

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

OSSIFIX TECHNOLOGIES, INC. d/b/a
OSSIFIX ORTHOPEDICS,

Plaintiff,

v.

UMBRA APPLIED TECHNOLOGIES
GROUP, INC.,

Defendant.

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1:23-CV-752-DII

ORDER

Before the Court is the report and recommendation from United States Magistrate Judge Mark Lane concerning Plaintiff's Motion for Default Judgment, (Dkt. 9). (R. & R., Dkt. 15).

Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Lane issued his report and recommendation on December 5, 2023. (*Id.*). As of the date of this order, no party has filed objections to the report and recommendation.

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge's proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure de novo review by the district court. When no objections are timely filed, a district court can review the magistrate's report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee's note ("When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.").

Because no party has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation of the United States Magistrate Judge, (Dkt. 15), is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff Ossifix Technologies, Inc. d/b/a Ossifix Orthopedic's Motion for Default Judgment, (Dkt. 9), is **GRANTED**.

IT IS DECLARED that Defendant Umbra Applied Technologies Group, Inc. is in material breach of the Purchase of Corporate Assets and Intellectual Property Agreement.

IT IS DECLARED that the Purchase of Corporate Assets and Intellectual Property Agreement between the parties is terminated, null and void; and all right, title and interest in the assets and intellectual property that was to be transferred under the Agreement revert to Ossifix.

Plaintiff is entitled to actual damages in the amount of \$1,955,750, exemplary damages in the amount of \$2,000,000, a permanent injunction, attorney's fees in the amount of \$14,372.75, and pre-judgment and post-judgment interest. The Court will enter its final judgment in a separate order.

To assist the Court in entering its final judgment, **IT IS FINALLY ORDERED** that Plaintiff file a proposed final judgment, reflecting the relief granted by the Report and Recommendation and this Order, on or before **January 17, 2024**.

SIGNED on January 3, 2024.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE