

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF TEXAS
 DALLAS DIVISION

HI-TECH PHARMACEUTICALS,
 INC.,

Plaintiff,

v.

USPLABS, LLC, JACOBO
 GEISSLER, JONATHAN DOYLE,
 MODERN SPORTS NUTRITION,
 LLC and DOES 1–100,

Defendant.

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Civil Action No. 3:19-CV-2639-X

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
 RECOMMENDATION OF THE UNITED STATES MAGISTRATE
 JUDGE**


The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. [Doc. No. 90]. No objections were filed. The District Court reviewed the proposed findings, conclusions, and recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

Accordingly, the Court **GRANTS** Hi-Tech summary judgment on all Modern Sports’s counterclaims and a declaratory judgment of non-infringement of the MODERN BCAA mark. The Court **DENIES** Hi-Tech a declaratory judgment that the MODERN BCAA mark is invalid and U.S. Registration No. 4,324,549 should be cancelled. And the Court **DENIES** Hi-Tech’s request for default judgment and the

striking of Modern Sports's pleadings and **PARTIALLY GRANTS** Hi-Tech's request for attorneys' fees under Rule 37(b).

Therefore, the Court **ORDERS** Hi-Tech to file an affidavit with supporting evidence setting forth the amount of fees to be awarded within fourteen (14) days.

IT IS SO ORDERED this 16th day of December 2022.



BRANTLEY STARR
UNITED STATES DISTRICT JUDGE