EXHIBIT A

Kyphon v. DOT
USDC-DE CA 04-204-JJF

Kyphon's June 10th 2005 Pre-Trial Order Exhibit List

Kyphon reserves the right to supplement or otherwise amend this exhibit list in with respect to evidence that is the subject of pending motions *in limine*, and to the extent that other decisions by the Court necessitate

KY TRIAL EXHIBIT NO.	DESCRIPTION	DESIGNATED AT DEPO OF /USED IN	DOC DATE	BATES RANGE	DOT'S OBJECTIONS
PTX 0001	News articles re Kyphon/Kyphoplasty		Various	DOTINC 002730-002731; DOTINC 002392; DOTINC 002738-002741; KY 045686; KY 022533-022534; KY 022549; KY 261446-261448; KY 285293-285358; KY 285361-285362; KY 285368-285369; KY 285372-285373; KY 377458; KY 386741- 386742	Compilation exhibit; Hearsay; Authentication (as to the articles that are undated and lack a source or author); Kyphon's expert lacks personal knowledge regarding vertebroplasty; Prejudicial and misleading; KY26146, KY 285294-95, KY 285306, KY 285311 and KY 285312 lack an author
PTX 0002	Presentation	Mitchell Ex. 3	12/1/2004	DM 001001-001058	
PTX 0003	Kazaz email to Magal	Kazaz Ex. 4 (7/7/04)	5/14/2004	DOTINC 007447	Irrelevant
PTX 0004	Product Delivered Goods forms from Mary Black Memorial Hospital	Saunders Ex. 314 (1/28/05)	N/A	DOTINC 000317-000330	Irrelevant
PTX 0005	Letter from Kazaz to Saunders	Saunders Ex. 306 (1/28/05)	4/29/2004	DOTINC 000595	Irrelevant
PTX 0006	Draft Sales Agent Agreement	Saunders Ex. 302 (1/28/05)	N/A	DOTINC 000597-000612	Irrelevant
PTX 0007	Appendix A – SKy Bone Expander System Instructions for Use (IFU)	Kazaz Ex. 15 (7/7/04)	12/00/03	DOTINC 000686-000689	

Case 1:04-cv-00204-JJF Document 245-2 Filed 06/10/2005 Page 2 of 14

Kyphon's June 10th 2005 Pre-Trial Order Exhibit List

KY TRIAL EXHIBIT NO.	DESCRIPTION	DESIGNATED AT DEPO OF /USED IN	DOC DATE	BATES RANGE	DOT'S OBJECTIONS
PTX 0008	Sky Surgical Technique brochures	Kazaz Exs. 48, 49, 208; Reilly Ex. 263	Various	DOTINC 000988-001001; DOTLTD 006341-006353; TR 000197-TR00208; DOTLTD 015359-015373; DOTLTD 014707-014713	Compilation exhibit (5 documents); DOTINC 000988 - 1001 - irrelevant (draft)
PTX 0009	Letter from Shaw to Saunders	Saunders Ex. 308 (1/28/05)	5/21/2004	DOTINC 001024-001025	Irrelevant
PTX 0010	SKy case studies	Expert Witness Report of Michael Marks, M.D., MBA	N/A	DOTINC 002511-002531	
PTX 0011	List of Kyphon Surgeons	Barak Ex. 230-A (2/14/05)	N/A	DOTINC 003165-003279	
PTX 0012	Memo from Tamir Kazaz to Motti Beyar		6/3/2004	DOTINC 003954	Irrelevant
PTX 0013	Competitive Comparison Document	Kazaz Ex. 235 1/28/05	4/28/2004	DOTINC 004795-004798	
PTX 0014	DOT SKy Bone Expander System - FAQ	Kazaz Ex. 14 (7/7/04)	1/00/2004	DOTINC 004891-004893	
PTX 0015	Kyphon Bone Tamp CRF		12/00/2003	DOTINC 005176-005217	Irrelevant
PTX 0016	Sky Bone Expander System V2.0 basic information	Kazaz Ex. 218 (1/28/05)	12/15/2003	DOTINC 005270-005271	
PTX 0017	Email regarding Corvus Medical		N/A	DOTINC 005503-005507	Irrelevant
PTX 0018	Email to Kazaz from Barak	Expert report of Brian W. Napper	N/A	DOTINC 006357	Irrelevant
PTX 0019	E-mail from Elkayam to Kazaz and Barak cc'ing Magal	Magal Ex. 179 (1/26/05)	1/26/2004	DOTINC 006633	
PTX 0020	Email to Jeff Lubin from Ronny Barak	Barak Ex. 295 (2/14/05)	4/23/2004	DOTINC 006685-006773	
PTX 0021	Morales email to Kazaz	Kazaz Ex. 12 (7/7/04)	N/A	DOTINC 006917-006918	

