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KY TRIAL EXHIBIT NO.	DESCRIPTION	DESIGNATED AT DEPO OF /USED IN	DOC DATE	BATES RANGE	OBJECTIONS 1, 2
PTX 616		Supplemental Expert Witness Report of Michael Marks, M.D., MBA re Infringement Issues		DOTLTD 15253	?
PTX 617		Supplemental Expert Witness Report of Michael Marks, M.D., MBA re Infringement Issues		DOTLTD 15462	?
PTX 618	Instructions for Use	Supplemental Expert Witness Report of Michael Marks, M.D., MBA re Infringement Issues		DOTLTD 14097	
PTX 619	Investigational Study Protocol for the SKy	Supplemental Expert Witness Report of Michael Marks, M.D., MBA re Infringement Issues		DOTINC 5228-5237	
PTX 620	Bay Fusion Inc Business Plan for Dsic-O-Tech	Supplemental Expert Witness Report of Michael Marks, M.D., MBA re Infringement Issues	3/19/2004	DOTINC 1708-1710	
PTX 621	E-mail from Tamir Kazaz to Elad	Supplemental Expert Witness Report of Michael Marks, M.D., MBA re Infringement Issues		DOTINC 1424	
PTX 622	E-mail	Supplemental Expert Witness Report of Michael Marks, M.D., MBA re Infringement Issues		DOTINC 3920	?
PTX 623	Checklist of info to be sent to distributors and doctors	Supplemental Expert Witness Report of Michael Marks, M.D., MBA re Infringement Issues		DOTLTD 15249	
PTX 624	E-mail from Mr. Elkayam to Tamir Kazaz and Ronny Barak cc'ing Magal	Supplemental Expert Witness Report of Michael Marks, M.D., MBA re Infringement Issues		DOTINC 6633	

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PTX 625	510 (k) Premarket Notification re B-Twin Bone Expander System	Supplemental Expert Witness Report of Michael Marks, M.D., MBA re Infringement Issues	7/30/2003	DOTINC 1301-1302	
PTX 626		Supplemental Expert Witness Report of Michael Marks, M.D., MBA re Infringement Issues		DOTINC 50013	?
PTX 627		Supplemental Expert Witness Report of Michael Marks, M.D., MBA re Infringement Issues		DOTINC 50018	?
PTX 628	SKy-Kyphoplasty ad	Supplemental Expert Witness Report of Michael Marks, M.D., MBA re Infringement Issues		DOTLTD 14717-14718	
PTX 629		Supplemental Expert Witness Report of Michael Marks, M.D., MBA re Infringement Issues		DOTLTD 15355-15358	?
PTX 630	Brochure re Sky Bone Expander System for Kyphoplasty	Supplemental Expert Witness Report of Michael Marks, M.D., MBA re Infringement Issues		DOTLTD 15666-15667	
PTX 631	DOT presentation for Partner Sales Meeting in Portugal	Supplemental Expert Witness Report of Michael Marks, M.D., MBA re Infringement Issues		DOTLTD 15135-15146	
PTX 632	Label for Expander System, including Bone Filler Introducer	Supplemental Expert Witness Report of Michael Marks, M.D., MBA re Infringement Issues		DOTLTD 100-101	
PTX 633	"Comparing SKy and Balloon Kyphoplasty", including SKy Surgical Notes, FAQs and case reports	Supplemental Expert Witness Report of Michael Marks, M.D., MBA re Infringement Issues		DOTLTD 14722-14972	

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PTX 634	SKy Bone Expander Imaging & Anatomy Tutorial	Supplemental Expert Witness Report of Michael Marks, M.D., MBA re Infringement Issues		DOTLTD 14973-15007	
PTX 635	SKy Bone Expander System Clinical Cases	Supplemental Expert Witness Report of Michael Marks, M.D., MBA re Infringement Issues		DOTLTD 15011-15029	
PTX 636	Presentation re DOT products in Bologna, Italy	Supplemental Expert Witness Report of Michael Marks, M.D., MBA re Infringement Issues		DOTLTD 15517-15661	
PTX 637	Gepstein SKy presentation	Supplemental Expert Witness Report of Michael Marks, M.D., MBA re Infringement Issues		DOTLTD 15680-15707	
PTX 638	Multipls SKy presentations	Supplemental Expert Witness Report of Michael Marks, M.D., MBA re Infringement Issues		DOTLTD 15709-15834	
PTX 639	Rebuttal Expert Witness Report of Michael Marks, M.D.	Rebuttal Expert Witness Report of Michael Marks, M.D.			H
PTX 640	J. Neurosurg. Spine. 2002 Jan; 96(1):56-61	Rebuttal Expert Witness Report of Michael Marks, M.D.			
PTX 641	Ann. Fr. Anesth. Reanim. 2004 Aug; 23(8):827-30	Rebuttal Expert Witness Report of Michael Marks, M.D.			
PTX 642	Rofo. 2003 Apr; 175(4):565-6	Rebuttal Expert Witness Report of Michael Marks, M.D.			
PTX 643	Orthopade. 2004 Aug; 33(8):893-904	Rebuttal Expert Witness Report of Michael Marks, M.D.			
PTX 644	Spine. 2003; 28(14):1540-1548	Rebuttal Expert Witness Report of Michael Marks, M.D.			

