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To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof

1. Name of conveying party(ies):

SANATIS GmbH

Additional name(s) of conveying party(ies) attached? ☒ Yes ☐ No.

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other:

Execution Date: December 18, 2003

2. Name and address of receiving party(ies)

Kyphon Inc.
1350 Bordeaux Drive
Sunnyvale, California 94089Additional name(s) and address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No(s): 10/070,670, filed
03/04/2002

B. Patent No(s):

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: James M. Heslin
TOWNSEND AND TOWNSEND AND CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
(415) 576-0200

6. Total number of applications and patents involved 1

7. Total fee (37 CFR 3.41): -----\$40.00

- ☐ Enclosed
☒ Authorized to be charged to deposit account

8. Deposit account number: 20-1430

(Attach duplicate copy of this page if paying by deposit account)

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9. Statement and signature.

*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.*Lynn M. Thompson for
James M. HeslinName of Person Signing
Atty. Reg. No. 47,991

Signature

December 18, 2003
Date

Total number of pages including cover sheet, attachments and documents: 3

Mail documents to be recorded with required cover sheet information to:

Mail Stop Assignment Recordation Services
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P.O. Box 1450
Alexandria, VA 22313-1450

ASSIGNMENT

WHEREAS, **SANATIS GmbH**, a corporation, located at Juri-Gagarin-Strasse 13, D-01454 Radeberg, GERMANY, hereinafter referred to as "ASSIGNOR," is the owner of all rights in certain new and useful improvements as described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: **MAGNESIUM AMMONIUM PHOSPHATE
CEMENT COMPOSITION**

Filing Date: March 4, 2002

Serial No.: 10/070,670

WHEREAS, **KYPHON INC.**, of 1350 Bordeaux Drive, Sunnyvale, California 94089, hereinafter referred to as "ASSIGNEE," wants to acquire an interest in the invention and application and in any Letters Patent and Registrations that may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignor, Assignor has assigned, and by these presents does assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignor had this assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignor further agrees that Assignor will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignor hereby authorizes and requests Townsend and Townsend and Crew LLP, Two Embarcadero Center, Eighth Floor, San Francisco, CA 94111-3834, to insert herein above the application number and filing date of said application when known.

IN TESTIMONY WHEREOF, this Assignment is executed this 16th day of DECEMBER, 2003.

SANATIS GmbH

By: 

Robert Vandervelde

Title: Managing Director

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PATENT

RECORDED: 12/18/2003

REEL: 014208 FRAME: 0128