Case 1:04-cv-00204-JJF Document 245-2 Filed 06/10/2005 Page 3 of 14

Kyphon's June 10th 2005 Pre-Trial Order Exhibit List

KY TRIAL EXHIBIT NO	DESCRIPTION	DESIGNATED AT DEPO OF /USED IN	DOC DATE	BATES RANGE	DOTS OBJECTIONS
PTX 0022	E-mail from Weinstein to Kazaz	Magal Ex. 180 (1/26/05)	5/23/2004	DOTINC 007172-007173	Irrelevant
PTX 0023	Email between Kazaz and Barak	Expert report of Brian W. Napper	N/A	DOTINC 007255	Irrelevant
PTX 0024	Barak email to Kazaz	Kazaz Ex. 17 (7/7/04)	6/1/2004	DOTINC 007304-007323	
PTX 0025	Email between Dr. Rutledge and Barak			DOTINC 007834-007835	
PTX 0026	Email between Kazaz and Barak		2/00/2004	DOTINC 008033-008034	Irrelevant
PTX 0027	Email between Kazaz and Barak	Expert report of Brian W. Napper	4/27/2004	DOTINC 008435	Irrelevant
PTX 0028	Email between Barak and Whitaker	Expert report of Brian W. Napper	4/29/2004	DOTINC 008470	Irrelevant
PTX 0029	Email to Morales from Barak	Barak Ex. 293 (2/14/05)	5/12/2004	DOTINC 008607-008608	Irrelevant
PTX 0030	Letter from Kazaz to Mitchell and attachment	Mitchell Ex. 2	6/30/2004	DOTINC 008834, DOTINC 008837-008846	
PTX 0031	CD		N/A	DOTINC 009422	
PTX 0032	Portion of SKy Bone Expander System Training Manual	Kazaz Ex. 236 (1/28/05)	11/00/04	DOTINC 009430-009449	
PTX 0033	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 009593-009639	
PTX 0034	SKy Bone Expander System Brochure	Kazaz Ex. 225 (1/28/05)	7/00/2004	DOTINC 050002 - 050003	
PTX 0035	Physical-SKy Bone Expander System (4mm)-physical		N/A	DOTINC 050009/050010	
PTX 0036	CD		N/A	DOTINC 050012	Compilation exhibit (more than 10 documents)

