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Kyphon reserves the right to supplement or otherwise amend this exhibit list in light of resolution of the claim

KY TRIAL EXHIBIT NO.	DESCRIPTION	DESIGNATED AT DEPO OF /USED IN	DOC DATE	BATES RANGE
PTX 1	Exhibit Not Used			
PTX 2	Exhibit Not Used			
PTX 3	Exhibit Not Used			
PTX 4	U.S. Patent No. 6,241,734 B1 Systems and Methods for Placing Materials Into Bone (Scribner et al.)			
PTX 5	U.S. Patent No. 6,613,054 B2 Systems and Methods for Placing Materials Into Bone (Scribner et al.)			
PTX 6	U.S. Patent No. 5,108,400 Striking Tool for Surgical Instruments (Appel et al.)			
PTX 7	U.S. Patent No. 6,013,080 Tamp with Horizontal Steps Used for Impaction Bone Grafting in Revision Femur (Khalili)			
PTX 8	U.S. Patent No. 6,171,312 B1 Power-Driven Osteotome Tools for Compaction of Bone Tissue (Beaty)			
PTX 9	Copy of File History of U.S. Patent No. 6,235,043 B1 Inflatable Device for Use in Surgical Protocol Relating to Fixation of Bone (Reiley et al.)			KY 229044-229364
PTX 10	Copy of File History of U.S. Patent No. U.S. Patent No. 4,969,888 Surgical Protocol for Fixation Of Osteoporotic Bone Using Inflatable Device (Scholten et al.)			KY 228787-228907
PTX 11	Copy of File History of U.S. Patent No. U.S. Patent No. 5,108,404 Surgical Protocol for Fixation Of Bone Using Inflatable Device (Scholten et al.)			KY 228908-228043

PTX 12	Copy of File History of U.S. Patent No. 6,613,054 B2 Systems and Methods for Placing Materials Into Bone (Scribner et al.)			KY 387150-387414
PTX 13	Copy of File History of U.S. Patent No. 6,241,734 B1 Systems and Methods for Placing Materials Into Bone (Scribner et al.)			KY 386958-387149
PTX 14	Complainants First Corporate Deposition Notice to Respondent Disc Orthopaedic Technologies, Inc.	Kazaz Ex. 1 7/7/04	11/13/1990	
PTX 15	USA Production – Management Plan (Revision Status Original)	Kazaz Ex. 2 7/7/04	4/28/1992	DOTINC 1635-1650
PTX 16	Clean Room Office File	Kazaz Ex. 3 7/7/04	5/22/2001	DOTINC 277-292
PTX 17	Kazaz email to Magal re issues concerning introduction of SKy into US Market	Kazaz Ex. 4 7/7/04	6/5/2001	DOTINC 7447
PTX 18	Kazaz letter to Foster, Dunworth, Gleason, Neubauer, Martin, Hebert, Saunders, Sosa, O'Neill & Reguiferos re Kyphon suits against DOT	Kazaz Ex. 5 7/7/04	6/19/2001	DOTINC 5786-815
PTX 19	Kazaz letter to Dunworth, Sosa, Gleason, Regueiferos, Saunders, Hebert, Neubauer, Martin, O'Neill, Foster re returning all inventory of SKy System	Kazaz Ex. 6 7/7/04	9/2/2003	DOTINC 8806-8825
PTX 20	Declaration of Oren Globerman, U.S. ITC Investigation No. 337-TA-507	Kazaz Ex. 7 7/7/04	4/28/1992	
PTX 21	Barak emails to Kazaz re AAOS Meeting Schedule; Shavit email to Kazaz re AAOS Hospitality Suite Training Seminar; Reilly email to Kazaz and Bezoza re Kyphoplasty Device	Kazaz Ex. 8 7/7/04	1/11/2000	DOTINC 6008-6017
PTX 22	Cripe email to Kazaz re SKy Bone Expander	Kazaz Ex. 9 7/7/04	1/9/2001	DOTINC 6331-6332
PTX 23	Morales email to Kazaz re SKy Agent Inventory	Kazaz Ex. 10 7/7/04	04/00/2004	DOTINC 3302-3303

PTX 24	DOT - Inventory In Stock Detail	Kazaz Ex. 11 7/7/04		DOTINC 255-270
PTX 25	Morales email to Kazaz re Surgical Guidelines and Tips	Kazaz Ex. 12 7/7/04		DOTINC 6917-6918
PTX 26	Exhibit Not Used			
PTX 27	DOT SKy Bone Expander System - FAQ	Kazaz Ex. 14 7/7/04	50/3/04	DOTINC 4891-4893
PTX 28	Appendix A – SKy Bone Expander System Instructions for Use (IFU)	Kazaz Ex. 15 7/7/04	12/00/03	DOTINC 686-689
PTX 29	Sade email to Distributor re SKy – Surgical Tips	Kazaz Ex. 16 7/7/04	5/14/2004	DOTINC 7649
PTX 30	Barak email to Kazaz re Product Manual – SKy	Kazaz Ex. 17 7/7/04	6/14/2004	DOTINC 7304-7323
PTX 31	DOT SKy Bone Expander System – Key Selling Points (Version 2.0 6/3/2004 7:53 PM)	Kazaz Ex. 18 7/7/04	6/29/2004	DOTINC 5268-5269
PTX 32	Kazaz letter to Peress re thank you for using SKy Bone Expander System on patient	Kazaz Ex. 19 7/7/04	6/30/2004	DOTINC 539
PTX 33	Exhibit Not Used			
PTX 34	Exhibit Not Used			
PTX 35	Barak email to Kazaz re first draft of Business Plan	Kazaz Ex. 22 7/15/04	4/13/2004	DOTINC 6166-6177
PTX 36	Exhibit Not Used			
PTX 37	Elkayam email to Kazaz w/ attached financial spreadsheet re DOT	Kazaz Ex. 24 7/15/04	5/7/2004	DOTINC 8826-8832
PTX 38	DOT Draft Purchase Order	Kazaz Ex. 25 7/15/04	03/00/04	DOTINC 9097-9099
PTX 39	DOT Draft Purchase Order	Kazaz Ex. 26 7/15/04	01/00/04	DOTINC 9100
PTX 40	DOT Purchase Order	Kazaz Ex. 27 7/15/04	12/00/03	DOTINC 9101
PTX 41	Hanan email to Iky Hartman DOT re Quote	Kazaz Ex. 28 7/15/04	5/20/2004	DOTINC 9102
PTX 42	Hartman email to Kazaz re PO #400724 for 300 pieces	Kazaz Ex. 29 7/15/04	6/1/2004	DOTINC 9188
PTX 43	DOT Proforma Invoice 1608	Kazaz Ex. 30 7/15/04	12/00/03	DOTINC 9244-9248
PTX 44	DOT Proforma Invoice 1588	Kazaz Ex. 31 7/15/04	5/11/2004	DOTINC 9119
PTX 45	DOT Purchase Order PO400663	Kazaz Ex. 32 7/15/04	5/23/2004	DOTINC 9121
PTX 46	Summary of DOT's investment into manufacturing of products in the United States	Kazaz Ex. 33 7/15/04	4/16/2004	DOTINC 8922

PTX 47	Sandvic Materials Technology – Tubular Production Packing List. Sandvic Order # 35592 Line # 1; Inspection Certificate; E-mail to Dasha Bezoza from Iky Hartman re pn:6145 St. St 316LVM Tube 5.2 x 4.82	Kazaz Ex. 34 7/15/04	2/2/2004	DOTINC 9165-9171
PTX 48	Product order sheets	Kazaz Ex. 35 7/15/04	7/7-8/04	DOTINC 9250-9251; DOTINC 9257-9260
PTX 49	E-mail to/from Ronny Barak to/from Ethan S. Lauer re Surgical Tips and Guidelines	Kazaz Ex. 36 7/15/04	2/24/2004	DOTINC 8392-8393
PTX 50	The Sky Bone Expander System for Void Creation and Vertebral Height Restoration	Kazaz Ex. 37 7/15/04	5/23/2004	DOTINC 8753- 8805
PTX 51	DOT Sky Bone Expander System – Order 1; Sky Bone Expander System – Price Lists	Kazaz Ex. 38 7/15/04	6/3/2004	DOTINC 1425-1428; DOTINC 3833; DOTINC 5242; DOTINC 5272-5274
PTX 52	E-mail to Tamir Kazaz from Ronny Barak re Update on Dr. Cohen Activity	Kazaz Ex. 39 7/15/04	4/13/2004	DOTINC 6796
PTX 53	A Study Protocol for Comparing the Sky Bone Expander System with the Kyphon Bone Tamp	Kazaz Ex. 40 7/15/04	5/19/2004	DOTINC 5218-5227
PTX 54	Sky Bone Expander System, Initial Clinical Results	Kazaz Ex. 41 7/15/04	Undated	DOTINC 3979-3997
PTX 55	Sky Bone Expander System – Guidelines and Tips	Kazaz Ex. 42 7/15/04	5/7/2004	DOTINC 4020-4021
PTX 56	Sky Bone Expander System, Training Manual	Kazaz Ex. 43 7/15/04	6/00/04	DOTINC 4023-4306
PTX 57	Exhibit Not Used			
PTX 58	Exhibit Not Used			
PTX 59	E-mail to Chris Bouchard from Kathy Morales re New Trial Inserter	Kazaz Ex. 46 7/15/04	5/19/2004	DOTINC 4314
PTX 60	DOT Proforma Invoices	Kazaz Ex. 47 7/15/04		DOTINC 142-169

