

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TELEBRANDS CORP.,

Plaintiff,

-against-

HM IMPORT USA CORP. and  
JUNWU ZHANG,

Defendants.

-----x  
**MEMORANDUM & ORDER**

09-cv-3492 (ENV) (RLM)

**VITALIANO, D.J.**

Plaintiff Telebrands Corporation, Inc. filed a complaint against defendants HM Import USA Corp. and Junwu Zhang on August 12, 2009, alleging trademark, copyright, and patent infringement. Following discovery, plaintiff moved for summary judgment on liability and damages. In response to that motion, defendants conceded liability. In light of defendants' concession, this Court referred the case to Magistrate Judge Roanne L. Mann for an inquest on damages and a determination as to whether defendants' infringement was willful. Plaintiff timely filed its submissions on inquest, but defendants failed to make any submission at all or otherwise further defend this action.

Following a review on inquest of the relevant submissions, Judge Mann issued a Report and Recommendation ("R&R") on July 26, 2012 (Dkt. No. 80), recommending that the Court award plaintiff \$600,000 in statutory damages under the Lanham Act, \$30,000 under the Copyright Act, \$170,571 in attorneys' fees, and \$17,734.89 in costs.<sup>1</sup> No objections to Judge Mann's R&R have been filed.

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<sup>1</sup> Magistrate Judge Mann's recommendation was based on a finding of defendants' willful infringement.

In reviewing a report and recommendation, the court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). However, in order to accept a magistrate judge's report and recommendation where no timely objection has been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

After careful review of all the evidence in the record below, the Court finds Judge Mann's R&R to be correct, comprehensive, well-reasoned, and free of any clear error. The Court, therefore, adopts the R&R in its entirety as the opinion of the Court. Accordingly, for the reasons stated in the R&R, judgment shall enter against defendants in the amount of \$818,305.89, which includes \$600,000 in statutory damages under the Lanham Act, \$30,000 under the Copyright Act, \$170,571 in attorneys' fees, and \$17,734.89 in costs.

The Clerk is directed to enter judgment and to close this case.

**SO ORDERED.**

Dated: Brooklyn, New York

~~August~~ 31, 2012

s/ ENV

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ERIC N. VITALIANO  
United States District Judge