Case 1:04-cv-00204-JJF Document 245-2 Filed 06/10/2005 Page 4 of 14

Kyphon's June 10th 2005 Pre-Trial Order Exhibit List

KY TRIAL EXHIBIT NO.	DESCRIPTION	DESIGNATED AT DEPO OF /USED IN	DOC DATE	BATES RANGE	DOT'S OBJECTIONS
PTX 0037	Medical Manufacturing reports		N/A	DOTINC 050199-050204; DOTLTD 050013-050015; DOTLTD 009837-009843	Irrelevant; Compilation exhibit
PTX 0038	Surgeon and procedure list		N/A	DOTINC 050452-050477	
PTX 0039	Surgical Technique The SKy Bone Expander System		1/00/05	DOTINC 050741-050742	
PTX 0040	CD - The Sky Bone Expander System		N/A	DOTINC 087552	
PTX 0041	Email exchange between Barak and David Smith	Expert report of Brian W. Napper	5/00/2004	DOTINC 7621-7622	Irrelevant
PTX 0042	Saunders fax to DOT	Saunders Ex. 307 (1/28/05)	5/12/2004	DOTINC 000613-000614	Irrelevant; Hearsay
PTX 0043	WRHAMBRECHT+CO report re Kyphon stock	Rebuttal Expert Witness Report of Michael Marks, M.D.	N/A	DOTINC 002473-002479	Hearsay
PTX 0044	Sky Bone Expander System, Training Manual - First Draft	Kazaz Ex. 43 (7/15/04)	6/0020/04	DOTINC 004023-004087	Compilation exhibit
PTX 0045	E-mail to Martin from Morales	Kazaz Ex. 65 (7/15/04)	4/28/2004	DOTINC 004792-004794	
PTX 0046	Exhibit Not Used				
PTX 0047	The SKy Bone Expander System for Void Creation and Vertebral Height Restoration	Kazaz Ex. 37 (7/15/04)	5/23/2004	DOTINC 008753- 008805	
PTX 0048	SKy Bone Expander System Training Manual	Barak Ex. 297 (2/14/05)	11/00/2004	DOTINC 050205-050300	
PTX 0049	Email from Mott to Beyar	Beyar Ex. 174 (1/25/05)	4/7/2004	DOTLTD 000040	Hearsay; Irrelevant
PTX 0050	Letter from Mott to Beyar	Beyar Ex. 173 (1/25/05)	3/3/2004	DOTLTD 000042	
PTX 0051	SKY System, Manufacturing Flow Chart	Globerman Ex. 80 (7/29/04)	N/A	DOTLTD 000702-000723	

Case 1:04-cv-00204-JJF Document 245-2 Filed 06/10/2005 Page 5 of 14

Kyphon's June 10th 2005 Pre-Trial Order Exhibit List

KY TRIAL EXHIBIT NO.	DESCRIPTION	DESIGNATED AT DEPO OF/USED IN	DOC DATE	BATES RANGE	DOT'S OBJECTIONS
PTX 0052	SKy Bone Expander Instructions for Use	Expert Witness Report of Michael Marks, M.D., MBA	N/A	DOTLTD 000957-000959	
PTX 0053	510k Premarket Notification re B-Twin Bone Expander System	Beyar Ex. 168 (1/25/05)	7/30/2003	DOTLTD 001982-002052	Irrelevant
PTX 0054	Correspondence from Kahan to FDA	Beyar Ex. 169 (1/25/05)	10/00/2003	DOTLTD 002055-002063	Irrelevant
PTX 0055	Communication from Shavit to FDA	Beyar Ex. 170 (1/25/05)	11/00/2003	DOTLTD 002069-002074	Irrelevant
PTX 0056	Communication with FDA submitting Special 510(k)	Beyar Ex. 171 (1/25/05)	12/29/2003	DOTLTD 002081-002137	Irrelevant
PTX 0057	Specification sheets		N/A	DOTLTD 002324; DOTLTD 000048	
PTX 0058	SKy System-Design Review, in Hebrew, with translation			DOTLTD 003357-003371, 003377, 003387	
PTX 0059	510(K) Pre Market Notification re Sky Bone Expander	Beyar Ex. 172 (1/25/05)	3/4/2004	DOTLTD 003692-003732	Irrelevant
PTX 0060	Document listing revenues re BE/Twin Sky and trauma	Kazaz Ex. 203 (1/28/05)	6/30/2004	DOTLTD 005533-005548	
PTX 0061	List of SKy Bone Expander US Surgeons		05/00/2004	DOTLTD 005584	Incomplete; Irrelevant
PTX 0062	SKy Surgical Notes	Kazaz Ex. 210 (/28/05)	5/20/2004	DOTLTD 006176-006178	
PTX 0063	E-mail from Magal to Beyar and Globerman	Magal Ex. 178 (1/26/05)	11/6/2003	DOTLTD 006427-006428	Irrelevant
PTX 0064	Email from Kazaz to Globerman	Globerman Ex. 198 (1/27/05)	N/A	DOTLTD 010883	
PTX 0065	Non-infringement opinion for US Patent No. 6,235,043	Globerman Ex. 190 (1/27/05)	6/18/2004	DOTLTD 014123-014203	
PTX 0066	DOT written material attached to opinion letters	Eisenhart Ex. 352 (3/17/05)	N/A	DOTLTD 014239-014250	
PTX 0067	Exhibit Not Used				

