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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ASPEX EYEWEAR, INC.,  
  
Plaintiff,  
  
v.

VISION SERVICE PLAN; MARCHON  
EYEWEAR, INC.; ALTAIR EYEWEAR,  
INC.,  
  
Defendants.

Case No. 2:10-cv- 00632- JAM-GGH

**ORDER DENYING ASPEX EYEWEAR  
INC.'S MOTION FOR PRELIMINARY  
INJUNCTION**

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Plaintiff Aspex Eyewear Inc. has moved for preliminary injunctive relief against Defendants Vision Service Plan, Marchon Eyewear, Inc. and Altair Eyewear Inc. The matter was heard by the above-entitled Court on May 19, 2010, at 9:30 a.m.

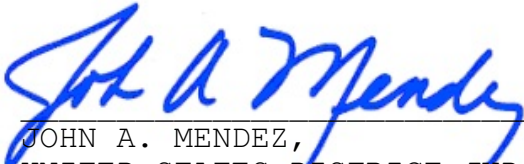
Having considered all of the papers and evidentiary submissions filed by the parties, as well as the arguments raised by counsel at the hearing, the Court hereby DENIES the motion for

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preliminary injunctive relief for the reasons stated at the hearing and on the grounds that Plaintiff has not shown a likelihood of success on the merits at this time.

IT IS SO ORDERED.

DATED: May 19, 2010

  
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JOHN A. MENDEZ,  
UNITED STATES DISTRICT JUDGE