PTX 61	Fax to Orian from Tamir Kazaz re Comments on Sky Surgical Technique	Kazaz Ex. 48 7/15/04	6/1/2004	DOTINC 988-1001
PTX 62	E-mail to Chad Saunders from Kathy Morales re Case Studies and Price List	Kazaz Ex. 50 7/15/04	5/20/2004	DOTINC 3827-3833
PTX 63	DOT Sky Bone Expander Description	Kazaz Ex. 51 7/15/04	12/28/2003	DOTINC 2349-2351
PTX 64	E-mail to KHarris from David Elkayam re Karren – Meeting Dr. Bronw	Kazaz Ex. 52 7/15/04	1/13/2004	DOTINC 469
PTX 65	DOT Letter to Tom Vaughan from Tamir Kazaz	Kazaz Ex. 53 7/15/04	5/21/2004	DOTINC 720
PTX 66	Letter to Mary Ellen Keenan from Dasha Bezoza	Kazaz Ex. 54 7/15/04	2/20/2004	DOTINC 362-364
PTX 67	Surgeon Leads from AANS 2004	Kazaz Ex. 55 7/15/04	2004	DOTINC 1559-1561
PTX 68	DOT Sales Report 2004-01-01 to 2004-05-24	Kazaz Ex. 56 7/15/04		DOTINC 173- 178
PTX 69	DOT Agent Policy Manual	Kazaz Ex. 57 7/15/04	5/00/04	DOTINC 4627-4637
PTX 70	Letter to Doctor from Kazaz	Kazaz Ex. 58 7/15/04	3/19/2004	
PTX 71	E-mail to Dr. Alan Levine from Ronny Barak re Request for a Meeting on the Sky Bone Expander Device for Kyphoplasty	Kazaz Ex. 59 7/15/04	2/6/2004	DOTINC 6134-6136
PTX 72	E-mail to Info:spineupdate.com from Ronny Barak re Request for a Meeting on Sky Bone Expander for Kyphoplasty	Kazaz Ex. 60 7/15/04	2/4/2004	DOTINC 6147-6150
PTX 73	E-mail to Dr. Alan Levine from Ronny Barak re interest in SKy Bone Expander	Kazaz Ex. 61 7/15/04	2/1/2004	DOTINC 6190-6192
PTX 74	E-mail to Tamir Kazaz from Ronny Barak re Request for a Meeting-Sky Bone Expander System	Kazaz Ex. 62 7/15/04	3/3/2004	DOTINC 6312-6313
PTX 75	Exhibit Not Used			
PTX 76	E-mail to Tamir Kazaz from Kathy Morales re Updated Doctor List	Kazaz Ex. 64 7/15/04	5/24/2004	DOTINC 7177-7179
PTX 77	Exhibit Not Used			
PTX 78	E-mail to Tamir Kazaz from Ronny Barak re Business Plan	Kazaz Ex. 66 7/15/04	4/30/2004	DOTINC 006855

PTX 79	Sky Bone Expander System Instructions for Use	Kazaz Ex. 67 7/15/04	1/00/04	
PTX 80	E-Mail string between Globerman and Bill James requesting quote	Globerman Ex. 69 7/29/04		DOTLTD 10855- 10861
PTX 81	DOT Shipping Order	Globerman Ex. 70 7/29/04	1/9/2004	DOTLTD 4859-4874
PTX 82	DOT Shipping Order	Globerman Ex. 71 7/29/04	Multiple	DOTLTD 4839-4856
PTX 83	E-mail to Steven Mesdom from Dabid Elkayam re Cormed – Sky Bone Expander	Globerman Ex. 72 7/29/04	4/18/2004	DOTLTD 9892-9893
PTX 84	E-mail to Ronene Shavit from Yael Rubin re Radiation Sterilization, with attached product Material Listings	Globerman Ex. 73 7/29/04	11/26/2003	DOTLTD 10779-10784
PTX 85	List of Serial Numbers of Components	Globerman Ex. 74 7/29/04	6/3/2004	DOTLTD 2784-2787
PTX 86	Conformity Assessment Checklist/Essential Requirements for B-Twin system, Sky System	Globerman Ex. 75 7/29/04	Undated	DOTLTD 1532-1559
PTX 87	B-Twin BE System, Risk Analysis	Globerman Ex. 76 7/29/04	Undated	DOTLTD 438-467
PTX 88	B-Twin BE System, Product (Tube Specification)	Globerman Ex. 77 7/29/04	Undated	DOTLTD 533-547
PTX 89	B-Twin BE, In Vitro Study Plan	Globerman Ex. 78 7/29/04	Undated	DOTLTD 573-587
PTX 90	B-Twin BE System, In Vitro Study Results	Globerman Ex. 79 7/29/04	Undated	DOTLTD 588-618
PTX 91	SKY System, Manufacturing Flow Chart	Globerman Ex. 80 7/29/04	Undated	DOTLTD 702-723
PTX 92	Sky Size Selection	Globerman Ex. 81 7/29/04	Undated	DOTLTD 5624
PTX 93	Short Description of the Sky Bone Expander System	Globerman Ex. 82 7/29/04	Undated	DOTLTD 9922
PTX 94	Letter addressed "Dear XXX," from Reven	Globerman Ex. 83 7/29/04	Undated	DOTLTD 5604-5606
PTX 95	E-mail to reuveng@clalit.org.il, from David Elkayam re Dr. Courrier	Globerman Ex. 84 7/29/04	1/1/2004	DOTLTD 3306-3307
PTX 96	Exhibit Not Used			

PTX 97	DOT Impactor, Instructions for Use	Globerman Ex. 86 7/29/04	Undated	DOTLTD 123
PTX 98	Exhibit Not Used			
PTX 99	Exhibit Not Used			
PTX 100	E-mail Exchange Between Motti Beyar, Tamir Kazaz and Gal Barshem re Dr. Hirsch with Attachment	Globerman Ex. 89 7/29/04	7/1/2004	DOTLTD 10991-10994
PTX 101	E-mail to Tamir Kazaz from Motti Beyar re Dr. Lane	Globerman Ex. 90 7/29/04	2/20/2004	DOTLTD 10988
PTX 102	E-mail Exchange Between Yael Rubin and Ulrike Westhus re Complaints	Globerman Ex. 91 7/29/04	8/26/2003	DOTLTD 10786
PTX 103	E-mail and Note 510(k) Status	Globerman Ex. 92 7/29/04	Undated	DOTLTD 10816
PTX 104	E-mail to Beyar Home from David Elkayam re DRG Disc-O-Tech	Globerman Ex. 93 7/29/04	6/21/2004	DOTLTD 6377
PTX 105	Sky System, Clinical Evaluation – Spinal Indication	Globerman Ex. 94 7/29/04	Undated	DOTLTD 1843-1860
PTX 106	Sky Systems, Design and Development Plan	Globerman Ex. 95 7/29/04	Undated	DOTLTD 431-437
PTX 107	Quality Manual	Globerman Ex. 96 7/29/04	Undated	DOTLTD 1522-1524
PTX 108	Discotech Medical Technologies Ltd., 2003 Annual Report	Globerman Ex. 97 7/29/04	2003	DOTLTD 10048-10073
PTX 109	Document in Hebrew	Globerman Ex. 98 7/29/04	5/25/2003	DOTLTD 1227
PTX 110	Translation of Document			
PTX 111	Handwritten Document with "B-Twin"	Globerman Ex. 99 7/29/04	6/23/2003	DOTLTD 3387
PTX 112	Translation of Document			DOTLTD 3387
PTX 113	B-Twin BE – Design Review (DR)	Globerman Ex. 100 7/29/04	8/17/2003	DOTLTD 1630-1635
PTX 114	Translation of Document			DOTLTD 1630-1635
PTX 115	B-Twin BE – Design Review (DR)	Globerman Ex. 101 7/29/04	8/17/2003	DOTLTD 3364-3371
PTX 116	Translation of Document			DOTLTD 3364-3365
PTX 117	Deformable Tools and Implants	Globerman Ex. 102 7/29/04	Undated	DOTLTD 10309-10377

