17 BEATROPOLIS trademark;

18          6.     For actual, general and compensatory damages of no less than \$25,000 or  
19 otherwise in an amount according to proof, including but not limited to, all of Defendants'  
20 profits derived from their infringement of Plaintiff's trademark;

21          7.     For punitive or exemplary damages, including but not limited to, treble damages  
22 as a result of Defendants' willful infringement;

23          8.     For Plaintiff's reasonable attorney fees and costs of suit;

24          9.     For pre-judgment interest on all amounts claimed as permitted by law; and

25          10.    For such other relief as the Court may deem appropriate under the circumstances.

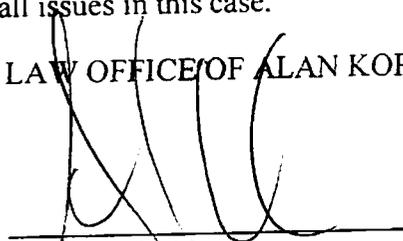
**JURY DEMAND**

Plaintiff respectfully demands a jury trial of all issues in this case.

Dated: August 16, 2013

LAW OFFICE OF ALAN KORN

By:

  
ALAN KORN  
Attorneys for Plaintiff  
Chris Horgan

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October 24, 2012

Mauricio Iragorri  
5385 Tendilla Avenue  
Woodland Hills, CA 91364

Re: Infringement of Trademark (BEATROPOLIS, U.S. Registration No. 4230250)

Dear Mr. Iragorri

I am writing on behalf of Chris Horgan, owner of the common law trademark BEATROPOLIS, which has been used in connection with the promotion, distribution and sale of compact discs, MP3s, audio and video recordings throughout California and the United States since at least 2005. Because your recent use and registration of my client's BEATROPOLIS mark pursuant to USPTO Registration No. 4230250 dated October 23, 2012 infringes upon my client's pre-existing common law rights under state and federal law, this letter is to provide you with an opportunity to voluntarily cancel the above registration prior to my client's commencement of a Cancellation Proceeding before the U.S. Patent and Trademark Office.

The facts are as follows: Your registration of the mark BEATROPOLIS under International Class 09 for audio recordings of original music has recently come to our attention. My client has long used the BEATROPOLIS mark, from a date well prior to your initial August 2, 2012 use in commerce, for audio and visual recordings of original music, including compact discs, downloadable MP3 files, music videos, webcasts and podcasts. Had you conducted a cursory internet search for the word "Beatropolis" prior to submitting your application with the USPTO, you would have immediately encountered my client's MySpace page promoting his BEATROPLIS audio releases, including the 2005 album *Drop*, the 2008 album *A Life in Color*, the 2008 EP *The Inside Job*, the 2010 album *Beatro* and other commercially available audio and video recordings (See <http://www.myspace.com/beatropolis>). Moreover, a basic internet search would have also immediately turned up my client's Facebook page which has been used since 2008 to promote his BEATROPOLIS audio and visual recordings (See <https://www.facebook.com/pages/Beatropolis/53685139856>), as well as copies of my client's compact discs and MP3s offered for sale on a variety of internet platforms, including (but not limited to) Amazon.com, CD Universe, Tower Records, iTunes and others.

Given the above, your use of the mark is likely to induce confusion, or mistake or deception in those familiar with my client's mark, particularly as the offering for sale and distribution of sound recordings bearing my client's BEATROPOLIS mark clearly suggests that they are sourced from or affiliated with my client's well-known brand. Accordingly, this is to demand that you immediately cease and desist from advertising, promoting, selling, offering for sale, distributing, marketing and/or manufacturing sound recordings, MP3s, compact discs and other goods that infringe on my client's intellectual property rights in the mark BEATROPOLIS, and that you immediately cease and desist from using my client's mark via your website [www.beatropolis.com](http://www.beatropolis.com) in connection with the above unauthorized uses.

Given the urgency of this matter, we ask that you confirm that you have discontinued manufacturing, distribution, shipment, sale and offering for sale, advertising, display or promotion of MP3s, compact discs and other goods that make unauthorized use of my client's BEATROPOLIS

CONFIDENTIAL

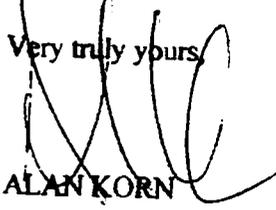
Mauricio Iragorri  
October 24, 2012  
Page 2

trademark, along with confirmation that you have destroyed all inventory of the infringing goods in your possession. In addition, we ask that you confirm that you will immediately cancel your recent registration of my client's pre-existing mark pursuant to Registration No. 4230250 dated October 23, 2012.

