

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

ROOR INTERNATIONAL BV; and
SREAM, INC.,

Plaintiffs,

v.

Case No. 6:18-cv-1733-Orl-37GJK

S&T TOBACCO INTERNATIONAL,
INC.; and SAID LYAM,

Defendants.

ORDER

Plaintiffs sued Defendants for trademark infringement. (Doc. 1.) Defendants failed to appear, and Plaintiffs successfully obtained an entry of default against them. (Docs. 13-15.) Now, Plaintiffs move for default judgment and an award of \$15,000 in statutory damages and \$826.77 in costs. (Doc. 16 (“**Motion**”).) On referral, U.S. Magistrate Judge Gregory J. Kelly recommends the Court grant in part and deny in part the Motion. (Doc. 17 (“**R&R**”).) Specifically, Magistrate Judge Kelly found Plaintiffs demonstrated actual damages due to Defendants’ willful trademark infringement and are entitled to \$15,000 in statutory damages pursuant to the Lanham Act, but only \$595.00 in costs. (*Id.* at 8.)

The parties did not object to the R&R, and the time for doing so has now passed. As such, the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan. 28, 2016); *see also Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006). Finding no such error, the

Court adopts the R&R in its entirety.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. U.S. Magistrate Judge Gregory J. Kelly's Report and Recommendation (Doc. 17) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Plaintiffs' Motion for Default Final Judgment Against S&T Tobacco International, Inc. and Said Lyam is **GRANTED IN PART AND DENIED IN PART**:
 - a. The Motion is **DENIED** to the extent Plaintiffs seek an award of \$826.77 in costs.
 - b. In all other respects, the Motion is **GRANTED**.
3. The Clerk is **DIRECTED** to:
 - a. Enter default judgment in favor of Plaintiffs Roor International BV and Sream, Inc. and against Defendants S&T Tobacco International, Inc. and Said Lyam for damages in the amount of \$15,595.00; and
 - b. Close the file.

DONE AND ORDERED in Chambers in Orlando, Florida, on July 17, 2019.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record