

United States Court of Appeals, Second Circuit.

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INTERNATIONAL BUSINESS MACHINES CORPORATION, Plaintiff-Counter-Defendant-Appellant, v. Giovanni VISENTIN, Defendant-Counter-Claimant-Appellee.

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No. 11-902-cv.  
November 3, 2011.

[EDITOR'S NOTE: This case is unpublished as indicated by the issuing court.] Appeal from an order of the United States District Court for the Southern District of New York (Preska, Chief Judge) denying a motion for a preliminary injunction.

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

Robert A. Atkins (Martin Flumenbaum, Eric Alan Stone, Jacqueline P. Rubin, on the brief), Paul, Weiss, Rifkind, Wharton & Garrison LLP, New York, NY, for Plaintiff-Counter-Defendant-Appellant.

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, NY, for Defendant-Counter-Claimant-Appellee.

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

### ***SUMMARY ORDER***

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

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

This Court reviews the district court's denial of a preliminary injunction for abuse of discretion. *Grand River Enter. Six Nations, Ltd. v. Pryor*, 481 F.3d 60, 66 (2d Cir. 2007). Questions of fact are reviewed [**\*54**] for clear error and questions of law are considered de novo. *Id.*

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

## General Information

<b>Result(s)</b>	Judgment Affirmed
<b>Related docket(s)</b>	11-00902 (2d Cir.)