

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2008-1185, -1238

REVOLUTION EYEWEAR, INC.,

Plaintiff/Counterclaim Defendant-
Cross Appellant,

and

GARY MARTIN ZELMAN,

Counterclaim Defendant-Cross
Appellant,

v.

ASPEX EYEWEAR, INC. and NONU IFERGAN,

Defendants/Counterclaimants-
Appellants.

Appeals from the United States District Court for the Central District of California in case
no. 03-CV-05965, Judge Philip S. Gutierrez.

ON MOTION

ORDER

The court notes that Aspex Eyewear, Inc. et al. (Aspex) have not filed a status report.

The court's April 28, 2008 order directed Aspex to file a status report within 14 days of the court's disposition in 2008-1050. That appeal was decided on February 13, 2009 and the mandate issued on March 23, 2009. Thus, Aspex is directed to respond how this appeal should proceed in view of the court's disposition in 2008-1050.

Accordingly,

IT IS ORDERED THAT:

Aspex is directed to inform the court how it believes this appeal should proceed within 14 days of the date of filing of this order. Revolution Eyewear, Inc. and Gary Martin Zelman may also respond within that time.

FOR THE COURT

JUL 28 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: R. Joseph Trojan, Esq.
Michael A. Nicodema, Esq.

s17

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

JUL 28 2009

JAN HORBALY
CLERK