

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization  
International Bureau



(43) International Publication Date  
24 November 2011 (24.11.2011)

(10) International Publication Number  
**WO 2011/146292 A2**

(51) International Patent Classification: Not classified

(21) International Application Number:  
PCT/US2011/036042

(22) International Filing Date:  
11 May 2011 (11.05.2011)

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data:  
61/345,292 17 May 2010 (17.05.2010) US

(71) Applicant (for all designated States except US):  
**MIMEDX, INC.** [US/US]; 3802 Spectrum Blvd., Suite 300, Tampa, Florida 33612 (US).

(72) Inventors; and

(75) Inventors/Applicants (for US only): **NIU, Mei** [CN/US]; c/o 3802 Spectrum Blvd., Suite 300, Tampa, Florida 33612 (US). **HERNANDEZ, Daniel** [US/US]; 30003 Granada Hills Court, Wesley Chapel, Florida 33543 (US). **KOOB, Thomas J.** [US/US]; 7127 Wareham Drive, Tampa, Florida 33647 (US).

(74) Agent: **RICHARDSON, Julie H.**; Myers Bigel Sibley & Sajovec, P.A., P.O. Box 37428, Raleigh, North Carolina 27627 (US).

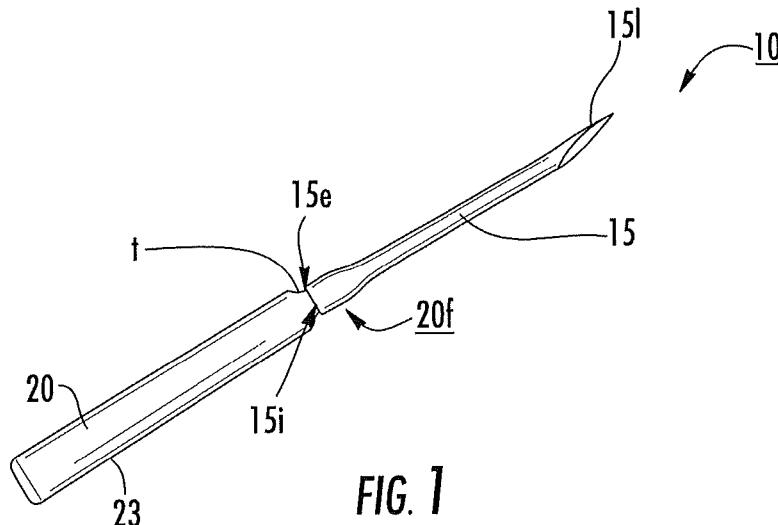
(81) Designated States (unless otherwise indicated, for every kind of national protection available): AE, AG, AL, AM, AO, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CL, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OM, PE, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TH, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW.

(84) Designated States (unless otherwise indicated, for every kind of regional protection available): ARIPO (BW, GH, GM, KE, LR, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European (AL, AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LT, LU, LV, MC, MK, MT, NL, NO, PL, PT, RO, RS, SE, SI, SK, SM, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

**Published:**

— without international search report and to be republished upon receipt of that report (Rule 48.2(g))

(54) Title: COMPRESSIBLE TUBES FOR PLACING IMPLANTS AND RELATED MEDICAL KITS AND METHODS OF USING SAME



WO 2011/146292 A2

(57) Abstract: Medical delivery devices include a needle and a flexible compressible impermeable tube attached to the needle. The compressible tube has an open interior channel. The device is adapted to releasably hold a length of a medical implant in the open interior channel of the tube. The medical implant can be slidably inserted into the interior channel of the tube and is loosely held by the tube.

## **COMPRESSIBLE TUBES FOR PLACING IMPLANTS AND RELATED MEDICAL KITS AND METHODS OF USING SAME**

### **RELATED APPLICATIONS**

**[0001]** This application claims the benefit of and priority to U.S. Provisional Application Serial Number 61/345,292, filed May 17, 2010, the contents of which are hereby incorporated by reference as if recited in full herein.

### **FIELD OF THE INVENTION**

**[0002]** The invention relates to medical constructs.

### **BACKGROUND OF THE INVENTION**

**[0003]** It is believed that the linear organization of natural collagen fibers in tendons results in optimal stiffness and strength at low strains under tensile loads. However, this organization makes repairing tissue such as ruptured or lacerated tendons difficult. Current suturing techniques to join split ends of tendons, while providing sufficient mechanical strength to prevent gapping, are often inadequate to carry normal loads and may not ever allow the tendon to regain its original mechanical properties or mobility. Immobilization protocols used to restore tendon congruity may result in scar formation at the repair site and peripheral adhesions that can limit excursions. One or more similar issues may be associated with conventional ligament repair techniques.

**[0004]** When placing certain soft-tissue type implants, such, as for example, collagen fiber implants, the fibers can expand upon hydration, which can make it difficult to place the implants in a desired orientation and/or position in the body. Also, the collagen fibers may be somewhat fragile and subject to breakage when unprotected, such as when using hemostat clamps.

## SUMMARY OF EMBODIMENTS OF THE INVENTION

**[0005]** Embodiments of the present invention are directed to medical devices with compressible tubes for placing medical constructs in the body.

**[0006]** Embodiments of the invention are directed to medical delivery devices that include a needle and a tube. The tube includes a first segment that is attached to the needle and a second compressible and substantially impermeable segment that increases in size relative to the first segment and extends rearward of the needle. The second segment defines an open elongate interior channel adapted to loosely hold at least about 30% of a length of a flexible medical implant therein.

**[0007]** The medical device can hold a flexible elongate medical implant with a length so that at least about 3 cm of the implant length is held in the compressible second segment interior channel. The medical implant can be slidably insertable into the second segment interior channel and can be loosely held inside the tube interior channel spaced apart from the needle during intrabody placement using the needle and tube.

**[0008]** In some embodiments, at least about 25%, typically at least about 30% of the length of the implant is held inside the compressible channel.

**[0009]** The flexible medical implant can be a partially hydrated or dry twisted or braided collagen fiber implant that is loosely held inside an outer wall of the tube second segment enclosing the interior channel.

**[0010]** The tube can have a forward end portion that resides in an interior chamber of a rearward portion of the needle.

**[0011]** The tube can be swaged to the needle and has a smooth transition segment from the needle to the tube to inhibit snagging when inserted through soft tissue during surgical use.

**[0012]** The tube can be attached to a drilled end needle.

**[0013]** The needle can have a length and the first segment of the compressible tubing can extend snugly against a portion of the needle, (e.g., 1 cm or more, typically at least about 30% of the length of the needle). The device can further include an elongate flexible braided or twisted collagen fiber implant with at least about 3 cm of its length held loosely in a substantially straight arrangement inside the second segment of the compressible tube.

**[0014]** The needle can be shank-less and have a constant diameter outer wall upstream from a tip portion thereof. An inner wall of the first segment of the tube can be affixed to the outer wall of the needle. The device can further include a dry or partially hydrated collagen fiber implant having a length that swells (increases fiber diameter or size when in the body), and the tube second segment can have a length that is sufficient to encase at least about 30% of the implant held therein.

**[0015]** The tube can be formed of heat-shrink tubing that is heated to shrink to conform and affix to at least about 1 cm (in some embodiments 30%) of an outer wall of the needle.

**[0016]** The medical implant can be a tendon or ligament repair implant having a suture with at least 3 cm of its length being held in the second segment of tube.

**[0017]** The medical implant held in the second segment of the tube can be a length of substantially or entirely dry or partially hydrated biocompatible collagen fibers twisted or braided together that swell when exposed to a local fluidic environment *in situ*.

**[0018]** The medical implant held in the second segment of the tube can include a plurality of long fibers derived from soluble collagen that are in a dry or partially hydrated state and arranged as parallel long fibers that are twisted and/or woven or braided together.

**[0019]** The fibers can include NDGA-polymerized collagen fibers.

**[0020]** The fibers can have a cross-sectional size, on average when dry, of between about 0.001 inches to about 0.2 inches (when dry, on average), wherein the implant has a number of strands of fibers that is between about 2-100, and wherein the number of fibers per strand is between about 2 to 1200.

**[0021]** The medical implant can be for a ligament or tendon repair.

**[0022]** The medical implant can be at least one of a suture or a cable that is configured to repair an acromioclavicular (AC) joint.

**[0023]** The tube can be configured so that compression of a portion of the second segment caused by contact with surrounding local structure during implantation into soft tissue temporarily compresses the tube to tightly hold the implant therein.

**[0024]** Other embodiments are directed to medical kits for a ligament or tendon repair. The kits include a delivery device having a flexible compressible substantially impermeable tube with an open interior attached to a needle having

increased structural rigidity relative to the flexible tube; and a length of tendon or ligament repair or replacement material comprising dry or partially hydrated synthetic collagen fibers releasably held in the open interior of the tube or provided as a separate component for insertion into the open interior channel.

