FISH & RICHARDSON P.C.

Suite 1100
919 N. Market Street
P.O. Box 1114
Wilmington, Delaware
19899-1114

Telephone
302 652-5070

Facsimile
302 652-0607

Web Site
www.fr.com

Frederick P. Fish
1855-1930

W.K. Richardson
1859-1951

April 14, 2005

Clerk of the Court
United States District Court
for the District of Delaware
844 N. King Street
Wilmington, DE 19801

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RE: *Kyphon Inc. v. Disc-O-Tech Medical Technologies Ltd, et al.*
USDC-D. Del. - C.A. 04-204-JJF

Dear Sir or Madam:

Plaintiff Kyphon, Inc. filed Under Seal its Opening Brief Regarding Construction of Disputed Claim Terms for the Patents-In-Suit on Wednesday, April 6, 2005. However, defendants have waived their confidentiality to this brief, and we are efiling the Public Version today, which is the identical brief, but does not contain any redactions.

Respectfully,

/s/ Thomas L. Halkowski

Thomas L. Halkowski

TLH/jrm

Enc.

cc Maryellen Noreika, Esq.

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