

02-05-2007

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



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

2-2-07

1. Name of conveying party(ies):

Kyphon 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:

16

7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$ 415.00

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

40.00 DP
375.00 DP

8. Payment Information:

a. Credit Card Last 4 Numbers _____
Expiration Date _____

b. Deposit Account Number _____

Authorized User Name _____

00000003 76562056

9. Signature:

Kevin Landmesser

January 31, 2007

Signature

Date

Kevin Landmesser, Esq.

Name of Person Signing

Total number of pages including cover sheet, attachments, and document: 4

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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

EXHIBIT A**Kyphon, Inc.****Registered Trademarks and Trademark Applications**

<i>Trademark</i>	<i>Country of Registration</i>	<i>Application/Registration No.</i>	<i>Application/Registration Date</i>
<u>AHEAD OF THE CURVE</u>	United States	Application No. 76/562,058	Filed 11/26/03
<u>ELEVATE</u>	United States	Application No. 76/562,060	Filed 11/26/03
<u>EXACT</u>	United States	Application No. 76/562,036	Filed 11/26/03
<u>HV-R</u>	United States	Registration No. 3037242	Registered 01/03/06
<u>KYPHON</u>	United States	Registration No. 2436526	Registered 03/20/01
<u>KYPHON (and Design)</u>	United States	Registration No. 2509449	Registered 03/19/02
<u>KYPHOPAK</u>	United States	Registration No. 2540091	Registered 02/19/02
<u>KYPHX</u>	United States	Registration No. 2454085	Registered 05/22/01
<u>KYPHX EXPRESS</u>	United States	Application No. 76/562,055	Filed 11/26/03
<u>KYPHX HV-R</u>	United States	Registration No. 3088336	Registered 05/02/06
<u>KYPHX XPANDER</u>	United States	Registration No. 2743827	Registered 07/29/03
<u>LATITUDE</u>	United States	Registration No. 3174499	Registered 11/21/06
	United States	Registration No. 2882252	Registered 09/07/04
<u>OSTEO INTRODUCER</u>	United States	Registration No. 2603112	Registered 07/30/02
<u>SANATIS</u>	United States	Registration No. 2766066	Registered 09/23/03

<i>Trademark</i>	<i>Country of Registration</i>	<i>Application/ Registration No.</i>	<i>Application/ Registration Date</i>
<u>SLIP-LOC</u>	United States	Registration No. 2515874	Registered 12/04/01

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

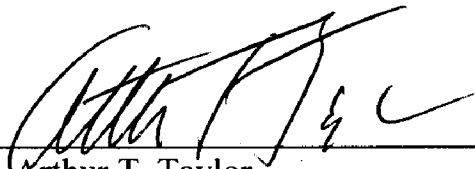
U.S. Department of Commerce
U.S. Patent and Trademark Office

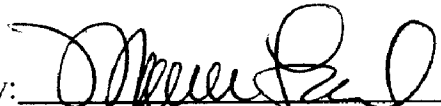
Please be advised that the undersigned has granted a continuing security interest in, and a continuing lien upon, all of the trademarks and trademark applications described on Exhibit A attached hereto to **BANK OF AMERICA, N.A.**, a national banking association, as Administrative Agent (the "Administrative 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,

KYPHON INC.

By: 
Name: Arthur T. Taylor
Title: Vice President, Chief Operating Officer

By: 
Name: Maureen L. Lamb
Title: Vice President, Chief Financial Officer