

TRADEMARK ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
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NATURE OF CONVEYANCE:	ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL
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CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
SANATIS GmbH		06/11/2004	CORPORATION: GERMANY

RECEIVING PARTY DATA	
Name:	Kyphon Inc.
Street Address:	1221 Crossman Avenue
City:	Sunnyvale
State/Country:	CALIFORNIA
Postal Code:	94089
Entity Type:	CORPORATION: DELAWARE

PROPERTY NUMBERS Total: 1		
Property Type	Number	Word Mark
Registration Number:	2766066	SANATIS

CORRESPONDENCE DATA	
Fax Number:	(415)434-3947
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>	
Phone:	415-774-2953
Email:	aechery@sheppardmullin.com
Correspondent Name:	Michelle D. Kahn, Esq.
Address Line 1:	4 Embarcadero Center
Address Line 2:	17th Floor
Address Line 4:	San Francisco, CALIFORNIA 94111

ATTORNEY DOCKET NUMBER:	04EG-11121
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NAME OF SUBMITTER:	Alexandra Echery
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Total Attachments: 2
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CH \$40.00 2766066

ASSIGNMENT OF TRADEMARK

WHEREAS, SANATIS GmbH, a German corporation, having a principal place of business at Kirchstrasse 9, 61191 Rosbach v.d.H., Germany (the "Assignor"), has adopted and is using the mark "SANATIS" United States Trademark Registration No. 2,766,066 (the "Mark") in connection with

Raw materials for use in the manufacture of pharmaceutical and veterinary preparations, namely, unprocessed artificial resins and unprocessed plastic molding compounds for use in the manufacture of medical implants and orthopedic articles in International Class 01.

Biocompatible paints, varnishes and lacquers in the nature of a coating for use in the manufacture of medical implants and orthopedic articles in International Class 02.

Antibiotics, hormones, and cytostatic agents for use in the treatment of bone loss, fractures, infections, osteoporosis, cancer, wound management, tissue regeneration; food for medically restricted diets; food for babies; medical plasters, dressing materials for wounds, burns, tissue defects after trauma, trauma surgery, orthopedics, crania-facial-defects, esthetic surgery; materials for stopping teeth; bone cement for medical purposes and substitute materials for bone cements for medical purposes; dental wax; all-purpose disinfectants; preparations for destroying vermin; fungicides and herbicides for domestic and agricultural use in International Class 05.

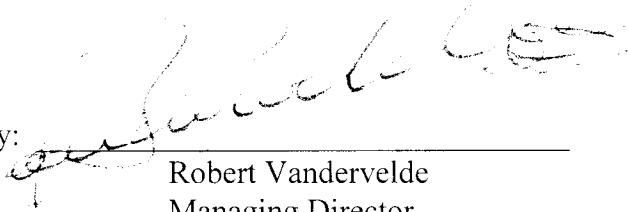
Bone implants; devices for injecting bone cement and pharmaceutical preparations and other medical materials into the human and animal body, namely syringes including multichamber syringes, application devices including pharmaceutical carriers in solid or fluid form; artificial limbs, eyes, and teeth; orthopedic articles for use with prostheses and artificial limbs, eyes, and teeth, namely wedges, cages for spinal applications, spacer, solid implants, pastes, granules; suture materials in International Class 10.

WHEREAS, Kyphon Inc., a Delaware corporation, having a principal place of business at 1221 Crossman Avenue, Sunnyvale, California 94089 (the "Assignee"), is desirous of acquiring all right, title and interest in and to the Mark;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, said Assignor does hereby assign into the said Assignee all right, title and interest in and to the said Mark, together with the goodwill of the business symbolized by the Mark, effective the date of its signature below.

SANATIS GmbH

Date: June 11, 2004 By:



Robert Vandervelde
Managing Director