

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**ASPEX EYEWEAR, INC., and CONTOUR OPTIK,  
INC.,**  
*Plaintiffs-Appellants,*

v.

**E'LITE OPTIK, INC.,**  
*Defendant-Appellee.*

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2009-1051

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

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**O R D E R**

The parties have not submitted a status report as required by the court's March 31, 2009, July 28, 2009, October 13, 2009, and December 2, 2009 orders.

The court stated in the December 2 order that if the parties did not file status reports every 60 days, the court would dismiss pursuant to Fed. Cir. R. 47.10 (if appeal is subject to bankruptcy stay, clerk may dismiss without prejudice to reinstatement within 30 days after lifting of bankruptcy stay). The last status report was filed on

February 1, 2010. Because the parties have not filed the required status reports, the court dismisses pursuant to Rule 47.10.

Accordingly,

IT IS ORDERED THAT:

- (1) The appeal is dismissed without prejudice to reinstatement pursuant to the terms of Fed. Cir. R. 47.10.
- (2) Each side shall bear its own costs.

FOR THE COURT

JUN 11 2010

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

JUN 11 2010

JAN HORBALY  
CLERK