

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, TAMPA DIVISION

Eli Lilly and Company v. PHTB LLC and Precision Weight Loss
Center, LLC

No. 8:25-cv-1488-TPB-SPF, United States District Court for the Middle District of Florida, Tampa Division
(December 29, 2025)

SUMMARY

The United States District Court for the Middle District of Florida adopts a magistrate judge’s report and recommendation granting Eli Lilly and Company’s motion for default judgment. The court enters default judgment as to Precision Weight Loss Center’s liability and grants a permanent injunction concerning use of the Mounjaro marks, misleading statements, unfair competition, and deceptive or unfair acts. The court defers judgment on damages and directs Eli Lilly to submit supplemental briefing.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Tampa Division
WRITING FOR THE COURT	Thomas P. Barber
JURISDICTION	United States District Court for the Middle District of Florida, Tampa Division
DECIDED	December 29, 2025
DOCKET	8:25-cv-1488-TPB-SPF
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed and adopted a magistrate judge's report and recommendation recommending entry of default judgment against the defendants. No party filed objections.
STANDARD OF REVIEW	When no objection is filed to a magistrate judge's report and recommendation, the district court reviews the report and recommendation for clear error; objections require de novo review of the challenged portions.
PRECEDENTIAL VALUE	Unknown

TOPICS

default judgment

default

injunctions

trademark infringement

civil procedure

PRACTICE AREAS

civil procedure

trademark law

trademark infringement

injunctions

commercial litigation

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's report and recommendation recommending that Eli Lilly's motion for default judgment be granted.
2. Whether Eli Lilly was entitled to default judgment as to Precision's liability and permanent injunctive relief.
3. Whether damages should be determined at that time or deferred for supplemental briefing.

HOLDINGS

1. The district court adopted and incorporated the magistrate judge's report and recommendation after reviewing it for clear error.
2. Eli Lilly was entitled to default judgment as to liability against Precision.
3. Eli Lilly was entitled to a permanent injunction prohibiting Precision and persons acting in concert with it from using the Mounjaro marks or confusingly similar marks, making specified false or misleading statements, engaging in unfair competition, or engaging in deceptive or unfair acts.
4. The court deferred entering judgment on damages and directed Eli Lilly to submit supplemental briefing on damages by January 29, 2026.

KEY QUOTATIONS

"When no objection is filed, a court reviews the report and recommendation for clear error." (Page 3)

"The Court finds that Plaintiff Eli Lilly is entitled to a default judgment as to liability against Defendant Precision." (Page 3)

FACTUAL BACKGROUND

Eli Lilly alleged that Precision Weight Loss Center infringed rights in the Mounjaro marks and engaged in unfair competition and deceptive or unfair acts in connection with compounded drugs. The court entered default judgment as to Precision's liability and enjoined Precision and persons acting with it from using the Mounjaro marks or confusingly similar marks, making specified false or misleading affiliation or product statements, engaging in unfair competition, or engaging in deceptive or unfair acts.

PROCEDURAL HISTORY

Magistrate Judge Sean P. Flynn recommended granting Eli Lilly's motion for default judgment. After the objection period expired without objections, District Judge Thomas P. Barber reviewed the report and recommendation for clear error, adopted and incorporated it, entered default judgment as to Precision's liability, and awarded permanent injunctive relief. The court deferred damages and ordered supplemental briefing.

DISPOSITION

other

CASES CITED

- Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)
- Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982)
- Macort v. Prem, Inc., 208 F. App'x 781, 784 (11th Cir. 2006)
- Nettles v. Wainwright, 677 F.2d 404, 409 (5th Cir. 1982)

OPINION

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA TAMPA DIVISION
ELI LILLY AND COMPANY, Plaintiff, Case No. 8:25-cv-1488-TPB-SPF v. PHTB LLC and
PRECISION WEIGHT LOSS CENTER, LLC, Defendants.

_____/ ORDER ADOPTING REPORT AND
RECOMMENDATION This matter is before the Court on consideration of the report and
recommendation of Sean P. Flynn, United States Magistrate Judge, entered on December 3, 2025.

(Doc. 84). Judge Flynn recommends that “Plaintiff Eli Lilly and Company’s Motion for Default Judgment” (Doc. 76) be granted. No party has objected, and the time to object has expired. After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge’s report and recommendation.

28 U.S.C. § 636(b)(1); Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982). A district court must “make a de novo determination of those portions of the [report and recommendation] to which an objection is made.” 28 U.S.C. § 636(b)(1)(C). When no objection is filed, a court reviews the report and recommendation for clear error.

Macort v. Prem, Inc., 208 F. App'x 781, 784 (11th Cir. 2006); Nettles v. Wainwright, 677 F.2d 404, 409 (5th Cir. 1982). Upon due consideration of the record, including Judge Flynn’s well- reasoned report and recommendation, the Court adopts the report and recommendation.

Accordingly, it is ORDERED, ADJUDGED, and DECREED: (1) The report and recommendation (Doc. 84) is AFFIRMED and ADOPTED and INCORPORATED BY REFERENCE into this Order for all purposes, including appellate review. (2) “Plaintiff Eli Lilly and Company’s Motion for Default Judgment” (Doc. 76) is GRANTED as set forth in the report and recommendation.

(3) The Court finds that Plaintiff Eli Lilly is entitled to a default judgment as to liability against Defendant Precision. (4) The Court finds that Eli Lilly is entitled to a permanent injunction enjoining Defendant Precision and its officers, agents, servants, employees, and attorneys and all

persons acting in concert or participation with any of them, from: a. Using the Mounjaro Marks (No.

6,809,369 and No. 7,068,463) or any mark confusingly similar to them, in connection with the advertising, promoting, marketing, selling or offering for sale of any goods or services (including, but not limited to, compounded drugs) or otherwise engaging in any activity that is likely to cause confusion, cause mistake, or deceive or otherwise infringe any rights of Plaintiff Eli Lilly in the Mounjaro Marks or any similar mark; b. Falsely stating or suggesting that Precision's compounded drugs are genuine or generic versions of MOUNJARO® or ZEPBOUND®[®], that Precision is associated or connected in any way with Eli Lilly or its products; c. Engaging in any unfair competition with Eli Lilly; and d. Engaging in any deceptive or unfair acts.

(3) The Court defers entering judgment on damages and directs Plaintiff Eli Lilly to submit supplemental briefing on damages on or before January 29, 2026. DONE and ORDERED in Chambers, in Tampa, Florida, this 29th day of December, 2025. TOMBARBER UNITED STATES DISTRICT JUDGE Page 3 of 3