UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of	)	
WRIGHT MEDICAL TECHNOLOGY, INC., a corporation,	)	
KIDD, KAMM EQUITY PARTNERS, L.P., a limited partnership,	)	Docket No. C-3564
KIDD KAMM INVESTMENTS, L.P., a limited partnership,	)	**PETITION OF WRIGHT MEDICAL TECHNOLOGY, INC. TO REOPEN AND MODIFY CONSENT ORDER**
and	)	
KIDD, KAM INVESTMENTS, INC., a corporation.	)	

Pursuant to Commission Rule 2.51, Wrightf -N

stock issued by Orthomet (the "Acquisition").

2. The Commission subsequently initiated an investigation of the proposed transaction under Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18, and Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45.

3. On or about December 8, 1994, Wright and the other respondents settled charges by the Commission that the proposed Acquisition would eliminate potential competition in the market for the sale of orthopaedic implants used in human hands by entering into a consent agreement with the Commission.

4. On March 23, 1995, the Commission, in conformity with the procedures described in § 2.34 of its Rules, entered the Consent Order against Wright and the other respondents.

5. Paragraph IV of the Consent Order requires Wright, for a period of ten (10) years, to obtain the prior-approval of the Commission before (a) acquiring more than one percent (1%) of the stock, share capital, or other equity interest in any concern, corporate or non-corporate that has filed a 510(k) application or IDE application relating to Orthopaedic Finger Implants or has announced its intention to do so, or has received FDA approval related to Orthopaedic Finger Implants; (b) acquiring any assets (including, but not limited to, any technology, know-how, and other intellectual property) relating to Orthopaedic Finger Implants for which FDA approval has been sought, the intention for seeking such approval has been announced, or such approval has been received; and (c) entering into any agreement with Mayo relating to Orthopaedic Finger Implants. The complete requirements of Paragraph IV are more fully set forth in the Consent Order.

6. On June 22, 1995, the Commission issued a press release stating that it would no longer routinely require prior-approval provisions such as Paragraph IV of the Consent Order, because the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (the "HSR Act") by itself has proven to be an effective tool for investigating and challenging proposed large acquisitions that are likely to have an anticompetitive effect, particularly by companies against which the Commission has taken prior law enforcement action. *See also* 60 Fed. Reg. at 39746 (Aug. 3, 1995). The Commission also stated that its policy was in keeping with its goal of protecting consumers from anticompetitive conduct while avoiding the overburdening of businesses.

7. The Commission's June 22, 1995 announcement further stated that a company currently subject to an order may petition to have the prior-approval provision removed from the order and that, in the event of such a petition, the Commission will apply a rebuttable presumption that modification of the order is in the public interest.

8. We respectfully submit that the elimination of the prior-approval requirement in Paragraph IV of the Consent Order would be entirely consistent with the Commission's policy of safeguarding consumers from anticompetitive transactions as well as the public's interest in avoiding the unnecessary exchange of paperwork, duplicative effort of the Commission, and cost burdens on companies subject to such a requirement. Wright is aware of no circumstances that would rebut the presumption against prior-approval requirements.

WHEREFORE, for all of the above reasons, Wright respectfully requests that the Consent Order be modified so as to remove the prior-approval requirements contained in Paragraph IV.

Dated: September 5, 2003

Respectfully submitted,

Jason P. Hood
Vice President, General Counsel and Secretary
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