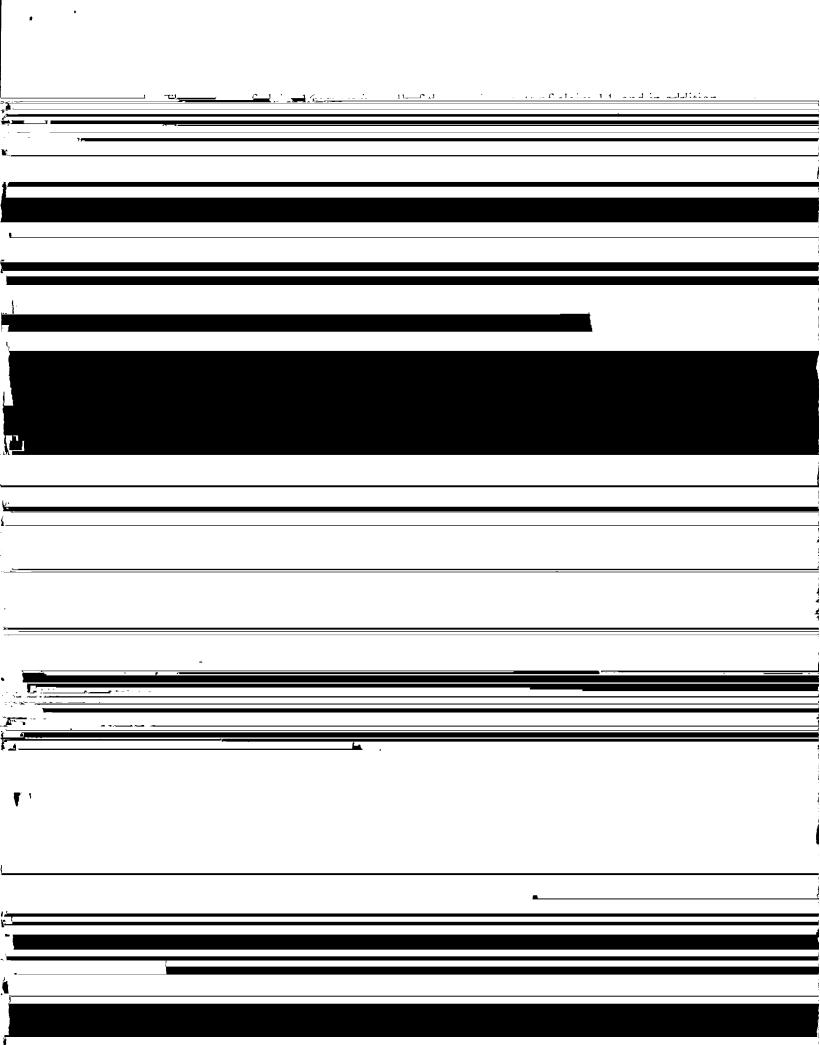
UNITED STATES OF AMERICA BEFORE FEDERAL TRADE COMMISSION

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ORDER SPECIFYING UNDISPUTED FACTS REGARDING RESPONDENT 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

Respondents motion for Partial Summary Decision having been denied, I enter this order, in accordance with Rule 3.24(a)(5), specifying facts that appear without substantial controversy:

1 U.S. Patent No 7,511,762 ("'762 Patent") is directed to a "system for use in a laser source surgical method of removing corneal tissue." The system of claim 1 requires a laser that produces a beam of radiation at a wavelength of about 193 nm in a series of pulses. The system also requires a large-lability and the laser and delivering a fraction of



Complaint Counsel does not agree that this paragraph 13 is relevant to Motion No. 2. 14. The invention claimed in the '762 Patent is patentably distinct from that claimed in the '388 Patent. 15. The layerstand claimed in the 1942 Patent is patentably distinct from that claimed in the '399 Patent.		17 There were no terminal divolationers tiled in Detant Ann. Car. No. 480 243: however
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