

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 19-CV-60978-RAR**

**LIFECCELL IP HOLDINGS, LLC,  
and SOUTH BEACH SKIN CARE, INC.,**

Plaintiffs,

v.

**COSMEDIQUE, LLC, GLOBAL MEDIA GROUP, LLC,  
VYACHESLAV BORODIN, and JOHN DOES 1-5,**

Defendants.

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**VYACHESLAV BORODIN, COSMEDIQUE LLC, and  
GLOBAL MEDIA GROUP, LLC,**

Counterclaim Plaintiffs,

v.

**SOUTH BEACH SKIN CARE, INC. and  
LIFECCELL IP HOLDINGS, LLC,**

Counterclaim Defendants.

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**VYACHESLAV BORODIN, COSMEDIQUE LLC, and  
GLOBAL MEDIA GROUP, LLC,**

Third-Party Plaintiffs,

v.

**CHRIS SUAREZ,**

Third-Party Defendant.

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**ORDER AFFIRMING AND ADOPTING REPORT AND RECOMMENDATION**

**THIS CAUSE** comes before the Court on Magistrate Judge Jacqueline Becerra's Report and Recommendation ("Report") [ECF No. 258]. The Report recommends that the Motion for

Partial Summary Judgment filed by Defendant Vyacheslav Borodin [ECF No. 202] (“Borodin’s Motion”) be denied and that the Joint Motion for Partial Summary Judgment filed by South Beach Skin Care, Inc., Lifecell IP Holdings, LLC, and Chris Suarez [ECF No. 204] (“SBSC’s, Lifecell’s, and Suarez’s Joint Motion”) be granted in part and denied in part. *See* Report at 2-3.

On June 21, 2021, Borodin, Cosmedique LLC, and Global Media Group, LLC (“Defendants/Counter-Plaintiffs”) timely filed Objections to the Report (“Objection”) [ECF No. 264]. On July 2, 2021, SBSC and Lifecell (“Plaintiffs/Counter-Defendants”) and Third-Party Suarez timely filed their Joint Response to the Objection (“Response”) [ECF No. 266]. The Court being fully advised in the premises, it is hereby

**ORDERED AND ADJUDGED** that the Report [ECF No. 258] is **AFFIRMED AND ADOPTED** as explained herein.

#### **LEGAL STANDARD**

This Court reviews *de novo* the determination of any disputed portions of the Magistrate Judge’s Report. *United States v. Powell*, 628 F.3d 1254, 1256 (11th Cir. 2010). Any portions of the Report to which no specific objection is made are reviewed only for clear error. *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006). A proper objection “identifie[s] specific findings set forth in the [Report] and articulate[s] a legal ground for objection.” *Leatherwood v. Anna’s Linens Co.*, 384 F. App’x 853, 857 (11th Cir. 2010) (alterations and emphasis added; citations omitted).

#### **ANALYSIS**

Upon due consideration of the record, including Judge Becerra’s Report and Defendants’/Counter-Plaintiffs’ Objection thereto, the Court overrules the objection and adopts the Report. The Court agrees with Judge Becerra’s detailed and well-reasoned findings of fact and

conclusions of law. The Report thoughtfully addresses the issues presented, and the Objection does not provide a basis for rejecting the Report.

**CONCLUSION**

For the foregoing reasons, it is **ORDERED AND ADJUDGED** as follows:

1. Defendants/Counter-Plaintiffs' Objection [ECF No. 264] is **OVERRULED**.
2. The Report [ECF No. 258] is **AFFIRMED AND ADOPTED**.
3. Borodin's Motion [ECF No. 202] is **DENIED**.
4. SBSC's, Lifecell's, and Suarez's Joint Motion [ECF No. 204] is **GRANTED in**

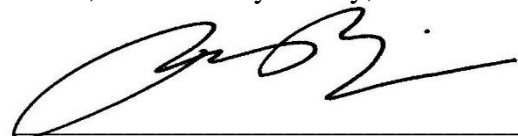
**part** and **DENIED in part** as follows:

- a. **GRANTED** as to Counts I, II, and III of Defendants'/Counter-Plaintiffs' Second Amended Counterclaim [ECF No. 189];
- b. **GRANTED** as to Counts I and II of Defendants'/Counter-Plaintiffs' Third-Party Complaint Against Suarez [ECF No. 189]; and
- c. **DENIED** as to Count II of Lifecell and SBSC's Amended Complaint [ECF No. 30].

5. Further, Count III of the Amended Complaint [ECF No. 30] is hereby **DISMISSED** for lack of standing and SBSC's, Lifecell's, and Suarez's Joint Motion as to the same is **DENIED AS MOOT**.

6. Lastly, this matter is **STAYED** for forty-five (45) days upon the entry of this Order to permit the parties to engage in mediation.

**DONE AND ORDERED** in Fort Lauderdale, Florida, this 19th day of July, 2021.



**RODOLFO A. RUIZ II**  
**UNITED STATES DISTRICT JUDGE**