

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

In the Matter of)

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

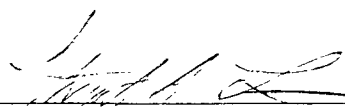
VISX, Incorporated,)
a Corporation.)
_____)

DOCKET NO. 9286

ORDER DENYING VISX INCORPORATED'S MOTION NO. 4 FOR
SUMMARY DECISION RE: COMPLAINT COUNSEL'S FAILURE TO
SHOW A RELEVANT MARKET IN WHICH VISX MAINTAINED MONOPOLY
POWER BY ITS ACQUISITION OF THE TROKEL '388' PATENT

Having considered VISX Incorporated's Motion No. 4 For Summary Decision Re: Complaint Counsel's Failure to Show a Relevant Market in Which VISX Maintained Monopoly Power by its Acquisition of the Trokel '388' Patent, 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 respondent's motion be and here is DENIED.



Stuart A. Levin
Administrative Law Judge

Date. December 22, 1998