To the Honorable Commissioner of Patents and Trademarks:

1. Name of conveying party(ies):
   - Reynaldo A. Osorio
   - Marialulu Fullmer
   - Richard W. Layne
   - Ryan P. Boucher
   - Karen D. Talmadge
   - Joseph J. Basista

   Additional names(s) of conveying party(ies):  □ Yes  □ No

2. Name and address of receiving party(ies):
   - Name: Kyphon Inc.
   - Internal Address:
   - Street Address: 1350 Bordeaux Drive
   - City: Sunnyvale  State: CA  ZIP: 94089

   Additional name(s) & address(es) attached?  □ Yes  □ No

3. Nature of conveyance:
   - ☑ Assignment
   - □ Merger
   - □ Security Agreement
   - □ Change of Name
   - □ Other

   Execution Date: July 17, 18, 2001

4. Application number(s) or registration numbers(s):
   - A. Patent Application No.(s)
     09/827,260

   B. Patent No.(s)

   Additional numbers attached?  □ Yes  □ No

5. Name and address of party to whom correspondence concerning document should be mailed:
   - Name: Daniel D. Ryan
   - Internal Address: Ryan Kromholz & Manion, S.C.
   - Street Address: P.O. Box 26618
   - City: Milwaukee  State: WI  ZIP: 53226

6. Total number of applications and patents involved:  1

7. Total fee (37 CFR 3.41): $ 40.00
   - ☑ Enclosed - Any excess or insufficiency should be credited or debited to deposit account
   - □ Authorized to be charged to deposit account

8. Deposit account number: 06-2360

   To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

   Daniel D. Ryan
   Name of Person Signing
   Signature
   Date: July 31, 2001

Total number of pages including cover sheet, attachments, and document: 1

Docket No.: 1759.17207-FOR

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

OIP 2001

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OMB No. 0651-0011 (exp. 4-94)
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REEL: 012058 FRAME: 0310
ASSIGNMENT

In consideration of One Dollar ($1.00) and other good and valuable considerations, receipt of which is acknowledged, We, Reynaldo A. Osorio, Marialulu Follmer, Richard W. Layne, Ryan P. Boucher, Karen D. Talmadge, and Joseph J. Basista, being the lawful owner, hereby sell and assign to Kyphon Inc., its successors and assigns, the entire right, title and interest throughout the world in our invention in a Methods and Devices for Treating Fractured and/or Diseased Bone, as described in the application for United States patent, Serial Number 09/827,260, filed on 5 April 2001 and in this and any and all U.S.A. and other patent applications and patents thereon, and in all rights of priority thereto.

Signed, sealed and delivered this 17th day of July, 2001.

Reynaldo A. Osorio

__________________________

Signed, sealed and delivered this 17th day of July, 2001.

Marialulu Follmer

__________________________

Signed, sealed and delivered this 17th day of July, 2001.

Richard W. Layne

__________________________

Signed, sealed and delivered this 18th day of July, 2001.

Ryan P. Boucher

__________________________

Signed, sealed and delivered this 17th day of July, 2001.

Karen D. Talmadge

__________________________

Signed, sealed and delivered this 17th day of July, 2001.

Joseph J. Basista
State of California
County of Santa Clara ss.

On July 17, 2001, before me, Marjorie L. Jarvis, Notary Public, Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Reynaldo A. Osorio, Marialulu Pollmer, Richard W. Layne, Karen D. Talmadge, and Joseph J. Basista, Name(s) of signer(s)

I, personally known to me, proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal. Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document
Title or Type of Document: Assignment (Docket No. 1759.17207-FOR)

Document Date: 10/23/01 Number of Pages: 1

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer
Signer’s Name: __________________________

☐ Individual
☐ Corporate Officer — Title(s): __________________________
☐ Partner — Limited / General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: __________________________

Signer Is Representing: __________________________

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PATENT
REEL: 012058 FRAME: 0312
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Santa Clara

On July 18, 2001, before me, Marjorie L. Jarvis, Notary Public, Name and Title of Officer (e.g., Jane Doe, Notary Public)

personally appeared Ryan P. Boucher, Name(s) of Signer(s)

X personally known to me
proved to me on the basis of satisfactory
evidence
to be the person(ies) whose name(s) are
subscribed to the within instrument and
acknowledged to me that he/she/they executed
the same in his/her/their authorized
capacity(ies), and that his/her/their
signature(s) on the instrument the person(s), or
the entity upon behalf of which the person(s)
acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document
Title or Type of Document: Assignment (Docket No. 1759.17207-FOR)

Document Date: __________________________ Number of Pages: 1

Signer(s) Other Than Named Above: __________________________

Capacity(ies) Claimed by Signer
Signer’s Name: __________________________

Individual
Corporate Officer — Title(s): __________________________
Partner — Limited General
Attorney in Fact
Trustee
Guardian or Conservator
Other: __________________________

Signer Is Representing: __________________________

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