IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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

O R D E R

WHEREAS, Medtronic Sofamor Danek, Inc, Medtronic Sofamor Danek USA, Inc. and SGDI 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);

WHEREAS, Kyphon, Inc. ("Kyphon") sued Medtronic in the Western District of Tennessee ("Tennessee Court"), alleging infringement of the same patents at issue in this litigation ("Delaware litigation");

WHEREAS, Medtronic seeks modification of the protective order to allow Medtronic to produce certain Disc-o-Tech's litigation documents;

WHEREAS, Kyphon does not oppose Medtronic's Motion, but rather, contends that it is unable to produce Disc-o-Tech's documents due to the terms of the protective order between it and

Disc-o-Tech;

WHEREAS, Kyphon and Disc-o-Tech do not oppose Medtronic's Motion;

NOW THEREFORE, IT IS HEREBY ORDERED that Medtronic's 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) is **GRANTED**.

April 5, 2007
DATE

Joseph J. Farnan Jr.
UNITED STATES DISTRICT JUDGE