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.	)	

DECLARATION OF FRED I. WILLIAMS IN SUPPORT OF MEDTRONIC'S RENEWED MOTION FOR LEAVE TO INTERVENE FOR THE PURPOSE OF MODIFYING THE STIPULATED PROTECTIVE ORDER AND TO MODIFY THE STIPULATED PROTECTIVE ORDER

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ATTORNEYS FOR MEDTRONIC SOFAMOR DANEK, INC., MEDTRONIC SOFAMOR DANEK USA, INC., AND SDGI HOLDINGS, INC.

Dated: February 26, 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KYPHON, INC., Plaintiff vs. DISC-O-TECH MEDICAL TECHNOLOGIES, LTD. and DISC ORTHOPAEDIC TECHNOLOGIES, INC., Defendants.	Civil Case No. 04-0204-JJF

DECLARATION OF FRED I. WILLIAMS IN SUPPORT OF MEDTRONIC'S RENEWED MOTION FOR LEAVE TO INTERVENE FOR THE PURPOSE OF MODIFYING THE STIPULATED PROTECTIVE ORDER AND TO MODIFY THE STIPULATED PROTECTIVE ORDER

I, Fred I. Williams, declare as follows:

1. I am an attorney duly licensed in the State of Texas and admitted to practice before the United States District Courts for the Southern, Eastern, Northern, and Western Districts of Texas and the United States Courts of Appeals for the Fifth and Eleventh Circuits. I am a partner of Akin Gump Strauss Hauer & Feld LLP and counsel for Medtronic Sofamor Danek, Inc., Medtronic Sofamor Danek USA, Inc., and SDGI Holdings, Inc. (collectively "Medtronic" or "Defendants"). I make this declaration in support of Medtronic's Renewed Motion for Leave to Intervene for the Purpose of Modifying the Stipulated Protective Order and to Modify the Stipulated Protective Order. I have personal knowledge of the facts stated in this declaration.

2. Attached hereto as Exhibit A is a true and correct copy of the Document Chart presented to the Tennessee court during a hearing on November 2, 2006.

3. Attached hereto as Exhibit B is a true and correct copy of the email message to Jonathan M. Sobel from Karen I. Boyd, dated October 15, 2006.

4. Attached hereto as Exhibit C is a true and correct copy of the letter to Fred I. Williams from Erin O. Dungan, dated December 21, 2006.

5. Attached hereto as Exhibit D is a true and correct copy of Kyphon's December 20, 2006, press release.

6. Attached hereto as Exhibit E is a true and correct copy of the subpoena served on Disc Orthopaedic Technologies Inc. on November 10, 2006.

7. Attached hereto as Exhibit F is a true and correct copy of the letter to Erin O. Dungan from Fred I. Williams, dated December 29, 2006.

Date: February 26, 2007

Fred I. Williams

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

I, Philip A. Rovner, hereby certify that on February 26, 2007, 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

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I hereby certify that on February 26, 2007 I have sent by E-mail the foregoing document to the following non-registered participants:

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