IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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| KYPHON, INC.,<br><br>Plaintiff,<br>v.<br><br>DISC-O-TECH MEDICAL TECHNOLOGIES, LTD. and DISC ORTHOPAEDIC TECHNOLOGIES, INC.,<br><br>Defendants. | Civil Action No. 04-0204-JJF |

**CERTIFICATE OF SERVICE**

I hereby certify that on March 14, 2005, I electronically filed a Notice of Service for the Expert Report of Dr. David Mitchell Regarding the Invalidity of U.S. Patent Nos. 6,241,734 (B1) and 6,613,054 (B2) with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following:

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