

TRADEMARK ASSIGNMENT

Electronic Version v1.1

Stylesheet Version v1.1

SUBMISSION TYPE:

NEW ASSIGNMENT

NATURE OF CONVEYANCE:

RELEASE BY SECURED PARTY

CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
BANK OF AMERICA, N.A., AS ADMINISTRATIVE AGENT		11/01/2007	CORPORATION: DELAWARE

RECEIVING PARTY DATA

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

PROPERTY NUMBERS Total: 15

Property Type	Number	Word Mark
Serial Number:	78344771	IPED
Serial Number:	78909983	FLEX STOP
Registration Number:	2457911	X-STOP
Registration Number:	2695631	X STOP
Registration Number:	2695629	X-STOP
Registration Number:	2695630	SF X STOP
Registration Number:	2607948	STENX
Registration Number:	2625825	SF
Registration Number:	2608114	
Registration Number:	2681697	IPD
Registration Number:	3083141	SFMT
Registration Number:	2713317	ST. FRANCIS MEDICAL TECHNOLOGIES
Registration Number:	2734845	ADDING LIFE TO LATER YEARS. NOT JUST YEARS TO LATER LIFE.

TRADEMARK

900098512

REEL: 003714 FRAME: 0917

OP \$390.00 78344771

Registration Number:	3151655	X STOP PK
Registration Number:	3121587	SF X STOP PK

CORRESPONDENCE DATA

Fax Number: (612)492-7077

Correspondence will be sent via US Mail when the fax attempt is unsuccessful.

Phone: 6124927000

Email: ip@fredlaw.com

Correspondent Name: David C. West

Address Line 1: 200 South Sixth Street

Address Line 2: Suite 4000

Address Line 4: Minneapolis, MINNESOTA 55402

NAME OF SUBMITTER:	David West
Signature:	/dcw/
Date:	02/07/2008

Total Attachments: 5

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**TERMINATION AND RELEASE OF SECURITY INTEREST IN
U.S. TRADEMARKS**

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

THIS TERMINATION AND RELEASE OF SECURITY INTEREST IN U.S. TRADEMARKS (the "*Trademark Termination and Release*") dated as of November 2, 2007, from BANK OF AMERICA, N.A., a national banking association, in its capacity as Administrative Agent (the "*Administrative Agent*") pursuant to an Intellectual Property Security Agreement (the "*Security Agreement*") dated as of January 18, 2007 between KYPHON INC., a Delaware corporation (the "*Borrower*"), and each of the Subsidiaries of the Borrower party thereto from time to time, and the Administrative Agent.

WITNESSETH:

WHEREAS, pursuant to the Security Agreement a security interest (the "*Security Interest*") was granted by St. Francis Medical Technologies, Inc. (the "*Grantor*") to the Administrative Agent in certain collateral, including the Trademark Collateral (as hereinafter defined); and

WHEREAS, a Notice of Security Interest in U.S. Trademarks was recorded in the Trademark Division of the United States Patent and Trademark Office on February 5, 2007 at Reel 003478, Frame 0060 and Reel 003478, Frame 0435; and

WHEREAS, the Administrative Agent now desires to terminate and release the entirety of its Security Interest in the Trademark Collateral;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Administrative Agent hereby agrees as follows:

1. Definitions. The term "*Trademark Collateral*", as used herein, shall mean all of the Grantor's right, title and interest of every kind and nature as of the date hereof in the Trademark Collateral (as defined in the Security Agreement), including, without limitation, those items listed on Exhibit A hereto.

2. Release of Security Interest. The Administrative Agent hereby terminates, releases and discharges its Security Interest in the Trademark Collateral without representation, warranty or recourse of any kind or nature.

[Remainder of page intentionally left blank.]

IN WITNESS WHEREOF, the undersigned has executed this Termination and Release by its duly authorized officer as of the date first above written.

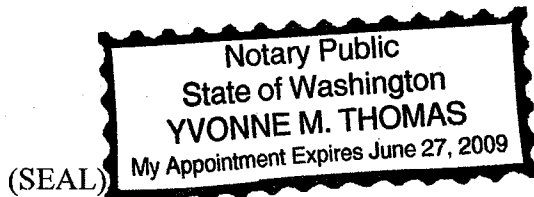
BANK OF AMERICA, N.A., as Administrative Agent

By: *Dora A. Brown*
Name: Dora A. Brown
Title: Vice President

STATE OF WASHINGTON

COUNTY OF KING

On this 1st day of November, 2007 before me personally appeared Dora A. Brown, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Yvonne M. Thomas
Notary Public
YVONNE M. THOMAS
My commission expires: 6/27/2009

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 SRM/CYC	78/344,771 Class 10	12/23/2003	IPED	
2	1158US0 SRM/CYC	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

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1	1023US0 SRM/CYC	2,457,911 Class 10	6/5/2001	X-STOP®	
2	1023US1 SRM/CYC	2,695,631 Class 10	3/11/2003	X STOP®	
3	1023US2 SRM/CYC	2,695,629 Class 10	3/11/2003	X-STOP ®	
4	1023US3 SRM/CYC	2,695,630 Class 10	3/11/2003	Ⓢ X-STOP ®	
5	1039US0 SRM/CYC	2,607,948 Class 10	8/13/2002	STENX®	
6	1042US0 SRM/CYC	2,625,825 Class 10	9/24/2002	Ⓢ	
7	1042US1 SRM/CYC	2,608,114 Class 5	8/13/2002	Ⓢ	
8	1050US0 SRM/CYC	2,681,697 Class 10	1/28/2003	IPD®	

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ST. FRANCIS MEDICAL TECHNOLOGIES, INC.

TRADEMARK STATUS REPORT - December 3, 2006

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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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