PTX 118	Test Report	Globerman Ex. 103 7/29/04	Undated	DOTLTD 1770
PTX 119	Translation of Document			DOTLTD 1770
PTX 120	E-mail to Orian Sade from Kathy Morales re Question	Globerman Ex. 104 7/29/04	5/21/2004	DOTLTD 3868
PTX 121	E-mail to Ronny Barak from Tamir Kazaz re Adjustments Needed Due to the Kyphon Claims	Globerman Ex. 105 7/29/04	8/4/2004	DOTINC 6906
PTX 122	E-mail re DOT SKy Bone Expander System	Globerman Ex. 106 7/29/04	5/26/2004	DOTLTD 7429
PTX 123	Complainant's First Corporate Deposition Notice to Respondent Disc-O-Tech Medical Technologies, Ltd.	Globerman Ex. 107 7/29/04	6/7/2004	
PTX 124	Mt. Sinai Operative Report	Cohen Ex. 108 10/14/04	9/15/2004	COHEN 10, 14
PTX 125	Mt. Sinai Operative Report	Cohen Ex. 109 10/14/04	5/17/2004	COHEN 28-29
PTX 126	Mt. Sinai Operative Report	Cohen Ex. 110 10/14/04	8/23/2004	COHEN 45-46
PTX 127	Mt. Sinai Operative Report	Cohen Ex. 111 10/14/04	6/7/2004	COHEN 70-71
PTX 128	Mt. Sinai Operative Report	Cohen Ex. 112 10/14/04	6/9/2004	COHEN 91-93
PTX 129	Mt. Sinai Operative Report	Cohen Ex. 113 10/14/04	5/14/2004	COHEN 148
PTX 130	Mt. Sinai Operative Report	Cohen Ex. 114 10/14/04	4/12/2004	COHEN 160-161
PTX 131	Mt. Sinai Operative Report	Cohen Ex. 115 10/14/04	8/19/2004	COHEN 234-237
PTX 132	Mt. Sinai Operative Report	Cohen Ex. 116 10/14/04	6/14/2004	COHEN 282-286
PTX 133	Mt. Sinai Operative Report	Cohen Ex. 117 10/14/04	6/28/2004	COHEN 356-358
PTX 134	Mt. Sinai Operative Report	Cohen Ex. 118 10/14/04	3/24/2004	COHEN 384-385
PTX 135	Mt. Sinai Operative Report	Cohen Ex. 119 10/14/04	3/10/2004	COHEN 415-416

PTX 136	Mt. Sinai Operative Report	Cohen Ex. 120 10/14/04	4/26/2004	COHEN 431-433
PTX 137	South Florida Spine screen shot re Kyphoplasty. Kyphoplasty is performed for osteoporotic spinal fractures in cases of progressive collapse or intractable pain. This procedure is designed to stabilize the fracture, without the extensive morbidity of open surgical techniques.	Cohen Ex. 121 10/14/04	10/13/2004	
PTX 138	South Florida Spine screen shot; Journal Article: Advances in Osteoporotic Fracture Management	Cohen Ex. 122 10/14/04	10/13/2004	
PTX 139	OR Scheduling Request Form for Kyphoplasty procedure	Cohen Ex. 123 10/14/04	6/7/2004	COHEN 62
PTX 140	OR Scheduling Request Form for Kyphoplasty procedure	Cohen Ex. 124 10/14/04	6/9/2004	COHEN 100
PTX 141	OR Scheduling Request Form for Kyphoplasty procedure	Cohen Ex. 125 10/14/04	5/14/2004	COHEN 152
PTX 142	Exhibit Not Used			
PTX 143	Subpoena of Cohen	Cohen Ex. 126 10/14/04	9/8/2004	N/A
PTX 144	Exhibit Not Used			
PTX 145	Declaration of William S. Rosenberg, M.D.	Rosenberg Ex. 131 11/22/04	11/10/2004	N/A
PTX 146	Second Amended Notice of Deposition of William Martin	Martin Ex. 132 1/20/05	1/18/2005	N/A
PTX 147	Subpoena of William Martin	Martin Ex. 133 1/20/05	1/7/2005	N/A
PTX 148	Sales Agent Agreement between DOT and Bill Martin for SKy Bone Expander System	Martin Ex. 134 1/20/05	4/10/2004	DOTINC 732 – 747
PTX 149	Exhibit Not Used			
PTX 150	DOT Agent Policy Manual	Martin Ex. 136 1/20/05	09/00/2004	DOTINC 9369-9378
PTX 151	Surgical Technique manual for SKy Bone Expander System	Martin Ex. 137 1/20/05	3/00/2004	N/A
PTX 152	SKy Bone Expander System Instructions for Use	Martin Ex. 138 1/20/05	07/00/2004	

PTX 153	(DOT Training Manual) – .ppt re Anatomy of the Spine	Martin Ex. 1391/20/05		
PTX 154	SKY Bone Expander System: Bone Filler Set: Sky Bone Imp actor Kit (physical)	Martin Ex. 140 1/20/05		
PTX 155	DOT Sales Report 1/1/04 – 12/13/04	Martin Ex. 141 1/20/05	1/6/2005	DOTINC 9607-9615
PTX 156	Exhibit Not Used			
PTX 157	E-mail from Kathy Morales to Bill Martin re Kyphon Price Lists	Martin Ex. 144 1/20/05	5/19/2004	DOTINC 4316
PTX 158	Exhibit Not Used			
PTX 159	E-mail from Kathy Morales to Tamir Kazaz (cc. Ronny Barak, Bill Martin) re Letter to Dr. Majd	Martin Ex. 146 1/20/05	5/24/2004	DOTINC 7210-7211
PTX 160	Exhibit Not Used			
PTX 161	Exhibit Not Used			
PTX 162	E-mail from Tamir Kazaz to Ronny Barak (cc Kathy Morales) re Dr. Lee's non-use of SKy device due to patent litigation	Martin Ex. 149 1/20/05	5/11/2004	DOTINC 7449
PTX 163	New/Replacement Technology Request Form	Martin Ex. 150 1/20/05	N/A	WM 59
PTX 164	E-mail from (redacted) to Bill Martin re Dr. Majd and DOT, use of SKy device	Martin Ex. 151 1/20/05	6/18/2004	WM 96-97
PTX 165	Exhibit Not Used			
PTX 166	Kyphon Request for Purchase Order	Martin Ex. 153 1/20/05	2/25/2004	WM 202-213
PTX 167	Balloon Inflation Geometry Comparison Chart	Martin Ex. 154 1/20/05	4/23/2004	WM 224
PTX 168	Letter from Bill Martin to (redacted) re enclosed paperwork from Dr. Majd's 3 cases	Martin Ex. 155 1/20/05	5/21/2004	WM 1-5
PTX 169	Instruction and Tips on the Proper Use of the Ava-Tex Cement Delivery System	Beyar Ex. 156 1/25/05		WM 13-14
PTX 170	SKy System Design and Development Plan, rev. 3	Beyar Ex. 157 1/25/05		DOTLTD 431-437
PTX 171	Technical document for development of Kyphoplasty from inflatable tube	Beyar Ex. 158 1/25/05	5/25/2003	DOTLTD 1622
PTX 172	BE/Twin Status Meeting document	Beyar Ex. 159 1/25/05		DOTLTD 3377

PTX 173	Translation of Document			DOTLTD 3377
PTX 174	SKy System stage 2 design review	Beyar Ex. 160 1/25/05	1/14/2003	DOTLTD 3361-3362
PTX 175	Translation of Document			DOTLTD 3361-3362
PTX 176	Exhibit Not Used			
PTX 177	E-mail re SKy Bone Expander Competitve Comparison	Beyar Ex. 162 1/25/05	4/29/2004	DOTINC 5856-5859
PTX 178	E-mail from David Elkayam to Or Benjamin re giving Tamir hard copies of Kyphon data and training materials (IFUs) to give to Beyar	Beyar Ex. 163 1/25/05	3/31/2003	DOTLTD 6463
PTX 179	E-mail re meeting between Beyar and McCellan	Beyar Ex. 164 1/25/05	5/4/2004	DOTINC 6872
PTX 180	Documents from Dr. Constantz	Beyar Ex. 165 1/25/05	5/17/2004	DOTLTD 1577-1620
PTX 181	Exhibit Not Used			
PTX 182	Letter from FDA to DOT re 510(k) approval	Beyar Ex. 167 1/25/05	6/17/2004	DOTLTD 3689-3691
PTX 183	Exhibit Not Used			
PTX 184	Collection of documents including FDA comments and DOT responses to comments	Beyar Ex. 169 1/25/05	10/00/2003	DOTLTD 2055-2063
PTX 185	Communication with FDA	Beyar Ex. 170 1/25/05	11/00/2003	DOTLTD 2069-2074
PTX 186	510(k) related to device modification	Beyar Ex. 171 1/25/05	12/29/2003	DOTLTD 2081-2137
PTX 187	DOT 510(K) Pre Market Notification re Sky Bone Expander	Beyar Ex. 172 1/25/05	3/4/2004	DOTLTD 3692-3732
PTX 188	Letter from Mott to Beyar	Beyar Ex. 173 1/25/05	3/3/2004	
PTX 189	E-mail from Mott to Beyar	Magal Ex. 174 1/26/05	4/3/2004	DOTLTD 40
PTX 190	SKy Bone Expander System	Magal Ex. 175 1/26/05		DOTINC 2819
PTX 191	E-mail exchange, including Kazaz to Magal re consignment set	Magal Ex. 176 1/26/05	4/1/2004	DOTINC 6396
PTX 192	Exhibit Not Used			

