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VIA ECF AND HAND DELIVERY

May 11, 2005

The Honorable Joseph J. Farnan, Jr.
United States District Court
for the District of Delaware
844 King Street
Wilmington, DE 19801

Re: *Kyphon Inc. v. Disc-O-Tech Medical Technologies, et al.*
C.A. 04-204-JJF

AUSTIN
BOSTON
DALLAS
DELAWARE
NEW YORK
SAN DIEGO
SILICON VALLEY
TWIN CITIES
WASHINGTON, DC

Dear Judge Farnan:

Subject to the Court's approval, counsel for both parties believe it would be helpful to send a jury questionnaire to the prospective jurors in this case. Kyphon drafted the enclosed form of questionnaire incorporating comments received from DOT's counsel. Many of the questions are drawn from questionnaires the Court has approved in the past. If the form is approved, either as submitted, or as amended by the Court, the parties are prepared to provide Federal Express envelopes for the mailing and return of the questionnaires to ensure they are received in time to be used for jury selection on June 1st.

Respectfully,

/s/ Thomas L. Halkowski

Thomas L. Halkowski

Attachment

cc Clerk of the Court (w/attachment via ECF)
Maryellen Noreika (w/attachment via ECF)
Robert J. DeMento (w/attachment via fax)

80024501.doc