

PATENT ASSIGNMENT

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| SUBMISSION TYPE: | NEW ASSIGNMENT |
| NATURE OF CONVEYANCE: | ASSIGNMENT |
| CONVEYING PARTY DATA | |
| Name | Execution Date |
| Craig E. Lauchner | 04/15/2011 |
| Michael A. Smith | 04/29/2011 |
| RECEIVING PARTY DATA | |
| Name: | Kyphon SARL |
| Street Address: | Pierre-a-bot 97 |
| City: | Neuchatel |
| State/Country: | SWITZERLAND |
| Postal Code: | 2000 |
| PROPERTY NUMBERS Total: 1 | |
| Property Type | Number |
| Application Number: | 13098006 |
| CORRESPONDENCE DATA | |
| Fax Number: (901)399-3040 <i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i> Phone: 901-399-2228 Email: rs.docketingspinal@medtronic.com Correspondent Name: MEDTRONIC Attn: John M. Kubodera Address Line 1: 710 Medtronic Parkway Address Line 2: Attn: Legal Patents MS: LC340 Address Line 4: Minneapolis, MINNESOTA 55432-5604 | |
| ATTORNEY DOCKET NUMBER: | P0039941.00 |
| NAME OF SUBMITTER: | John M. Kubodera |
| Total Attachments: 3 source=Assignment#page1.tif source=Assignment#page2.tif source=Assignment#page3.tif | |

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PATENT
REEL: 026204 FRAME: 0034

ASSIGNMENT

WHEREAS,

- | | | |
|-----|-------------------|--|
| (1) | Craig E. Lauchner | of the City of Mountain View State of California, USA |
| (2) | Michael A. Smith | of the City of San Jose State of California, USA |

has invented certain improvements in

BONE TAMP AND METHODS OF USE

for which we have executed an application for Letters Patent of the United States of America,

_____ of even date herewith; and

 X filed on **April 29, 2011** and assigned application number **13/098,006**; and

WHEREAS, we hereby authorize and request the attorneys of Assignee, Kyphon SÀRL of Pierre-à-Bot 97, 2000 Neuchatel, Switzerland, to insert the filing date and application number of the application when known; and

WHEREAS, Kyphon SÀRL (Assignee), a limited liability company organized and existing under the laws of Switzerland, having its principal office and place of business at Pierre-à-Bot 97, 2000 Neuchatel, Switzerland, is desirous of obtaining the entire right, title, and interest in, to and under the invention and the application in the United States of America and in any and all countries foreign thereto;

NOW, THEREFORE, for One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the Assignee, its successors, legal representatives, and assigns, the entire right, title, and interest in, to and under the invention, and the application, and all divisional, renewal, substitutional, and continuing applications thereof, and all Letters Patent of the United States of America which may be granted thereon and all reissues and extensions thereof, and all applications for Letters Patent which may be filed for the invention in any country or countries foreign to the United States of America, and all extensions, renewals, and reissues thereof, and all prior patents and patent applications for which a filing priority of the above-described patent application may be obtained, including the right to collect past damages; and we hereby authorize and request the Commissioner of Patents of the United States of America, and any official of any country or countries foreign to the United States of America, whose duty is to issue patents on applications as aforesaid, to issue all Letters Patent for the invention to the Assignee, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the Assignee, its successors, legal representatives and assigns, any facts known to me respecting the invention, and testify in any legal proceedings, sign all lawful papers, execute all divisional, renewal, substitutional, continuing, and reissue applications, make all rightful declarations and/or oaths and generally do everything possible to aid the Assignee, its successors, legal representatives and assigns, to obtain and enforce patent protection for the invention in all countries.

Inventor Name:
Address:

Craig E. Lauchner
826 Harpster Drive
Mountain View, CA 94040

Dated: _____

4/15/2011

Craig Lauchner

Craig E. Lauchner
Inventor Signature

State of California

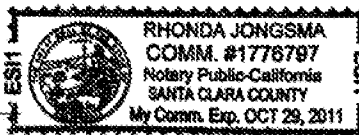
County of Santa Clara } ss

On April 20, 2011 before me, Rhonda Jongsma, Notary Public, personally appeared Craig E. Lauchner, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

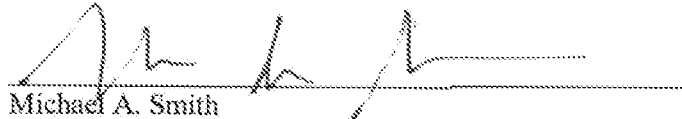
Notary Signature Rhonda Jongsma



Inventor Name:
Address:

Michael A. Smith
1158 Old Oak Drive
San Jose, CA 95120

Dated: 4-29-2011


Michael A. Smith
Inventor Signature

State of California

County of Santa Clara } ss

On April 29, 2011 before me, L. Navarro, Notary Public, personally appeared Michael A. Smith, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Signature L. Navarro

