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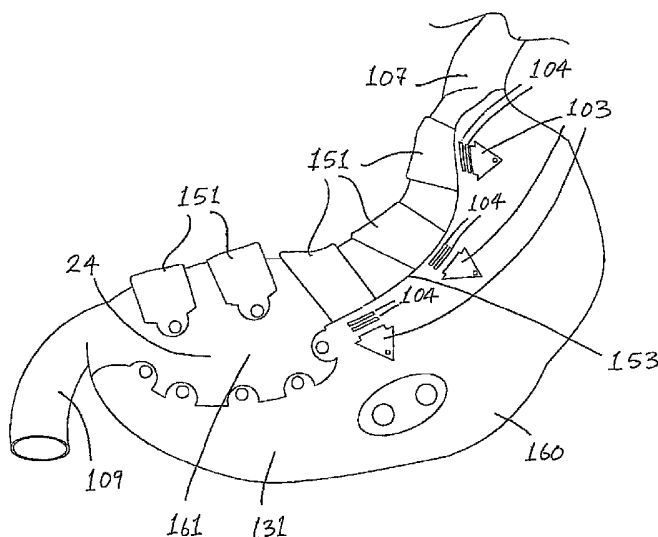
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Published:

- with international search report
- before the expiration of the time limit for amending the claims and to be republished in the event of receipt of amendments

[Continued on next page]

(54) Title: "A GASTRIC CONSTRICTION DEVICE"



(57) Abstract: A gastric constriction device (160) comprises a sheet (131) extending over part of the wall of the stomach (24). Five bands (151) extend around the stomach (24) to fix the sheet (131) in position relative to the stomach (24). The lower two bands (151) extend from the first side (152) of the sheet (131) around the stomach (24) only partially towards the second side (153). These lower two bands (151) are not fixed to the second side (153). This arrangement results in an unconstricted portion of the stomach (161). In this manner, the device (160) restricts expansion of the majority of the stomach wall while facilitating expansion of this unconstricted portion (161). The unconstricted portion (161) is therefore free to expand or bulge outwardly upon ingestion. This expansion may trigger the feeling of satiation due to the presence of the vagal nerves in this portion (161) of the stomach (24).



(88) Date of publication of the international search report:

21 July 2005

For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

INTERNATIONAL SEARCH REPORT

International Application No
PCT/IE2004/000145

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 A61F5/00

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 7 A61F

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 practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category ° | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|------------|--|-----------------------|
| X | US 2002/091395 A1 (GABBAY SHLOMO) 11 July 2002 (2002-07-11) | 1-7, 9-11 |
| Y | paragraph [0030] - paragraph [0066]; figures 1,2,7,10,14 | 8,12,15, 16 |
| A | ----- | 77 |
| Y | US 5 246 456 A (WILKINSON ET AL) 21 September 1993 (1993-09-21) cited in the application column 3, line 39 - column 4, line 17; figure 8 | 8,12,15, 16 |
| A | ----- US 4 403 604 A (WILKINSON ET AL) 13 September 1983 (1983-09-13) cited in the application column 2, line 47 - column 3, line 20; figure 1 ----- | 1,5,6, 15,16 |

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

☒ Patent family members are listed in 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 document 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

23 February 2005

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18.05.2005

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INTERNATIONAL SEARCH REPORT

International application No.
PCT/IE2004/000145

Box 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.: 76,82-105
because they relate to subject matter not required to be searched by this Authority, namely:
see FURTHER INFORMATION sheet PCT/ISA/210
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:
see FURTHER INFORMATION sheet PCT/ISA/210
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 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:

see additional sheet

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.:
1-16, 77-81

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.1

Claims Nos.: 76,82-105

The subject-matter of claims 83-105 refers to a method for treatment of the human or animal body by surgery (Rule 39.1(iv) PCT). In particular the step of positioning a gastric constriction device is a surgical step.

The subject-matter of claims 76 and 82 is not clearly defined (Article 6 PCT), in particular the statement "as substantially hereinbefore described with reference to the accompanying drawings" does not allow to identify the technical features of the invention.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-16,77-81

A gastric constriction device for constricting the volume of the stomach comprising a material for extending over at least part of the wall of a stomach to constrict the volume of the stomach, the device being configured to restrict expansion of a first region of the stomach wall and to facilitate expansion of a second region of the stomach wall.

2. claims: 17-25,77-81

A gastric constriction device for constricting the volume of a stomach comprising a band for extending at least partially around a stomach in spiral to constrict the volume of the stomach.

3. claims: 26-71,77-81

A gastric constriction device for constricting the volume of a stomach comprising a bio-absorbable material for absorption of at least some of the material into the stomach wall over time.

4. claims: 72,73,77-81

A gastric constriction device for constricting the volume of a stomach comprising a material for extending over at least part of the wall of a stomach, wherein the device comprises a gastric stimulator.

5. claims: 74-75,77-81

A gastric constriction device for constricting the volume of a stomach comprising a sheet for extending over at least part of the wall of a stomach and a band for extending at least partially around the stomach to constrict the volume of the stomach.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/IE2004/000145

| Patent document cited in search report | Publication date | Patent family member(s) | Publication date |
|---|---------------------|----------------------------|---------------------|
| US 2002091395 A1 | 11-07-2002 | WO 02053040 A1 | 11-07-2002 |
| US 5246456 A | 21-09-1993 | NONE | |
| US 4403604 A | 13-09-1983 | NONE | |