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PTX 645	Spine 2003 Nov. 15; 28(22):E457-60	Rebuttal Expert Witness Report of Michael Marks, M.D.			
PTX 646	Spine. 2001 Jul 1; 26(13):E300-2	Rebuttal Expert Witness Report of Michael Marks, M.D.			
PTX 647	AJNR Am. J. Neuroradial. 1999 Mar; 20(3):375-7	Rebuttal Expert Witness Report of Michael Marks, M.D.			
PTX 648	Spine. 2002 Oct 1: 27(19):E419-22	Rebuttal Expert Witness Report of Michael Marks, M.D.			
PTX 649	Unfallchirug. 2004 Sep; 107(9):807-11	Rebuttal Expert Witness Report of Michael Marks, M.D.			
PTX 650	Anesth. Analg. 2004 Apr; 98(4):1184-6	Rebuttal Expert Witness Report of Michael Marks, M.D.			
PTX 651	Orthopade. 2004 Jan; 33(1):40-7	Rebuttal Expert Witness Report of Michael Marks, M.D.			
PTX 652	Lieberman and Reinhardt, Vertebroplasty and Kyphoplasty for Osteolytic Vertebral Collapse	Rebuttal Expert Witness Report of Michael Marks, M.D.			
PTX 653	Phillips, Frank J., An In Vivo Comparison of the Potential for Extravertebral Cement Leak After Vetbroplasty and Kyphoplasty	Rebuttal Expert Witness Report of Michael Marks, M.D.			
PTX 654	J. Miner Stoffwechs 2004:11 (Suppl 1): 13-15	Rebuttal Expert Witness Report of Michael Marks, M.D.			
PTX 655	x-rays	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 386722-386723	H, A
PTX 656	Email from Ronny Barak to MB and others re: reporting a technical problem during a SKy procedure	Rebuttal Expert Witness Report of Michael Marks, M.D.		DOTINC 8305-8306	
PTX 657		Rebuttal Expert Witness Report of Michael Marks, M.D.		DOTINC 8352	?

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PTX 658		Rebuttal Expert Witness Report of Michael Marks, M.D.		DOTINC 6120-6122	?
PTX 659	Email from Ariel Weinstein to KM re: Dr. Mitchell's botched Sky surgery	Rebuttal Expert Witness Report of Michael Marks, M.D.		DOTINC 7411	
PTX 660		Rebuttal Expert Witness Report of Michael Marks, M.D.		DOTINC 7663	?
PTX 661		Rebuttal Expert Witness Report of Michael Marks, M.D.		DOTINC 7671	?
PTX 662	Problems with Fulp surgery in February 2004	Rebuttal Expert Witness Report of Michael Marks, M.D.		DOTINC 10989	
PTX 663	Issues re surgeries with Fulp, Rosenthal, and Lane	Rebuttal Expert Witness Report of Michael Marks, M.D.		DOTINC 10903	
PTX 664		Rebuttal Expert Witness Report of Michael Marks, M.D.		DOTINC 50199-50204	?
PTX 665		Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 386744-386759	?
PTX 666		Rebuttal Expert Witness Report of Michael Marks,		DOTINC 2473-2479	?
PTX 667	Article on Baptist Health Care web site, "Balloon procedure restores fractured vertebrae"	Rebuttal Expert Witness Report of Michael Marks, M.D.		DOTINC 2730-2731	
PTX 668	Article on Marshfield Clinic web site, "New treatment helps spinal fractures from osteoporosis"	Rebuttal Expert Witness Report of Michael Marks, M.D.	08/00/01	DOTINC 2734-2737	
PTX 669	Article on University of Washington, Department of Orthopaedics and Sports Medicine web site, "Kyphoplasty - A minimally invasive approach to the treatment of vertebral compression fractures"	Rebuttal Expert Witness Report of Michael Marks, M.D.		DOTINC 2738-2741	