I look forward to your prompt response and to resolution of this serious matter. Please provide us with responses to the requests set forth above by no later than November 2, 2012.

Thank you for your anticipated cooperation. Nothing contained herein constitutes a waiver of my client's rights or remedies at law or equity, all of which are hereby reserved.

Very truly yours,

  
ALAN KORN

Enclosures

cc: Bruce T. Marguiles, Esq.



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# beatropolis

**Word Mark** BEATROPOLIS

**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Audio recordings featuring original music; Digital music downloadable from the Internet; Downloadable MP3 files, MP3 recordings, on-line discussion boards, webcasts and podcasts featuring music, audio books and news broadcasts; Downloadable musical sound recordings; Downloadable original music via the internet and wireless devices; Musical sound recordings; Sound recordings featuring original music. FIRST USE: 20120802. FIRST USE IN COMMERCE: 20120802

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 77586838

**Filing Date** October 7, 2008

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** March 3, 2009

EXHIBIT A-3

**Registration Number** 4230250  
**Registration Date** October 23, 2012  
**Owner** (REGISTRANT) Iragorri, Mauricio DBA Beatropolis INDIVIDUAL UNITED STATES 5385 Tendilla Ave Woodland Hills CALIFORNIA 91364  
**Attorney of Record** Bruce T. Margulies  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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EXHIBIT A-4

# Beatropolis

Artist Overview

[Albums](#) | [MP3 Downloads](#) | [Discussions](#) | [Customer Reviews](#)

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**Top Album: by Beatropolis**



**A Life In Color (2007)**  
CD 3:15:27

**MP3 Downloads by Beatropolis**



**A Life In Color (2007)**  
CD 3:15:27

[MP3 Downloads by Beatropolis](#) | [All MP3 Downloads](#)

MP3 Downloads	MP3 Downloads
<p>View 1 - 10 of 24 items</p> <p>Showing 1 - 10 of 24 items</p>	<p>View 1 - 10 of 24 items</p> <p>Showing 1 - 10 of 24 items</p>
<p>1. The Video Inside (Bonus Track) [Remastered]</p> <p>2. Cowboy Song</p> <p>3. For The City (Feat. Shing02) [Remastered]</p> <p>4. Walk With Me</p> <p>5. Autumn Breeze</p> <p>6. The Video Inside</p> <p>7. 4 AM</p> <p>8. Love Caliente</p> <p>9. Autumn Breeze (Bonus Track) (Reissue 6th)</p> <p>10. 666 Vibes</p> <p>Showing 1 - 10 of 24 items</p>	<p>1. The Video Inside (Bonus Track) [Remastered]</p> <p>2. Cowboy Song</p> <p>3. For The City (Feat. Shing02) [Remastered]</p> <p>4. Walk With Me</p> <p>5. Autumn Breeze</p> <p>6. The Video Inside</p> <p>7. 4 AM</p> <p>8. Love Caliente</p> <p>9. Autumn Breeze (Bonus Track) (Reissue 6th)</p> <p>10. 666 Vibes</p> <p>Showing 1 - 10 of 24 items</p>

A-5



# TOWER RECORDS

- HOME
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Music

You've got items in the bag!  
View Details | Checkout

My Shopping Bag Help

Drop (CD)  
By: Beatropolis  
More About This Artist

List Price: \$44.99  
Current Price: \$13.46  
You Save: \$31.53 (70%)



Availability: In Stock

DOWNLOAD  
MP3

TELL A FRIEND >

Click to go directly to the Amazon.com checkout  
> Buy Now

## Track Listing

- DISC 1 (for Drop (CD) Album by Beatropolis)
- 1 A Minor
  - 2 Cowboy Song
  - 3 Mysterious
  - 4 Off The Cuff
  - 5 Intro
  - 6 Walk With Me
  - 7 Lemon
  - 8 On The Moon
  - 9 4 AM
  - 10 Robonomancy

## MP3 Downloads

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Buy	Buy	Buy	Buy
Buy	Buy	Buy	Buy
Buy	Buy	Buy	Buy
Buy	Buy	Buy	Buy
Buy	Buy	Buy	Buy

## Product Description

Category: Music > World Music > Gospel/International  
 Format: CD Learn more about the CD format using Tower Wiki  
 Release Date: November 16, 2005  
 Number of Discs: 1  
 Label: Toge C Music  
 UPC: 687474131425  
 WAPI (Tower ID): 118430965  
 Average Customer Review: [Have your say](#) (Helpful? Be the first to write a review)  
 Tower.com Sales Rank: #511476 in Music (See Top 100 Music Questions)  
 #111107 in World Music (See Top 100 World Music Bestsellers)  
 #111197 in Gospel/International (See Top 100 Gospel/International Bestsellers)