**[0025]** The repair or replacement material can be a twisted or braided construct of a plurality of collagen fibers. The delivery device and repair or replacement material are held in at least one sterile package.

**[0026]** Still other embodiments are directed to methods of placing a medical construct in the body of a subject. The methods include: (a) providing a surgical delivery device comprising a needle attached to a compressible tube with an open interior channel, the compressible tube surrounding an elongate medical construct having a body with a length, wherein at least about 3 cm of the construct body length is held in the open interior channel of the tube, wherein the construct body swells when exposed to liquid in the body of a subject; (b) pulling the needle and tube through local intrabody structure; (c) compressing the tube and the medical construct in response to pressure applied from contact with local structure during the pulling step, thereby also pulling the portion of the medical construct held in the tube through the local structure; then (d) separating the medical construct from the tube after the compressing step by continuing to pull the tube after the tube has exited the local structure so that the medical construct is loosely held in the tube, thereby removing the tube from the medical construct and placing the medical implant in the body.

**[0027]** The medical construct can include dry or partially hydrated fibers when held inside the tube that swell when hydrated in the body.

**[0028]** The medical construct can include a plurality of strands of biocompatible collagen fibers having at least a portion that is braided or twisted.

**[0029]** The method can further include inserting the needle in soft tissue before the pulling and compressing steps. The pulling can be carried out by pulling the needle and tube through the soft tissue. The compressing can be carried out so that the tube and the medical construct are compressed in response to pressure applied from contact with the soft tissue during the pulling step thereby also pulling the portion of the medical construct held in the tube through the soft tissue. The separating step can be carried out by continuing to pull the tube after the tube has exited the soft tissue so that the medical construct is loosely held in the tube thereby

removing the tube from the medical construct and placing the medical implant in the body.

**[0030]** Yet other embodiments are directed to methods of assembling a medical delivery device with an implant for intrabody placement. The methods include: (a) providing a needle attached to a compressible tube having an open interior channel that extends a distance away from the needle; and (b) slidably inserting a medical implant comprising non-hydrated or partially hydrated braided and/or twisted collagen fibers into the open interior channel of the tube so that the implant is loosely held therein for intrabody placement using the needle and tube.

**[0031]** The implant can have a non-coated, non-tipped end, e.g., it may comprise a broomed end configuration.

**[0032]** The length of repair or replacement material can include a twisted or braided construct of a plurality of collagen fibers. The delivery device and repair or replacement material can be held in at least one sterile package.

**[0033]** The medical construct can include fibers that swell when hydrated in the body. The medical construct can include non-hydrated or partially hydrated strands of biocompatible collagen fibers having at least a portion that is braided or twisted.

**[0034]** It is noted that aspects of the invention described with respect to one embodiment, may be incorporated in a different embodiment although not specifically described relative thereto. That is, all embodiments and/or features of any embodiment can be combined in any way and/or combination. Applicant reserves the right to change any originally filed claim or file any new claim accordingly, including the right to be able to amend any originally filed claim to depend from and/or incorporate any feature of any other claim although not originally claimed in that manner. These and other objects and/or aspects of the present invention are explained in detail in the specification set forth below.

**[0035]** Further features, advantages and details of the present invention will be appreciated by those of ordinary skill in the art from a reading of the figures and the detailed description of the embodiments that follow, such description being merely illustrative of the present invention.

#### BRIEF DESCRIPTION OF THE DRAWINGS

[0036] **Figure 1** is a side perspective view of a delivery device according to embodiments of the present invention.

[0037] **Figure 2A** is a side perspective view of another delivery device according to embodiments of the present invention.

[0038] **Figure 2B** is a side perspective view of the device shown in **Figure 2A** after heat shrinking.

[0039] **Figure 3A** is a top view of the delivery device shown in **Figure 2A** shown in an exemplary use configuration according to some embodiments of the present invention.

[0040] **Figure 3B** is a schematic illustration of a delivery device used to secure two adjacent pieces of tissue according to embodiments of the present invention.

[0041] **Figure 3C** is a schematic illustration of a delivery device that can be inserted into several locations to orient and position the medical implant in the body according to embodiments of the present invention.

[0042] **Figure 3D** is a schematic illustration of a delivery device that can be used to define multiple entry and exit points in local tissue according to embodiments of the present invention.

[0043] **Figure 4A** is a schematic illustration of a tendon repair procedure according to some embodiments of the present invention.

[0044] **Figure 4B** is a schematic illustration of a tendon repair procedure similar to that shown in **Figure 4A** but with an exemplary supplemental suture configuration according to some embodiments of the present invention.

[0045] **Figure 4C** shows an alternate embodiment of a collagen fiber ribbon implant that can be placed using the delivery devices according to some embodiments of the present invention.

[0046] **Figure 5** is a schematic illustration of a medical kit according to embodiments of the present invention.

[0047] **Figure 6** is a flow chart of exemplary operations that can be used to carry out methods according to some embodiments of the present invention.

[0048] **Figure 7** is a side view of an exemplary delivery device adapted to hold a soft tissue implant according to embodiments of the present invention.

[0049] **Figure 8** is a side view of the delivery device enclosing a leading end of the implant shown in **Figure 7** according to embodiments of the present invention.

## DETAILED DESCRIPTION

**[0050]** The present invention now is described more fully hereinafter with reference to the accompanying drawings, in which embodiments of the invention are shown. This invention may, however, be embodied in many different forms and should not be construed as limited to the embodiments set forth herein; rather, these embodiments are provided so that this disclosure will be thorough and complete, and will fully convey the scope of the invention to those skilled in the art.

**[0051]** Like numbers refer to like elements throughout. In the figures, the thickness of certain lines, layers, components, elements or features may be exaggerated for clarity. In the figures, broken lines illustrate optional features or operations unless specified otherwise.

**[0052]** The terminology used herein is for the purpose of describing particular embodiments only and is not intended to be limiting of the invention. As used herein, the singular forms "a", "an" and "the" are intended to include the plural forms as well, unless the context clearly indicates otherwise. It will be further understood that the terms "comprises" and/or "comprising," when used in this specification, specify the presence of stated features, integers, steps, operations, elements, and/or components, but do not preclude the presence or addition of one or more other features, integers, steps, operations, elements, components, and/or groups thereof. As used herein, the term "and/or" includes any and all combinations of one or more of the associated listed items. As used herein, phrases such as "between X and Y" and "between about X and Y" should be interpreted to include X and Y. As used herein, phrases such as "between about X and Y" mean "between about X and about Y." As used herein, phrases such as "from about X to Y" mean "from about X to about Y."

**[0053]** Unless otherwise defined, all terms (including technical and scientific terms) used herein have the same meaning as commonly understood by one of ordinary skill in the art to which this invention belongs. It will be further understood that terms, such as those defined in commonly used dictionaries, should be interpreted as having a meaning that is consistent with their meaning in the context of the specification and relevant art and should not be interpreted in an idealized or overly formal sense unless expressly so defined herein. Well-known functions or constructions may not be described in detail for brevity and/or clarity.

**[0054]** It will be understood that when an element is referred to as being "on", "attached" to, "connected" to, "coupled" with, "contacting", etc., another element, it can be directly on, attached to, connected to, coupled with or contacting the other element or intervening elements may also be present. In contrast, when an element is referred to as being, for example, "directly on", "directly attached" to, "directly connected" to, "directly coupled" with or "directly contacting" another element, there are no intervening elements present. It will also be appreciated by those of skill in the art that references to a structure or feature that is disposed "adjacent" another feature may have portions that overlap or underlie the adjacent feature.

**[0055]** It will be understood that, although the terms first, second, etc. may be used herein to describe various elements, components, regions, layers and/or sections, these elements, components, regions, layers and/or sections should not be limited by these terms. These terms are only used to distinguish one element, component, region, layer or section from another region, layer or section. Thus, a first element, component, region, layer or section discussed below could be termed a second element, component, region, layer or section without departing from the teachings of the present invention. The sequence of operations (or steps) is not limited to the order presented in the claims or figures unless specifically indicated otherwise.

**[0056]** The terms "implant," "prosthesis" and "construct" are used interchangeably herein to designate an implantable medical product configured to repair or replace (at least a portion of) tissue, typically soft tissue, such as, for example, muscle, a natural tendon, ligament (e.g., ACL), AC joint, or other skin or tissue of a mammalian subject (for veterinary or medical (human) applications). The term "implantable" means the device can be inserted, embedded, grafted or otherwise chronically attached or placed on or in a patient.

**[0057]** The term "impermeable" with respect to the delivery system tube means that the device is resistant to liquid diffusion so as to inhibit undue swelling (e.g., hydration) of any implant or construct material held therein during placement of the construct in a mammalian body.

