IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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| KYPHON INC.,<br><br>Plaintiff,<br><br>v.<br><br>DISC-O-TECH MEDICAL TECHNOLOGIES LTD., and DISC ORTHOPAEDIC TECHNOLOGIES, INC.,<br><br>Defendants. | C.A. No. 04-204-JJF |

**ORDER**

**WHEREAS** the parties to this action have agreed to change the date in the Scheduling Order for argument regarding claim construction issues and summary judgment motions, subject to the Court's approval,

**NOW THEREFORE,** the parties' proposed change is approved and the Scheduling Order is hereby modified as follows:

Argument regarding claim construction issues and summary judgment motions will be heard on April 19, 2005, from 1:00 to 4:00 p.m. EST in Courtroom 2B.

**SO ORDERED** this 31 day of March, 2005.

Vincent J. Poppiti
Special Master

April 4, 2005

APPROVED BY:

UNITED STATES DISTRICT JUDGE