**NEIFELD IP Law, PC**  
4813-B Eisenhower Avenue  
Alexandria, Virginia 22304

Tel: 1-703-415-0012  
Fax: 1-703-415-0013  
Web: <http://www.Neifeld.com>  
Email: [general@Neifeld.com](mailto:general@Neifeld.com)

November 4, 2012

TO: Alan Korn  
Attorney at Law  
1840 Woolsey Street  
Berkeley, CA 94703  
[aakorn@igc.org](mailto:aakorn@igc.org)

Re: Registration No. 4,230,250

Dear Mr. Korn:

Thank you for your letter dated October 24, 2012.

Your summary of facts omits your client's March 31, 2009 filing of a notice of opposition against my client's trademark application for beatropolis; and the TTAB's June 25, 2009 decision, dismissing your client's opposition with prejudice.

Your letter serves notice of your client's alleged current use, which infringes my client's rights in its trademark Registration No. 4,230,250. I therefore must demand that your client cease all use of the mark BEATROPOLIS and that you send me confirmation of your client's compliance with this demand.

Given the June 25, 2009 TTAB decision, there is no justification for your client's demands; moreover, your threat to re-litigate identical issues to those decided against your client seems misguided.

I look forward to your response and your client's anticipated cooperation.

This letter is sent without prejudice to my client's rights and claims, all of which are expressly reserved.

Very truly yours,  
"BruceMargulies/

Bruce T. Margulies  
Neifeld IP Law, PC

Printed: November 4, 2012 (4:29pm)  
Y:\Clients\BEAT Beatropolis\Drafts\Letter\_BEAT0010T-US\_11-4-2012.wpd

November 26, 2012

Bruce Margulies  
Neifeld IP Law, PC  
4813-B Eisenhower Avenue  
Alexandria, VA 22304

VIA U.S. MAIL AND EMAIL (bmargulies@neifeld.com)

Re: Infringement of Trademark (BEATROPOLIS, U.S. Registration No. 4230250)

Dear Mr. Margulies:

This is to acknowledge receipt of your letter dated November 4, 2012 in the above matter and to provide the following comments.

First, I would note that your letter identifies no facts or law challenging my client's pre-existing common law rights in the BEATROPOLIS mark with respect to compact discs, MP3s, audio and video recordings. Rather, your letter relies on the conclusory assertion that my client is precluded from pursuing a cancellation proceeding based on the dismissal of his earlier notice of opposition. However, nothing in that proceeding (which was based on likelihood of confusion, and dismissed prior to any ruling on the merits) would prevent my client from pursuing cancellation of Mr. Iragorri's mark on the grounds that it was procured via fraud, including but not limited to, fraudulent representations in his Statement of Use that he had commenced use on all goods listed in the application. *See e.g., Medinol Ltd. v. Neuro Vaxx, Inc.*, 67 U.S.P.Q. 2d 1205, 2003 WL 21189780 (TTAB 2003).

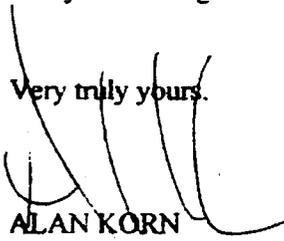
Moreover, neither any State nor Federal court will give preclusive effect to the TTAB's ruling should my client commence suit against Mr. Iragorri for infringement of his common law rights. This is particularly true where the prior opposition was dismissed without any factual findings, and where the TTAB lacks authority in any event to enjoin or otherwise address the infringement of an opposer's trademark rights under common law.

For the above reasons, and those set forth in my prior letter, I must again demand that your client immediately cease and desist from all use of my client's BEATROPOLIS mark, and that you confirm your client's intention to promptly cancel trademark Registration No. 4,230,250.

I look forward to your prompt response to the above. Thank you for your anticipated cooperation.

Nothing contained herein constitutes a waiver of my client's rights or remedies at law or equity, all of which are hereby reserved.

Very truly yours,

  
ALAN KORN

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Dale S. Fischer and the assigned Magistrate Judge is Jay C. Gandhi.