**[0058]** The term "needle" refers to a substantially rigid device that has a sharp leading end.

**[0059]** The term "loosely held" means that the medical implant material can be slidably inserted into the tube and resides in the tube in a use configuration with a low engagement force, *e.g.*, the implant can be easily separated from the tube by pulling the end of the material not held by the tube or by pulling the needle end of the tube with a low tensile force while the material extending from the other end of the tube is held with a clamp or frictional engagement with local structure. The medical implant is not in snug abutting contact with an outer wall of the compressible tube.

**[0060]** The term "collagen fibers" refers to natural and synthetic collagen-derived fiber materials. Collagen "microfibrils," "fibrils," and "natural fibers" refer to naturally-occurring structures found in a tendon. Microfibrils are about 3.5 to 50 nm in diameter. Fibrils are about 50 nm to 50  $\mu\text{m}$  in diameter. Natural fibers are above 50  $\mu\text{m}$  in diameter. A "synthetic fiber" refers to any fiber-like material that has been formed and/or chemically or physically created or altered from its naturally-occurring state. For example, an extruded fiber of fibrils formed from a digested tendon is a synthetic fiber, but a tendon fiber newly harvested from a mammal is a natural fiber. Of course, synthetic collagen fibers can include non-collagenous components, such as particulates, hydroxyapatite and other mineral phases, or drugs that facilitate tissue growth. *See*, U.S. Patent 6,821,530, hereby incorporated by reference herein. For example, the compositions can contain carbon nano-tubes, zinc nano-wires, nano-crystalline diamond or other nano-scale particulates, and larger crystalline and non-crystalline particulates such as calcium phosphate, calcium sulfate, and apatite minerals. For example, the fibers and/or constructs formed of the fibers can include compositions that contain therapeutic agents such as bisphosphonates, anti-inflammatory steroids, growth factors such as basic fibroblast growth factor, tumor growth factor beta, bone morphogenic proteins, platelet-derived growth factor, and insulin-like growth factors; chemotactic factors such fibronectin and hyaluronan; and extracellular matrix molecules such as aggrecan, biglycan, and decorin. In some embodiments, the fibers and/or constructs can contain cells, engineered cells, stem cells, and the like, as well as combinations of the above.

**[0061]** The term "flexible" means that the so-called member can be flexed or bent.

**[0062]** The terms "braided" and "woven" and derivatives thereof mean structures that are braided and/or (inter)woven, interlaced and/or interlocked in any

manner, with a plurality, typically three or more, fibers or bundles of fibers together, including manually or automatically woven, braided, knitted and/or knotted and combinations of these or other interlocking or interlaced constructions. The woven constructs may comprise a plurality of warp and weft fibers. The fibers are typically collagen derived fibers.

[0063] The term "twisted" and derivatives thereof mean to entwine two or more strands of fibers, typically collagen derived fibers, into a single strand. The twisted configuration can be formed by serially turning the fibers/strands in a clockwise or counter clockwise direction to introduce a series of turns extending along a lengthwise direction, including manually or automatically twisting the fibers and/or fiber bundles. The strands can have a single fiber or multiple fibers.

[0064] The construct, typically formed or comprising long (e.g., between about 1 cm to about 1 m) synthetic collagen (derived from donor collagen fibrils) fibers, may have a substantially constant length, whether in the dry or partially hydrated configuration or the fully hydrated configuration but typically swell upon exposure to hydration relative to a size at a dehydrated or partially hydrated state as held inside the compressible tube during delivery.

[0065] The term "dry" or "dehydrated" means the construct fibers have a moisture content that is substantially less than the moisture amount that is present when fully hydrated. The term "partially hydrated" means that the construct and/or fibers thereof have a moisture content that is less than about 50%, typically less than about 75% of the moisture content at full hydration, measured *ex vivo* after 24 hours in a saline bath at ambient conditions.

[0066] Referring now to the figures, **Figure 1** shows an example of a medical delivery device **10**. The device **10** includes a needle **15** and a flexible tube **20**. The tube **20** may be optically transmissive (e.g., translucent or transparent) to allow a clinician to view the portion of the medical implant **50** held in the interior of the tube **20**. The tube **20** may be impermeable to inhibit swelling (e.g., hydration) of the implant material during positioning of the implant **50** (**Figure 3A**) in the body based on exposure to local conditions (body fluids) using the delivery device **10**.

[0067] The needle **15** can have one or two open ends or closed ends. The needle **15** may have an open or closed leading end with the leading end **151** being sharp and relatively small for ease of insertion through local structure, such as, for example, soft tissue. The needle **15** may have a solid body or may have a hollow

body (e.g., have a cannula configuration). The needle can be a drilled-end needle or fenestrated needle. The needle **15** can have an open proximal end **15e**. The needle **15** may be formed from hypodermic tubing. The needle **15** may have a circular (cross-section) or other geometric configuration. The needle **15** may be a 12 gauge needle (e.g., have a forward end of about 0.08 inches or less, such as between about 0.04 to about 0.08 inches) and the tube **20** may be slightly larger. The needle **15** can have a constant size or may taper from a forward end to a distal and/or medial section. The needle **15** is typically shank-less, e.g., it does not require a smaller neck facing the implant in the tube **20**, but may optionally have a shank. An example of needle with a shank that is snugly attached to a small tipped leading edge of a suture is shown in U.S. Patent No. 5,259,845, the contents of which are hereby incorporated by reference as if recited in full herein.

**[0068]** The tube **20** can be attached to the needle **15** in any suitable manner. In the embodiment shown in **Figure 1**, the tube **20** can be attached to the needle **15** by inserting a forward or leading edge portion of the tube **20f** into an interior **15i** of the (hollow or open end) needle **15**. The two components **15, 20** can also be swaged together, similar to a suture needle. However, other attachment configurations may also be used, for example, adhesive attachment, ultrasonic bonding, crimping, heat shrink and the like. As shown, the attachment transition region "t" between the needle **15** and the larger tube **20** can be relatively smooth to facilitate ease of insertion (and anti-snagging) during use.

**[0069]** **Figures 2A** and **2B** illustrate alternate embodiments of the delivery device **10'**. As shown, the device **10'** includes a tube **20** that can be attached to an exterior surface or wall of the needle **15w**. In some embodiments, the tube **20** can be heat-shrink tubing that can be heated to shrink against and conformably attach to the outer wall of the needle **15w**. The tube **20** can include a first segment **22** that snugly resides about the needle **15** and a larger elongate second segment **23** that defines an open channel and has a larger size that can loosely hold the implant for delivery and/or intrabody placement. Where the tube **20** is mounted to an exterior surface of the needle **15**, the first segment **22** of the tube **20** can reside over at least a major portion of a length of the needle **15**. In some embodiments, the needle **15** can have a length that is between at least 10-50% of the length of the second segment **23** of the tube extending rearward of the needle **15**.

[0070] **Figure 2B** illustrates the tube **20** before heat shrinking and **Figure 2A** illustrates the tube **20** firmly attached to the needle **15** after heat shrinking. **Figure 2B** illustrates that the tubing **20** can extend close to, *e.g.*, adjacent, a forward/leading end of the needle **15** so that the tube **20** overlies at least a major portion of the length of the needle **15**, with the heat shrink portion **20h** typically residing over between about 20% to about 95% of the length of the needle, and more typically between about 30-70% of the length of the needle.

[0071] In other embodiments, the tube **20** can be configured to reside over a minor portion of the length of the needle and/or a smaller length or portion of the tube **20** overlying the needle **15** may be heat-shrink attached to the needle **15**, such as, for example, at least about 1 cm.

[0072] The needle **15** may have a length "L" (**Figure 2C**) that is between about 70-100% of the length of the second segment **23** of the tube **20** (**Figures 7, 8**). In other embodiments, the needle **15** may have a shorter length than that shown, such as 30 %, 20% or even 10% or less the length of the second segment **23**. As before, the transition "t" between the end of the needle **15** and the larger tube **20** can be relatively smooth (a gradual increase in size). However, other larger, typically tapered, transitions can be used.

[0073] The tube **20** can be configured to fit or accommodate the implant **50** and can, in some embodiments, loosely and releasably hold the implant **50** therein. As shown in **Figure 2C**, the leading end of the implant **50** can reside a distance "D" spaced apart from the trailing end of the needle, so as to be in non-abutting (non-compressive contact) relationship with both outer wall of the tube thereat and the end of the needle. The tube **20** can, for example, have a diameter of between about 0.05 inches to about 0.5 inches, typically between about 0.1 to about 0.2 inches, for certain medical uses, such as, for example, soft tissue repairs, including tendon and/or ligament repairs. However, other dimensions and sizes may be used.