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PTX 670	Fourney et al., "Percutaneous vertebroplasty and kyphoplasty for painful vertebral body fractures in cancer patients"	Rebuttal Expert Witness Report of Michael Marks, M.D.	01/00/03	DOTINC 4396-4405	
PTX 671	Rao & Singrakhia, "Painful osteoporotic vertebral fracture, pathogenesis, evaluation, and roles of vertebroplasty and kyphoplasty in its management"	Rebuttal Expert Witness Report of Michael Marks, M.D.	2003	DOTINC 4406-4418	
PTX 672	Orthopedics Today article re kyphoplasty	Rebuttal Expert Witness Report of Michael Marks, M.D.	1/00/01	KY 22533-22534	
PTX 673	Chrischilles et al., "Costs and Health Effects of Osteoporotic Fractures"	Rebuttal Expert Witness Report of Michael Marks, M.D.	1994	KY 23448-23457	
PTX 674	The BackLetter article, "Serious complication for new osteoporosis medication"	Rebuttal Expert Witness Report of Michael Marks, M.D.	1996	KY 23518	
PTX 675	Riggs & Melton, "The worldwide problem of osteoporosis: Insights afforded by epidemiology"	Rebuttal Expert Witness Report of Michael Marks, M.D.	11/00/1995	KY 23561-23567	
PTX 676	Wong et al., "Vertebroplasty/Kyphoplasty"	Rebuttal Expert Witness Report of Michael Marks, M.D.	2000	KY 23678-23685	
PTX 677	Abstract by Lieberman et al. at 15th NASS annual meeting: "Initial clinical outcome with kyphoplasty for osteoporotic vertebral compression fractures"	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 23686	
PTX 678	Abstract by Garfin et al., "Early outcomes with kyphoplasty treatment for painful osteoporotic compression fractures"	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 23688-23689	
PTX 679	Diamond et al., "Management of acute osteoporotic vertebral fractures: A nonrandomized trial comparing percutaneous vertebroplasty with conservative therapy"	Rebuttal Expert Witness Report of Michael Marks, M.D.	2/00/2003	KY 23980-23988	

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PTX 680	Dudeney et al., "Kyphoplasty in the treatment of osteolytic vertebral compression fractures as a result of multiple myeloma"	Rebuttal Expert Witness Report of Michael Marks, M.D.	5/00/2002	KY 23989-23994	
PTX 681	Fourney et al., "Percutaneous vertebroplasty and kyphoplasty for painful vertebral body fractures in cancer patients"	Rebuttal Expert Witness Report of Michael Marks, M.D.	1/00/2003	KY 23995-24004	
PTX 682	Garfin et al., "New technologies in spine -- Kyphoplasty and vertebroplasty for the treatment of painful osteoporotic compression fractures"	Rebuttal Expert Witness Report of Michael Marks, M.D.	7/00/2001	KY 24005-24009	
PTX 683	Abstract by Garfin at NASS annual meeting (Oct. 31 - Nov. 3, 2001): "A retrospective review of early outcomes of balloon kyphoplasty."	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 24010	
PTX 684	Hardouin et al., "Kyphoplasty"	Rebuttal Expert Witness Report of Michael Marks,	2002	KY 24014-24019	
PTX 685	Lane et al., "Minimally invasive options for the treatment of osteoporotic vertebral compression fractures"	Rebuttal Expert Witness Report of Michael Marks, M.D.	04/00/2002	KY 24023-24030	
PTX 686	Phillips et al., "An in vivo comparison of the potential for extravertebral cement leak after vertebroplasty and kyphoplasty"	Rebuttal Expert Witness Report of Michael Marks, M.D.	2002	KY 24045-24051	
PTX 687	Abstract by Phillips et al. at NASS annual meeting (Oct 29 - Nov. 2, 2002): "Balloon kyphoplasty for the treatment of painful spinal deformity resulting from osteoporotic vertebral compression fractures"	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 24052	
PTX 688	Truumees, "Comparing kyphoplasty and vertebroplasty"	Rebuttal Expert Witness Report of Michael Marks, M.D.	2002	KY 24064-24073	

