

**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)

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®s®, 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