

PATENT ASSIGNMENT

Electronic Version v1.1

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SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNMENT
CONVEYING PARTY DATA	
Name	Execution Date
David Miller	09/19/2007
Michael Smith	09/13/2007
Steve Mouw	09/24/2007
Erika Palmer	09/12/2007
RECEIVING PARTY DATA	
Name:	Kyphon Inc.
Street Address:	1221 Crossman Avenue
City:	Sunnyvale
State/Country:	CALIFORNIA
Postal Code:	94089
PROPERTY NUMBERS Total: 1	
Property Type	Number
Application Number:	11764085
CORRESPONDENCE DATA	
Fax Number:	(415)576-0300
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>	
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Address Line 1:	Townsend and Townsend and Crew LLP
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Address Line 4:	San Francisco, CALIFORNIA 94111
ATTORNEY DOCKET NUMBER:	019433-002420US
NAME OF SUBMITTER:	John K. Shimmick
Total Attachments: 3	

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ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, David Miller of 10050 Firwood Drive, Cupertino, CA 95014; Michael Smith of 2880 Rustic Drive, San Jose, CA 95124; Steve Mouw of 2661 Estella Drive, Santa Clara, CA 95051; and Erika Palmer of 335 Barton Place, Menlo Park, CA 94025, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: SYSTEMS AND METHODS FOR NEEDLE ACCESS TO
AN INTERVERTEBRAL DISC

Date(s) of execution of Declaration: 09/19/2007; 09/13/2007; 09/24/2007; 09/12/2007

Filing Date: June 15, 2007

Application No.: 11/764,085; and

WHEREAS, Kyphon Inc., a corporation of the state of Delaware, located at 1221 Crossman Avenue, Sunnyvale, CA 94089, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do 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 Assignors 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.

Assignors further agree that they 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.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: 9-19-07


David Miller

Dated: _____

Michael Smith

Dated: _____

Steve Mouw

Dated: _____

Erika Palmer

61108607 v1

ASSIGNMENT OF PATENT APPLICATION

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