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★ JUN 22 2017 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CAEL TECHNOLOGIES (PVT.) LTD.,

Plaintiff,

-against-

PRECISE VOTING, LLC,
VOTRITE, LLC.,

Defendants.
-----X

LONG ISLAND OFFICE

MEMORANDUM AND ORDER

CV 13-1470

(Wexler, J.)

APPEARANCES:

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WEXLER, District Judge:

Plaintiff Cael Technologies (Pvt.) Ltd. commenced this copyright action on March 20, 2013, alleging that in 2012, Defendants marketed an electronic voting system very similar to Plaintiff's copyrighted Voting Systems Software. According to Plaintiff, Defendants copied, decompiled and modified Plaintiff's copyrighted software and registered it with the United States

Copyright Office in 2006 as its own software.

On October 14, 2016, the Court granted Plaintiff a default judgment against Defendant VotRite, LLC (“VotRite”).¹ Pursuant to that Order, VotRite was permanently enjoined from infringing Plaintiff’s copyright and directed to return all copies of the copyrighted software. The action was referred to the assigned Magistrate Judge to report and recommend with respect to the amount of damages, if any, to be awarded to Plaintiff.

Magistrate Judge Brown held an inquest hearing with respect to damages on May 7, 2017, at which VotRite failed to appear. After considering the evidence offered by the Plaintiff, Magistrate Brown issued a Report and Recommendation on May 10, 2017, recommending that Plaintiff be awarded \$475,000 in actual damages and pre-judgment interest at a rate of nine percent (9%) per annum from January 9, 2007.

Magistrate Brown’s Report and Recommendation advised the parties that any written objections were to be filed within fourteen days from the date of service of the Report and Recommendation. (R&R at 2.) The Report and Recommendation was served on VotRite on May 10, 2017 (Docket Entry #89.) To date, no objections have been received.

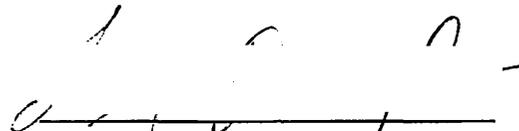
Accordingly, the time to file objections to the recommendation of Magistrate Brown having passed without receipt of any objections thereto, the Report and Recommendation is hereby adopted. Plaintiff is awarded actual damages in the amount of \$475,000 and pre-judgment interest, to be calculated by the Clerk of the Court, at the rate of nine percent (9%) per annum from January 9, 2007 through the date of judgment.

¹ Defendant Precise Voting, LLC filed for bankruptcy on November 25, 2014, at which time this action was stayed with respect to that defendant.

The Clerk of the Court is directed to enter judgment as set forth above and to close the file in this action.

SO ORDERED:

Dated: Central Islip, New York
June 22, 2017


LEONARD D. WEXLER
United States Magistrate Judge