[0074] The tube **20** can have a length sufficient to define an open interior channel that can encase between about 20-100 % of the implant **50** for delivery in the body, typically between about 30-70% of the length of the implant, including, for example about a leading half of the implant. The implant **50** can be provided in any desired length, typically between about 0.5 cm to about 50 cm, more typically between about 1 cm to 25 cm. In some embodiments, the implant **50** has a length between about 5 cm to about 25 cm, including between about and about 10 cm to

about 15 cm or between about 15 to 20 cm. The implant **50** may have a width between about 0.05 to 8 cm, and is typically between about 1-3 cm. The implant **50** may have a thickness of between about 0.01 to about 30 mm, typically about 1-10 mm. The at least one suture **250** can extend at least about 1 inch off beyond each end of the ribbon body, typically between about 1-15 inches. The suture(s) **150** (where used) can be shorter on one end than the other (not shown). The implant **50** can include integrated sutures **250** that are woven into and extend over the entire length of the implant  $L_3$  and beyond (see, e.g., **Figure 4C**).

[0075] A common tube **20** and/or needle **15** size can be used to place a plurality of different size constructs because the implant **50** is typically loosely held in the tube **20**. For example, a 12 gauge needle (a diameter of about 0.08 inches) with about a 0.0935 inch tube can be used to place a 108, 216 and 432 collagen fiber braid of various corresponding sizes. A more complete description of woven and braided collagen fiber constructs and methods of making same can be found in U.S. Patent Application Serial No. 11/964,745, the contents of which are hereby incorporated by reference as if recited in full herein.

[0076] The tube **20** can be a thin polymeric material such as, for example, PTFE tubing. The term "thin" refers to tubing material that is between about 0.01 to about 0.0015 inches thick and may be even thinner. However, the tube **20** can include other polymers and/or be formed in other thicknesses. The tube **20** and/or needle **15** can be used with or without a lubricous biocompatible coating for ease of insertion. The biocompatible coating may also include therapeutic agents, such as anti-inflammatory and antibiotic materials. The term "polymer" refers to polymers, copolymers and derivatives and combinations thereof.

[0077] **Figure 3A** illustrates the delivery device **10**, **10'** being used to place a construct **50** in soft tissue, such as a tendon. As shown, the device **10**, **10'** holds the elongate construct **50**. **Figure 3A** also illustrates that the construct **50** may be a braided (mesh) fiber construct.

[0078] **Figure 3A** illustrates that a portion of the construct **50** is held and/or resides in the tube **20** and a portion of the construct **50** trails/extends outside of and behind the tube **20**. The device **10**, **10'** can be used to pull the construct **50** through the soft tissue **90** out of an opening **91** formed by the needle **15**. As the tube **20** passes through the local structure **90**, e.g., surrounding structure (e.g., surrounding tissue) applies a compressive force "Fc" to the body of the tube **20** thereby firmly

grasping the implant material **50** therein. After the tube **20** exits the local structure, *e.g.*, soft tissue **90**, the compressive forces  $F_c$  (*e.g.*, pressure) on the tube **20** automatically abate, *e.g.*, stop. The device **10**, **10'** and implant **50** can be easily disconnected when the tube is pulled after it exits the local structure **90**.

**[0079]** **Figure 3B** illustrates a sequence of steps (steps 1-3) that can be used to place the implant **50**. **Figure 3B** also illustrates that the implant **50** can be a twisted implant **50t** or braided implant **50b** of fibers, such as, for example, twisted or braided long (typically at least 2 inches long) collagen fibers that are held in the tube **20** in a partially or totally dehydrated state, and that, when placed in the body swell upon hydration. The implant **50** can be planar or tubular. For a more complete description of suitable twisted collagen fibers and methods of making same, *see*, U.S. Patent Application 12/465,433, the contents of which are hereby incorporated by reference as if recited in full herein.

**[0080]** Step 1 shows the device **10**, **10'** with the tube **20** compressed by local structure to grasp the implant **50t**. Step 2 illustrates the tube **20** exiting the local structure (*e.g.*, soft tissue) via exit port **91** created by the needle **15** thereby removing the compressive force that held the implant **50t**. Step 3 shows that the device **10**, **10'** can be easily separated from the implant **50** by pulling the device **10**, **10'** which, without the compressive forces applied by the surrounding tissue, allows the device **10**, **10'** to be removed from the implant **50t** while the implant remains in the target tissue **90** with a portion extending through port **91**.

**[0081]** **Figure 3C** illustrates that the delivery device **10**, **10'** can be used to make multiple entries and exits from local tissue, such as in two adjacent pieces of soft tissue **90a**, **90b** (*e.g.*, created by a torn ligament or tendon) before releasing the delivery device **10**, **10'** from the implant material **50**.

**[0082]** **Figure 3D** illustrates that the delivery device **10**, **10'** can be used to penetrate local tissue in multiple entry and exit positions (labeled as locations "1"- "8") and position the implant **50** to extend between the two pieces of local tissue **90a**, **90b** (*such as* a torn ligament or tendon) and be secured to both pieces.

**[0083]** **Figure 4A** illustrates an example of a tendon repair with the implant material **50** in position based on the use of the delivery device **10**, **10'**. As shown, the implant **50** can include a fixation knot **51**, such as a nail knot defined by loops of a suture (*such as* a six loop nail knot). The knot **51** can be held in the tube **20** during delivery/implantation using the delivery device **10**, **10'**. **Figure 4B** illustrates the

implant **50** shown in **Figure 4A** with a supplemental suture **150**. The supplemental suture **150** can be a #2 TiCron suture configured with Krackow stitches, such as about 6 on each side of the tear **90a, 90b** to help stabilize the implant **50** in position and/or provide additional structural support at least during an initial healing period post surgery. However, the delivery device **10, 10'** can also be used to place other implants. As shown in **Figure 4C**, the delivery device may be configured to hold and deliver braided ribbons **50r** with at least one integrated suture **250** that extends over the entire length of the implant  $L_3$  and out from each end a distance  $L_4$ . The extension length  $L_4$  can be between 1-500 mm or even greater, but is typically between about 20-400 mm. For additional description of collagen fiber ribbons with integrated sutures, *see* co-pending, co-assigned, U.S. Provisional Application Serial No. 61/450,179, the contents of which are hereby incorporated by reference as if recited in full herein.

**[0084]** Also, the construct **50** can optionally include, *e.g.*, be coated, impregnated and/or amalgamated with, a gel or other material. The coating may be to promote fibroblasts, and/or comprise one or more of an anti-inflammatory agent, an antibiotic or other therapeutic agent. The construct **50** can be absorbed, resorbed and/or biodegradable over time. In some embodiments, the constructs **50** can be configured to have similar or greater tensile strength, stiffness and dynamic flexibility as corresponding natural tissue, *e.g.*, natural ligament or tendon fibers. Embodiments of the invention may be particularly suitable for augmenting, repairing or replacing tendons and ligaments.

**[0085]** In some embodiments, the fibers comprise collagen fibers formed in any suitable manner to be acceptable as a biomedical implant/construct.

**[0086]** As noted above, in particular embodiments, the fibers can comprise NDGA-treated collagen. Suitable ways of forming NDGA-polymerized and/or treated fibers are described in U.S. Patent Nos. 6,565,960 and 6,821,530, the contents of which are hereby incorporated by reference as if recited in full herein. Generally stated, bulk collagen can be solubilized by digestion with a protease, then extruded into a synthetic fiber. Properly processed NDGA polymerized fibers are biocompatible. After the polymerization process, the fibers can be washed in ethanol and phosphate buffered saline to remove cytotoxins due to leachable reaction products.

**[0087]** NDGA-treated collagen fibers are biocompatible and have desirable mechanical properties. For additional discussion of the NDGA polymerized fibers, see, Thomas J. Koob, *Biomimetic approaches to Tendon Repair*, Comparative Biochemistry and Physiology Part A 133 (2002) 1171-1192.

**[0088]** In some embodiments, the collagen fibers may be high-strength. The term "high-strength" refers to fibers having an average tensile strength of at least about 150 MPa, such as between about 180 MPa and 350 MPa, and typically, for bovine-, porcine- or caprine-based "donor" collagen, between about 180 MPa and 280 MPa, such as between about 240-279 MPa (measured on average). The fibers may also have suitable stiffness and strain yield. In general, the fibers can have a stiffness of at least about 200 MPa (e.g., at least about 300, 400, 500, or 600 MPa), and a strain at failure of less than about 20% (e.g., less than about 15 or 10%).

**[0089]** In particular embodiments, the fibers may be formed with a relatively thin diameter, such as, for example about a 0.07 mm dry diameter (on average) and about a 0.09 mm wet diameter (on average) or a dry diameter on average of about 0.08 mm and a wet diameter on average of about 0.13 mm. However, other sizes may be used.