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PTX 689	Truumees, "The roles of vertebroplasty and kyphoplasty as parts of a treatment strategy for osteoporotic vertebral compression fractures"	Rebuttal Expert Witness Report of Michael Marks, M.D.	2002	KY 24074-24080	
PTX 690	Gehlback et al., "Hospital care of osteoporosis-related vertebral fractures"	Rebuttal Expert Witness Report of Michael Marks, M.D.	2003	KY24092-24099	
PTX 691	Kado et al., "Vertebral fractures and mortality in older women"	Rebuttal Expert Witness Report of Michael Marks, M.D.	6/14/1999	KY 24100-24105	
PTX 692	Coumans et al., "Kyphoplasty for vertebral compression fractures: 1-year clinical outcomes from a prospective study"	Rebuttal Expert Witness Report of Michael Marks, M.D.	07/00/2003	KY 24223-24229	
PTX 693	Chicago Tribune article re bone cement and vertebroplasty	Rebuttal Expert Witness Report of Michael Marks, M.D.	7/25/2002	KY 24230-24231	
PTX 694	Presentation by Dr. Lieberman, "'Vertebroplasty' & 'Kyphoplasty': The role in metastatic disease of the spine"	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 74967-75016	
PTX 695	Kyphon internal document, with citations to sources	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 114715-KY114717	?
PTX 696	Kyphon presentations, with citations to sources (CD)	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 126486	?
PTX 697	Income statement and balance sheet, as of 12/31/2000	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 133417-133430	
PTX 698	Income statements, balance sheets, and sales activity analysis, Jan. 2001 - June 2002	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 133663-133688	
PTX 699	New products US sales, Feb. - Dec. 12, 2003	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 139801-139805	

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PTX 700	Physician focus group meeting conducted by a marketing research group (CD)	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 152400	H, R, P
PTX 701	Balloon kyphoplasty B-roll video (with praises from physician and patient) (CD)	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 152401	H, R, P
PTX 702	SICOT XXII World Congress (8/2002) presentation by physician, re surgical management of osteoporosis in spine (CD)	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 152405	
PTX 703	Kyphoplasty review 2002 (CD)	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 152406	?
PTX 704	Sales trend, Jan. 2002 - March, 2004	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 153220-153224	
PTX 705	ThinkEquity report, "KYPH: Ballooning spinal opportunity: Initiating with overweight rating"	Rebuttal Expert Witness Report of Michael Marks, M.D.	6/20/2003	KY 155549-155559	
PTX 706	ThinkEquity report, "KYPH: Expect NASS meeting to be a positive effect for Kyphon," (attaching abstracts of presentations, posters, and discussions at 18th NASS annual meeting (Oct. 21 - 25, 2003))	Rebuttal Expert Witness Report of Michael Marks, M.D.	10/15/2003	KY 155597-155600	
PTX 707	ThinkEquity report, "KYPH: Expect NASS meeting to be a positive effect for Kyphon," 10/15/2003 (attaching abstracts of presentations, posters, and discussions at 18th NASS annual meeting (Oct. 21 - 25, 2003))	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 155597-1555611	
PTX 708	ThinkEquity report, "KYPH: NASS highlights solid business trends, plus some issues to watch"	Rebuttal Expert Witness Report of Michael Marks, M.D.	10/28/2003	KY 155612-155617	

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PTX 709	ThinkEquity report, "KYPH: Momentum continues, as Kyphon beats estimates again in Q3"	Rebuttal Expert Witness Report of Michael Marks, M.D.	10/30/2003	KY 155624-155628	
PTX 710	Projected income statements	Rebuttal Expert Witness Report of Michael Marks, M.D.	9/9/2000	KY 158424-158432	
PTX 711	SEC filing (S-1 -- filed 3/4/2002))	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 159495-159592	
PTX 712	VMS news mornitoring report (local and national TV network) re Kyphon, 4/25 - 5/2/2003	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 159754-159760	H, R, P
PTX 713	VMS news mornitoring report (local and national TV network) re Kyphon, 4/17 - 4/18/2002	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 159761-159782	H, R, P
PTX 714	WR Hambrecht + Co report (commenting on DOT's competitive launch of SBE)	Rebuttal Expert Witness Report of Michael Marks, M.D.	3/26/2004	KY 161832-161838	
PTX 715	WR Hambrecht + Co report	Rebuttal Expert Witness Report of Michael Marks, M.D.	4/5/2004	KY 161839-161844	
PTX 716	Bear Stearns equity research report	Rebuttal Expert Witness Report of Michael Marks, M.D.	10/30/2002	KY 162723-162726	
PTX 717	Banc of America Securities equity research report	Rebuttal Expert Witness Report of Michael Marks, M.D.	10/29/2002	KY 162727-162731	
PTX 718	Banc of America Securities equity research report	Rebuttal Expert Witness Report of Michael Marks, M.D.	11/1/2002	KY 162732-162737	
PTX 719	Bear Stearns equity research report	Rebuttal Expert Witness Report of Michael Marks, M.D.	6/11/2002	KY 162741-162771	
PTX 720	Banc of America Securities equity research report	Rebuttal Expert Witness Report of Michael Marks, M.D.	6/12/2002	KY 162772-162788	