PTX 193	E-mail from Magal to Beyar and Globerman	Magal Ex. 178 1/26/05	11/6/2003	DOTLTD 6427-6428
PTX 194	E-mail from Mr. Elkayam to Tamir Kazaz and Ronny Barak cc'ing Magal	Magal Ex. 179 1/26/05	1/26/2004	DOTINC 6633
PTX 195	E-mail from Kazaz to Beyar cc'ing Magal & attached case report by Dr. Cohen	Magal Ex. 180 1/26/05	5/23/2004	DOTINC 7172-7173
PTX 196	SKy Bone Expander System Kyphoplasty	Magal Ex. 181 1/26/05	5/00/04	DOTLTD 14707-14713
PTX 197	Exhibit Not Used			
PTX 198	SKy Surgical Notes	Globerman Ex. 183 1/27/05	5/20/2004	DOTLTD 5459-5462
PTX 199	Agreement between DOT & Dr. Werding & Mr. Schneider	Globerman Ex. 184 1/27/05	9/28/1997	DOTLTD 50005-50012
PTX 200	Consulting Agreement	Globerman Ex. 185 1/27/05	6/14/1999	DOTLTD 50001 – 50004
PTX 201	30(b)(6) Depo notice from Kyphon to DOT	Globerman Ex. 186 1/27/05	1/24/2005	N/A
PTX 202	BE/Twin BE Design Review	Globerman Ex. 187 1/27/05	8/17/2003	DOTINC 1630-1635
PTX 203	Non-infringement opinion for US Patent No. 5,108,404	Globerman Ex. 188 1/27/05	7/14/2004	DOTLTD 14204-14271
PTX 204	Non-infringement opinion for US Patent No. 4,969,888	Globerman Ex. 189 1/27/05	7/14/2004	DOTLTD 14272-14338
PTX 205	Non-infringement opinion for US Patent No. 6,235,043	Globerman Ex. 190 1/27/05	6/18/2004	DOTLTD 14123-14203
PTX 206	Exhibit Not Used			
PTX 207	Globerman patent search results	Globerman Ex. 193 1/27/05		DOTLTD 1835-1840
PTX 208	E-mail from Kazaz to Barak & Globerman re valuable information	Globerman Ex. 194 1/27/05	5/11/2004	DOTLTD 1652
PTX 209	Comparison of SKy & Balloon Kyphoplasty	Globerman Ex. 195 1/27/05		DOTLTD 14722 – 14727
PTX 210	DOT SKy Bone Expnader Imaging & Anatomy Tutorial	Globerman Ex. 196 1/27/05		DOTLTD 14973-15007
PTX 211	Exhibit Not Used			
PTX 212	E-mail re SKy Bone Expander DOT TXT	Kazaz Ex. 198 1/28/05		DOTLTD 10883
PTX 213	30(b)(6) Depo notice from Kyphon to DOT	Kazaz Ex. 199 1/28/05	9/14/2004	

PTX 214	Corporate notice from Kyphon to Disc-O-Tech LTD	Kazaz Ex. 200 1/28/05	9/14/2004	
PTX 215	Proposal to Dr. Madj to build an infrastructure to do a study	Kazaz Ex. 201 1/28/05	5/24/2004	DOTINC 675-712
PTX 216	E-mail from Morales to DOT rep Giallelj	Kazaz Ex. 202 1/28/05	4/29/2004	DOTINC 6821 - 6829
PTX 217	Document listing revenues re BE/Twin Sky and trauma	Kazaz Ex. 203 1/28/05	6/30/2004	DOTLTD 5533- 5548
PTX 218	Report for 12 month period ending December 31st, 2004 for the Sky bone expander system in the US	Kazaz Ex. 204 1/28/05	1/6/2005	DOTINC 9593-9639
PTX 219	Report for 10/04 and 12/04 representing SKy Bone Expander sales in the US	Kazaz Ex. 205 1/28/05	1/26/2005	DOTINC 50019 - 50058
PTX 220	Exhibit Not Used			
PTX 221	Surgical Technique for the Sky device	Kazaz Ex. 207 1/28/05	05/00/2004	DOTLTD 15835 - 15849
PTX 222	Surgical Technique Sky bone expander system Kyphoplasty Disc-O-Tech	Kazaz Ex. 208 1/28/05		DOTLTD 6341- 6353
PTX 223	Abstract by Dr. Gepstein presenting his results with the Sky bone expander	Kazaz Ex. 209 1/28/05	02/00/2004	DOTINC 410
PTX 224	Sky Surgical Notes	Kazaz Ex. 210 1/28/05	5/20/2004	DOTLTD 6176 - 78
PTX 225	SKy Bone Expander system for percutaneous fracture reduction	Kazaz Ex. 211 1/28/05	02/00/2004	DOTLTD 1575 -76
PTX 226	SKy Bone Expander system Instructions for Use	Kazaz Ex. 212 1/28/05	01/00/2004	DOTLTD 14096 - 122
PTX 227	Exhibit Not Used			
PTX 228	E-mail from Magal to Kazaz	Kazaz Ex. 214 1/28/05	3/16/2004	DOTINC 8112
PTX 229	Re training CDs	Kazaz Ex. 215 1/28/05	2/3/2004	DOTINC 6158
PTX 230	E-mail re number of Kyphoplasty procedures performed in 2003	Kazaz Ex. 216 1/28/05	4/22/2004	DOTINC 7507
PTX 231	Photo of DOT booth	Kazaz Ex. 217 1/28/05		DOTLTD 15393 - 15394
PTX 232	Sky Bone Expander System V2.0 basic information	Kazaz Ex. 218 1/28/05	15-Dec	DOTINC 5270 -5271

PTX 233	E-mail re Dr. Shaffer and Mr. Martin	Kazaz Ex. 219 1/28/05	5/21/2004	DOTINC 3849 - 3851
PTX 234	E-mail from Kazaz to Barak re training CDs	Kazaz Ex. 220 1/28/05	5/8/2004	DOTINC 6932
PTX 235	Three letters	Kazaz Ex. 221 1/28/05	4/14/2004	DOTINC 4689, 720, 718
PTX 236	E-mail	Kazaz Ex. 222 1/28/05	3/22/2004	DOTLTD 9888
PTX 237	Letters sent to DOT rep Michael O'Neil and Mr. Chipp Rupp re distributorship	Kazaz Ex. 223 1/28/05	4/13/2004	DOTINC 729, 4687
PTX 238	Patient Brochure	Kazaz Ex. 224 1/28/05	8/00/04	DOTINC 50000 - 50001
PTX 239	SKy Bone Expander System Brochure	Kazaz Ex. 225 1/28/05	07/00/2004	DOTINC 50002 - 50003
PTX 240	Four Articles	Kazaz Ex. 226 1/28/05		DOTINC 50004 - 50007
PTX 241	Letter from Kazaz to Magal	Kazaz Ex. 227 1/28/05	5/26/2004	DOTINC 7230 - 7231
PTX 242	Draft of letter from Kazaz to Magal	Kazaz Ex. 228 1/28/05	5/19/2004	DOTINC 7134
PTX 243	Letter to Dr. Brook	Kazaz Ex. 229 1/28/05	4/21/2004	DOTINC 8399 - 8400
PTX 244	Portions of Kyphon Surgeon List	Kazaz Ex. 230 1/28/05		DOTINC 3165, 3279
PTX 245	List of Kyphon Surgeons	Barak Ex. 230-A 2/14/05		DOTINC 3165-3279
PTX 246	E-mail from David Elkayam to Kazaz et al.	Kazaz Ex. 231 2/14/2005	1/29/2004	DOTINC 5723 - 33
PTX 247	E-mail from David Elkayam to various DOT employees re Kyphon news	Kazaz Ex. 232 1/28/05	6/21/2004	DOTLTD 6380
PTX 248	Fax from Kazaz to Beyar	Kazaz Ex. 233 1/28/05	5/24/2004	DOTINC 1862-1866
PTX 249	Kyphon marketing materials forwarded by Kazaz to Yael	Kazaz Ex. 234 1/28/05	6/21/2004	DOTINC 1837- 1852
PTX 250	Exhibit Not Used			
PTX 251	Portion of SKy Bone Expander System Training Manual	Kazaz Ex. 236 1/28/05	11/00/04	DOTINC 9430 -9588

