IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Filed in open court on 6/22/05 CB

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

SPECIAL VERDICT FORM

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 X (for Kyphon) No ____ (for Disc-O-Tech)

We, the jurors, by signing below, indicate our unanimous verdict.

Date: June 22 05

Jury Foreperson

Juror

Juror

Juror

Juror

Juror

Juror