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PTX 721	Piper Jaffray report	Rebuttal Expert Witness Report of Michael Marks, M.D.	6/12/2002	KY 162789-162795	
PTX 722	Piper Jaffray report	Rebuttal Expert Witness Report of Michael Marks, M.D.	10/30/2002	KY 162796-162801	
PTX 723	Piper Jaffray report	Rebuttal Expert Witness Report of Michael Marks, M.D.	11/1/2002	KY 162802-162806	
PTX 724	WR Hambrecht + Co report	Rebuttal Expert Witness Report of Michael Marks, M.D.	10/30/2002	KY 162828-162832	
PTX 725	WR Hambrecht + Co report	Rebuttal Expert Witness Report of Michael Marks, M.D.	11/12/2002	KY 162833-162836	
PTX 726	Articles in German (?), appear to relate to vertebroplasty and/or kyphoplasty	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 163492-163544	?
PTX 727	Article by Catherine Hughes: "Kyphoplasty, new minimally invasive treatment for compressed vertebral fractures breakthrough for a common complication of osteoporosis"	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 163545	
PTX 728	Article on Fauquier Hospital's web page, "Vertebroplassty and kyphoplasty: advanced back surgical procedures at Fauquier Hospital"	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 163565-163566	
PTX 729	Fourney & Gokaslan, "Thoracolumbar spine: surgical treatment of metastatic disease"	Rebuttal Expert Witness Report of Michael Marks, M.D.	2003	KY 163570-163578	
PTX 730	Gold et al., "Unexpected consequences of osteoporosis"	Rebuttal Expert Witness Report of Michael Marks, M.D.	1996	KY 163634-163640	
PTX 731	Heini & Orler, "Kyphoplasty for treatment of osteoporotic vertebral fractures"	Rebuttal Expert Witness Report of Michael Marks, M.D.	2004	KY 163653-163670	

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PTX 732	Kyphon internal document (Balloon kyphoplasty fact sheet), with citations to sources	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 165005-165006	
PTX 733	Kyphon internal document (offering presentation), with citations to sources	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 165764-165813	?
PTX 734	Kyphon financial statements, December 31, 1998, 1999, 2000	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 166114-166190	
PTX 735	Powerpoint presentation by Dr. Garfin, "Kyphoplasty for pathological vertebral body compression fractures"	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 166313-166325	
PTX 736	ThinkEquity Medical Devices ThinkPiece, "Medical devices 2004 - what to expect in orthopedics and ophthalmolody"	Rebuttal Expert Witness Report of Michael Marks, M.D.	1/19/2004	KY 177548-177574	
PTX 737	ThinkEquty report, "KYPH: Reiterate overweight following two important milestones"	Rebuttal Expert Witness Report of Michael Marks, M.D.	4/25/2004	KY 177602-177611	
PTX 738	Rauschmann et al., "Complications of vertebroplasty"	Rebuttal Expert Witness Report of Michael Marks, M.D.	2004	KY 177942-177950	
PTX 739	Kyphon internal document (patients with fractures due to trauma treatable by the IBT and a biomaterial) with citations to sources	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 178227-178228	
PTX 740	Web article by Isador Lieberman re kyphoplasty	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 228257-228260	H, R, P
PTX 741	Article by Garfin, Reiley, Talmadge et al. re vertebroplasty and kyphoplasty	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 228417-228424	
PTX 742	Cook et al., "Quality of life issues in women with vertebral fractures due to osteoporosis"	Rebuttal Expert Witness Report of Michael Marks, M.D.	06/00/1993	KY 229789-229795	

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PTX 743	Letter from Bob Scribner's father	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 229840-229841	?, R
PTX 744	Kyphon internal document with citations to sources, Spring 2000	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 230102-230106	?
PTX 745	Spinal market update from Merrill Lynch	Rebuttal Expert Witness Report of Michael Marks, M.D.	10/27/1999	KY 230107-230108	
PTX 746	Orthopedics Today article re kyphoplasty	Rebuttal Expert Witness Report of Michael Marks, M.D.	11/00/99	KY 230109-230110	H, R, P
PTX 747	Letter from investment analyst to Mott re Kyphon	Rebuttal Expert Witness Report of Michael Marks, M.D.	1/18/2000	KY 230111	H
PTX 748	Chicago Tribune article re kyphoplasty	Rebuttal Expert Witness Report of Michael Marks, M.D.	9/25/1999	KY 230112-230113	H, R, P
PTX 749	Start-Up article re Kyphon	Rebuttal Expert Witness Report of Michael Marks, M.D.	July/Aug 1988	KY 230114-230115	?
PTX 750	Needham article re kyphoplasty	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 230116-230117	
PTX 751	Presentation by Dr. Garfin et al. at NASS, 10/31/98	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 230118-230122	
PTX 752	Venture Capital & Health Care news article	Rebuttal Expert Witness Report of Michael Marks, M.D.	02/00/03	KY 230123	
PTX 753	SEC filings (10K -- filed 3/28/03, 3/10/04; 10Q -- filed 8/14/02, 11/13/02, 5/13/03, 8/14/03, 11/14/03, 5/7/04; 424B2 -- 5/17/02)	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 230342-230862	Multiple

