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Declarations under Rule 4.17:

— as to applicant's entitlement to apply for and be granted a patent (Rule 4.17(ii))

[Continued on next page]

(54) Title: ENDOCUTTER WITH STAPLE FEED

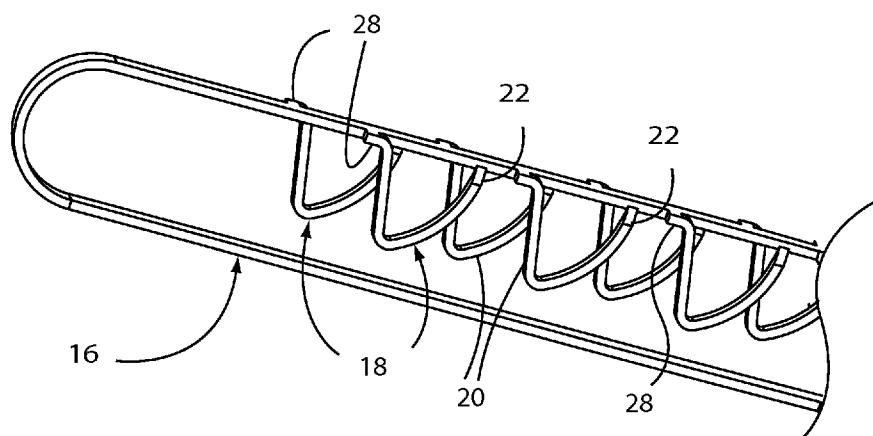


FIG. 18

(57) Abstract: A surgical endocutter may include an end effector, at least one feeder belt that extends at least partially into the end effector; and two or more staples, where each staple has a first end frangibly connected to a corresponding feeder belt and a second, free end, and where the staples form at least one row. The endocutter may be used to treat a patient by inserting the end effector into the body of a patient through an opening such as a trocar port, engaging tissue with the end effector, stapling tissue along two staple lines with the end effector; cutting tissue between the staple lines with the end effector, releasing the tissue from the end effector, and repeating the holding, stapling and engaging on tissue at a different location within the body of the patient without removing the end effector from within the body of the patient.



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- *as to the applicant's entitlement to claim the priority of the earlier application (Rule 4.17(iii))* — *before the expiration of the time limit for amending the claims and to be republished in the event of receipt of amendments*

Published:

- *with international search report*

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11 June 2009

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2008/075449**A. CLASSIFICATION OF SUBJECT MATTER*****A61B 17/32(2006.01)i, A61B 17/115(2006.01)i, A61B 17/068(2006.01)i***

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)

IPC : A61B 17/00, A61B 17/32, A61B 17/115, A61B 17/068

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

- Korean Utility models and applications for Utility models since 1975
- Japanese Utility models and applications for Utility models since 1975

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKIPASS(KIPO internal) & keywords : "endo", "cut", and "staple"

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2007-175950 A1 (FREDERICK E. SHELTON IV et al.) 02 Aug. 2007 The whole documents.	1 - 18, 30, 31
A	EP 1464287 A3 (ETHICON ENDO-SURGERY, INC.) 01 Dec. 2004 The whole documents.	1 - 18, 30, 31
A	EP 1736104 B1 (ETHICON ENDO-SURGERY, INC.) 11 Mar. 2009 The whole documents.	1 - 18, 30, 31
A	US 7055730 B2 (KARL H. EHRENFELS et al.) 06 Jun. 2006 The whole documents.	1 - 18, 30, 31



Further documents are listed in the continuation of Box C.



See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority 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

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search

29 APRIL 2009 (29.04.2009)

Date of mailing of the international search report

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INTERNATIONAL SEARCH REPORT

International application No.

PCT/US2008/075449**Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)**

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 19 - 29
because they relate to subject matter not required to be searched by this Authority, namely:
Claims 19-29 pertain to methods for treatment of human or animal body by surgery, and thus relate to a subject matter which this International Searching Authority is not required, under Article 17(2)(a)(i) of the PCT and Rule 39.1(iv) of the Regulations under the PCT.
2. ☐ Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.
- ☐ The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

PCT/US2008/075449

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