

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-1051

ASPEX EYEWEAR, INC., and CONTOUR OPTIK, INC.,

Plaintiffs-Appellants,

v.

E'LITE OPTIK, INC.,

Defendant-Appellee.

Appeal from the United States District Court for the Northern District of Texas
in case no. 02-CV-634, Judge Sidney A. Fitzwater.

ON MOTION

ORDER

The court notes that E'Lite Optik, Inc. has not filed a status report.

The court's March 31, 2009 order directed E'Lite Optik to file a status report every 60 days and within 21 days after the bankruptcy proceedings are completed or the stay has been lifted. On July 28, 2009, the court directed E'Lite Optik to file a status report within 30 days of that order and every 60 days thereafter; however, E'Lite Optik has not done so.

Accordingly,

IT IS ORDERED THAT:

(1) E'Lite Optik is directed to file a status report within 30 days of the date of filing of this order and every 60 days thereafter. If E'Lite Optik does not file status reports on this schedule, the appeal will be dismissed pursuant to Fed. Cir. R. 47.10.

(2) E'Lite Optik is further directed to file a status report within 21 days after the bankruptcy proceedings are completed or the stay has been lifted. Aspex Eyewear, Inc. et al. may also respond within that time.

FOR THE COURT

OCT 13 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Michael A. Nicodema, Esq.
Daniel V. Thompson, Esq.

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

OCT 13 2009

JAN HORBALY
CLERK