

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

In the Matter of)

Summit Technology, Inc.,)
a Corporation, and)

VISX, Incorporated,)
a Corporation.)

DOCKET No. 9286

ORDER DENYING VISX INCORPORATED'S MOTION NO. 2
FOR SUMMARY DECISION REGARDING U.S. PATENT
NO. 5,711,762 AND U.S. PATENT NO. 5,735,843

Having considered VISX Incorporated's Motion No. 2 For Summary Decision Regarding U.S. Patent No. 5,711,762 and U.S. Patent No. 5,735,843, and Complaint Counsel's opposition thereto, and having considered the materials cited in support of the parties' position and the arguments of counsel, and having determined, at hearing, that genuine issues of material fact exist with respect to the issues raised by this motion

IT IS ORDERED that the motion is DENIED.



Stuart A. Levin
Administrative Law Judge

Date: December 15, 1998