**[0090]** To make the collagen fibers, preparatory donor collagen material can be pepsin-derived or solubilized collagen that is processed/purified. The purified collagen preparatory material is dialyzed a plurality of times in a selected liquid for a desired period of time. The dialyzing is typically repeated three times. The dialyzing can be carried out against dionized (DI) water in a volume ratio of between about 30:1 to about 100:1, typically about 60:1, for between about 30-90 minutes, typically about 40 minutes. The dialyzing can form a substantially clear gel of collagen fibrils indicating good organization (substantially parallel fibrils), where opacity indicates less organization. The organization can help improve tensile strength of subsequently cross-linked fibers.

**[0091]** The dialyzed collagen material can be incubated for a desired time before placing in a fiber-forming buffer. The dialyzed gel can be cross-linked to provide collagen fibers for medical constructs. The polymerization (e.g., cross-linking) can be carried out using NDGA or other suitable cross-linking agent and the resultant collagen fibers can be relatively thin, such as, for example, about 0.08 mm dry diameter (on average).

**[0092]** The incubation may be for at least about 24 hours, typically 24-48 hours, and may be at room temperature of between about 15-30° C, typically about 25° C. The dialysis process can be used before cross-linking for subsequent use with any suitable cross-linking materials, such as, for example, to promote collagen organization, and the process is not limited to NDGA, but may be useful with other materials, including, for example, glutaraldehyde. For additional discussion of methods used to form high-strength NDGA treated collagen fibers, *see*, U.S. Patent Application Serial No. 11/964,756, the contents of which are hereby incorporated by reference as if recited in full herein.

**[0093]** The implants **50** can include swellable collagen fibers that have a cross-sectional size, on average, when dry, of between about 0.001 inches to about 0.2 inches. The implant can include a number of strands of collagen-derived fibers such as between about 2-100, and the number of fibers per strand can be between about 2 to 1200.

**[0094]** In some embodiments, the implant **50** may have between about 1-1000 yarns, typically between about 3-100 yarns some of which are weft and some of which are warp yarns. The implant **50** can be configured to have substantially the same physical thickness and/or configuration as the replaced or repaired tissue so as to not cause discomfort or physical abnormalities in structure.

**[0095]** As desired, the body of the implant **50** can include a smooth outer sheath that may be formed by a coating, gel or other material. In particular embodiments, the implant **50** can comprise polyglycolic acid, polylactic acid, or combinations of these or other substances.

**[0096]** **Figure 5** illustrates a medical kit **75** that includes the delivery device **10, 10'** and optionally, at least one construct **50**, in a sealed package **88**. The construct **50** may be held dehydrated or partially hydrated in the package **88** or in another separate package (not shown). The kit **75** may include a temperature warning so that the construct **50** is not exposed to unduly hot temperatures that may degrade the implant. A temperature sensor **80** may optionally be included on or in the package **88** of the kit **75** to provide a visual or audible alert to a clinician as to any excessive or undue temperature exposure prior to implantation. The construct **50** can be held in the tube **20** in the package **88**. The construct **50** can be inserted into the tube **20** of the device **10, 10'** by the clinician *in situ*. This may also allow the clinician to select the desired construct **50** from constructs **50** in a range of sizes that may be part of the

package 88 or provided as separate content. The delivery device 10, 10' can be a "universal" delivery device that is configured to accommodate soft tissue implants in a range of sizes.

[0097] **Figure 6** is a flow diagram of exemplary operations that can be used to carry out embodiments of the present invention. A flexible tube with an open interior channel attached to a needle and having an elongate medical construct having a length with a portion held in the open interior channel is provided (block 100). The needle and tube are pulled through local structure (block 105). The tube and the medical construct are compressed in response to pressure applied from contact with local structure during the pulling step, thereby also pulling the portion of the medical construct held in the tube through the local structure (block 110). The medical construct is then separated from the tube after the compressing step by continuing to pull the tube after the tube has exited the local structure so that the medical construct is loosely held in the tube, thereby removing the tube from the medical construct and placing the medical implant in the body (block 115).

[0098] The local structure can optionally be soft tissue (block 107). The construct can optionally be loosely held in the tube and temporarily compressed by contact with the local structure (block 103).

[0099] Although described herein primarily with respect to collagen-derived fiber implants, it is contemplated that the delivery devices 10, 10' can deliver other types of implants.

[00100] The present invention is explained in greater detail in the following non-limiting Examples.

## EXAMPLES

[00101] **Figures 7 and 8** show a delivery device 10' with the tube 20 as a heat shrink tube and with the medical construct 50 formed with braided NDGA-collagen fibers. **Figure 7** illustrates that the heat shrink portion 20h extends over more than half of the length of the needle 15 and that the second segment of the tube 23 has a length that is between about 60-100% that of the needle 15. As shown, the second segment 23 has a longer length L<sub>2</sub> than the length L<sub>1</sub> of the needle 15.

[00102] The foregoing is illustrative of the present invention and is not to be construed as limiting thereof. Although a few exemplary embodiments of this invention have been described, those skilled in the art will readily appreciate that

many modifications are possible in the exemplary embodiments without materially departing from the novel teachings and advantages of this invention. Accordingly, all such modifications are intended to be included within the scope of this invention as defined in the claims. The invention is defined by the following claims, with equivalents of the claims to be included therein.

## THAT WHICH IS CLAIMED:

1. A medical delivery device, comprising:

a needle; and

a tube comprising a first segment that is attached to the needle and a second compressible and substantially impermeable segment that increases in size relative to the first segment and extends rearward of the needle, wherein the second segment defines an open elongate interior channel adapted to loosely hold at least about 3 cm of a length of a flexible medical implant therein.

2. A medical device according to Claim 1, further comprising a flexible elongate medical implant with a length, wherein the at least about 3 cm is at least about 30% of the implant length that is held in the compressible second segment interior channel, wherein the medical implant is slidably insertable into the second segment interior channel and is loosely held inside the tube interior channel spaced apart from the needle.

3. A medical device according to Claim 2, wherein the flexible medical implant is a partially hydrated or dry twisted or braided collagen fiber implant that is loosely held inside an outer wall of the tube second segment enclosing the interior channel.

4. A medical device according to Claim 1, wherein the tube has a forward end portion that resides in an interior chamber of a rearward portion of the needle.

5. A medical device according to Claim 1, wherein the tube is swaged to the needle and has a smooth transition segment from the needle to the tube to inhibit snagging when inserted through soft tissue during surgical use.

6. A medical device according to Claim 1, wherein the needle has a length, and wherein the first segment of the compressible tubing extends snugly against at least 1 cm of the length of the needle, the device further comprising an elongate flexible braided or twisted collagen fiber implant with at least about 30% of its length

held loosely in a substantially straight arrangement inside the second segment of the compressible tube.

7. A medical device according to Claim 1, wherein the needle is shank-less and has a constant diameter outer wall upstream from a tip portion thereof, and wherein an inner wall of the first segment of the tube is affixed to the outer wall of the needle, the device further comprising a dry or partially hydrated collagen fiber implant having a length, and wherein the tube second segment has a length that is sufficient to encase at least about 30% of the implant held therein.

8. A medical device according to Claim 7, wherein the tube is heat-shrink tubing that is heated to shrink to conform and affix to an outer wall of the needle, and wherein the second segment holds at least about 40% of the implant length therein.

9. A medical device according to Claim 1, wherein the medical implant is a tendon or ligament repair implant having an integrated suture that has suture ends that extends out from each end of the implant with at least 30% of the implant length being held in the second segment of tube.

10. A medical device according to Claim 2, wherein the medical implant held in the second segment of the tube is a length of substantially or entirely dry or partially hydrated biocompatible collagen fibers twisted or braided together that swell when exposed to a local fluidic environment *in situ*.

11. A medical device according to Claim 2, wherein the medical implant held in the second segment of the tube comprises a plurality of fibers derived from soluble collagen that are in a dry or partially hydrated state and arranged as parallel long fibers that are at least about 1 cm long and are twisted and/or woven or braided together.

12. A medical device according to Claim 11, wherein the fibers are NDGA-polymerized collagen fibers.

13. A medical device according to Claim 12, wherein the fibers have a cross-sectional size, on average when dry, of between about 0.001 inches to about 0.2 inches, wherein the implant has a number of strands of fibers that is between about 2-100, and wherein the number of fibers per strand is between about 2 to 1200.

14. A medical device according to Claim 2, wherein the medical implant is for a ligament repair.

15. A medical device according to Claim 2, wherein the medical implant is for a tendon repair.

16. A medical device according to Claim 2, wherein the medical implant is at least one of a suture or a cable that is configured to repair an acromioclavicular (AC) joint.

