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

VIA ECF AND HAND DELIVERY

May 13, 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:

Per the Court's request, below for the Court's consideration are: (i) a brief description of the case; and (ii) a question regarding whether and how the prospective juror learned of the case.

(i) This is a case between two companies, Kyphon and Disc-O-Tech, involving patents relating to a surgical procedure for repairing fractured bones in the spine.

(ii) Have you heard about this case prior to receiving the notice summoning you appear to serve on this Jury?

Yes _____ No _____

If so, please identify how you heard about this case:

Newspaper___ Radio___ Internet___ Word of mouth___

Other (please specify)_____

DOT's counsel has been contacted and has confirmed that the above are acceptable.

Counsel are prepared to address any additional questions or concerns that the Court may have.

Respectfully,

/s/ Thomas L. Halkowski

Thomas L. Halkowski

cc Clerk of the Court (via ECF)
Maryellen Noreika (via ECF)
Jonathan M. Sobel (via fax)