IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KYPHON INC.,

Plaintiff,

v.

DISC-O-TECH MEDICAL TECHNOLOGIES LTD., and DISC ORTHOPAEDIC TECHNOLOGIES, INC.,

Defendants.

C.A. No. 04-204-JJF

NOTICE OF SERVICE

PLEASE TAKE NOTICE that on March 24, 2005, a true and correct copy of the **REBUTTAL EXPERT WITNESS REPORT OF MICHAEL MARKS, M.D.** was caused to be served on the attorneys of record, at the following addresses and in the manner indicated:

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Attorneys for Defendants Disc-O-Tech Medical Technologies, Ltd. and Disc Orthopaedic Technologies, Inc.

Dated: March 24, 2005

FISH & RICHARDSON P.C.

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CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2005, I electronically filed the attached **NOTICE OF SERVICE** with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following:

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Attorneys for Defendants
Disc-O-Tech Medical Technologies Ltd. and Disc Orthopaedic Technologies, Inc.

I hereby certify that on March 24, 2005, I have served via Federal Express, the document to the following non-registered participants:

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