17. A medical device according to Claim 1, wherein the tube is configured so that compression of a portion of the second segment caused by contact with surrounding local structure during implantation into soft tissue temporarily compresses the tube to tightly hold the implant therein.

18. A medical kit for a ligament or tendon repair, comprising:  
a delivery device having a flexible compressible substantially impermeable tube having an open interior attached to a needle having increased structural rigidity relative to the flexible tube; and  
a length of tendon or ligament repair or replacement material comprising dry or partially hydrated synthetic collagen fibers releasably held in or adapted to be releasably held in the open interior of the tube.

19. A medical kit according to Claim 18, wherein the repair or replacement material comprises a twisted or braided construct of a plurality of collagen fibers, and wherein the delivery device and repair or replacement material are held in at least one sterile package.

20. A method of placing a medical construct in the body of a subject, comprising:

providing a surgical delivery device comprising a needle attached to a compressible tube with an open interior channel, the compressible tube surrounding an elongate medical construct having a body with a length, wherein at least about 30% of the construct body length is held in the open interior channel of the tube, wherein the construct body swells when exposed to liquid in the body of a subject;

pulling the needle and tube through local intrabody structure;

compressing the tube and the medical construct in response to pressure applied from contact with local structure during the pulling step, thereby also pulling the portion of the medical construct held in the tube through the local structure; then

separating the medical construct from the tube after the compressing step by continuing to pull the tube after the tube has exited the local structure so that the medical construct is loosely held in the tube, thereby removing the tube from the medical construct and placing the medical implant in the body.

21. A method according to Claim 20, wherein the medical construct comprises dry or partially hydrated fibers when held inside the tube that swell when hydrated in the body.

22. A method according to Claim 20, wherein the medical construct comprises a plurality of strands of biocompatible collagen fibers having at least a portion that is braided or twisted.

23. A method according to Claim 20, further comprising inserting the needle in soft tissue before the pulling and compressing steps, wherein the pulling comprises pulling the needle and tube through the soft tissue, wherein the compressing is carried out so that the tube and the medical construct are compressed in response to pressure applied from contact with the soft tissue during the pulling step thereby also pulling the portion of the medical construct held in the tube through the soft tissue; and wherein the separating step is carried out by continuing to pull the tube after the tube has exited the soft tissue so that the medical construct is loosely held in the tube

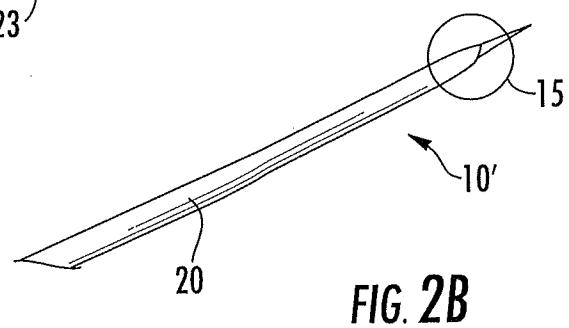
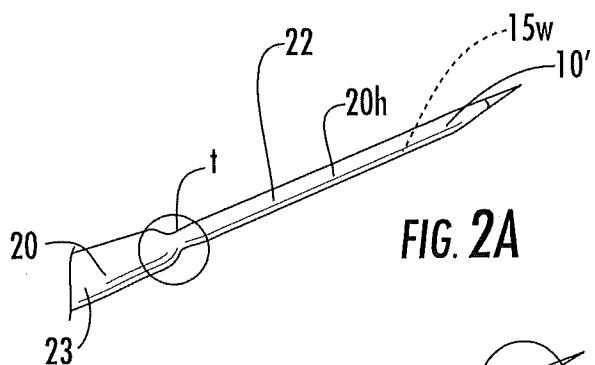
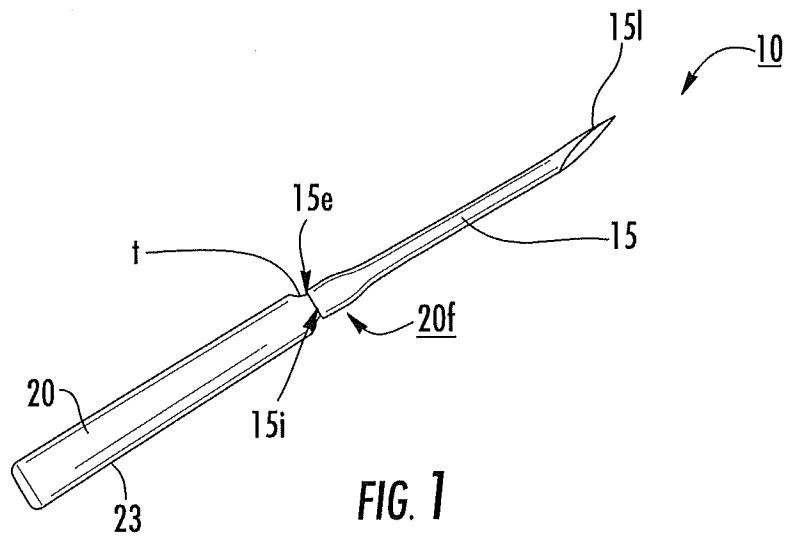
thereby removing the tube from the medical construct and placing the medical implant in the body.

24. A method of assembling a medical delivery device with an implant for subsequent intrabody placement during a medical procedure, comprising:

providing a needle attached to a compressible tube having an open interior channel that extends a distance away from the needle; and

slidably inserting a medical implant comprising non-hydrated or partially hydrated braided and/or twisted collagen fibers into the open interior channel of the tube so that the implant is loosely held therein for intrabody placement using the needle and tube.

