AO 187 (Rev. 7/87) Exhibit and Witness List

UNITED STATES DISTRICT COURT

DISTRICT OF

Kyphon, Inc.

V.

Disco-Tech Medical Technologies, Inc., etal.

EXHIBIT AND WITNESS LIST

Case Number: 04-204

PRESIDING JUDGE	PLAINTIFF'S ATTORNEY	DEFENDANT'S ATTORNEY
Farnan, JR.	Thomas Halkowski	Maryellen Noreika
TRIAL DATE (S) 6/20/05 - 6/22/05	COURT REPORTER Dale + Heather / Hawkins	COURTROOM DEPUTY Joyce Craig Brent

PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES
W1		6/20/05			Richard Mott
W2		6/20/05			Dr. Mark Reiley
W3		6/21/05			Dr. Michael Marks
	W1	6/21/05			Dr. Motti Beyar
	W2	6/21/05			Dr. David Mitchell

* Include a notation as to the location of any exhibit not held with the case file or not available because of size.

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

Admitted Kyphon Trial Exhibit List

Y TRIAL EXHIBIT	DESCRIPTION	BATES RANGE
PTX 0002	Presentation: The SKy Bone Expander System for Void Creation and Vertebral Height Restoration	DM 001001-001058
PTX 0008	SKy Surgical Technique brochures	DOTINC 000988-001001; DOTLTD 006341-006353; TR 000197-TR00208; DOTLTD 015359-015373; DOTLTD 014707-014713; DOTINC 001399-001409; DOTLTD 15835-15849
PTX 0035A	Physical-SKy Bone Expander System (4mm)-physical	
PTX 0036	CD	DOTINC 050012
PTX 0053	510(k) Premarket Notification re B-Twin Bone Expander System	DOTLTD 001982-002052
PTX 0054	Correspondence from Kahan to FDA	DOTLTD 002055-002063
PTX 0055	Communication from Shavit to FDA	DOTLTD 002069-002074
PTX 0146A	SKy Bone Expander Demonstration System (including DOTINC 50743 [PTX 146A]and 50010 [PTX 146B])	N/A
PTX 0148	Marks CV	N/A
PTX 0167	U.S. Patent No. 4,969,888	KY 181053-181069
PTX 0168	U.S. Patent No. 5,108,404	KY 181104-181120
PTX 0169	U.S. Patent No. 6,235,043	KY 181227-181246

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KYPHON, INC.,

Plaintiff,

v.

DISC-O-TECH MEDICAL TECHNOLOGIES, LTD. and DISC ORTHOPAEDIC TECHNOLOGIES, INC.,

Defendants.

Civil Action No. 04-0204-JJF

Defendants Admitted Trial Exhibits

Exhibit No.	Dep. Exhibit or Exhibit to Court Filing	Production No.	Date	Description
DTX 1003		KY 22904 - 229364	N/A	File History for U.S. Patent No. 6,235,043 B1 (which includes issued patent)
DTX 1024	Reiley Ex. 3	KY 116725 – 116739	9/26/1988	Record of Invention for Balloon Assisted Fixation of Osteoporotic Fractures (Ari Scholten and Mark Reiley)
DTX 1034	Scholten Ex. 523	KY 386667 -386685	8/27/2002	U.S. Patent No. 6,440,138 ("Reiley et al.")
DTX 1059D	Marks Ex. 1		2005	Consulting Agreement
DTX 1071	DOT Appendix Ex. A-1		N/A	Curriculum Vitae of Dr. David Mitchell

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Exhibit No.	Dep. Exhibit or Exhibit to Court Filing	Production No.	Date	Description
DTX 1076		DOTINC 050002 – 050003	N/A	DOT Marketing Pamphlet: "SKy Bone Expander for Percutaneous Vetebral Fracture Reduction"
DTX 1084		DOTLTD 002124-27	N/A	Tecoflex Tube Engineering Drawings

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