PTX 252	Exhibit Not Used			
PTX 253	Exhibit Not Used			
PTX 254	Exhibit Not Used			
PTX 255	Exhibit Not Used			
PTX 256	Patient Brochure in Spanish	Kazaz Ex. 241 1/28/05		DOTINC 50059 - 50062
PTX 257	DOTINC financial statements for 2004	Kazaz Ex. 242 1/28/05	12/31/2004	DOTINC 50090 - 50095
PTX 258	Osteoporosis and the spinal surgeon – Paul Holman	Kazaz Ex. 243 1/28/05	2/9/2004	DOTINC 50096 - 50198
PTX 259	Notice of Deposition	Reilly, Tom Ex. 244 2/4/05	1/7/2005	
PTX 260	Exhibit Not Used			
PTX 261	Sky Bone Expander 2005 Plan of Attack	Reilly, Tom Ex. 246 2/4/05		TR 4-TR 16
PTX 262	Preference Card. Sky Bone Expander Kyphoplasty (redacted)	Reilly, Tom Ex. 247 2/4/05		TR 3
PTX 263	Current Business charts (redacted)	Reilly, Tom Ex. 248 2/4/05		TR 74-TR 75
PTX 264	The Sky Bone Expander System for Void Creation and Vertebral Height Restoration	Reilly, Tom Ex. 249 2/4/05		TR 80-TR 90
PTX 265	Letter to Rudy, Pete and Mark re The Down and Dirty on the Sky Bone Expander	Reilly, Tom Ex. 250 2/4/05		TR 94
PTX 266	The Down and Dirty on the Sky Bone Expander	Reilly, Tom Ex. 251 2/4/05		TR 107
PTX 267	Exhibit Not Used			
PTX 268	Letter to Sharon Forsythe from Tom Reiley	Reilly, Tom Ex. 253 2/4/05	8/9/2004	TR 95
PTX 269	New Business, Marketing & Relations Manager	Reilly, Tom Ex. 254 2/4/05		TR 96-TR 99
PTX 270	Plan for Sky Launch	Reilly, Tom Ex. 255 2/4/05		TR 104
PTX 271	Letter from Tom Reilly re New Kyphoplasty Device – Sky Bone Expander (form letter, Dear Doctor)	Reilly, Tom Ex. 256 2/4/05		TR 112
PTX 272	Letter/Note from Tom Reiley (redacted)	Reilly, Tom Ex. 257 2/4/05		TR 117
PTX 273	Exhibit Not Used			
PTX 274	Letter to Mr. Salinas from Tom Reiley	Reilly, Tom Ex. 259 2/4/05	1/14/2005	TR 124
PTX 275	Sky Bone News	Reilly, Tom Ex. 260 2/4/05		TR 153

PTX 276	Sky Bone Expander Script for Void Creation and Vertebral Height Restoration	Reilly, Tom Ex. 261 2/4/05		TR 121
PTX 277	Exhibit Not Used			
PTX 278	Exhibit Not Used			
PTX 279	Screen shots	Reilly, Tom Ex. 264 2/4/05		TR 212-TR 225
PTX 280	Exhibit Not Used			
PTX 281	Exhibit Not Used			
PTX 282	Exhibit Not Used			
PTX 283	Exhibit Not Used			
PTX 284	Sky Bone Expander System Price List	Reilly, Tom Ex. 269 2/4/05	8/00/04	TR 134-TR 136
PTX 285	Letter to Ronny Barak from Tom Reilly	Reilly, Tom Ex. 270 2/4/05	10/4/2004	TR 115
PTX 286	The Sky Cement Delivery System: Instructions for Use	Reilly, Tom Ex. 271 2/4/05		TR 140-TR 142
PTX 287	ID Words - cheat sheet for using Sky	Reilly, Tom Ex. 272 2/4/05		TR 143
PTX 288	Case Date and Surgeon report	Reilly, Tom Ex. 273 2/4/05		TR 64
PTX 289	Horowitz, Fichtel, Kuwamara, Geiger, Atking, Auber, Parra, Aranabar, & Fulp	Reilly, Tom Ex. 274 2/4/05		TR 72
PTX 290	Sky Bone Expander – Kyphoplasty Surgery Schedule Confirmation	Reilly, Tom Ex. 275 2/4/05		TR 152
PTX 291	Sky Bone Expander System Initial Clinical Results	Reilly, Tom Ex. 276 2/4/05		TR 154-TR 196
PTX 292	Exhibit Not Used			
PTX 293	A Novel Technique for Percutaneous Local Anesthesia Reconstruction of Vertebral Fractures Using the Sky Bone Expander: A Preliminary Report on the Firms 20 Cases	Reilly, Tom Ex. 278 2/4/05		TR 233
PTX 294	Email to Tamir from Barak re marketing materials	Barak Ex. 279 2/14/05	4/30/2004	DOTINC 6856
PTX 295	Exhibit Not Used			
PTX 296	Check list of equipment and material for Beyar US tour	Barak Ex. 281 2/14/05		DOTLTD 14729-14730
PTX 297	Exhibit Not Used			
PTX 298	Letter to Robert Falk from Kazaz	Barak Ex. 283 2/14/05	5/19/2004	DOTINC 4674

PTX 299	Email to Or from Kathy Morales re AANS Package being sent to your hotel	Barak Ex. 284 2/14/05	4/28/2004	DOTINC 3452
PTX 300	Abstracts, American Society of Spine Radiology - 11 Page Document Case Studies	Barak Ex. 285 2/14/05		
PTX 301	Exhibit Not Used			
PTX 302	Fax to Tamir Kazaz from Ronny re Kyphon new sizes, shapes and access systems	Barak Ex. 287 2/14/05	2/24/2004	DOTINC 2489-2494
PTX 303	Exhibit Not Used			
PTX 304	Exhibit Not Used			
PTX 305	Email to Ronny Barak from Kim Welch re Craig Welch and our discussion last week of representing Disc-o-tech	Barak Ex. 290 2/14/05	6/9/2004	DOTINC 7691-7693
PTX 306	Exhibit Not Used			
PTX 307	Exhibit Not Used			
PTX 308	Email to Kathy Morales from Ronny Barak re Sky Expander Spine: Questions-first pass	Barak Ex. 293 2/14/05	5/12/2004	DOTINC 8607-8608
PTX 309	Email to Tamir Kazaz from Ronny Barak re WI Contract	Barak Ex. 294 2/14/05	5/25/2004	DOTINC 7225
PTX 310	Email to Jeff Lubin from Ronny Barak re Setting the training program and agendas	Barak Ex. 295 2/14/05	4/23/2004	DOTINC 6685-6773
PTX 311	Exhibit Not Used			
PTX 312	Sky Bone Expander System Training Manual	Barak Ex. 297 2/14/05	11/00/2004	DOTINC 50205-50300
PTX 313	Email to Ronny Barak from Tamir Kazaz re Surgical Tips	Barak Ex. 298 2/14/05	4/24/2004	DOTINC 8407-8408
PTX 314	Exhibit Not Used			
PTX 315	Deposition notice of John Steck	Steck Ex. 300 1/26/05	1/24/2005	
PTX 316	CV of Steck	Steck Ex. 301 1/26/05		
PTX 317	Draft Sales Agent Agreement	Saunders Ex. 302 1/28/05		DOTINC 597-612
PTX 318	Exhibit Not Used			

PTX 319	Scheduled SKy cases	Saunders Ex. 305 1/28/05		DOTINC 4779
PTX 320	Letter from Kazaz to Saunders re signature page of Sales Agent Agreement	Saunders Ex. 306 1/28/05	4/29/2004	DOTINC 595
PTX 321	Saunders' letter of resignation to Kyphon with cover fax from Spine Synergy	Saunders Ex. 307 1/28/05	5/11/2004	DOTINC 613-614
PTX 322	Letter from Shaw to Saunders re Proprietary Information Agreement	Saunders Ex. 308 1/28/05	5/21/2004	DOTINC 1024-1025
PTX 323	Exhibit Not Used			
PTX 324	E-mail from Saunders to Barak reporting on Dr. Mitchell's impressions of SKy device	Saunders Ex. 310 1/28/05	6/1/2004	DOTINC 5528
PTX 325	E-mail between Saunders/Barak/Dr. Mitchell regarding development of further SKy devices	Saunders Ex. 311 1/28/05	5/25/2004	DOTINC 7224
PTX 326	Exhibit Not Used			
PTX 327	Letter from Spine Synergy to DOT saying all inventory has been returned	Saunders Ex. 313 1/28/05	6/30/2004	DOTINC 9255
PTX 328	Collection of invoices/Product Delivered Goods Forms to Mary Black Hospital	Saunders Ex. 314 1/28/05	Misc.	DOTINC 317-330
PTX 329	Exhibit Not Used			
PTX 330	Letter from Kazaz to Dr. Mitchell regarding 30K grant to research SKy Bone Expander	Saunders Ex. 316 1/28/05	6/30/2004	DOTINC 8834
PTX 331	Disc-O-Tech sales report dated 1/1/2004 through December 12/31/2004	Saunders Ex. 317 1/28/05	1/6/2005	DOTINC 9593-9639
PTX 332	Document of sales figures prepared for settlement talks in Kyphon/Saunders matter	Saunders Ex. 318 1/28/05		CS 1 - 6
PTX 333	North Carolina Secretary of State document regarding Spine Synergy	Saunders Ex. 319 1/28/05	1/26/2005	
PTX 334	2nd Amended Notice of Deposition of Charles S. Foster and Request for Production of Documents	Foster Ex. 320 1/31/05		