1/9



2/9

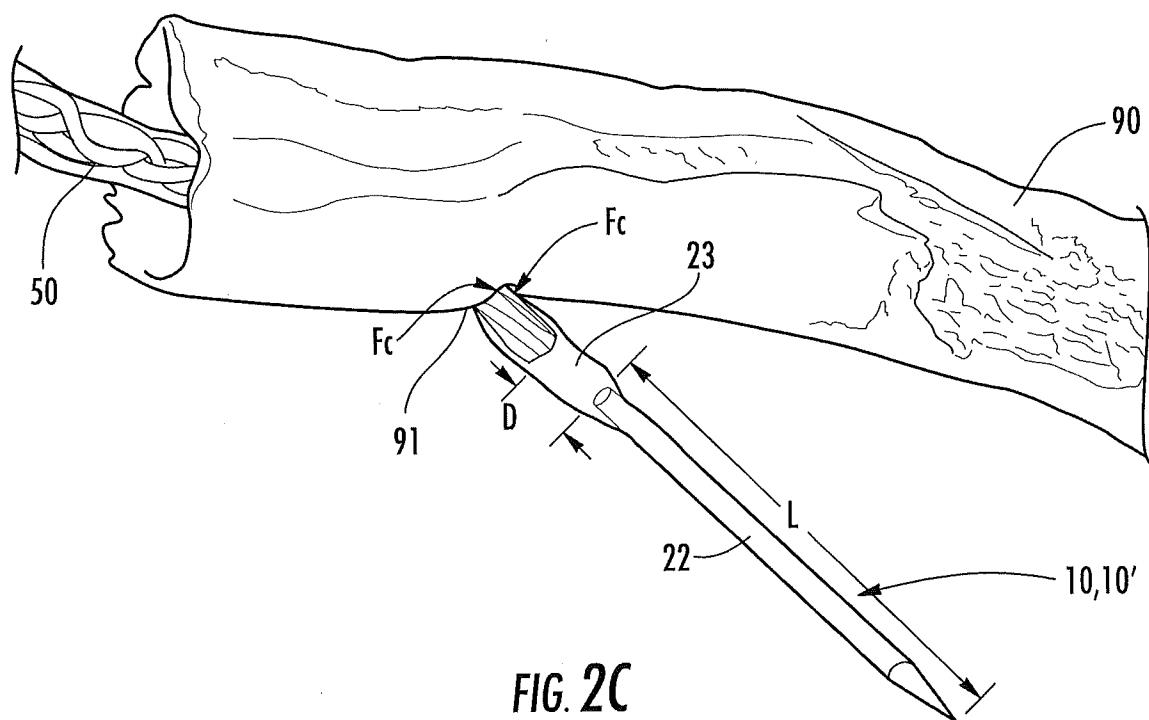


FIG. 2C

3/9

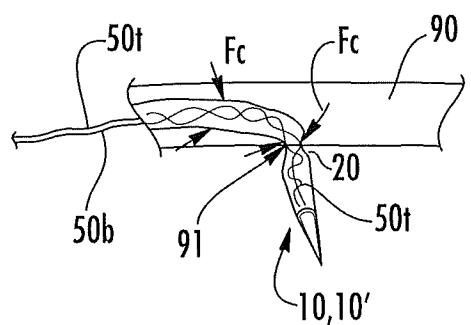


FIG. 3A

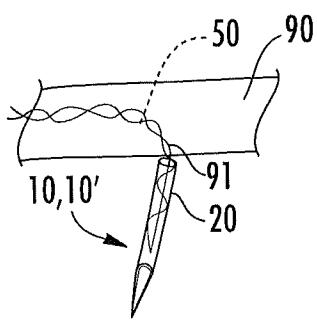


FIG. 3B

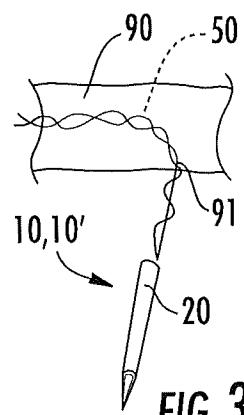


FIG. 3C

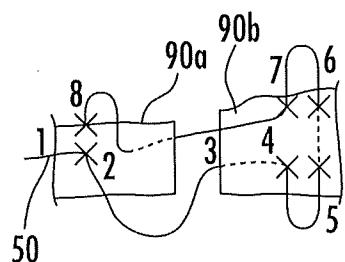


FIG. 3D

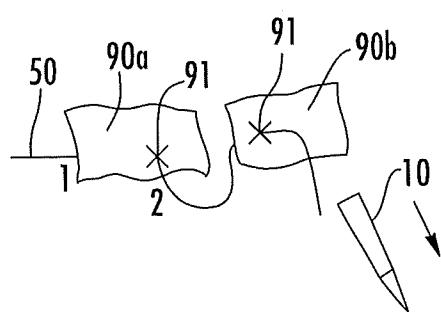


FIG. 3E

4/9

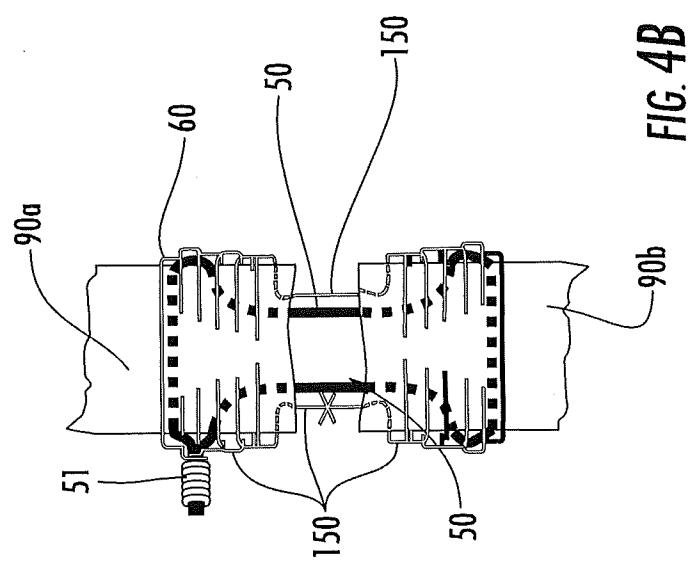


FIG. 4B

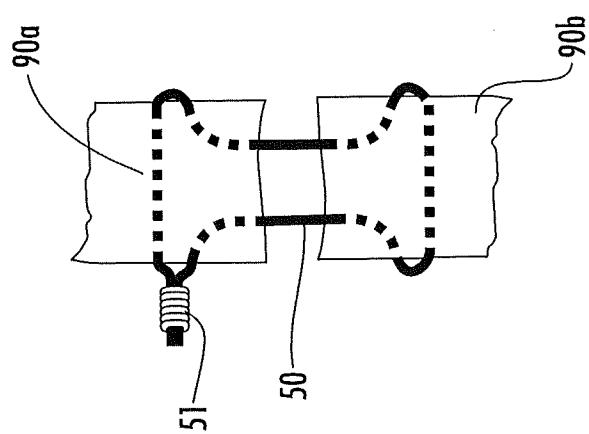
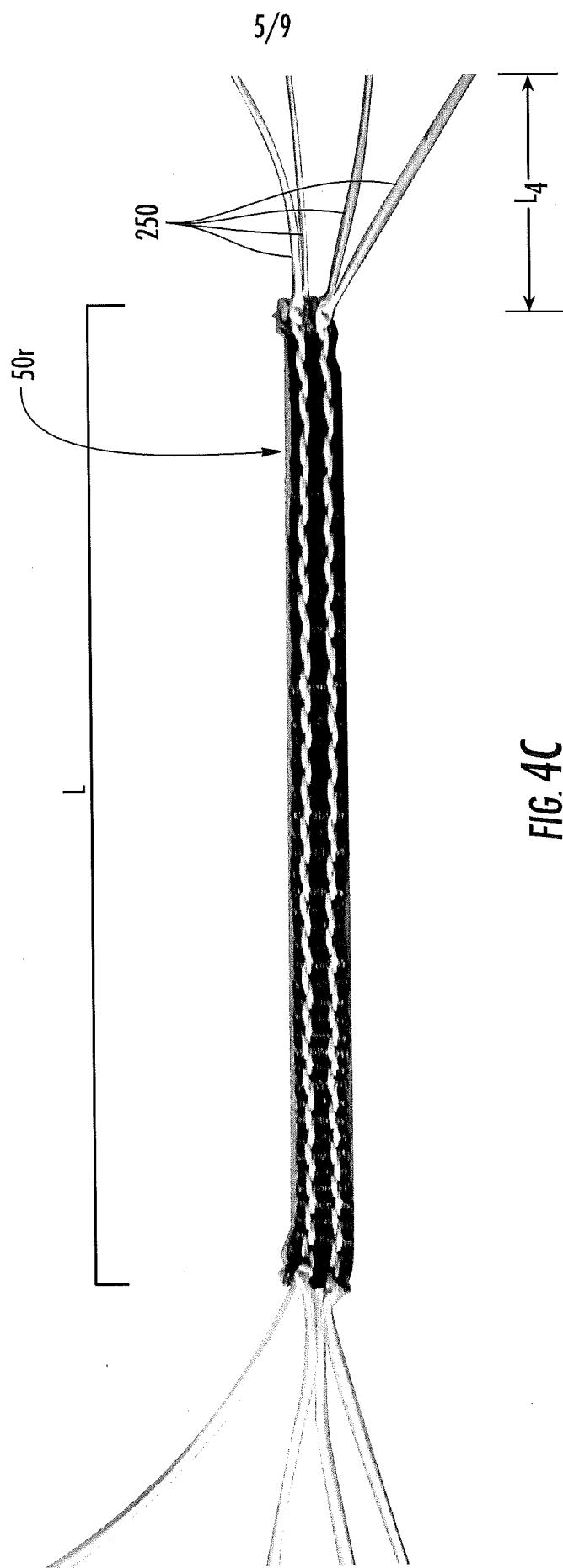


