

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 DISMISSING PARAGRAPHS 17-19

the authenticity of his scientific records and diary. (Subpoena (b) and (c)) Complaint Paragraph 10

11/11/71

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

For all of the foregoing reasons, Respondent's Motion 3 was granted at the December 9.

acknowledges that Counsel have not submitted sufficient evidence in response to Motion 3. Since Counsel also acknowledged previously that they will not put on any proof supporting Paragraphs 17-19 of the Complaint, it is accordingly clear that no genuine issue of material fact with respect to these allegations will be litigated at the trial. Dismissal which Respondent seeks is, under these circumstances, appropriate. **Therefore:**

ORDER

IT IS ORDERED that Paragraphs 17-19 of the Complaint, and Paragraph III of the Notice of Contemplated Relief, to the extent that relief is based upon Complaint Paragraphs 17-19 be, and they hereby are, DISMISSED with prejudice.