PTX 335	2nd Amended Notice of Deposition of Charles S. Foster and Request for Production of Documents	Foster Ex. 321 1/31/05		
PTX 336	Letter from Tony Recupero to Foster	Foster Ex. 322 1/31/05	1/29/2001	
PTX 337	Proprietary information agreement Foster was requested to sign	Foster Ex. 323 1/31/05	1/30/2001	CF10-18
PTX 338	Kyphon employee handbook	Foster Ex. 324 1/31/05	8/27/2002	
PTX 339	Kyphon employment application as completed by Foster	Foster Ex. 325 1/31/05	02/00/2001	
PTX 340	Foster letter of resignation from Kyphon	Foster Ex. 326 1/31/05	5/10/2004	
PTX 341	Sales termination check out list	Foster Ex. 327 1/31/05	5/14/2004	
PTX 342	Termination certification	Foster Ex. 328 1/31/05	5/14/2004	
PTX 343	Notice to employee as to change in relationship	Foster Ex. 329 1/31/05	5/14/2004	
PTX 344	Exhibit Not Used			
PTX 345	Exhibit Not Used			
PTX 346	Sales agent agreement drafts sent by Kazaz to Foster	Foster Ex. 332 1/31/05	5/10/2004	CF 29-44
PTX 347	Letter from David Shaw to Foster	Foster Ex. 333 1/31/05	5/31/2004	DOTINC 1027-1029
PTX 348	E-mail from Foster to Barak	Foster Ex. 334 1/31/05	6/4/2004	DOTINC 7914
PTX 349	E-mail between Foster and RB	Foster Ex. 335 1/31/05	6/2/2004	DOTINC 8698
PTX 350	Product delivered goods forms	Foster Ex. 336 1/31/05	Multiple	CF 1 - 9
PTX 351	Kathy Morales with a draft consignment agreement for hospitals	Foster Ex. 337 1/31/05	6/8/2004	CF 82 - 86
PTX 352	E-mail regarding the Virginia AVA - Texas TEX cement delivery system	Foster Ex. 338 1/31/05	9/17/2004	CF 67-70
PTX 353	Letter from Kazaz to Foster	Barak Foster Ex. 339 1/31/05	6/14/2004	CF 22-23

PTX 354	Letter from DOT to Foster asking that inventory be returned	Foster Ex. 340 1/31/05	6/29/2004	CF 24
PTX 355	DOT commission reports	Foster Ex. 341 1/31/05	9/1/2004	CF 58-61
PTX 356	Email to Tamir Kazaz from Ronny Barak re Massage from Ralph and Dr. Cohen	Barak Ex. 342 2/14/05	3/25/2004	DOTINC 6339
PTX 357	Email to Tamir Kazaz from Ronny Barak re Dan Cohen, MD	Barak Ex. 343 2/14/05	4/10/2004	DOTINC 6421
PTX 358	Email to Motty Beyar from Ronny Barak re Dr. Cohen	Barak Ex. 344 2/14/05	3/1/2004	DOTINC 8062
PTX 359	Exhibit Not Used			
PTX 360	Exhibit Not Used			
PTX 361	Exhibit Not Used			
PTX 362	Exhibit Not Used			
PTX 363	Email to Ethan S. Lauer from Ronny Barak re Dr. Shani	Barak Ex. 348 2/14/05	4/28/2004	DOTINC 8450
PTX 364	Copies of computer screen shots	Barak Ex. 349 2/14/05		
PTX 365	Disc-O-Tech Partner Sales Meeting Information Package	Barak Ex. 350 2/14/05	6/1/2004	
PTX 366	Document with Power Point Slides and Case Studies	Barak Ex. 351 2/14/05		
PTX 367	Exhibit Not Used			
PTX 368	Exhibit Not Used			
PTX 369	Bone Impactor	Barak Ex. 367 2/15/05		
PTX 370	Bone Impactor	Barak Ex. 368 2/14/05		
PTX 371	Hand-drawn diagram	Barak Ex. 368 2/14/05		
PTX 372	Trial device	Barak E. 369 2/14/05	DOTLTD 50016	
PTX 373	SKy Bone Expander Syste Instrumentation Set (original)	Barak Ex. 370 2/14/05	DOTLTD 51001	
PTX 374	SKy Bone Expander System Surgical Technique	Barak Ex. 371 2/14/05		DOTLTD 15040-15052
PTX 375	Color copy of TR 275 "Bone Void Filler Injection"	Barak Ex. 372 2/14/05		
PTX 376	Impactor Kit	Barak Ex. 373 2/14/05	DOTINC 50013	
PTX 377	Bone Biopsy Needle	Barak Ex. 374 2/14/05		
PTX 378	Hi Visco Flow - Cement Delivery Kit	Barak Ex. 375 2/14/05	DOTINC 50585	

PTX 379	Sky Bone Expander System Instrumentation Set (incomplete)	Barak Ex. 376 2/14/05	DOTINC 5009	
PTX 380	Notice of Deposition of Mark Reiley M.D.	Reiley Ex. 1 11/3/04	11/1/2004	
PTX 381	Invention Disclosure Documents	Reiley Ex. 3 11/3/04	10/5/1988	KY 116725-116739
PTX 382	Surgical Protocol for the Osseous Balloon System: Percutaneous Verebral Body Fixation	Reiley Ex. 10 11/3/04		
PTX 383	Document Entitled "The Effect of Internal Augmentation on Vertebral Body Mechanic Properties: A preliminary study	Reiley Ex. 11 11/3/04	12/17/1990	
PTX 384	Declaration of Dr. Joseph M. Lane	Lane Ex. 1 11/4/04	10/8/2004	
PTX 385	Stedman's Medical Dictionary 27th Edition, Illustrated in Color Page 276	Lane Ex. 2 11/4/04	6/21/2004	
PTX 386	Medline; Trusted Health Information for You. Medical Dictionary	Lane Ex. 3 11/4/04	4/28/2004	
PTX 387	Stedman's Medical Dictionary 27th Edition, Illustrated in Color Page 1067	Lane Ex. 4 11/4/04		
PTX 388	DOT Corporate Deposition Notice	Mott Ex. 500 1/31/05	12/17/2004	
PTX 389	Competitive Activities Q1-2004 document	Mott Ex. 502 1/31/05	3/31/2004	KY 142117-142123
PTX 390	Selected KyphX Product Quick Reference Guide	Mott Ex. 503 1/31/05	1/21/2004	KY 115003-115020
PTX 391	Exhibit Not Used			
PTX 392	Kyphon Sales Training Pre-Study Guide	Mott Ex. 505 1/31/05		KY 73052-73117
PTX 393	Kyphon marketing material for IBT and KyphoPak	Mott Ex. 506 1/31/05		KY 3869-3871
PTX 394	Olerud, et al., Transpedicular Fixation of Thoracolumbar Vertebral Fractures	Mott Ex. 509 1/31/05		
PTX 395	Exhibit Not Used			
PTX 396	Declaration of Richard Mott ISO Kyphon's Preliminary Injunction	Mott Ex. 511 1/31/05		

PTX 397	Handwritten document – Risk Areas/Issues	Talmadge Ex. 515 2/1/05		KY 22890-22911
PTX 398	DOT Depo notice for Kyphon Corporate Witness	Taylor Ex. 516 2/3/05	12/17/2004	
PTX 399	Exhibit Not Used			
PTX 400	Kyphon US Price List	Taylor Ex. 518 2/3/05	11/1/2005	KY 386718-386721
PTX 401	Exhibit Not Used			
PTX 402	Exhibit Not Used			
PTX 403	Kyphon Financial Statement Feburary 2004	Taylor Ex. 521 2/3/05	2/00/2004	KY 34710-34899
PTX 404	Early prototypes of IBT device	Scholten Ex. 522 2/14/05		KY 386722
PTX 405	U.S. patent number 6,440, 38 B1, issue date of August 27, 2002, filing date of April 6, 1998, "Structures and methods for creating cavities in interior body regions"	Scholten Ex. 523 2/14/05	8/27/2002	KY 386667-386685
PTX 406	photo of the curetting device (top view)	Scholten Ex. 524 2/14/05		KY 386729
PTX 407	photo of the curetting device (Side view)	Scholten Ex. 524a 2/14/05		KY 386726
PTX 408	photo of the curetting device (different view)	Scholten Ex. 525 2/14/05		KY 386727
PTX 409	photo of the curetting device (close up of distal tip)	Scholten Ex. 526 2/14/05		KY 386728
PTX 410	photo of the curetting device (different view of 526)	Scholten Ex. 527 2/15/05		KY 386730
PTX 411	picture taken at the morgue at Alta Bates Hospital	Scholten Ex. 528 2/15/05	8/00/88	KY 386734
PTX 412	picture of one of the technicians mixing cement	Scholten Ex. 529 2/15/05		KY 386735
PTX 413	Photo of testing where we have potted the samples and we were testing the behavior of the vertebral bodies that were augmented with cement.	Scholten Ex. 530 2/15/05		KY 386736
PTX 414	Same as 530 with technician in different position	Scholten Ex. 531 2/15/05		KY 386737

PTX 415	Same as 530 with technician in different position	Scholten Ex. 532 2/15/05		KY 386738
PTX 416	Exhibit Not Used			
PTX 417	TT&C Priv log as relates to 888 and 404 patent applications	Scholten Ex. 534 2/15/05		
PTX 418	Letter from Arie to president of Surgical Dynamics	Scholten Ex. 535 2/15/05		KY 386731
PTX 419	Exhibit Not Used			
PTX 420	888 patent	Scholten Ex. 537 2/15/05	11/13/1990	
PTX 421	Letter from Scholten to Caddes of Norian	Scholten Ex. 538 2/15/05		KY 19690
PTX 422	Expert Witness Report of Michael Marks, M.D., MBA		3/8/2005	
PTX 423	SKy Bone Expander demonstration device	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 50010
PTX 424		Expert Witness Report of Michael Marks, M.D., MBA		DOTLTD 14762-15123
PTX 425	Exhibit Not Used			
PTX 426	Exhibit Not Used			
PTX 427	Exhibit Not Used			
PTX 428	Exhibit Not Used			
PTX 429	Exhibit Not Used			
PTX 430	E-mail re Disc-O-Tech bone cement	Expert Witness Report of Michael Marks, M.D., MBA	2/19/2004	DOTINC 6115-6116
PTX 431	Exhibit Not Used			
PTX 432	Exhibit Not Used			
PTX 433	Exhibit Not Used			
PTX 434	SKy Bone Expander Instructions for Use	Expert Witness Report of Michael Marks, M.D., MBA	05/00/2004	DOTLTD 413-416
PTX 435	Exhibit Not Used			
PTX 436	Exhibit Not Used			
PTX 437	Exhibit Not Used			

