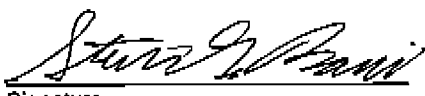


Substitute Form PTO-1595
Attorney Docket No.: 17116-004001

RECORDATION FORM COVER SHEET
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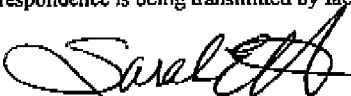
Commissioner for Patents: Please record the attached original document(s) or copy(ies).	
1. Name of conveying party(ies): Hugues F. Malandain Additional name(s) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Name and address of receiving party(ies): Kyphon Inc. 1221 Crossman Avenue Sunnyvale, CA 94089 Additional names/addresses attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other: Execution Date: August 18, 2004	
4. Application number(s) or patent number(s): If this document is being filed with a new application, the execution date of the application is: A. Patent Application No(s): 10/826,684 B. Patent No(s): Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5. Name/address of party to whom correspondence concerning document should be mailed: STEVEN G. BACSI Fish & Richardson P.C. 500 Arguello Street, Suite 500 Redwood City, California 94063	6. Total number of applications/patents involved: 1 7. Total fee (37 CFR §3.41): \$40 <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to charge Deposit Account. 8. Deposit Account No.: 06-1050 Please apply any additional charges, or any credits, to our Deposit Account No. 06-1050.
DO NOT USE THIS SPACE	
9. Statement and Signature: <i>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.</i>	
Steven G. Bacsi Reg. No. 50,736 Name of Person Signing	 Signature 4-5-05 Date
Total number of pages including coversheet, attachments and document: 4	

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CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

April 5, 2005
Date of Transmission


Signature

Sarah E. Hoke
Typed Name of Person Signing Certificate

PATENT

CH \$40.00 06-1050 10826684

Attorney Docket No: 17116-004001

ASSIGNMENT

In consideration of One Dollar (\$1.00) and other valuable consideration, I, HUGUES F. MALANDAIN of 101 E. Middlefield Road, Mountain View, California 94043, hereby assign to Kyphon Inc., a corporation of Delaware having a place of business at 1221 Crossman Avenue, Sunnyvale, CA 94089; and its successors and assigns (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the inventions and improvements which are subject of an application for United States Patent signed by us, entitled SUBCUTANEOUS SUPPORT, filed April 16, 2004, and assigned U.S. Serial Number 10/826,684; this Assignment including said application, any and all United States and foreign patents, utility models, and design registrations granted for any of said inventions or improvements, and the right to claim priority based on the filing date of said application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and I authorize the Assignee to apply in all countries in our name or in its own name for patents, utility models, design registrations and like rights of exclusion and for inventors' certificates for said inventions and improvements; and I agree for ourselves and our respective heirs, legal representatives and assigns, without further compensation to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this Assignment.

IN WITNESS WHEREOF, I hereto set my hand at Sunnyvale, California, this th 18 day of August, 2004.


HUGUES F. MALANDAIN

Attorney Docket No: 17116-004001

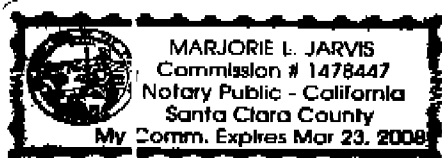
State of California

ss.

County of Santa Clara

On August 18, 2004 before me, Marjorie L. Jarvis, Notary Public, personally appeared HUGUES F. MALANDAIN personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Marjorie L. Jarvis
Notary Public
My Commission Expires: March 23, 2008

[Notary's Seal Here]

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