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.	)	

NOTICE OF NO OPPOSITION

On February 26, 2007, Medtronic Sofamor Danek, Inc., Medtronic Sofamor Danek USA, Inc., and SDGI Holdings, Inc. (collectively "Medtronic") filed a Renewed Motion for Leave to Intervene for the Purpose of Modifying the Stipulated Protective Order and to Modify the Stipulated Protective Order (D.I. 292) (the "Motion"). Pursuant to D. Del. LR 7.1.2, responses to the Motion were due on March 12, 2007. On that date, Kyphon, Inc. filed a response indicating that it did not oppose the Motion (D.I. 295)[1]; Disc-O-Tech Medical Technologies, Ltd. and Disc Orthopaedic Technologies, Inc. filed no response whatsoever. Medtronics' Motion therefore is unopposed. Accordingly, Medtronics 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.

[1] On March 19, 2007, Kyphon filed a "corrected" response, once again confirming that it does not oppose the granting of the Motion. (D.I. 296).

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Dated: March 19, 2007

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FOR THE DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

I, Philip A. Rovner, hereby certify that on March 19, 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.

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I hereby certify that on March 19, 2007 I have sent by E-mail the foregoing document to the following non-registered participants:

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