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PTX 754	Crandall et al., "Acute versus chronic vertebral compression fractures treated with kyphoplasty: early results"	Rebuttal Expert Witness Report of Michael Marks, M.D.	2004	KY 230878-230884	
PTX 755	Spine article, "Kyphoplasty technique uses bone balloon to correct fracture-related spinal kyphosis"	Rebuttal Expert Witness Report of Michael Marks, M.D.	11/00/1991	KY 261446-261448	
PTX 756	Lieberman & Reinhardt, "Vertebroplasty and kyphoplasty for osteolytic vertebral collapse"	Rebuttal Expert Witness Report of Michael Marks, M.D.	10/00/2003	KY 267065-267075	
PTX 757	Ledlie & Renfro, "Kyphoplasty decreases the number and severity of morphometrically defined prevalent vertebral deformities" (manuscript)	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 268904-268928	
PTX 758	"Surgical Intervetions for Vertebral Compression Fractures:An Update on Procedures and Outcomes" Mark E. Myers, M.D.	Rebuttal Expert Witness Report of Michael Marks, M.D (Expt. Rpts. Of Napper and Meyer)		KY 268929-268958	
PTX 759	Channel 12 Connecticut evening news re Dr. Marks' kyphoplasty surgery, 07/01 (CD)	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 375745	H, R, P
PTX 760	Forbes article, "The Inflatable Spine" [same as KY 285304]	Rebuttal Expert Witness Report of Michael Marks, M.D.		KY 377458	H, R, P
PTX 761	Haaretz article re DOT's B-Twin product getting an award	Rebuttal Expert Witness Report of Michael Marks,		KY 386739-386740	
PTX 762	Fool.com article, "Kyphon develop backbone"	Rebuttal Expert Witness Report of Michael Marks, M.D.	2/8/2005	KY386741-386742	H
PTX 763		Rebuttal Expert Witness Report of Michael Marks, M.D.		DOTLTD 1166-1175	?
PTX 764		Rebuttal Expert Witness Report of Michael Marks, M.D.		DOTLTD 1176-1181	?
PTX 765		Rebuttal Expert Witness Report of Michael Marks, M.D.		DOTLTD 1188-1195	?

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PTX 766		Rebuttal Expert Witness Report of Michael Marks,		DOTLTD 960-967	?
PTX 767		Rebuttal Expert Witness Report of Michael Marks, M.D.		DOTLTD 1035-1039	?
PTX 768		Rebuttal Expert Witness Report of Michael Marks, M.D.		DOTLTD 1051-1060	?
PTX 769		Rebuttal Expert Witness Report of Michael Marks, M.D.		DOTLTD 1061	?
PTX 770		Rebuttal Expert Witness Report of Michael Marks, M.D.		DOTLTD 1088-1096	?
PTX 771	Lieberman et al., "Initial outcome and efficacy of 'kyphoplasty' in the treatment of painful osteoporotic vertebral compression fractures"	Rebuttal Expert Witness Report of Michael Marks, M.D.	7/00/2001	KY 24031-24037	
PTX 772	Ledlie & Renfro, "Balloon kyphoplasty: one-year outcomes in vertebral body height restoration, chronic pain, and activity levels"	Rebuttal Expert Witness Report of Michael Marks, M.D.	1/00/2003	KY 24038-24044	
PTX 773	Phillips et al., "An in vivo comparison of the potential for extravertebral cement leak after vertebroplasty and kyphoplasty"	Rebuttal Expert Witness Report of Michael Marks, M.D.	2002	KY 24045-24051	
PTX 774	www.kyphon.com	Rebuttal Expert Witness Report of Michael Marks, M.D.			?
PTX 775	U.S. Patent 5,919,196	Expert Report of Dr. David Mitchell Regarding Invalidity of U.S. Patent Nos. 6,241,734 (B1) and 6,613,054 (B2)			
PTX 776	U.S. Patent 6,017,348	Expert Report of Dr. David Mitchell Regarding Invalidity of U.S. Patent Nos. 6,241,734 (B1) and 6,613,054 (B2)			

