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(71) Applicant *(for all designated States except US)*: **BFKW, LLC** [US/US]; 5060 Michigan, N.E., Ada, Michigan 49301 (US).

(72) Inventors; and
(75) Inventors/Applicants *(for US only)*: **BAKER, Randal S.** [US/US]; 5060 Michigan, N.E., Ada, Michigan 49301 (US). **FOOTE, James A.** [US/US]; 5355 Fulton, Ada, Michigan 49301 (US). **WALBURN, Frederick J.** [US/US]; 6223 Cascade Pointe Dr., S.E., Grand Rapids, Michigan 49546 (US). **WILSON, Peter M.** [US/US]; 46 Wolf Hollow Road, Killingworth, Connecticut 06419 (US). **LEHMAN, Adam I.** [US/US]; 26 Hillside View Road, Northford, Connecticut 06472 (US).

(74) Agents: **Frederick S. Burkhart** et al.; VAN DYKE, GARDNER, LINN & BURKHART, LLP2851 Charlevoix Dr., S.E., Suite 207, P.O. Box 888, 695, Grand Rapids, Michigan 49588-8695 (US).

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(54) Title: MEDICAL DEVICE FIXATION TOOL AND METHOD OF FIXATION OF A MEDICAL DEVICE

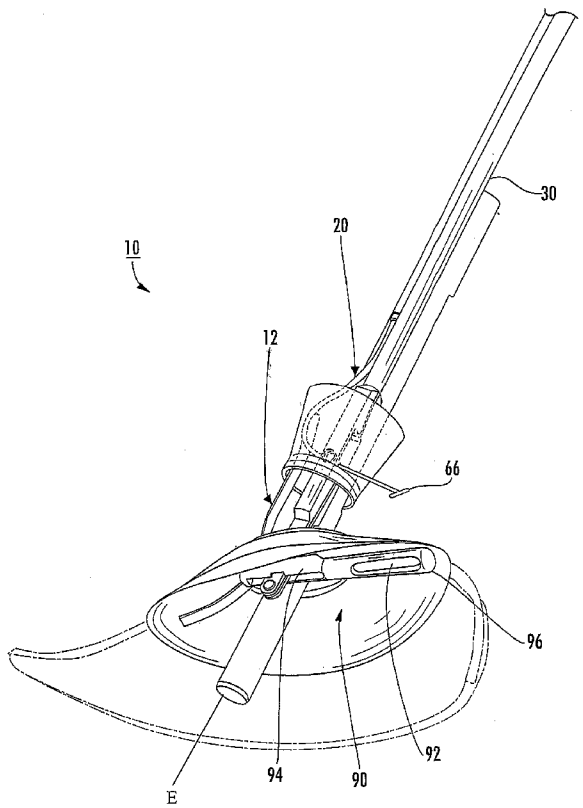


FIG. 1

(57) Abstract: A device fixation tool and method of fixation of a medical device within a hollow organ or cavity through a natural orifice includes providing a needle driver and a shaft. The needle driver is adapted for use with at least one needle. At least a portion of the needle driver is positioned with the shaft at a hollow organ or cavity through the natural orifice. Sufficient force is transmitted with the needle driver to the at least one needle to penetrate mammalian tissue and a portion of the medical device. The portion of the medical device may have a greater puncture resistance than the mammalian tissue.

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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))*

— *as to the applicant's entitlement to claim the priority of the earlier application (Rule 4.17(iii))*

— *of inventorship (Rule 4.17(iv))*

Published:

— *with international search report*

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13 November 2008

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US 08/53962

A. CLASSIFICATION OF SUBJECT MATTER
IPC(8) - A61B 17/04 (2008.04)
USPC - 606/144
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)
IPC8 : A61B 17/04 (2008.04)
USPC : 606/144

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
IPC8 : A61B 17/12, A61B 17/00, A61B 17/06 (2008.04)
USPC : 606/139, 606/147, 606/148

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
PubWEST (PGPB,USPT,EPAB,JPAB), Google Scholar
tough$, hard$, difficult$, resist$, penetrat$, pierc$, through, sleeve, tube, stent, device, button$, attach$, stitch$, sutur$, fixat$, gastric, esophageal, bariatric, stomach, support, frame, backstop, target, angl$, slant$, needle, driver

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 2004/0087976 A1 (DeVRIES et al) 6 May 2004 (06.05.2004) see especially para [0069]-[0072], [0098], [0100], [0105], [0108], [0109], [0112]-[0118], fig 32	1-6, 18, 19, 21-26, 38, 39
Y	US 5,741,279 A (GORDON) 21 April 1998 (21.04.1998) see especially col 13, ln 61 to col 14, ln 52, figs 2-2D	1-6, 18, 19, 21-26, 38, 39
Y	US 5,507,755 A (GRESL et al) 16 April 1996 (16.04.1996) see especially col 5,ln 26-55, fig 5B	19, 39

☐ Further documents are listed in the continuation of Box C. ☐

* 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 another 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	Date of mailing of the international search report
4 August 2008 (04.08.2008)	08 AUG 2008
Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US, Commissioner for Patents P.O. Box 1450, Alexandria, Virginia 22313-1450 Facsimile No. 571-273-3201	Authorized officer: Lee W. Young PCT Helpdesk: 571-272-4300 PCT OSP: 571-272-7774

Form PCT/ISA/210 (second sheet) (April 2007)

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US 08/53962

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.:
because they relate to subject matter not required to be searched by this Authority, namely:

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.: 7-17, 20, 27-37, 40, 41
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 additional fees, this Authority did not invite payment of additional fees.

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.