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FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FEB 11 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

AUDIO SERVICES
DIVISION

ORIGINAL

In the Matter of)
)
Biotronik, Inc.)
)
Experimental Radio Station License)
(Call Sign WD2XAA))
)

File No. 0223-EX-PL-2002

MOTION FOR LEAVE TO RESPOND

Biotronik, Inc., ("Biotronik"), by its attorneys, hereby moves for leave to respond to the Reply of Medtronic, Inc. ("Medtronic") regarding Biotronik's above-captioned experimental authorization.¹ In its Reply, Medtronic makes new factual allegations as to which Biotronik has had no opportunity to respond.² Medtronic also distorts statements made by Biotronik in a manner that, if left uncorrected, could generate confusion.³

Good cause exists for granting the instant motion. Consideration of the attached response will enable the Commission to render its decision based on a more complete record and, by clarifying confusing elements of the record, may facilitate a prompt resolution of this proceeding.

¹ See Reply of Medtronic, File No. 0223-EX-PL-2002 (Jan. 22, 2003) ("Medtronic Reply").

² For example, Medtronic alleges that Biotronik is not permitted to give away the T chip and home monitoring equipment used with the Belos DR-T as part of its clinical study and that Biotronik fully expects that this equipment will continue to operate beyond the two-year experimental license period. See Medtronic Reply at 1 and 3. The former allegation is wrong and the latter is completely false.

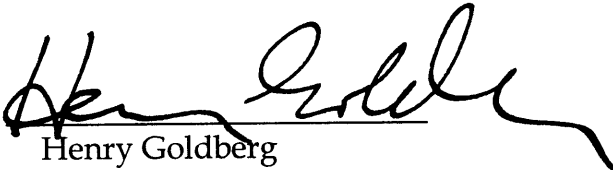
³ For example, Medtronic asserts Biotronik has conceded that it is marketing unauthorized devices and has admitted that it is using the Commission's experimental licensing rules to do so. See Medtronic Reply at 1 and 5. Biotronik has made no such admissions.

For the foregoing reasons, Biotronik moves for leave to respond to the Reply of Medtronic.

Respectfully submitted,

BIOTRONIK, INC.

By:



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February 11, 2003

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Leave to Respond was hand delivered, this 11th day of February, 2003, to each of the following:

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