IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KYPHON, INC.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No. 04-204-JJF
	)	
DISC-O-TECH MEDICAL TECHNOLOGIES, LTD. and DISC ORTHOPAEDIC TECHNOLOGIES, INC.,	)	
	)	
Defendants.	)	

MEDTRONIC'S EMERGENCY MOTION FOR LEAVE TO INTERVENE FOR THE PURPOSE OF MODIFYING THE STIPULATED PROTECTIVE ORDER AND TO MODIFY THE STIPULATED PROTECTIVE ORDER

Medtronic Sofamor Danek, Inc., Medtronic Sofamor Danek USA, Inc., and SDGI Holdings, Inc. (collectively "Medtronic") hereby file this Emergency Motion for Leave to Intervene for the Purpose of Modifying the Stipulated Protective Order and to Modify the Stipulated Protective Order. For the reasons explained in Medtronic's Brief in Support of this motion, Medtronic respectfully requests that this Court grant its motion to intervene in this case and to modify the stipulated protective order entered by this Court on September 30, 2004.

POTTER ANDERSON & CORROON LLP

OF COUNSEL:

Steven M. Zager
Fred I. Williams
Michael Simons
AKIN GUMP STRAUSS HAUER & FELD LLP
1111 Louisiana Street, 44th Floor
Houston, TX 77002
(713) 220-5800

Michael A. O'Shea
Paul A. Gennari
AKIN GUMP STRAUSS HAUER & FELD LLP
Robert S. Strauss Building
1333 New Hampshire Avenue, N.W.
Washington, DC 20036-1564
(202) 887-4000

By: /s/ Philip A. Rovner
Philip A. Rovner (#3215)
Hercules Plaza
P. O. Box 951
Wilmington, DE 19899-0951
(302) 984-6000
provner@potteranderson.com

Attorneys for Medtronic Sofamor Danek, Inc., Medtronic Sofamor Danek USA, Inc., and SDGI Holdings, Inc.

Dated: November 9, 2006

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CERTIFICATE OF SERVICE

I, Philip A. Rovner, hereby certify that on November 9, 2006, the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following; that the document was served on the following counsel as indicated; and that the document is available for viewing and downloading from CM/ECF.

BY HAND DELIVERY AND E-MAIL

Thomas L. Halkowski, Esq.
Fish & Richardson, P.C.
919 N. Market Street, Suite 1100
P.O. Box 1114
Wilmington, DE 19899-1114
halkowski@fr.com

Maryellen Noreika, Esq.
Morris, Nichols, Arsht & Tunnell
1201 N. Market Street
P.O. Box 1347
Wilmington, DE 19899
menefiling@mnat.com

I hereby certify that on November 9, 2006 I have sent by E-mail the foregoing document to the following non-registered participants:

Paul I. Rachlin, Esq.
Proskauer Rose LP
1585 Broadway
New York, NY 10036-8299
prachlin@proskauer.com

Frank E. Scherkenbach, Esq.
Fish & Richardson P.C.
225 F rankling Street
Boston, MA 02110-2804
scherkenbach@fr.com

/s/ Philip A. Rovner

Philip A. Rovner (#3215)
Potter Anderson & Corroon LLP
Hercules Plaza
P.O. Box 951
Wilmington, Delaware 19899
(302) 984-6000
E-mail: provner@potteranderson.com