

NOTE: This order is nonprecedential.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.

### ORDER

Aspex Eyewear, Inc. et al. submit a status report and request that the stay of this appeal be continued pending resolution of E'Lite Optik, Inc.'s status as a party in bankruptcy proceedings.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The stay is continued. Either Aspex or E'Lite Optik must file a status report within 60 days of the date of this order and every 60 days thereafter. If neither party files a status report within those times, 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

DEC 02 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

DEC 02 2009

JAN HORBALY  
CLERK