Case 1:04-cv-00204-JJF Document 245-2 Filed 06/10/2005 Page 6 of 14

Kyphon's June 10th 2005 Pre-Trial Order Exhibit List

KY TRIAL EXHIBIT NO.	DESCRIPTION	DESIGNATED AT DEPO OF /USED IN	DOC DATE	BATES RANGE	DOT'S OBJECTIONS
PTX 0068	Check list of equipment and material for Beyar US tour	Barak Ex. 281 (2/14/05)	N/A	DOTLTD 014729-014730	Irrelevant
PTX 0069	"Potential 2004 Conferences/Events to Launch SKy…"		N/A	DOTLTD 014740-014743	Irrelevant
PTX 0070	SKy Surgical Notes	Magal Ex. 183 (1/26/05)	5/20/2004	DOTLTD 015459-015462	Irrelevant
PTX 0071	Surgical technique for the SKy device	Kazaz Ex. 207 (1/28/05)	5/00/2004	DOTLTD 015835-015849	
PTX 0072	CD		N/A	DOTLTD 050017	Irrelevant (Portugal presentation); Compilation exhibit
PTX 0073	SKy Bone Expander System, Instructions for Use	Globerman Ex. 85 (7/29/04)	Undated	DOTLTD 000413-000415	
PTX 0074	Sky Systems, Design and Development Plan	Globerman Ex. 95 (7/29/04)	Undated	DOTLTD 000431-000437	
PTX 0075	B-Twin BE System, Risk Analysis	Globerman Ex. 76 (7/29/04)	Undated	DOTLTD 000438-000467	
PTX 0076	Product (tube) spec, updated to 12/03	Expert Witness Report of Michael Marks, M.D., MBA	N/A	DOTLTD 000560-000572	
PTX 0077	Tecoflex Tube-Product Specifications	Expert Witness Report of Michael Marks, M.D., MBA	N/A	DOTLTD 000755-000767	
PTX 0078	Delivery System - Product Technical Specifications	Expert Witness Report of Michael Marks, M.D., MBA	N/A	DOTLTD 000866-000877	
PTX 0079	Document in Hebrew, with translation	Globerman Ex. 98 (7/29/04)	5/25/2003	DOTLTD 001227	Irrelevant; Authentication (inaccurate translation); Misleading, confusing and prejudicial
PTX 0080	Surgical Technique, The Sky Bone Expander System, Kyphoplasty	Globerman Ex. 87 (7/29/04)	Undated	DOTLTD 001560-001576	Irrelevant; Compilation exhibit