PTX 438	Exhibit Not Used			
PTX 439	Exhibit Not Used			
PTX 440	SKy Bone Expander Instructions for Use	Expert Witness Report of Michael Marks, M.D., MBA		DOTLTD 944-946
PTX 441	SKy Bone Expander Instructions for Use	Expert Witness Report of Michael Marks, M.D., MBA		DOTLTD 947-949
PTX 442	SKy Bone Expander Instructions for Use	Expert Witness Report of Michael Marks, M.D., MBA		DOTLTD 950-952
PTX 443	SKy Bone Expander Instructions for Use	Expert Witness Report of Michael Marks, M.D., MBA		DOTLTD 953-956
PTX 444	SKy Bone Expander Instructions for Use	Expert Witness Report of Michael Marks, M.D., MBA		DOTLTD 957-959
PTX 445	SKy Bone Expander Instructions for Use	Expert Witness Report of Michael Marks, M.D., MBA	02/00/2004	DOTLTD 97-99
PTX 446	SKy Bone Expander Instructions for Use	Expert Witness Report of Michael Marks, M.D., MBA	12/00/2003	DOTLTD 407-409
PTX 447	Exhibit Not Used			
PTX 448	Scenes from SKy animation	Expert Witness Report of Michael Marks, M.D., MBA		DOTLTD 14716
PTX 449	Exhibit Not Used			
PTX 450	Pictures of spine demonstratives	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 50014-50017
PTX 451	CD entitled Kyphon KyphX Latitude Curette	Expert Witness Report of Michael Marks, M.D., MBA		RR 1
PTX 452	CD entitled Kyphon Mixer (animation of Kyphon Bone Filler Device)	Expert Witness Report of Michael Marks, M.D., MBA		RR 2

PTX 453	Exhibit Not Used			
PTX 454	SKy animation	Expert Witness Report of Michael Marks, M.D., MBA	02/00/2004	WM 102 (DOTINC 87552)
PTX 455	510k Premarket Notification re B-Twin Bone Expander System	Expert Witness Report of Michael Marks, M.D., MBA	7/30/2003	DOTLTD 1982-2052
PTX 456	Exhibit Not Used			
PTX 457	Exhibit Not Used			
PTX 458	Exhibit Not Used			
PTX 459	Exhibit Not Used			
PTX 460	Exhibit Not Used			
PTX 461	Listing of SKy components	Expert Witness Report of Michael Marks, M.D., MBA		TR 3, 121, 236
PTX 462	Discussion of SKy and uses; "How old of a fracture can we fix?-Depends on Edema or on Bone Scan if it shows up as a hot spot."	Expert Witness Report of Michael Marks, M.D., MBA		TR 4-57; TR 58-59; TR 143-144
PTX 463	SKy powerpoints	Expert Witness Report of Michael Marks, M.D., MBA		TR 80-88; TR 154-170; TR 173-196
PTX 464	SKy brochure	Expert Witness Report of Michael Marks, M.D., MBA		TR 89-90
PTX 465	Discussion of SKy function versus Kyphon's IBT; "SKy Bone should be positioned as a 'second generation' Kyphoplasty device." "Laser cut polymer creates a better void environment that allows the cement to fill in the small gaps, and compact the oteoporotic	Expert Witness Report of Michael Marks, M.D., MBA		TR 94-107
PTX 466	Discussion of SKy system components	Expert Witness Report of Michael Marks, M.D., MBA		TR 96-99

PTX 467	SKy sales pitch	Expert Witness Report of Michael Marks, M.D., MBA		TR 138-139
PTX 468	Surgical technique	Expert Witness Report of Michael Marks, M.D., MBA		TR 197-208
PTX 469	SKy FAQ	Expert Witness Report of Michael Marks, M.D., MBA		TR 209-211
PTX 470	Cadaver training invitation	Expert Witness Report of Michael Marks, M.D., MBA		TR 228-229
PTX 471	Case reports	Expert Witness Report of Michael Marks, M.D., MBA		TR 237-244
PTX 472	SKy tutorial	Expert Witness Report of Michael Marks, M.D., MBA		TR 245-277
PTX 473		Expert Witness Report of Michael Marks, M.D., MBA		CS 1-29; CF 1-86; WM 1-224
PTX 474	Materials sent to sales representatives	Expert Witness Report of Michael Marks, M.D., MBA	8/6/2004	WM 53
PTX 475	Delivered goods forms	Expert Witness Report of Michael Marks, M.D., MBA	5/18/2004	WM 75-77
PTX 476	Agent's policy manual	Expert Witness Report of Michael Marks, M.D., MBA	8/00/04	WM 117-127
PTX 477	Case reports	Expert Witness Report of Michael Marks, M.D., MBA		WM 128-134
PTX 478	SKy brochures	Expert Witness Report of Michael Marks, M.D., MBA		WM 135-148

PTX 479	SKy case studies	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 2511-2431
PTX 480	Report on first 20 cases using SKy	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 2532-2534
PTX 481	Report on first 20 cases using SKy	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 2545
PTX 482	Letter	Expert Witness Report of Michael Marks, M.D., MBA	4/25/2004	DOTINC 2536-2537
PTX 483	The Sky Bone Expander vertebroplasty: a case report	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 3298
PTX 484	Exhibit Not Used			
PTX 485	Percutaneous Kyphoplasty with Sky Bone Expander	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 3998-4011
PTX 486	Preliminary experiment	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 7095-7096
PTX 487	Sky Bone Expander case report: Kyphoplasty	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 7097
PTX 488	SKy "Clinical Cases"	Expert Witness Report of Michael Marks, M.D., MBA		DOTLTD 15216-15219
PTX 489	Exhibit Not Used			
PTX 490	"Clinical Case #4 – SKy v. Kyphon" x-rays from Cohen;	Expert Witness Report of Michael Marks, M.D., MBA		DOTLTD 15304
PTX 491	Exhibit Not Used			
PTX 492	Study Protocol	Expert Witness Report of Michael Marks, M.D., MBA	5/24/2004	DOTINC 3901-3903

PTX 493	Study Protocol	Expert Witness Report of Michael Marks, M.D., MBA	5/24/2004	DOTINC 3906
PTX 494	Exhibit Not Used			
PTX 495	Study Protocol referring to Kyphoplasty	Expert Witness Report of Michael Marks, M.D., MBA	12/00/2003	DOTINC 5228-5237
PTX 496	Exhibit Not Used			
PTX 497	Study Prototcol	Expert Witness Report of Michael Marks, M.D., MBA		DOTLTD 1890-1904
PTX 498	Exhibit Not Used			
PTX 499	Exhibit Not Used			
PTX 500	Exhibit Not Used			
PTX 501	Sky Analysis	Expert Witness Report of Michael Marks, M.D., MBA	6/8/2003	DOTLTD 1905-1933
PTX 502	Exhibit Not Used			
PTX 503	Sky Analysis	Expert Witness Report of Michael Marks, M.D., MBA		DOTLTD 14516-14542
PTX 504	Sky Analysis	Expert Witness Report of Michael Marks, M.D., MBA		DOTLTD 14543-14573
PTX 505	"Design Risk Analysis – vertebroplasty"	Expert Witness Report of Michael Marks, M.D., MBA		DOTLTD 14574-14605
PTX 506	"B-Twin Expandable Spinal System (Kyphoplasty / Vertebroplasty) Type II"	Expert Witness Report of Michael Marks, M.D., MBA	3/8/2003	DOTLTD 14635-14646
PTX 507	"B-Twin Expandable Spinal System" August 2003	Expert Witness Report of Michael Marks, M.D., MBA	08/00/2003	DOTLTD 14647-14662
PTX 508	Sky Analysis	Expert Witness Report of Michael Marks, M.D., MBA		DOTLTD 4338-467
PTX 509	Exhibit Not Used			

PTX 510	Portion of DOT website	Expert Witness Report of Michael Marks, M.D., MBA	6/27/094	DOTINC 7339-7345
PTX 511	Portion of DOT website	Expert Witness Report of Michael Marks, M.D., MBA		DOTLTD 14747
PTX 512	Majd operative report	Expert Witness Report of Michael Marks, M.D., MBA		MM 1-76
PTX 513	Exhibit Not Used			
PTX 514	Majd operative report	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 332-352
PTX 515	Majd operative report	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 355-356
PTX 516	Majd operative report	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 358-361
PTX 517	Majd operative report	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 372-373
PTX 518	Majd operative report	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 375-380
PTX 519	Majd operative report	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 404-405
PTX 520	Majd operative report	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 407-412
PTX 521	Majd operative report	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 415-418
PTX 522	Majd operative report	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 420-467