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PTX 777	Rebuttal Expert Report of Dr. David Mitchell Regarding Invalidity of U.S. Patent Nos. 5,108,404, 4,969,888 and 6,235,043 (B1)	Rebuttal Expert Report of Dr. David Mitchell Regarding Invalidity of U.S. Patent Nos. 5,108,404, 4,969,888 and 6,235,043 (B1)	3/23/2005		H
PTX 778	Rebuttal Expert Report of Dr. David Mitchell Regarding Invalidity of U.S. Patent Nos. 6,241,734 (B1) and 6,613,054 (B2)	Rebuttal Expert Report of Dr. David Mitchell Regarding Invalidity of U.S. Patent Nos. 6,241,734 (B1) and 6,613,054 (B2)	3/30/2005		H
PTX 779	Expert report of Brian W. Napper	Expert report of Brian W. Napper			H
PTX 780	Business plan year 2004; The SKy Bone Expander Device	Expert report of Brian W. Napper (Meyer)	3/10/2005	DOTINC 6273-6287	
PTX 781		Expert report of Brian W. Napper		KY 177482-177489	?
PTX 782	Kyphon 2003 10-K	Expert report of Brian W. Napper (ITC Complaint Public Ex. 21)		KY 230411-230491	
PTX 783		Expert report of Brian W. Napper		DOTINC 7779	?
PTX 784	www.disc-o-tech.com	Expert report of Brian W. Napper			?
PTX 785		Expert report of Brian W. Napper		DOTLTD 1982	?
PTX 786	Kyphon 2002 10-K	Expert report of Brian W. Napper		KY 230370	
PTX 787	Press release "Kyphon Reports Fourth Quarter and Full Year 2004 Results"	Expert report of Brian W. Napper (Exhibit 3)	2/7/2004		
PTX 788	Press release "Kyphon to Showcase Contiued Balloon Kyphoplasty Product Innovation at CNS Annual Meeting; 100,000 Spinal Fractures Have Now Been Treated Using Balloon Kyphoplasty"	Expert report of Brian W. Napper (Exhibit 4)	10/18/2004		
PTX 789	WR Hambrecht & Co., Research Report	Expert report of Brian W. Napper (Exhibit 5)	10/27/2004		
PTX 790	Kyphon 2004 10-K	Expert report of Brian W. Napper			

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PTX 791	Kyphon 1994 10-K	Expert report of Brian W. Napper			
PTX 792	Piper Jaffray Analyst Report	Expert report of Brian W. Napper (Exhibit 1) (Meyer)	8/10/2004		
PTX 793	ThinkEquity Partners Industry Update	Expert report of Brian W. Napper		KY 139080-139081	
PTX 794		Expert report of Brian W. Napper (Exhibit 6) (Meyer)	11/4/2004		?
PTX 795		Expert report of Brian W. Napper		DOTLTD 5539-5544	?
PTX 796		Expert report of Brian W. Napper		DOTINC 9593-9639	?
PTX 797		Expert report of Brian W. Napper		DOTLTD 6414	?
PTX 798		Expert report of Brian W. Napper		WM 1-5	?
PTX 799		Expert report of Brian W. Napper		WM 225-226	?
PTX 800		Expert report of Brian W. Napper		DOTINC 2925-2927	?
PTX 801		Expert report of Brian W. Napper		DOTINC 7614-7617	?
PTX 802		Expert report of Brian W. Napper		DOTINC 5503-5507	?
PTX 803		Expert report of Brian W. Napper		DOTINC 7250-7252	?
PTX 804		Expert report of Brian W. Napper		DOTINC 8435	?
PTX 805		Expert report of Brian W. Napper		DOTINC 6975-6978	?
PTX 806		Expert report of Brian W. Napper		DOTINC 8470	?
PTX 807		Expert report of Brian W. Napper		DOTINC 8731	?
PTX 808		Expert report of Brian W. Napper		DOTINC 7691-7693	?
PTX 809		Expert report of Brian W. Napper		DOTINC 6861	?
PTX 810	www.kyphon.com "List of Kyphon Surgeons"	Expert report of Brian W. Napper		DOTINC 6357	