Case 1:04-cv-00204-JJF Document 245-2 Filed 06/10/2005 Page 7 of 14

Kyphon's June 10th 2005 Pre-Trial Order Exhibit List

KY TRIAL EXHIBIT NO.	DESCRIPTION	DESIGNATED AT DEPO OF/USED IN	DOC DATE	BATES RANGE	DOT'S OBJECTIONS
PTX 0081	B-Twin BE – Design Review (DR) (in Hebrew), with translation	Globerman Ex. 100 (7/29/04)	8/17/2003	DOTLTD 001630-001635	Authentication (inaccurate translation); Misleading, confusing and prejudicial
PTX 0082	SKy System, Clinical Evaluation – Spinal Indication	Globerman Ex. 94 (7/29/04)	Undated	DOTLTD 001843-001860	Irrelevant; Misleading, confusing and prejudicial
PTX 0083	Handwritten document in Hebrew, with translation	Globerman Ex. 99 (7/29/04)	6/23/2003	DOTLTD 003387	Authentication (inaccurate translation); Irrelevant; Misleading, confusing and prejudicial;
PTX 0084	Discotech Medical Technologies Ltd. Annual Reports		2003	DOTLTD 010048-010155	
PTX 0085	Ads and Brochures	Expert Witness Report of Michael Marks, M.D., MBA	N/A	DOTLTD 014714-014715; DOTLTD 015126-015127	Irrelevant
PTX 0086	Exhibit Not Used				
PTX 0087	Impactor Kit / Bone Filler Sets		N/A	Including: DOTINC 051000; 050013; 050014; Ex. 140	Irrelevant in light of offer of judgment and acceptance thereof
PTX 0088	SKy Bone Expander Instrumentation Sets		N/A	Including: DOTINC 50008; 50009; 51001	Irrelevant with respect to bone filler
PTX 0089	Balloon drawings		N/A	KY 004260-004265	
PTX 0090	CVof Mark Reiley		N/A	KY 018204-018207	
PTX 0091	CVof Karen Talmadge		N/A	KY 018209-018211	
PTX 0092	Reiley Orthopedics Business Plan - 1993		N/A	KY 018311-018401	Irrelevant; Authentication (no date); Incomplete (only includes first four pages of document); Compilation exhibit; Hearsay
PTX 0093	Letter from Dr. Riggs to Karen Talmadge		8/1/1994	KY 021608	Hearsay; Irrelevant

Case 1:04-cv-00204-JJF Document 245-2 Filed 06/10/2005 Page 8 of 14

Kyphon's June 10th 2005 Pre-Trial Order Exhibit List

KY TRIAL EXHIBIT NO	DESCRIPTION	DESIGNATED AT DEPO OF /USED IN	DOC DATE	BATES RANGE	DOT'S OBJECTIONS
PTX 0094	Letter from Dr. Riggs to Mark Reiley		6/17/1994	KY 021609	Hearsay; Irrelevant
PTX 0095	Kushwaha and Laliberte, Abstract: Vertebral height restoration after kyphoplasty		N/A	KY 024020-024022	Hearsay; Irrelevant
PTX 0096	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 024038-024044	Irrelevant; Hearsay
PTX 0097	Gehlbach et al., "Hospital care of osteoporosis-related vertebral fractures"	Rebuttal Expert Witness Report of Michael Marks, M.D.	2003	KY 024092-024099	Irrelevant; Hearsay
PTX 0098	2003 Financial and Operations Summary	Expert report of Brian W. Napper	N/A	KY 038903-038908	
PTX 0099	Theodorou, et al. "Percutaneous balloon kyphoplasty for the correction of spinal deformity in painful vertebral body compression fractures"		N/A	KY 045782-045786	Irrelevant; Hearsay
PTX 0100	New Heights in Compression Fracture Management		N/A	KY 074834-074879	Irrelevant; Hearsay
PTX 0101	Brochure for Kyphx Xpander IBT		N/A	KY 114345-114346	Irrelevant; Misleading, confusing and prejudicial
PTX 0102	Brochure - Elevate IBT		N/A	KY 114976-114978	Irrelevant
PTX 0103	Invention Disclosure Documents	Reiley Ex. 3 (11/3/04)	10/5/1988	KY 116725-116739	
PTX 0104	Reiley-Scholten Agreement		7/2/1986	KY 116754-116755	Hearsay; Irrelevant; Misleading, confusing and prejudicial
PTX 0105	Letter from Melton to Reiley re kyphoplasty		7/26/2004	KY 123799	Irrelevant; Hearsay
PTX 0106	Letter from Reiley to authors of article - explaining background of kyphoplasty		1/28/2003	KY 123835	Hearsay; Irrelevant; Misleading, confusing and prejudicial

