IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KYPHON INC.,	)	
Plaintiff,	)	
v.	)	C.A. No. 04-204-JJF
DISC-O-TECH MEDICAL TECHNOLOGIES LTD., and DISC ORTHOPAEDIC TECHNOLOGIES, INC.,	)	
Defendants.	)	

JOINT PROPOSED FORM OF VERDICT AND SPECIAL INTERROGATORIES FOR THE INFRINGEMENT CASE

We, the jury, unanimously find as follows:

1. Has Kyphon proven by a preponderance of the evidence that Disc-O-Tech literally infringed Claim 17 of the '043 Patent?

   Yes _____ (for Kyphon) **No _____ (for Disc-O-Tech)**

2. Has Kyphon proven by a preponderance of the evidence that Disc-O-Tech infringed Claim 17 of the '043 Patent under the doctrine of equivalents?

   Yes _____ (for Kyphon) **No _____ (for Disc-O-Tech)**

You must each sign this verdict form

Dated: _____

(Foreperson) _____

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