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### **Declaration under Rule 4.17:**

as to the applicant's entitlement to claim the priority of the earlier application (Rule 4.17(iii)) for the following designation US

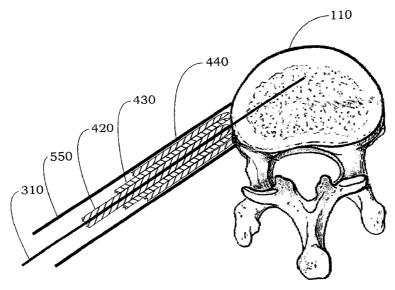
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(54) Title: METHOD AND APPARATUS FOR CREATING A SURGICAL CHANNEL



(57) Abstract: A method and apparatus for creating safer and less intrusive surgical channels or pathways is provided. The dilatory apparatus includes a guide wire, two or more cannulated dilators, and a guide tube. The guide wire (310) is inserted into the patient through a small skin incision. A cannulated dilator (420) is to inserted over the guide wire. Additional cannulated dilator(s) (430, 440) of increasing internal diameter(s) are inserted over the previously inserted dilator(s). When the desirable external diameter is reached, the guide tube (550) is inserted over the outermost dilator. The dilators can now be removed to create a guided pathway formed by the guide tube. In one application, lumbar spinal surgery, a pair of diagonally aligned cavities is drilled in a spinal disc space using the guided pathways. A pair of vertebrae fusion cages (122) can then be inserted the respective cavities, allowing the vertebrae to fuse together over time.

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/US03/33151

A. CLASSIFICATION OF SUBJECT MATTER  IPC(7) : A61B 17/70  US CL : 606/61  According to International Patent Classification (IPC) or to both national classification and IPC  B. FIELDS SEARCHED					
Minimum documentation searched (classification system followed by classification symbols) U.S.: 606/61, 72, 73, 80, 96, 99, 104; 623/17.16					
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched					
Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)					
C. DOCUMENTS CONSIDERED TO BE RELEVANT					
Category *	Citation of document, with indication, where appropriate, of the relevant passages			Relevant to claim No.	
X	US 5,792,044 A (FOLEY et al) 11 August 1998, Figs. 10a-10i.			1, 4-8	
· <b>Y</b>				2, 3	
X	US 5,171,279 A (MATHEWS) 15 December 1992, Figs. 4A-4C.			1, 4-8	
	, ,				
Y				2, 3	
Y	US 5,766,253 A (BROSNAHAN, III) 16 June 1998, Fig. 2.			2, 3	
Y	US 5,263,953 A (BAGBY) 23 November 1993, Fig. 8.			2, 3	
			•		
Further	documents are listed in the continuation of Box C.		ee patent family annex.		
* Special categories of cited documents: "T" later document published after the internation					
<ul> <li>"A" document defining the general state of the art which is not considered to be of particular relevance</li> <li>"E" earlier application or patent published on or after the international filling date</li> <li>"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</li> </ul>		1	date and not in conflict with the application but cited to understand the principle or theory underlying the invention  X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone		
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"P" document published prior to the international filing date but later than the priority date claimed		<b>"</b> &"	"&" document member of the same patent family		
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Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450		David Reip			
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