

**TRADEMARK ASSIGNMENT**

Electronic Version v1.1  
 Stylesheet Version v1.1

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT		
<b>NATURE OF CONVEYANCE:</b>	ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL		
<b>CONVEYING PARTY DATA</b>			
<b>Name</b>	<b>Formerly</b>	<b>Execution Date</b>	<b>Entity Type</b>
Medtronic Spine LLC		10/30/2008	LIMITED LIABILITY COMPANY: DELAWARE
<b>RECEIVING PARTY DATA</b>			
<b>Name:</b>	Kyphon SARL		
<b>Street Address:</b>	rue de Puits-Godet 12/12a		
<b>City:</b>	Neuchatel 2000		
<b>State/Country:</b>	SWITZERLAND		
<b>Entity Type:</b>	CORPORATION: SWITZERLAND		
<b>PROPERTY NUMBERS Total: 1</b>			
<b>Property Type</b>	<b>Number</b>	<b>Word Mark</b>	
Serial Number:	77406668	KYPHON XPANDER	
<b>CORRESPONDENCE DATA</b>			
<b>Fax Number:</b>	(763)505-2530		
	<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>		
<b>Phone:</b>	763.505.2526		
<b>Email:</b>	trademark@medtronic.com		
<b>Correspondent Name:</b>	Cindy Evenson		
<b>Address Line 1:</b>	710 Medtronic Parkway		
<b>Address Line 2:</b>	LC 340		
<b>Address Line 4:</b>	Minneapolis, MINNESOTA 55432-5604		
<b>ATTORNEY DOCKET NUMBER:</b>	T3527US SP0988.230		
<b>DOMESTIC REPRESENTATIVE</b>			
<b>Name:</b>	Medtronic, Inc.		
<b>Address Line 1:</b>	710 Medtronic Parkway		
<b>Address Line 2:</b>	LC 340		

CH \$40.00 77406668

Address Line 4: Minneapolis, MINNESOTA 55432-5604

NAME OF SUBMITTER:

Cindy L. Evenson

Signature:

/Cindy L. Evenson/

Date:

10/30/2008

Total Attachments: 1  
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TRADEMARK ASSIGNMENT

WHEREAS, Medtronic Spine LLC, a Delaware Limited Liability Company ("Assignor"), located and doing business at 1221 Crossman Avenue, Sunnyvale, California 94089, has intended to use the mark KYPHON XPANDER in commerce and has filed an application, assigned Serial No. 77/406668, indicating that intention, but has not yet filed an allegation of use under §§1(c) or 1(d) of The Trademark Act, and

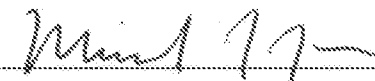
WHEREAS, Assignor is assigning the mark in the above identified application as part of the entire business or portion thereof to which the mark pertains as required by 15 U.S.C. §1060;

WHEREAS, Kyphon SARL ("Assignee"), a corporation under the laws of Switzerland, located and doing business at Rue de Puits-Godet 12/12A, Neuchatel 2000, Switzerland, the successor of the ongoing business or portion thereof of Assignor to which the mark pertains, is desirous of acquiring said trademark and the pending intent-to-use application therefor;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, Assignor does hereby assign to Assignee all right, title and interest in and to the trademark KYPHON XPANDER and the goodwill of the business symbolized thereby.

Signed at Minneapolis, Minnesota, this 30th day of October, 2008.

Medtronic Spine LLC

By:   
Name: Michael J. Jaro  
Title: VP for Intellectual Property