

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., AN 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: 16

Property Type	Number	Word Mark
Serial Number:	76562058	AHEAD OF THE CURVE
Serial Number:	76562060	ELEVATE
Serial Number:	76562036	EXACT
Registration Number:	3037242	HV-R
Registration Number:	2436526	KYPHON
Registration Number:	2540091	KYPHOPAK
Registration Number:	2454085	KYPHX
Serial Number:	76562055	KYPHX EXPRESS
Registration Number:	3088336	KYPHX HV-R
Registration Number:	2743827	KYPHX XPANDER
Registration Number:	3174499	LATITUDE
Registration Number:	2882252	
Registration Number:	2603112	OSTEO INTRODUCER
Registration Number:	2766066	SANATIS

OP \$415.00 76562058

Registration Number:	2515874	SLIP-LOC
Registration Number:	2509449	KYPHON

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: 4
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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*" or "*Grantor*"), 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 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 2, 2007 at Reel 003478, Frame 0440; 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.

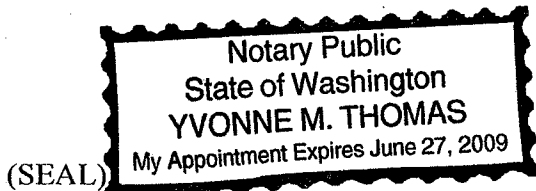
BANK OF AMERICA, N.A., as Administrative Agent

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

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