

NOTE: This order is nonprecedential.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.

**ALTAIR EYEWEAR, INC.,**  
*Defendant-Appellee.*

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2012-1102

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Appeal from the United States District Court for the District of Massachusetts in case no. 10-CV-12202, Judge William G. Young.

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**ON MOTION**

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**O R D E R**

Aspex Eyewear, Inc. and Contour Optik, Inc. ("Aspex") move to strike portions of the joint appendix and Altair Eyewear, Inc.'s ("Altair") response brief. Altair responds. Aspex replies.

Upon consideration thereof,

IT IS ORDERED THAT:

Aspex's motion is deferred for consideration by the merits panel assigned to decide this case. Copies of this order, the motion, the response, and the reply shall be transmitted to the merits panel.

FOR THE COURT

JUL 26 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Michael A. Nicodema, Esq.  
Tracy Zurzolo Quinn, Esq.

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

**JUL 26 2012**

**JAN HORBALY**  
**CLERK**