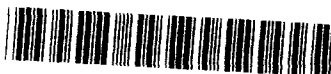
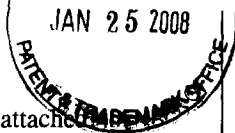


To the Director, U.S. Patent and Tr



103478458



original documents or copy thereof.

ess of receiving party(ies):

1. Name of conveying party(ies):

St. Francis Medical Technologies, Inc.

Name: Kyphon Inc.

Additional name(s) of conveying party(ies) attached

Yes  No

Foreign Address: \_\_\_\_\_

3. Nature of conveyance:

- Assignment  Merger
- Security Agreement  Change of Name
- Other \_\_\_\_\_

Domestic Address: 1221 Crossman Avenue

Execution Date: November 27, 2007

City: Sunnyvale State CA ZIP 94089

Additional name(s) & 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 Number: 11/982,462

B. Title of Invention:

Supplemental Spine Fixation Device and Method

Filing Date: October 31, 2007

Additional numbers attached?  Yes  No

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

Name: Fitzpatrick, Cella, Harper & Scinto

30 Rockefeller Plaza

New York, New York 10112-3800

Telephone No.: (212) 218-2100

Facsimile No.: (212) 218-2200

6. Number of applications and patents involved:

One

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

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number (for deficiency or excess)

06-1205

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

DO NOT USE THIS SPACE

9. Statement and signature.

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

01/29/2008 11:04:11 AM 00000000 11962462

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Justin J. Oliver

Name of Person Signing

Signature

January 25, 2008

Date

Total number of pages including cover sheet, attachments, and documents: 5

# Delaware

PAGE 1

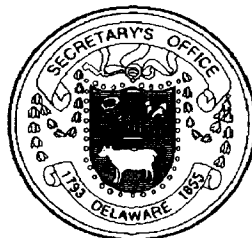
*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"ST. FRANCIS MEDICAL TECHNOLOGIES, INC.", A DELAWARE CORPORATION,

WITH AND INTO "KYPHON INC." UNDER THE NAME OF "KYPHON INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-EIGHTH DAY OF NOVEMBER, A.D. 2007, AT 9:43 O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



2367517 8100M

071259923

You may verify this certificate online  
at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 6192010

DATE: 11-28-07

PATENT  
REEL: 020441 FRAME: 0837

**CERTIFICATE OF OWNERSHIP AND MERGER  
MERCING**

**ST. FRANCIS MEDICAL TECHNOLOGIES, INC., A DELAWARE CORPORATION  
INTO  
KYPHON INC., A DELAWARE CORPORATION**

*Pursuant to Section 253  
of the General Corporation Law of the State of Delaware*

November 21, 2007

Kyphon Inc., a corporation organized and existing under and by virtue of the laws of the State of Delaware (the "Parent Corporation"),

**DOES HEREBY CERTIFY:**

**FIRST:** That the Parent Corporation was incorporated pursuant to the General Corporation Law of the State of Delaware (the "DGCL").

**SECOND:** That the Parent Corporation owns all of the outstanding shares of each class of the capital stock of St. Francis Medical Technologies, Inc., a Delaware corporation (the "Subsidiary Corporation").

**THIRD:** That the Parent Corporation, by the following resolutions of its Board of Directors, duly adopted as of November 26, 2007, determined to merge the Subsidiary Corporation into itself, with the Parent Corporation being the surviving corporation:

RESOLVED, that pursuant to Section 253 of the DGCL, the Subsidiary Corporation shall be merged (the "Merger") with and into the Parent Corporation, whereupon the separate existence of the Subsidiary Corporation shall cease, and the Parent Corporation shall be the surviving corporation;

RESOLVED, that the Merger is hereby approved pursuant to the provisions of Section 253 of the DGCL;

RESOLVED, that the Merger shall become effective upon filing of the Certificate of Ownership and Merger with the Delaware Secretary of State or at such time as is otherwise specified therein;

RESOLVED, that from and after the effective time, until successors are duly elected or appointed in accordance with applicable law, the directors of the Parent Corporation at the effective time shall be the directors of the surviving corporation, and the officers of the Parent Corporation at the effective time shall be the officers of the surviving corporation;

RESOLVED, that from and after the effective time, the name of the surviving corporation shall be Kyphon Inc.;

RESOLVED, that from and after the effective time, the bylaws of the Parent Corporation shall be the bylaws of the surviving corporation;

RESOLVED, that from and after the effective time, the certificate of incorporation of the Parent Corporation shall be the certificate of incorporation of the surviving corporation until amended in accordance with applicable law.

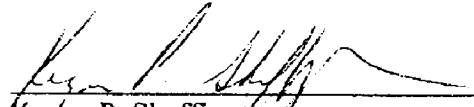
**FOURTH:** That the merger of the Subsidiary Corporation into the Parent Corporation shall be effective as of the date and time of filing of this Certificate of Ownership and Merger with the Delaware Secretary of State.

(This space intentionally left blank.)

IN WITNESS WHEREOF, the Parent Corporation has caused this Certificate of Ownership and Merger to be signed as of the date first written above by a duly authorized officer, declaring that the facts stated herein are true.

KYPHON INC., a Delaware corporation

By:

Name:  Kcyna P. Skeffington

Title: Assistant Secretary

[Signature page to Certificate of Ownership and Merger merging St. Francis Medical Technologies, Inc. into Kyphon Inc.]

SFODMS/6533565.2

RECORDED: 01/25/2008

PATENT  
REEL: 020441 FRAME: 0840