

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 3rd day of November, two thousand eleven.

PRESENT: AMALYA L. KEARSE,
PIERRE N. LEVAL,
DENNY CHIN,
Circuit Judges.

INTERNATIONAL BUSINESS MACHINES
CORPORATION,
Plaintiff-Counter-
Defendant-Appellant,

-v.-

11-902-cv

GIOVANNI VISENTIN,
Defendant-Counter-
Claimant-Appellee.

FOR PLAINTIFF-COUNTER-
DEFENDANT-APPELLANT:

ROBERT A. ATKINS (Martin Flumenbaum,
Eric Alan Stone, Jacqueline P. Rubin,
on the brief), Paul, Weiss, Rifkind,
Wharton & Garrison LLP, New York, New
York.

FOR DEFENDANT-COUNTER-
CLAIMANT-APPELLEE:

MICHAEL L. BANKS (Sarah E. Bouchard,
on the brief), Morgan, Lewis & Bockius
LLP, Philadelphia, PA, and Schulte
Roth & Zabel LLP (Ronald E. Richman
and Jill Goldberg-Mintzer, on the
brief), New York, New York.

1 Appeal from an order of the United States District Court
2 for the Southern District of New York (Preska, Chief Judge) denying
3 a motion for a preliminary injunction.

4 **UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED,**
5 **AND DECREED** that the order of the district court is **AFFIRMED.**

6 Plaintiff-Counter-Defendant-Appellant International
7 Business Machines Corporation appeals from Chief Judge Preska's
8 denial of its motion for a preliminary injunction to enforce two
9 noncompetition agreements.

10 After conducting a four-day evidentiary hearing, the
11 district court issued a sixty-two page decision setting forth
12 detailed findings of fact and conclusions of law. International
13 Bus. Machs. Corp. v. Visentin, No. 11 Civ. 399, 2011 WL 672025
14 (S.D.N.Y. Feb. 16, 2011).

15 This Court reviews the district court's denial of a
16 preliminary injunction for abuse of discretion. Grand River Enter.
17 Six Nations, LTD v. Pryor, 481 F.3d 60, 66 (2d Cir. 2007).
18 Questions of fact are reviewed for clear error and questions of law
19 are considered de novo. Id.

20 We conclude, for substantially the reasons set forth in
21 the district court's thoughtful and well-reasoned opinion, that the
22 district court did not abuse its discretion. Accordingly, the
23 judgment of the district court is **AFFIRMED.**

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25 FOR THE COURT:

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27 Catherine O'Hagan Wolfe, Clerk
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