The case number on all documents filed with the Court should read as follows:

2:13-CV-6099-DSF (JCGx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

August 20, 2013

Date

By MDAVIS

Deputy Clerk

---

---

NOTICE TO COUNSEL

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Western Division<br>312 N. Spring Street, G-8<br>Los Angeles, CA 90012 | <input type="checkbox"/> Southern Division<br>411 West Fourth St., Ste 1053<br>Santa Ana, CA 92701 | <input type="checkbox"/> Eastern Division<br>3470 Twelfth Street, Room 134<br>Riverside, CA 92501 |
|--|--|---|

**Failure to file at the proper location will result in your documents being returned to you.**

Name & Address:  
Alan Korn, SBN 167933  
Law Office of Alan Korn  
1840 Woolsey Street  
Berkeley, CA 94703  
(510) 548-7300

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Chris Horgan, an individual,

PLAINTIFF(S)

v.

Mauricio Iragorri, an individual, and Beatropolis  
Music, LLC, a California Limited Liability Company

DEFENDANT(S).

CASE NUMBER

CV 13-06099

-DSF (JCGx)

SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached  complaint  \_\_\_\_\_ amended complaint  counterclaim  cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Alan Korn, whose address is Law Office of Alan Korn, 1840 Woolsey Street, Berkeley, California 94703. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: AUG 20 2013

By: MARILYN DAVIS  
Deputy Clerk

(Seal of the Court)



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

**I. (a) PLAINTIFFS** ( Check box if you are representing yourself )

Chris Horgan, an individual

**DEFENDANTS** ( Check box if you are representing yourself )

Maurice Horgan, an individual, and Beartopolis Music, LLC, a California Limited Liability Company

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Law Office of Alan Korn  
1840 Woolsey Street  
Berkeley, CA 94703  
(510) 548-7300

**II. BASIS OF JURISDICTION** (Place an X in one box only.)

1. U.S. Government Plaintiff

3. Federal Question (U.S. Government Not a Party)

4. Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES—For Diversity Cases Only**

(Place an X in one box for plaintiff and one for defendant)

1 Citizen of This State

2 Citizen of Another State

3 Citizen or Subject of a Foreign Country

**IV. ORIGIN** (Place an X in one box only.)

1. Original Proceeding

2. Removed from State Court

3. Remanded from Appellate Court

4. Reinstated or Reopened

5. Transferred from Another District (Specify)

6. Multi-District Litigation

**V. REQUESTED IN COMPLAINT: JURY DEMAND:**  Yes  No (Check "Yes" only if demanded in complaint.)

**CLASS ACTION under F.R.C.P. 23:**  Yes  No **MONEY DEMANDED IN COMPLAINT:** \$ 25,000

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

False Designation of Origin (15 U.S.C. Section 1125(a)); Cancellation of U.S. Trademark Registration (15 U.S.C. Sections 1119 and 1120)

**VII. NATURE OF SUIT** (Place an X in one box only.)

<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 466 Immigration Actions	<input type="checkbox"/> 530 General	<input checked="" type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 450 Commerce/CC Rates/Etc	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 315 Airplane	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 863 DW/CD/W (405 (g))
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 560 Civil Detainee	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 350 Motor Vehicle Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 565 Civil Detainee	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 850 Securities/Com-modities/Exchange	<input type="checkbox"/> 190 Other	<input type="checkbox"/> 355 Motor Vehicle Liability	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 195 Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 690 Other	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 362 Personal Injury- Med Malpractice	<input type="checkbox"/> 443 Housing/Accommodations		
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 210 Land	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury	<input type="checkbox"/> 444 Employment with Disabilities-		
<input type="checkbox"/> 899 Admtn. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 368 Asbestos Personal Injury	<input type="checkbox"/> 446 American with Disabilities-Other		
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 369 Asbestos Product Liability	<input type="checkbox"/> 448 Education		

FOR OFFICE USE ONLY: Case Number:

CV13-06099

AFTER COMPLETING PAGE 1 OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED ON PAGE 2.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed?  NO  YES

If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case?  NO  YES

If yes, list case number(s): \_\_\_\_\_

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply)  A. Arise from the same or closely related transactions, happenings, or events; or  
 B. Call for determination of the same or substantially related or similar questions of law and fact; or  
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.

Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

<b>County in this District:</b>	California County outside of this District; State, if other than California; or Foreign Country
	Alameda County, California

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.

Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

<b>County in this District:</b>	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County, California	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.  
**NOTE: In land condemnation cases, use the location of the tract of land involved.**

<b>County in this District:</b>	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County, California	

\*Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

**X. SIGNATURE OF ATTORNEY (OR SELF-REPRESENTED LITIGANT):** \_\_\_\_\_ DATE: August 15, 2015

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))