Case 1:04-cv-00204-JJF Document 245-2 Filed 06/10/2005 Page 9 of 14

Kyphon's June 10th 2005 Pre-Trial Order Exhibit List

KY TRIAL EXHIBIT NO.	DESCRIPTION	DESIGNATED AT DEPO OF /USED IN	DOC DATE	BATES RANGE	DOT'S OBJECTIONS
PTX 0107	Handwritten Notes		N/A	KY 124271-124280	Hearsay; Irrelevant; Authentication; Misleading, confusing and prejudicial
PTX 0108	Strategic Marketing Kyphon # 974, San Francisco, CA (CD)	Rebuttal Expert Witness Report of Michael Marks, M.D.	6/6/1994	KY 152400	Hearsay; Irrelevant;
PTX 0109	Balloon kyphoplasty video (CD)	Rebuttal Expert Witness Report of Michael Marks, M.D.	N/A	KY 152401	Irrelevant; Hearsay; Misleading, confusing and prejudicial
PTX 0110	Exhibit Not Used				
PTX 0111	CD-Surgical Management of Osteoporotic Patients		N/A	KY 152405	Hearsay; Irrelevant; Authentication
PTX 0112	Kyphoplasty review 2002 (CD) and hard copy of CD	Rebuttal Expert Witness Report of Michael Marks, M.D.	N/A	KY 152406	Hearsay; Irrelevant; Authentication
PTX 0113	Presentation re VCF and kyphoplasty results		N/A	KY 154159-154183	Hearsay; Irrelevant; Misleading, confusing and prejudicial
PTX 0114	ThinkEquity report, "KYPH: Expect NASS meeting to be a positive effect for Kyphon"	Rebuttal Expert Witness Report of Michael Marks, M.D.	10/15/2003	KY 155597-155611	Hearsay; Irrelevant
PTX 0115	Presentation -- Kyphon Health Care Conference		N/A	KY 158089 - 158129	Hearsay; Irrelevant
PTX 0116	VMS news monitoring report (local and national TV network) re Kyphon	Rebuttal Expert Witness Report of Michael Marks, M.D.	4/11/2002 - 4/18/2002	KY 159761-159782	Hearsay; Irrelevant;
PTX 0117	Gold et al., "Unexpected consequences of osteoporosis"	Rebuttal Expert Witness Report of Michael Marks, M.D.	1996	KY 163634-163640	Hearsay; Irrelevant;
PTX 0118	Kyphon Mission presentation		2002	KY 165570-165590	Hearsay; Irrelevant;

Case 1:04-cv-00204-JJF Document 245-2 Filed 06/10/2005 Page 10 of 14

Kyphon's June 10th 2005 Pre-Trial Order Exhibit List

KY TRIAL EXHIBIT NO.	DESCRIPTION	DESIGNATED AT DEPO OF / USED IN	DOC DATE	BATES RANGE	DOT'S OBJECTIONS
PTX 0119	ThinkEquity report, "KYPH: Reiterate overweight following two important milestones"	Rebuttal Expert Witness Report of Michael Marks, M.D.	4/5/2004	KY 177602-177611	Hearsay; Irrelevant
PTX 0120	Minimally Invasive Therapy for Functionally Unstable Osteoporotic Vertebral Fracture by Means of Kyphoplasty: Prospective Comparative Study of 19 Surgically and 17 Conservatively Treated Patients (Komp et al.)	Expert report of Brian W. Napper	N/A	KY 178124-178127	Hearsay; Irrelevant;
PTX 0121	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.)		N/A	KY 229044-229364	
PTX 0122	Letter from Scribner to Scribner	Rebuttal Expert Witness Report of Michael Marks, M.D.	N/A	KY 229840-229841	Hearsay; Authentication; Irrelevant
PTX 0123	Presentation by Dr. Garfin et al. at NASS	Rebuttal Expert Witness Report of Michael Marks, M.D.	10/31/1998	KY 230118-230122	Hearsay; Irrelevant
PTX 0124	Handwritten notes		N/A	KY 285086 - 285090	Hearsay; Irrelevant; Authentication; Compilation exhibit
PTX 0125	Handwritten notes		N/A	KY 285123 - 285124	Hearsay; Irrelevant; Authentication
PTX 0126	Channel 12 Connecticut evening news re Dr. Marks' kyphoplasty surgery (CD)	Rebuttal Expert Witness Report of Michael Marks, M.D.	07/00/2001	KY 375745	Hearsay; Irrelevant; Misleading, confusing and prejudicial
PTX 0127	Picture of early prototypes	Rebuttal Expert Witness Report of Michael Marks, M.D.	N/A	KY 386722-386723	Misleading, confusing and prejudicial; Hearsay; Authentication

