

02-06-2007

Form PTO-1594 (Rev. 07/05)
OMB Collection 0651-0027 (exp. 6/30/2)



U.S. DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

103370511
TRADEMARKS ONLY

2007 FEB -5 AM 11:46

To the Director of the U. S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

FINANCE SECTION

2-5-07

1. Name of conveying party(ies):

St. Francis Medical Technologies, Inc.
1222 Crossman Avenue
Sunnyvale, California 94089

- Individual(s)
- General Partnership
- Corporation- State: Delaware
- Other _____
- Association
- Limited Partnership

Citizenship (see guidelines) _____

Additional names of conveying parties attached? Yes No

3. Nature of conveyance)/Execution Date(s) :

Execution Date(s) January 18, 2007

- Assignment
- Security Agreement
- Other _____
- Merger
- Change of Name

2. Name and address of receiving party(ies)

Additional names, addresses, or citizenship attached? Yes No

Name: Bank of America, N.A., as Administrative Agent

Internal

Address: WA1-501-32-37

Street Address: 800 Fifth Avenue

City: Seattle

State: WA

Country: USA

Zip: 98104

Association Citizenship US Natl. Banking Association

General Partnership Citizenship _____

Limited Partnership Citizenship _____

Corporation Citizenship _____

Other _____ Citizenship _____

If assignee is not domiciled in the United States, a domestic representative designation is attached: Yes No
(Designations must be a separate document from assignment)

4. Application number(s) or registration number(s) and identification or description of the Trademark.

A. Trademark Application No.(s)
See EXHIBIT A attached hereto.

B. Trademark Registration No.(s)
See EXHIBIT A attached hereto.

Additional sheet(s) attached? Yes No

C. Identification or Description of Trademark(s) (and Filing Date if Application or Registration Number is unknown):

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

Name: Terry L. Witcher, NCCP

Internal Address: _____

Street Address: 201 North Tryon Street

Suite 3000

City: Charlotte, NC 28231

State: NC

Zip: 28202

Phone Number: 704-343-2104

Fax Number: 704-444-8857

Email Address: terry.witcher@hmw.com

6. Total number of applications and registrations involved:

15

7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$ 390.00

- Authorized to be charged by credit card
- Authorized to be charged to deposit account
- Enclosed

8. Payment Information:

a. Credit Card Last 4 Numbers _____
Expiration Date _____

b. Deposit Account Number _____
Authorized User Name _____

9. Signature:

Kevin Landmesser

Signature

January 31, 2007

Date

BYRNE 00000048 78344771 Kevin Landmesser, Esq.

40 Name of Person Signing

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

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to: Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

02/05/2007
01 FC:8521
02 FC:8522

TRADEMARK
REEL: 003478 FRAME: 0060

**NOTICE OF SECURITY INTEREST IN
U.S. TRADEMARKS**

U.S. Department of Commerce
U.S. Patent and Trademark Office

Please be advised that the undersigned has granted a continuing security interest in, and a continuing lien upon, all of the trademarks and trademark applications described on Exhibit A attached hereto to **BANK OF AMERICA, N.A.**, a national banking association, as Administrative Agent (the "Administrative Agent") pursuant to a Security Agreement (the "Security Agreement") dated as of January 18, 2007 by **KYPHON INC.**, a Delaware corporation, **AND EACH OF THE SUBSIDIARIES AND AFFILIATES OF THE BORROWER PARTY THERETO FROM TIME TO TIME.**

The Administrative Agent's security interest in the described trademarks and trademark applications can be terminated only in accordance with the terms of the Security Agreement.

Very truly yours,

**ST. FRANCIS MEDICAL TECHNOLOGIES,
INC.**

By: 

Name: Arthur T. Taylor

Title: Vice President and Treasurer

ST. FRANCIS MEDICAL TECHNOLOGIES, INC.

TRADEMARK STATUS REPORT - December 3, 2006

U.S. T1

| No. | File No. - KLYC | Application No./ Class | Filing Date | Mark | Status |
|-----|-----------------|---------------------------|-------------|------------|--------|
| 1 | 1100US0 SRWCYC | 78/344,771 Class 10 | 12/23/2003 | IPED | |
| 2 | 1158US0 SRWCYC | 78/909,983 Class 10 | 6/16/2006 | FLEX STOP™ | |

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ST. FRANCIS MEDICAL TECHNOLOGIES, INC.

TRADEMARK STATUS REPORT - December 3, 2006

U.S. Tra

| No. | File No. - KLYC | Registration No. | Issue Date | Mark | Status |
|-----|-----------------|-----------------------|------------|------------|--------|
| 1 | 1023US0 SRWCYC | 2,457,911 Class 10 | 6/5/2001 | X-STOP® | |
| 2 | 1023US1 SRWCYC | 2,695,631 Class 10 | 3/11/2003 | X STOP® | |
| 3 | 1023US2 SRWCYC | 2,695,629 Class 10 | 3/11/2003 | X-STOP ® | |
| 4 | 1023US3 SRWCYC | 2,695,630 Class 10 | 3/11/2003 | Ⓢ X-STOP ® | |
| 5 | 1039US0 SRWCYC | 2,607,948 Class 10 | 8/13/2002 | STENX® | |
| 6 | 1042US0 SRWCYC | 2,625,825 Class 10 | 9/24/2002 | Ⓢ ® | |
| 7 | 1042US1 SRWCYC | 2,608,114 Class 5 | 8/13/2002 | Ⓢ ® | |
| 8 | 1050US0 SRWCYC | 2,681,697 Class 10 | 1/28/2003 | IPD® | |

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ST. FRANCIS MEDICAL TECHNOLOGIES, INC.

TRADEMARK STATUS REPORT - December 3, 2006

U.S. Tra

| No. | File No. / SRWCYC | Registration No. | Issue Date | Mark | Class |
|-----|-------------------|-----------------------|------------|--|-------|
| 9 | 1067US0 SRWCYC | 3,083,141 Class 10 | 4/18/2006 | SFMT [®] | |
| 10 | 1070US0 SRWCYC | 2,713,317 Class 10 | 5/6/2003 | ST. FRANCIS MEDICAL TECHNOLOGIES [®] | |
| 11 | 1071US0 SRWCYC | 2,734,845 Class 10 | 7/8/2003 | ADDING LIFE TO LATER YEARS. NOT JUST YEARS TO LATER LIFE. [®] | |
| 12 | 1083US0 SRWCYC | 3,151,655 Class 10 | 10/3/2006 | X-STOP [®] ^{PK} | |
| 13 | 1083US1 SRWCYC | 3,121,587 Class 10 | 7/25/2006 | SF X-STOP [®] ^{PK} | |

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