PTX 523	Majd operative report	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 540-541
PTX 524	Majd operative report	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 629
PTX 525	Majd operative report	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 715-717
PTX 526	Majd operative report	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 2813
PTX 527	Majd operative report	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 2815
PTX 528	Majd operative report	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 2830-2831
PTX 529	Majd operative report	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 2844-2847
PTX 530	Majd operative report	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 2880-2881
PTX 531	Majd operative report	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 2886-2889
PTX 532	Majd operative report	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 2905-2912
PTX 533	Exhibit Not Used			
PTX 534	Majd operative report	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 2945
PTX 535	DOT delivered goods form and invoice	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 2950

PTX 536	Description of delivered goods forms	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 1423
PTX 537	Description of delivered goods forms	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 3853-3854
PTX 538	Surgical Notes	Expert Witness Report of Michael Marks, M.D., MBA	8/00/2004	DOTLTD 6173-6175
PTX 539	Surgical Notes	Expert Witness Report of Michael Marks, M.D., MBA	4/5/2004	DOTLTD 15147-14150
PTX 540	Exhibit Not Used			
PTX 541	Exhibit Not Used			
PTX 542	Exhibit Not Used			
PTX 543	Surgical Technique Manual	Expert Witness Report of Michael Marks, M.D., MBA	5/23/2004	DOTLTD 1560-1574
PTX 544	Exhibit Not Used			
PTX 545	Surgical Technique Manual	Expert Witness Report of Michael Marks, M.D., MBA	5/00/2004	DOTLTD 15359-15373
PTX 546	Surgical Technique Manual (SKy technique compared to Kyphon kyphoplasty	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 5287-5239
PTX 547	Surgical Technique Manual (SKy technique compared to Kyphon kyphoplasty	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 4691-4719
PTX 548	Exhibit Not Used			
PTX 549	Surgical Technique Manual (refers to Kyphoplasty; SKy compared to Kyphon)	Expert Witness Report of Michael Marks, M.D., MBA		DOTLTD 15151-15191
PTX 550	Guidelines and tips and related material	Expert Witness Report of Michael Marks, M.D., MBA	5/7/2004	DOTINC 3629-3650

PTX 551	Guidelines and tips and related material	Expert Witness Report of Michael Marks, M.D., MBA	4/24/2004	DOTINC 5734-5735
PTX 552	Guidelines and tips and related material	Expert Witness Report of Michael Marks, M.D., MBA	4/21/2004	DOTINC 6657-6658
PTX 553	Guidelines and tips and related material	Expert Witness Report of Michael Marks, M.D., MBA	4/28/2004	DOTINC 8455-8456
PTX 554	Guidelines and tips and related material	Expert Witness Report of Michael Marks, M.D., MBA	4/22/2004	DOTINC 6668-6669
PTX 555	Guidelines and tips and related material	Expert Witness Report of Michael Marks, M.D., MBA	4/25/2004	DOTINC 8423-8424
PTX 556	Exhibit Not Used			
PTX 557	Guidelines and tips and related material (video script)	Expert Witness Report of Michael Marks, M.D., MBA	5/20/2004	DOTLTD 15192-15196
PTX 558	SKy product description	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 5256-5259
PTX 559	SKy product description	Expert Witness Report of Michael Marks, M.D., MBA	12/28/2003	DOTINC 5260
PTX 560	Exhibit Not Used			
PTX 561	SKy product description	Expert Witness Report of Michael Marks, M.D., MBA	6/3/2004	DOTINC 5266-5267
PTX 562	Exhibit Not Used			
PTX 563	SKy product description	Expert Witness Report of Michael Marks, M.D., MBA	12/15/2003	DOTLTD 14752-14753
PTX 564	SKy product description	Expert Witness Report of Michael Marks, M.D., MBA	12/30/2003	DOTLTD 6470-6476
PTX 565	Exhibit Not Used			

PTX 566	SKy FAQs	Expert Witness Report of Michael Marks, M.D., MBA	1/00/04	DOTINC 274-276
PTX 567	SKy FAQs	Expert Witness Report of Michael Marks, M.D., MBA	2/00/04	DOTLTD 15677-15679
PTX 568	SKy FAQs	Expert Witness Report of Michael Marks, M.D., MBA	5/17/2004	DOTINC 3715-3716
PTX 569	Exhibit Not Used			
PTX 570	Price Lists	Expert Witness Report of Michael Marks, M.D., MBA	3/22/2004	DOTINC 1861
PTX 571	Ads and Brochures	Expert Witness Report of Michael Marks, M.D., MBA		DOTINC 4015-4016
PTX 572	Exhibit Not Used			
PTX 573	Exhibit Not Used			
PTX 574	Ads and Brochures	Expert Witness Report of Michael Marks, M.D., MBA		DOTLTD 14714-14715
PTX 575	Ads and Brochures	Expert Witness Report of Michael Marks, M.D., MBA		DOTLTD 15124
PTX 576	SKy packaging and consignment information	Expert Witness Report of Michael Marks, M.D., MBA	2/23/2004	DOTINC 6101-6104
PTX 577	SKy packaging and consignment information	Expert Witness Report of Michael Marks, M.D., MBA	5/14/2004	DOTINC 509
PTX 578	SKy packaging and consignment information	Expert Witness Report of Michael Marks, M.D., MBA	5/12/2004	DOTINC 118
PTX 579	SKy packaging and consignment information	Expert Witness Report of Michael Marks, M.D., MBA	1/13/2004	DOTINC 471-473

PTX 580	Competitive Comparison (SKy compared to KyphX Expander)	Expert Witness Report of Michael Marks, M.D., MBA	4/28/2004	DOTINC 4792-4798
PTX 581	Exhibit Not Used			
PTX 582	SKy selling points	Expert Witness Report of Michael Marks, M.D., MBA	2/24/2004	DOTLTD 14750-14751
PTX 583	Exhibit Not Used			
PTX 584	Conformity assessment	Expert Witness Report of Michael Marks, M.D., MBA		DOTLTD 417-419
PTX 585	Requirements and evaluation	Expert Witness Report of Michael Marks, M.D., MBA		DOTLTD 648-665
PTX 586	Product specifications	Expert Witness Report of Michael Marks, M.D., MBA		DOTLTD 755-767
PTX 587	Exhibit Not Used			
PTX 588	"Clinical Evaluation-Vertebroplasty"	Expert Witness Report of Michael Marks, M.D., MBA		DOTLTD 1861-1881
PTX 589	Exhibit Not Used			
PTX 590	Exhibit Not Used			
PTX 591	Exhibit Not Used			
PTX 592	Exhibit Not Used			
PTX 593	Exhibit Not Used			
PTX 594	Expandable Tube in Vitro Study Plan - Stage 1	Expert Witness Report of Michael Marks, M.D., MBA		DOTLTD 768-777
PTX 595	Exhibit Not Used			
PTX 596	Expandable Tube in Vitro Study Plan - Stage 2	Expert Witness Report of Michael Marks, M.D., MBA		DOTLTD 794-803
PTX 597	Tecoflex Expandable Tube In Vitro Study Results-Stage 1	Expert Witness Report of Michael Marks, M.D., MBA		DOTLTD 778-793

PTX 598	Tecoflex Expandable Tube In Vitro Study Results-Stage 2	Expert Witness Report of Michael Marks, M.D., MBA		DOTLTD 804-820
PTX 599	Exhibit Not Used			
PTX 600	Exhibit Not Used			
PTX 601		Expert Witness Report of Michael Marks, M.D., MBA		DOTLTD 866-877
PTX 602	ITC Complaint exhibits (to be listed out)	Expert Witness Report of Michael Marks, M.D., MBA		
PTX 603	Web pages from www.kyphon.com	ITC Complaint Public Exhibit 20		
PTX 604	web pages from www.disc-o-tech.com	ITC Complaint Public Exhibit 22		
PTX 605	Declaration of Keith Harvey, D.O.	ITC Complaint Public Exhibit 24	3/16/2004	
PTX 606	Declaration of Dan M. Jolivette, M.D.	ITC Complaint Public Exhibit 25	2/12/2004	
PTX 607	Disco-O-Tech's SKy Bone Expander System 510K Summary	ITC Complaint Public Exhibit 26	1/28/2004	
PTX 608	SKY Bone Expander Case Report: Kyphoplasty (Distributed atAmerican Academy of Orthopaedic Surgeons Meeting March 10-14, 2004)	ITC Complaint Public Exhibit 27		
PTX 609	SURGICAL TECHNIQUE: The SKy Bone Expander System brochure	ITC Complaint Public Exhibit 29	03/00/04	
PTX 610	Medical Journal Articles on Kyphoplasty and KyphX Xpander Inflatable Bone Tamp Instruments	ITC Complaint Public Exhibit 30		
PTX 611	White Paper "The Mechanics of Balloons Moving Bone"	ITC Complaint Public Exhibit 31		
PTX 612	Declaration of Richard W. Mott	ITC Complaint Public Exhibit 32	3/31/2004	
PTX 613	Exhibit Not Used			