Ross Harvey Form 4 October 17, 2005

## FORM 4

### UNITED STATES SECURITIES AND EXCHANGE COMMISSION Washington, D.C. 20549

STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF

**SECURITIES** 

OMB Number:

3235-0287

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**OMB APPROVAL** 

if no longer subject to Section 16. Form 4 or Form 5 obligations may continue.

Check this box

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934, Section 17(a) of the Public Utility Holding Company Act of 1935 or Section 30(h) of the Investment Company Act of 1940

(Print or Type Responses)

1(b).

See Instruction

1. Name and Address of Reporting Person \* Ross Harvey

(First)

(State)

(Last)

(City)

2. Issuer Name and Ticker or Trading

Symbol

**EMERGING VISION INC** [ISEE.OB]

(Middle)

3. Date of Earliest Transaction

(Month/Day/Year) 10/13/2005

(Street) 4. If Amendment, Date Original

(Zip)

Filed(Month/Day/Year)

5. Relationship of Reporting Person(s) to

Issuer

(Check all applicable)

\_X\_\_ Director 10% Owner \_ Other (specify Officer (give title

below)

6. Individual or Joint/Group Filing(Check

Applicable Line)

\_X\_ Form filed by One Reporting Person Form filed by More than One Reporting

SOMERVILLE, NJ 08876

3140 ROUTE 22 WEST

| (City)                               | (State)                              | (Zip) Table   | e I - Non-D                            | erivative S   | Securi | ties Acqu  | ired, Disposed of   | , or Beneficiall  | y Owned |
|--------------------------------------|--------------------------------------|---|--|---|--------|--|---|---|---------|
| 1.Title of<br>Security<br>(Instr. 3) | 2. Transaction Date (Month/Day/Year) | 2A. Deemed<br>Execution Date, if<br>any<br>(Month/Day/Year) | 3.<br>Transactio<br>Code<br>(Instr. 8) | 4. Securities Acquired (A) or Disposed of (D) (Instr. 3, 4 and 5)  (A) or |        | 5. Amount of<br>Securities<br>Beneficially<br>Owned<br>Following<br>Reported<br>Transaction(s)<br>(Instr. 3 and 4) | 6.<br>Ownership<br>Form: Direct<br>(D) or<br>Indirect (I)<br>(Instr. 4) | 7. Nature of<br>Indirect<br>Beneficial<br>Ownership<br>(Instr. 4) |         |
|                                      |                                      |   | Code V                                 | Amount  | (D)    | Price  | (Instr. 5 and 1)  |   |         |
| Common<br>Stock                      | 10/13/2005                           |   | P                                      | 5,500   | A      | \$ 880   | 1,474,498   | D   |         |
| Common<br>Stock                      | 10/14/2005                           |   | P                                      | 30,000  | A      | \$<br>4,800  | 1,504,498   | D   |         |

Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

Persons who respond to the collection of SEC 1474 information contained in this form are not (9-02)required to respond unless the form displays a currently valid OMB control number.

#### Edgar Filing: Ross Harvey - Form 4

# Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned (e.g., puts, calls, warrants, options, convertible securities)

| 1. Title of | 2.          | 3. Transaction Date |                    | 4.         | 5.         | 6. Date Exer |            | 7. Title |          | 8. Price of | 9. Nu  |
|-------------|-------------|---------------------|--------------------|------------|------------|--------------|------------|----------|----------|-------------|--------|
| Derivative  | Conversion  | (Month/Day/Year)    | Execution Date, if | Transacti  | orNumber   | Expiration D | ate        | Amou     | nt of    | Derivative  | Deriv  |
| Security    | or Exercise |                     | any                | Code       | of         | (Month/Day/  | Year)      | Under    | lying    | Security    | Secur  |
| (Instr. 3)  | Price of    |                     | (Month/Day/Year)   | (Instr. 8) | Derivative | e            |            | Securi   | ties     | (Instr. 5)  | Bene   |
|             | Derivative  |                     |                    |            | Securities |              |            | (Instr.  | 3 and 4) |             | Own    |
|             | Security    |                     |                    |            | Acquired   |              |            |          |          |             | Follo  |
|             |             |                     |                    |            | (A) or     |              |            |          |          |             | Repo   |
|             |             |                     |                    |            | Disposed   |              |            |          |          |             | Trans  |
|             |             |                     |                    |            | of (D)     |              |            |          |          |             | (Instr |
|             |             |                     |                    |            | (Instr. 3, |              |            |          |          |             |        |
|             |             |                     |                    |            | 4, and 5)  |              |            |          |          |             |        |
|             |             |                     |                    |            |            |              |            |          |          |             |        |
|             |             |                     |                    |            |            |              |            |          | Amount   |             |        |
|             |             |                     |                    |            |            | Date         | Expiration |          | or       |             |        |
|             |             |                     |                    |            |            | Exercisable  | Date       | Title    | Number   |             |        |
|             |             |                     |                    |            |            | Excicisable  | Date       |          | of       |             |        |
|             |             |                     |                    | Code V     | (A) (D)    |              |            |          | Shares   |             |        |

## **Reporting Owners**

| Reporting Owner Name / Address                            | Relationships |           |         |       |  |  |  |
|---|---------------|-----------|---------|-------|--|--|--|
| 1 8   | Director      | 10% Owner | Officer | Other |  |  |  |
| Ross Harvey<br>3140 ROUTE 22 WEST<br>SOMERVILLE, NJ 08876 | X             |           |         |       |  |  |  |

## **Signatures**

Harvey Ross, by Brian Alessi, his attorney in fact 10/17/2005

\*\*Signature of Reporting Person Date

## **Explanation of Responses:**

- \* If the form is filed by more than one reporting person, see Instruction 4(b)(v).
- \*\* Intentional misstatements or omissions of facts constitute Federal Criminal Violations. See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).

Note: File three copies of this Form, one of which must be manually signed. If space is insufficient, *see* Instruction 6 for procedure. Potential persons who are to respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB number.

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