Case 1:04-cv-00204-JJF Document 245-2 Filed 06/10/2005 Page 11 of 14

Kyphon's June 10th 2005 Pre-Trial Order Exhibit List

KY TRIAL EXHIBIT NO.	DESCRIPTION	DESIGNATED AT DEPO OF/USED IN	DOC DATE	BATES RANGE	DOT'S OBJECTIONS
PTX 0128	Channel 3 CBS Kyphoplasty Segment (CD)		2/4/2005	KY 386743	Hearsay; Irrelevant; Misleading, confusing and prejudicial
PTX 0129	Slides: The Downward Spiral : Impact of Vertebral Body Compression Fractures; Slides: Vertebral Body Compression Fracture Treatment Options	Mitchell Exs. 5 and 8	N/A	KY 387436-387475; KY 387517-387555	Hearsay; Compilation exhibit
PTX 0130	Taylor review article		N/A	KY 387578-387711	Produced weeks before trial; Hearsay;
PTX 0131	Presentation: Innovation in Spinal Surgery: Kyphoplasty		N/A	MARKS 000220-000275	Hearsay; Irrelevant;
PTX 0132	Presentation: Osteoporosis, Back Pain and Treatment Options		3/3/2005	MARKS 000472-000523	Hearsay; Irrelevant
PTX 0133	Presentation: Advanced Concepts in Minimally Invasive Vertebral Compression Fracture Management		9/18/2004	MARKS 000524-000623	Hearsay; Irrelevant; Compilation exhibit
PTX 0134	Presentation: Ending the Downward Spiral		N/A	MARKS 000624-000679	Hearsay; Irrelevant
PTX 0135	Jewish Hospital Operative Reports, Majd MD. (9/24/04; 12/15/04)		N/A	MM 000051-000053; MM 000065-000067	Irrelevant
PTX 0136	SKy Bone Expander System Instructions for Use	Martin Ex. 138 (1/20/05)	07/00/2004	N/A	
PTX 0137	Spine. 2002 Oct 1: 27(19):E419-22. Paraplegia as a complication of percutaneous vertebroplasty with polymethylmethacrylate: a case report. Lee BJ, Lee SR, Yoo TY	Rebuttal Expert Witness Report of Michael Marks, M.D.	N/A	N/A	Misleading, confusing and prejudicial; Hearsay; Irrelevant
PTX 0138	Anesth. Analg. 2004 Apr; 98(4):1184-6. Severe hypercapnia due to pulmonary embolism of polymethylmethacrylate during vertebroplasty. Stricker K, Orler R, Yen K, Takala J, Luginbuhl M.	Rebuttal Expert Witness Report of Michael Marks, M.D.	N/A	N/A	Misleading, confusing and prejudicial; Hearsay; Irrelevant

