

Interlocutory Orders, Etc.

IN THE MATTER OF

**KYPHON, INC.,
DISC-O-TECH MEDICAL TECHNOLOGIES
LTD.,
AND
DISCOTECHORTHOPEDIC TECHNOLOGIES
INC.**

Docket No. C-4201. Order, December 19, 2007

Letter approving the petition of Kyphon, Inc. to divest the Confidence Assets to DePuy Spine, Inc.

COMMISSION LETTER APPROVING DIVESTITURE

Dear Ms. Feinstein:

This letter responds to the November 6, 2007, Petition of Kyphon Inc. For Approval of Proposed Divestiture (“Petition”) requesting that the Commission approve Kyphon’s divestiture of the Confidence Assets to DePuy Spine, Inc., a subsidiary of Johnson & Johnson (“DePuy”), pursuant to the order in this matter. The Petition was placed on the public record for comments for thirty days, until December 12, 2007, and no comments were received.

After consideration of the proposed transaction as set forth in the Petition and supplemental documents, as well as other available information, the Commission has determined to approve the divestiture of the Confidence Assets to DePuy. In according its approval, the Commission has relied upon the information submitted and representations made in connection with Kyphon’s Petition, and has assumed them to be accurate and complete.

By direction of the Commission, Commissioner Harbour and Commissioner Kovacic recused.

Interlocutory Orders, Etc.

IN THE MATTER OF

**HERBS NUTRITION CORPORATION
AND
SYED M. JAFRY***Docket No. 9325. Order, December 21, 2007*

Order granting Complaint Counsel's motion to withdraw the matter from adjudication to enable the Commission to consider a proposed consent agreement.

**ORDER WITHDRAWING MATTER FROM ADJUDICATION FOR THE
PURPOSE OF CONSIDERING PROPOSED CONSENT AGREEMENT**

Complaint Counsel having moved that this matter be withdrawn from adjudication to enable the Commission to consider a proposed Consent Agreement; and

Complaint Counsel having submitted a proposed Consent Agreement containing a proposed Order, executed by the Respondents and by Complaint Counsel and approved by the Director of the Bureau of Consumer Protection, which, if accepted by the Commission, would resolve this matter in its entirety;

IT IS ORDERED, pursuant to Rule 3.25(c) of the Commission Rules of Practice, 16 C.F.R. § 3.25(c) (2007), that this matter in its entirety be and it hereby is withdrawn from adjudication, and that all proceedings before the Administrative Law Judge be and they hereby are stayed pending a determination by the Commission with respect to the proposed Consent Agreement, pursuant to Rule 3.25(f), 16 C.F.R. § 3.25(f); and

IT IS FURTHER ORDERED, pursuant to Rule 3.25(b) of the Commission Rules of Practice, 16 C.F.R. § 3.25(b), that the proposed Consent Agreement shall not be placed on the public record unless and until it is accepted by the Commission.