

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

ULTRATECH INTERNATIONAL, INC.,

Plaintiff,

vs.

Case No. 3:14-cv-12-J-34JBT

RESOURCE ENERGY GROUP, LLC,
and AARON MILTON,

Defendants.

ORDER

THIS CAUSE is before the Court on the Report and Recommendation (Dkt. No. 62; Report), entered by the Honorable Joel B. Toomey, United States Magistrate Judge, on March 30, 2015. In the Report, Magistrate Judge Toomey recommends that Plaintiff's Motion for Default Judgment Against Defendants Resource Energy Group, LLC ("REG") and Aaron Milton ("Milton") (Dkt. No. 61; Motion) be granted to the extent set forth in the Report and that the Clerk of the Court be directed to enter judgment and close the file. See Report at 20-23. Defendants have failed to file objections to the Report, and the time for doing so has now passed.

The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b). If no specific objections to findings of facts are filed, the district court is not required to conduct a de novo review of those findings. See Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993); see also 28 U.S.C. § 636(b)(1). However, the district court must review legal conclusions de

novo. See Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); United States v. Rice, No. 2:07-mc-8-FtM-29SPC, 2007 WL 1428615, at * 1 (M.D. Fla. May 14, 2007).

Upon independent review of the file and for the reasons stated in the Magistrate Judge's Report, the Court will accept and adopt the legal and factual conclusions recommended by the Magistrate Judge. Accordingly, it is hereby

ORDERED:

1. The Magistrate Judge's Report and Recommendation (Dkt. No. 62) is **ADOPTED** as the opinion of the Court.

2. Plaintiff's Motion for Default Judgment Against Defendants Resource Energy Group, LLC and Aaron Milton (Dkt. No. 61) is **GRANTED**.

3. The Clerk of Court is **DIRECTED** to enter judgment in favor of Plaintiff Ultratech International, Inc., and against Defendant Resource Energy Group, LLC, in the amount of \$72,233.74, plus costs pursuant to 28 U.S.C. § 1920. Post judgment interest will accrue at the statutory rate set forth in 28 U.S.C. § 1961.

4. The Clerk of Court is further **DIRECTED** to enter judgment in favor of Plaintiff Ultratech International, Inc., and against Defendant Resource Energy Group, LLC, and Defendant Aaron Dale Milton as follows:

Defendants Resource Energy Group, LLC and Aaron Dale Milton, and their principals, agents, servants, employees, officers, attorneys, successors and assigns, and all persons, entities, firms, and corporations acting in privity, concert, or participation with them, who receive actual notice of this judgment by personal service or otherwise, are permanently enjoined:

(a) from directly or indirectly infringing or using in any way the "Ultra" mark in any manner, including use of the name "Ultra Ever Dry" in any manner or form whatsoever, including using Plaintiff's names and trademarks in internet adword purchases, website domains or subdomains, and using Plaintiff's names and trademarks in keywords, source codes or metadata associated with any website owned or controlled by Defendants;

(b) from manufacturing, distributing, selling, offering for sale, holding for sale or advertising any products, merchandise or goods bearing the name, trademark, or likeness of UltraTech's Ultra Ever Dry products;

(c) from representing that any products, merchandise or goods manufactured, distributed, sold, held for sale, or advertised by REG are sponsored, authorized by or related to UltraTech;

(d) from engaging in any conduct that tends to falsely represent, or is likely to confuse, mislead, or deceive members of the purchasing public to believe that REG and any products sold or marketed for sale by REG are in some way connected, affiliated, sponsored, approved, or licensed by UltraTech or "Ultra Ever Dry";

(e) from interfering with UltraTech's rights in, or use of, the "Ultra" mark, including the name "Ultra Ever Dry"; and

(f) from infringing UltraTech's "Ultra" or "Ultra Ever Dry" mark or damaging UltraTech's business, reputation or goodwill.

Additionally, Defendants Resource Energy Group, LLC and Aaron Dale Milton, and their principals, agents, servants, employees, officers, attorneys, successors and assigns, and all persons, entities, firms, and corporations acting in privity, concert, or participation with them, are hereby ordered:

(a) to promptly remove and discontinue all literature, advertisements, descriptions, videos and depictions on any of its websites, social media pages, in its catalogues and in any other marketing materials, trade show displays, and the like which show or depict any name, trademark or such product of UltraTech including "Ultra Ever Dry";

(b) to promptly disclose to UltraTech the company names, individuals and contact information of all customers who have paid REG for Ultra Ever Dry but never received such product from REG;

(c) to promptly disclose the company names, individuals and contact information of all customers to whom REG sent emails, tweets, letters, facsimiles, or other communications since June 27, 2013 which mention or refer to "UltraTech" or "Ultra Ever Dry";

(d) to promptly take all acts necessary to permanently assign to UltraTech the rights and use of its website www.ultraeverdrystore.com.

5. The Clerk of the Court is further directed to terminate any pending motions and close the file.

6. Plaintiff may file a motion for attorney's fees and costs on or before **May 29, 2015**.

DONE AND ORDERED at Jacksonville, Florida, this 27th day of April, 2014.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Honorable Joel B. Toomey
United States Magistrate Judge

Counsel of Record

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