Case 1:04-cv-00204-JJF Document 245-2 Filed 06/10/2005 Page 12 of 14

Kyphon's June 10th 2005 Pre-Trial Order Exhibit List

KY TRIAL EXHIBIT NO	DESCRIPTION	DESIGNATED AT DEPO OF /USED IN	DOC DATE	BATES RANGE	DOT'S OBJECTIONS
PTX 0139	Lieberman and Reinhardt, Vertebroplasty and Kyphoplasty for Osteolytic Vertebral Collapse	Rebuttal Expert Witness Report of Michael Marks, M.D.	N/A	N/A	Hearsay; Irrelevant;
PTX 0140	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.	N/A	N/A	Misleading, confusing and prejudicial; Hearsay; Irrelevant
PTX 0141	Wong et al, "Vertebroplasty/Kyphoplasty"	ITC Complaint Public Exhibit 30	8/1/2000	N/A	Hearsay; Irrelevant;
PTX 0142	Garfin et al. "Vertebroplasty and Kyphoplasty (Chapter 32-The Practice of Minimally Invasive Spinal Technique)	ITC Complaint Public Exhibit 30		N/A	Hearsay; Irrelevant
PTX 0143	Copy of the Surgical guidelines and tips distributed to sales reps	Kazaz Ex. 13 (7/7/04)	N/A	N/A	
PTX 0144	Document with Power Point Slides and Case Studies	Barak Ex. 351 (2/14/05)	N/A	N/A	Compilation exhibit;
PTX 0145	Declaration of Dr. Joseph M. Lane	Lane Ex. 1 (11/4/04)	10/8/2004	N/A	Hearsay; Irrelevant;
PTX 0146	SKy Bone Expander Demonstration System (including DOTINC 50743 and 50010)		N/A	N/A	
PTX 0147	Kyphon's IBT devices-physical		N/A	N/A	
PTX 0148	Marks CV	Marks Ex. 3 (portion)	N/A	N/A	
PTX 0149	Medical Device Alliance, Inc. Form 10-KSB/A		N/A	N/A	Hearsay; Irrelevant; Not produced in the litigation
PTX 0150	Kyphon SEC 10K filings		N/A	N/A	Compilation exhibit
PTX 0151	Exhibit Not Used				
PTX 0152	DOT 510(k) summary		1/28/2004	N/A	Irrelevant
PTX 0153	Disc Orthopaedic Technologies – Sky Bone expander: Kyphoplasty	Reilly, Tom Ex. 245 (2/4/05)	N/A	TR 000001	
PTX 0154	Sky Bone Expander 2005 Plan of Attack	Reilly, Tom Ex. 246 (2/4/05)	N/A	TR 000004-TR 000016	Hearsay; Irrelevant

Case 1:04-cv-00204-JJF Document 245-2 Filed 06/10/2005 Page 13 of 14

Kyphon's June 10th 2005 Pre-Trial Order Exhibit List

KY TRIAL EXHIBIT NO.	DESCRIPTION	DESIGNATED AT DEPO OF /USED IN	DOC DATE	BATES RANGE	DOT'S OBJECTIONS
PTX 0155	The Sky Bone Expander System for Void Creation and Vertebral Height Restoration	Reilly, Tom Ex. 249 (2/4/05)	N/A	TR 000080-TR 000090	Compilation exhibit
PTX 0156	Letter from Reilly to Rudy, Pete and Mark	Reilly, Tom Ex. 250 (2/4/05)	N/A	TR 000094	Hearsay; Irrelevant;
PTX 0157	SKy sales pitch	Reilly, Tom Ex. 252 (2/4/05)	N/A	TR 000138-TR 000139	Hearsay; Irrelevant
PTX 0158	ID Words - cheat sheet for using SKy	Reilly, Tom Ex. 272 (2/4/05)	N/A	TR 000143	Hearsay; Irrelevant
PTX 0159	SKy Bone Expander System – FAQ	Reilly, Tom Ex. 277 (2/4/05)	01/00/2004	TR 000209-TR 000211	
PTX 0160	Disc-O-Tech Medical Technologies Ltd. Sky Bone Expander Surgical Technique Tutorial	Reilly, Tom Ex. 268 (2/4/05)	N/A	TR 000245-TR 000277	
PTX 0161	Letter from Martin	Martin Ex. 155 (1/20/05)	N/A	WM 000001 - 000005	Hearsay; Irrelevant; Compilation exhibit (5 documents)
PTX 0162	Kyphon Request for Purchase Orders, KyphoPak Tray brochure	Martin Ex. 153 (1/20/05)	Various	WM 000202-000213	Hearsay; Irrelevant;
PTX 0163	SKy Bone Expander System Brochure	Kazaz Ex. 22 (7/15/04)	2/2/2004	DOTINC006166-6177	Irrelevant;
PTX 0164	Early Scholten/Reiley Prototypes - physical				
PTX 0165	Summary of DOT sales and costs to be prepared prior to damages trial on a schedule to be addressed by the parties				
PTX 0166	Summary of Kyphon sales and costs to be prepared prior to damages trial on a schedule to be addressed by the parties				

Case 1:04-cv-00204-JJF Document 245-2 Filed 06/10/2005 Page 14 of 14