FIG. 4A



6/9

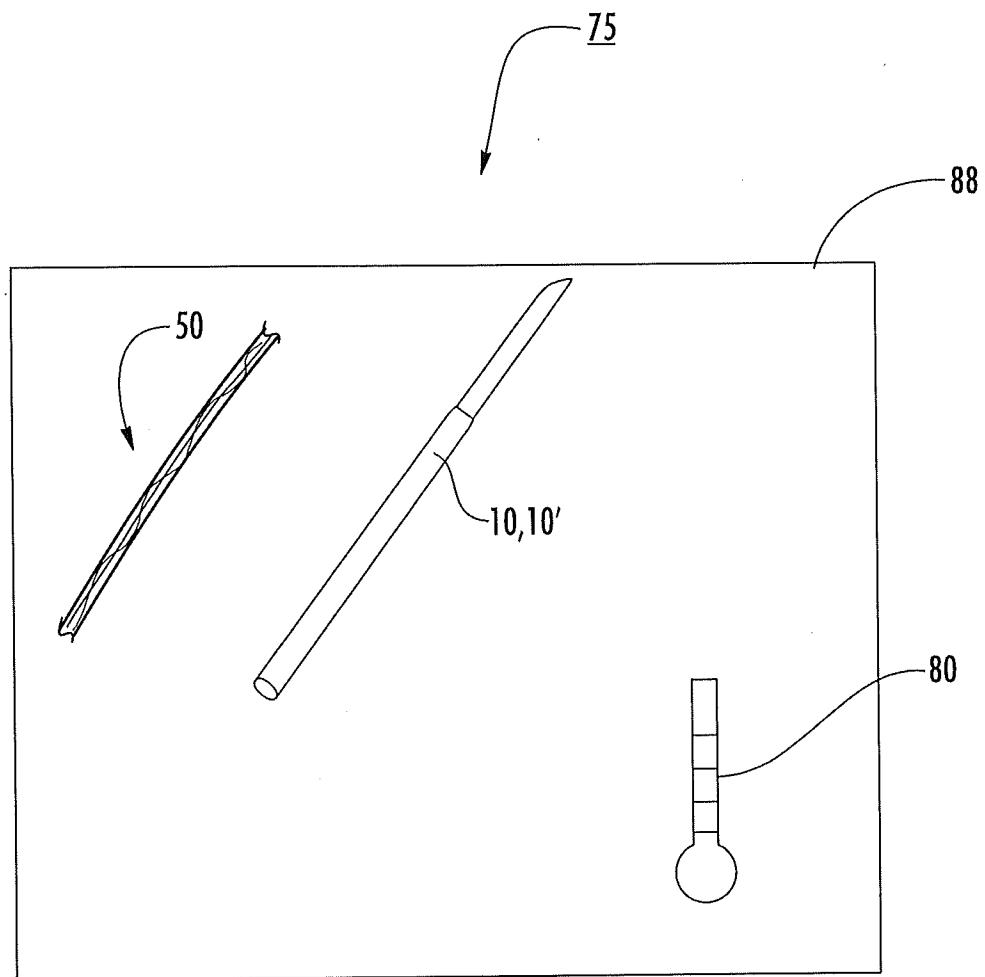


FIG. 5

7/9

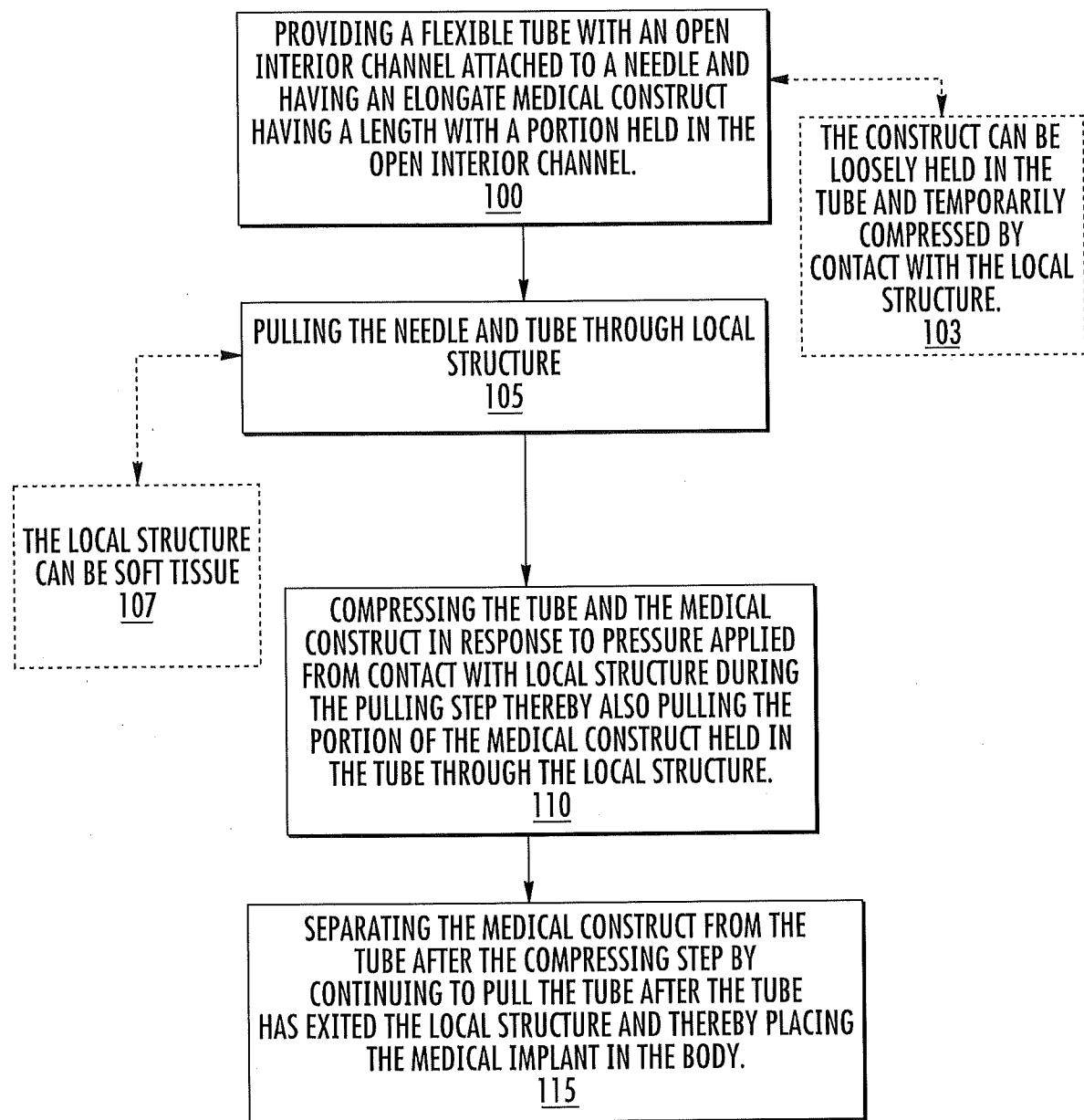
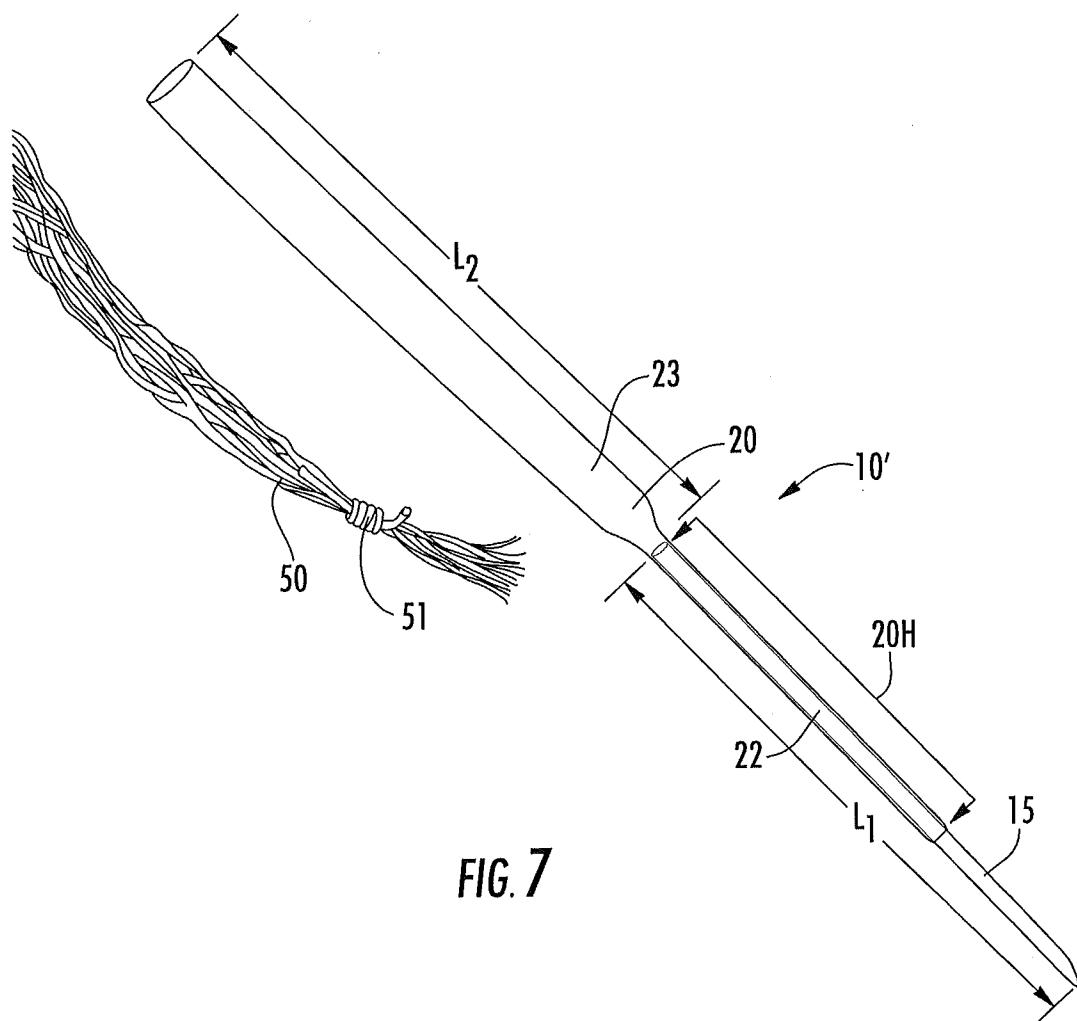


FIG. 6

8/9



9/9