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PTX 811		Expert report of Brian W. Napper (Meyer)		DOTINC 3165-3279	?
PTX 812		Expert report of Brian W. Napper		DOTINC 7921-7924	?
PTX 813		Expert report of Brian W. Napper		DOTINC 7247	?
PTX 814		Expert report of Brian W. Napper		DOTINC 7926	?
PTX 815		Expert report of Brian W. Napper		DOTINC 7621-7622	?
PTX 816	Value Investor Club KYPH evaluation	Expert report of Brian W. Napper		DOTINC 6063-6064	
PTX 817	"Minimally Invasive Therapy for Functionally Unstable Osteoporotic Vertebral Fracture by Means of Kyphoplasty: Prospective Comparative Study of 19 Surgically and 17 Conservatively Treated Patients"	Expert report of Brian W. Napper (Meyer)		DOTINC 2393-2395	
PTX 818	Vertebroplasty and Kyphoplasty, Percutaneous", Jeffrey P. Kochan, M.D. (Emedicine.com)	Expert report of Brian W. Napper		KY 178124-127127	
PTX 819	Piper Jaffray Analyst Report on Arthrocare Corporation	Expert report of Brian W. Napper (Exhibit 7)			
PTX 820		Expert report of Brian W. Napper (Exhibit 8)	12/7/2004		?
PTX 821	510(k) Summary for Spineology, Inc.	Expert report of Brian W. Napper		KY 158109	
PTX 822	Letter to Spineology, Inc. from the Department of Health & Human Services	Expert report of Brian W. Napper		KY 33953	
PTX 823	Letter to Spineology, Inc. from the Department of Health & Human Services	Expert report of Brian W. Napper	11/26/2003	KY 33953	
PTX 824		Expert report of Brian W. Napper	7/6/2004	KY 14200	?
PTX 825	DOT price lists	Expert report of Brian W. Napper		DOTINC 3480	
PTX 826		Expert report of Brian W. Napper		DOTINC 6271	?

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PTX 827		Expert report of Brian W. Napper		DOTINC 7255	?
PTX 828	Pricing under Kyphon's Prices	Expert report of Brian W. Napper		DOTINC 6395	
PTX 829		Expert report of Brian W. Napper		DOTINC 8158	?
PTX 830		Expert report of Brian W. Napper		DOTINC 6678	?
PTX 831		Expert report of Brian W. Napper		DOTINC 6280	?
PTX 832		Expert report of Brian W. Napper		DOTINC 6357	?
PTX 833		Expert report of Brian W. Napper		DOTINC 6274-6287	?
PTX 834		Expert report of Brian W. Napper		DOTLTD 5533-5548	?
PTX 835		Expert report of Brian W. Napper		DOTINC 9300-9317	?
PTX 836		Expert report of Brian W. Napper		DOTINC 50019-50058	?
PTX 837		Expert report of Brian W. Napper (Exhibit 9)	2/8/2005		?
PTX 838		Expert report of Brian W. Napper		DOTLTD 5541-544	?
PTX 839		Expert report of Brian W. Napper (Exhibit 10) (Meyer)			?
PTX 840		Expert report of Brian W. Napper (Exhibit 11)			?
PTX 841		Expert report of Brian W. Napper (Exhibit 12)	10/24/2003		?
PTX 842		Expert report of Brian W. Napper		KY 230434	?
PTX 843		Expert report of Brian W. Napper		DOTLTD 10048-10155	?
PTX 844		Expert report of Brian W. Napper		KY 235849	?
PTX 845		Expert report of Brian W. Napper		KY 38904	?
PTX 846		Expert report of Brian W. Napper		DOTLTD 5533-5548	?

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PTX 847		Expert report of Brian W. Napper (Exhibit 13)	2004		?
PTX 848		Expert report of Brian W. Napper		DOTLTD 5543-5544	?
PTX 849		Expert report of Brian W. Napper		DOTINC 170-172	?
PTX 850		Expert report of Brian W. Napper		DOTINC 274-276	?
PTX 851		Expert report of Brian W. Napper		DOTINC 676-685	?
PTX 852		Expert report of Brian W. Napper		DOTINC 728	?
PTX 853		Expert report of Brian W. Napper		DOTINC 730-731	?
PTX 854		Expert report of Brian W. Napper		DOTINC 1367	?
PTX 855		Expert report of Brian W. Napper		DOTINC 1386-1412	?
PTX 856		Expert report of Brian W. Napper		DOTINC 1614	?
PTX 857		Expert report of Brian W. Napper		DOTINC 1708-1716	?
PTX 858		Expert report of Brian W. Napper		DOTINC 1861	?
PTX 859		Expert report of Brian W. Napper		DOTINC 1862-1866	?
PTX 860		Expert report of Brian W. Napper		DOTINC 1867-1878	?
PTX 861		Expert report of Brian W. Napper (Public Exhibit 9 to ITC Complaint)		DOTINC 1885-1956	?
PTX 862		Expert report of Brian W. Napper		DOTINC 1957-1970	?
PTX 863		Expert report of Brian W. Napper		DOTINC 2143-2155	?
PTX 864		Expert report of Brian W. Napper		DOTINC 2160-2166	?
PTX 865		Expert report of Brian W. Napper		DOTINC 2179-2188	?