

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. 1
FOR SUMMARY DECISION RE: PRIOR ART ISSUE

Having considered VISX Incorporated's Motion No. 1 For Summary Decision Re: Prior Art Issue, and Complaint Counsel's opposition thereto, and having considered the materials cited in support of the parties' positions 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:

