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(54) Title: POSTERIOR SPINE DYNAMIC STABILIZER

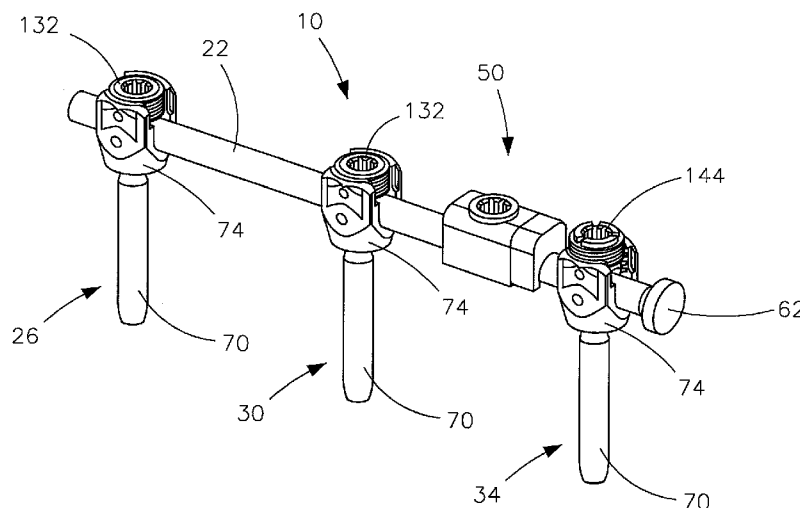


Fig. 5

(57) Abstract: A dynamic stabilization system may include an elongated spinal rod, at least two bone anchors attached to the elongated rod, and a dynamic member. One of the bone anchors allows translation of the spinal rod with respect to the bone anchor. The dynamic member comprises a body and an elastomeric element coupled to at least one side of the body. The body of the element is capable of being attached to the elongated spinal rod between the two bone anchors.



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## POSTERIOR SPINE DYNAMIC STABILIZER

## CROSS REFERENCE TO RELATED APPLICATIONS

**[0001]** This application claims priority to United States Provisional Application No. 61/138,450, filed December 17, 2008, the contents of which are incorporated herein in their entirety.

## BACKGROUND

**[0002]** Patients who have a lumbar spinal fusion have an increased risk of having adjacent segment disease. Adjacent segment disease occurs after the spinal fusion in which the segment or the intervertebral disc and the facet joints are degenerated at the adjacent level above or below the lumbar fusion.

**[0003]** Often, a disorder in one spinal component can lead to ultimate disorder in an adjacent component of the spine. In such cases, both components will ultimately require a spinal fusion. However, if the adjacent spinal component (that is partially diseased) is fused with the fully diseased component, the patient will not only lose more mobility in the spine, but the partially diseased component will degrade quicker. Thus it may be desired to not fully immobilize the adjacent spinal component that is only partially diseased.

## SUMMARY

**[0004]** A dynamic stabilization system in accordance with one embodiment may include an elongated spinal rod, at least two bone anchors attached to the elongated rod, and a dynamic member. One of the bone anchors allows translation of the spinal rod with respect to the bone anchor. The dynamic member comprises a body and an elastomeric element coupled to at least one side of the body. The body is capable of being attached to the elongated spinal rod between the two bone anchors.

**[0005]** A dynamic stabilization member constructed in accordance with one embodiment may include a body, an elastomeric element attached to at least one side of the body, a collet retained in the body, and a locking cap extending through the body and into a bore of the collet. The bore of the collet defines internal thread. The locking cap may have external threads that engage the internal threads of the collet. The collet may be capable of receiving a spinal rod between a pair of bone anchors, and may be capable of clamping to the spinal rod upon threaded advancement of the locking cap.

## BRIEF DESCRIPTION OF THE DRAWINGS

[0006] Several embodiments of the invention will be described in the following by way of example and with reference to the accompanying drawings in which:

[0007] Fig. 1 is a schematic side view of a dynamic stabilization system according to an embodiment of the invention;

[0008] Fig. 2 is an exploded perspective view of a dynamic stabilization system;

[0009] Fig. 3 is a front side cut away view of a bone anchor that allows translation of a spinal rod, after it has been fully assembled;

[0010] Fig. 4A is an exploded perspective view of a dynamic stabilizer according to an embodiment of the invention;

[0011] Fig. 4B is a left side cut away view of the fully assembled dynamic stabilizer shown in Fig. 4A;

[0012] Fig. 4C is a front side cut away view of the fully assembled dynamic stabilizer shown in Fig. 4A prior to being attached to the spinal rod;

[0013] Fig. 4D is a front side cut away view of the fully assembled dynamic stabilizer shown in Fig. 4A attached to the spinal rod;

[0014] Fig. 4E is a front side cut away view of the fully assembled dynamic stabilizer shown in Fig. 4A tightened to the spinal rod;

[0015] Fig. 5 is a perspective view of the dynamic stabilization system of Fig. 2 completely assembled; and

[0016] Fig. 6 is an exploded perspective view of a dynamic stabilization system according to another embodiment of the invention.

## DETAILED DESCRIPTION OF ILLUSTRATIVE EMBODIMENTS

[0017] Certain terminology is used in the following description for convenience only and is not limiting. The words "right", "left", "lower" and "upper" designate directions in the drawings to which reference is made. The words "inwardly" or "distally" and "outwardly" or "proximally" refer to directions toward and away from, respectively, the geometric center of the dynamic stabilization system and related parts thereof. The words, "anterior", "posterior", "superior," "inferior", "lateral" and related words and/or phrases designate preferred positions and orientations in the human body to which reference is made and are not meant to be limiting.

The terminology includes the above-listed words, derivatives thereof and words of similar import.

**[0018]** Fig. 1 generally shows a dynamic stabilization system 10 spanning a static fusion level 14 of a patient's spine and a non-fusion level 18 adjacent to the static fusion level 14. As shown, the dynamic stabilization system 10 includes a spinal rod 22 spanning the static fusion level 14 and the non-fusion level 18. The spinal rod 22 is secured to the spine via bone anchors, such as pedicle screw assemblies 26, 30, and 34 that are each mounted to respective vertebral bodies 38, 42, and 46. A dynamic member 50 is attached to the spinal rod 22 between pedicle screw assemblies 30, and 34. Dynamic member 50 allows the non-fusion level 18 to have some mobility while the fusion level 14 is completely immobilized.

**[0019]** The spinal rod 22 is generally a rigid elongated rod used for spinal corrective surgery and may be made from titanium, stainless steel, or other biocompatible, generally rigid materials. Spinal rod 22 may include flares 62 at each end. Flares 62 may operate as stops to limit and generally prevent over translation of spinal rod 22 with respect to the third pedicle screw assembly 34.

**[0020]** Pedicle screw assemblies 26, and 30 may be any conventional monaxial or polyaxial pedicle screw or lamina hook assemblies known in the art, and can be bottom loading (in which the bone anchor is inserted into an anchor seat through the bottom of the assembly) or top loading (in which the bone anchor is dropped down through the assembly from the top). Pedicle screw assemblies 26, and 30 are configured to lock both the angulation of the bone anchor, as well as the translation or position of spinal rod 22 with respect to the pedicle screw assemblies 26, and 30. Pedicle screw assembly 34, on the other hand, is configured to lock the angulation of the bone anchor, while allowing translation of spinal rod 22 with respect to pedicle screw assembly 34 along a direction X.

**[0021]** As shown in Fig. 2, screw assemblies 26, 30, and 34 each include an anchor portion 70, and an anchor seat 74 mounted on the anchor portion 70. Anchor portion 70 includes an elongated threaded shaft 78 for engaging the patient's vertebra, such as vertebral bodies 38, 42, and 46 shown in Fig. 1, and a head 80.

**[0022]** Anchor seat 74, which is mounted on the head 80 (best shown in Fig. 3) of anchor portion 70 includes a body 82 which may be described as a cylindrical tubular body having a longitudinal axis 86, an upper end 90 having an opening 94, and an axial bore 98 that is substantially coaxial with the longitudinal axis 86 of the body 82. The axial bore 98 extends from opening 94 to a lower opening (not shown). Body 82 also includes a substantially transverse rod-receiving channel 102 (shown as a top loading U-shaped receiving channel)

defining a pair of spaced apart arms 106, and 108. The inner surface of the spaced apart arms 106, 108 preferably include a plurality of threads 110 for engaging the cap. Contained within the axial bore 98 of body 82 is a collet 114 having a seat sized and configured to receive at least a portion of the spinal rod 22 when the spinal rod 22 is received within the rod-receiving channel 102 of body 82.

**[0023]** As best shown in Fig. 3, collet 114 includes a first or upper end 116 sized and configured to contact at least a portion of the spinal rod 22 when the spinal rod 22 is received within the rod-receiving channel 102 formed in the body 82, and a second or lower end 120 sized and configured to contact at least a portion of the head 80 of the anchor portion 70. Preferably, the upper end 116 of the collet 114 includes a seat 124 sized and configured to receive at least a portion of the spinal rod 22 when the spinal rod 22 is received within the rod-receiving channel 102 of the body 82. The lower end 120 of the collet 114 preferably includes an interior cavity 128 for receiving and securing the head 80 of the anchor portion 70, so that the anchor portion 70 can polyaxially rotate through a range of angles with respect to the collet 114 and hence with respect to the body 82.

**[0024]** Referring back to Fig. 2, each pedicle screw assembly 26, and 30 further includes a cap 132. Cap 132 is preferably an externally threaded set screw 136 for threadably engaging the threads 110 formed on the inner surface of body 82. Incorporation of a threaded screw 136 enables the set screw 136 to reduce the spinal rod 22 during tightening of the cap with respect to the body 82. It should be understood, however, that the cap 132 is not limited to a threaded set screw 136, and that other caps 132 may be used to reduce the spinal rod into the body of the pedicle screw.

**[0025]** As shown, cap 132 includes a drive surface 140 capable of being engaged by a corresponding drive tool for securing the cap 132 onto the body 82. The drive surface 140 may take on any form, including but not limited to, an external hexagon a star drive pattern, a Phillips head pattern, etc.

**[0026]** As best shown in Figs. 2 and 3, pedicle screw assembly 34 includes a two-step locking cap assembly 144 that enables the spinal rod to translate when cap assembly 144 is tightened onto body 82. Cap assembly 144 includes an outer locking screw 148, an inner set screw 152 disposed within an axial bore 156 of the outer locking screw 148, and an extension 160 that extends down from the outer locking screw 148.

**[0027]** As best shown in Fig. 3, outer locking screw 148 includes external threads 164 for threadably engaging the threads 110 formed on the inner surface of body 82. Incorporation of threads 164 enables the outer locking screw 148 to reduce the cap assembly 144, and thus the

spinal rod 22 during tightening of the cap assembly 144 with respect to the body 82. The axial bore 156 of outer locking screw 148 includes internal threads 168 for threadably engaging external threads 172 of inner set screw 152. Thus inner set screw 152 may be reduced with respect to both outer locking screw 148 and the body 82.

**[0028]** Inner set screw 152 further includes a drive surface 174 capable of being engaged by a corresponding drive tool, and a base 176 that extends from a lower end of the inner set screw 152. The drive tool may engage drive surface 174 to thereby reduce the inner set screw 152 within the outer locking screw 148. As inner set screw 152 is reduced, base 176 will contact spinal rod 22 thereby preventing translation of spinal rod 22 with respect to pedicle screw assembly 34. It should be understood that the drive surface 174 may take on any form, including but not limited to, an external hexagon a star drive pattern, a Phillips head pattern, etc.

**[0029]** Extension 160 extends down from outer locking screw 148 and includes two legs 180 that define a U-shaped channel 184 for receiving the spinal rod 22. As shown in Fig. 3, when legs 180 contact collet 114, channel 184 defines a space 188 between spinal rod 22 and an internal surface 192 of legs 180. The space 188 should be large enough to allow spinal rod 22 to translate within channel 184 with respect to the pedicle screw 34.

**[0030]** In operation, and in continuing reference to Fig. 3, the head 80 of the anchor portion 70 is inserted into the collet 114, e.g., by placing the anchor seat 74 and collet 114 over the head of a previously implanted anchor portion 70 and applying a downward pressure that forces the head 80 of the anchor portion 70 to pop into the collet 114. Alternatively, pedicle screw assembly 34, including the anchor portion 70, may be preassembled prior to the implantation of the anchor portion 70 into bone. To lock the angulation of the anchor portion 70 with respect to the anchor seat 74, the outer locking screw 148 is reduced along longitudinal axis 86, e.g., preferably using a driver instrument, with respect to the anchor seat 74 via the mating of the external threads 164 of the outer locking screw 148 and the internal threads 124 of the anchor seat 74. As the outer locking screw 148 is reduced within the anchor seat 74, the outer locking screw extension 160 engages and applies a downward force to the top of the collet 114, the result of which causes the exterior surface of the collet 114 to interact with the interior surface of the anchor seat 74, resulting in the collapsing of the collet 114 around the head 80 of the anchor portion 70 and the locking of the polyaxial angular freedom of the anchor portion 70 with respect to the anchor seat 74, or vice versa. In such a configuration, the angular freedom of the anchor portion 70 and anchor seat 74 are locked while the translational freedom of the rod 22 is permitted. The translational freedom of the spinal rod 22 with respect to the pedicle screw assembly 34 can be locked by advancing the inner set screw 152 with respect to the outer locking

screw 148, e.g., preferably by using a driver instrument, to cause the base 176 of the inner set screw 152 to bear down against the top of the rod 22 and clamp the rod 22 between the base 176 of the inner set screw 152 and the top of the collet 114. The pedicle screw assembly 34 can also be used in lieu of the pedicle screw assemblies 26, and 30, a configuration which allows a surgeon to pick and choose which pedicle screw assemblies 26, 30, and 34 to allow translational freedom of the spinal rod 22 with respect to and which pedicle screw assemblies 26, 30, and 34 to lock the translational freedom of the spinal rod 22 with respect to. Such a scenario can be beneficial in a revision situation in which a surgeon can make the dynamic level rigid by simply creating a small incision and tightening the inner setscrew 152.

**[0031]** Alternatively, the outer locking screw extension 160 can be replaced by an upwardly extending collet extension, to serve the same purpose of locking the angulation of the anchor portion 70 while allowing translational freedom of the spinal rod 22. The outer locking screw extension 160 can also be replaced by an intermediate member that serves the same functionality, as would be apparent to one having ordinary skill in the art.

**[0032]** As shown in Figs. 4A-4E, dynamic member 50 includes an elongated body 200, a collet 204 received within the body 200, and a set screw 208 extending into an axial bore 212 of the body 200. The body 200 generally includes a cavity 216 that opens up into a channel 218. The channel 218 is generally defined by two legs 220 that extend down from a top 224 of the body 200. The channel 216 is open at its bottom and extends through the body 200 along the same axis as the rod-receiving channels 102 of the pedicle screw assemblies. The legs 220 each include a taper 228 at their distal ends and have internal surfaces 230 that interface with the collet 204. The axial bore 212 extends through the top 224 of the body 200 and into an axial bore 236 of the collet 204 which is contained within the cavity 216 of the body 200.

**[0033]** Collet 204 includes an elongated body 240 having a rod-receiving channel 244 defined by two downwardly extending legs 248. The channel 244 extends along the same axis as the rod-receiving channels 102 of the pedicle screw assemblies. Channel 244 is cylindrical and includes an opening 250 at its bottom. As shown in Fig. 4C, opening 250 is wider than the diameter of rod 22 before the member 50 is placed onto rod 22. Conversely, opening 250 is smaller than the diameter of rod 22, once member 50 has been tightened onto the rod 22, as shown in Fig. 4E. This is possible due to the interaction between the body 200 and the collet 204. It should be understood that the opening 250 may be smaller than the rod 22 before the member is placed onto the rod 22. In such an embodiment the member may snap onto the rod 22.

**[0034]** For example, as shown in Figs. 4C-4E, legs 248 of collet 204 each include an end portion 252 that gradually widens as the legs 248 extend distally. An outer surface 256 of



each end portion 252 interfaces with a respective inner surface 230 of the legs 220 of body 200. As the collet 204 is brought further into the cavity 216 of body 200, the outer surfaces 256 of legs 248 begin to abut the inner surfaces 230 of the legs 220 of body 200. With further advancement of the collet 204 into the cavity 216, the legs 248 of the collet close around the rod 22, thereby tightening the member 50 to the rod 22. Member 50 is prevented from falling off of rod 22 because the opening 250 of the channel 244 is smaller than the diameter of the rod 22 once the collet 204 is fully advanced into the cavity 216.

**[0035]** Collet 204 is capable of being pulled into the cavity 216 because set screw 208 includes external threads 260 that engage internal threads 264 of the axial bore 236 of collet 204. Thus, as set screw 208 is rotated, collet 204 is pulled into cavity 216 of body 200. Alternatively, an externally threaded portion of the collet 204 can protrude above the body 200 and can be locked via a nut instead of the set screw 208. It should be understood that any locking cap may be used for tightening the member 50 to the spinal rod 22.

**[0036]** Member 50 further includes a stop member such as elastomeric element 270 that is attached to at least one side surface of the body 200. Elastomeric element 270 can assume a range of structures, geometries, and stiffnesses and may be constructed of nearly any biocompatible material having generally elastic or flexible properties. For example, elastomeric element 270 may be made from a PCU or PEU material that is over molded onto the body 200.

**[0037]** As shown in Figs. 4A and 4B, elastomeric element 270 defines a rod-receiving channel 274 that extends into the rod receiving channel 244 of the collet 204. As shown, channel 274 is generally U-shaped, defining opposing legs 278. Elastomeric element 270 can serve as a bumper between the member 50 and the pedicle screw assembly 34. For example, as rod 22 is translated through pedicle screw assembly 34, translation will halt once elastomeric element 270 contacts pedicle screw assembly 34. Thus, member 50 may be positioned on rod 22 so as to limit translation of rod 22 with respect to pedicle screw assembly 34 to a desired length. It should be understood that elastomeric element 270 may be coupled to both side surfaces of body 200 to dampen motion of rod 22 relative to both pedicle screw assemblies 30 and 34. The member 50 can also be utilized in direct conjunction with an interbody fusion implant to provide load-sharing on the interbody device.

**[0038]** In operation, and in reference to Fig. 5, a spinal rod and screw construct is assembled that spans both a fusion level and a non-fusion level using a spinal rod 22 and the pedicle screw assemblies 26, 30, and 34. At least one of the pedicle screw assemblies 26, 30, and 34 includes the two-step locking cap assembly 144, such as pedicle screw assembly 34, so that the spinal rod 22 is permitted to translate with respect to the pedicle screw assembly 34

while the angulation of the anchor portion 70 with respect to the pedicle screw assembly 34 is lockable as a result of the advancement of the outer locking screw 148 to cause the outer locking screw extension 160 to bear against the top of the collet 114 and cause the collet 114 to collapse around the head of anchor portion 70 while retaining the inner set screw 152 in a non-advanced state. A rigid construct characterizes the static fusion level, which may be a level in which an interbody spacer is positioned in the disc space and fusion is desired, while a dynamic construct characterizes the adjacent non-fusion level, where it is desirable to or reduce the occurrence adjacent level disease. The optional flare 62 of the rod 22 assists in preventing over translation of the spinal rod 22 with respect to pedicle screw assembly 34. The dynamic member 50 is preferably mounted to the spinal rod 22 adjacent the non-fusion level between the pedicle screw assemblies 30, and 34 by placing the member 50 over the spinal rod 22 and applying a downward force, which causes the collet 204 to expand and accept the spinal rod 22 in the channel 244 of the collet 204. The set screw 208 is advanced with respect to the body 200 and interacts with the threads on the collet 204, thereby causing the collet 204 to advance upwards with respect to the body 200, further causing the taper 228 of the legs of the body 200 to interact with the wider end portions 252 of the legs of the collet 204 and thereby force the distal portion of the collet 204 to collapse around the spinal rod 22 to lock the dynamic member 50 to the spinal rod 22. The elastomeric element 270 preferably serves as a bumper to one or both of the pedicle screw assemblies 30, and 34 during translation of the rod 22 with respect to pedicle screw assemblies 30, and 34. As shown, in Fig. 5, translation of rod 22 is limited to a distance T that is defined between elastomeric element 270 of member 50 and flare 62 of rod 22.

**[0039]** As a result of the inclusion of the two-step locking cap 144, any previously implanted pedicle screw and rod construct can be quickly adapted to provide dynamic stabilization to any desired level by loosening the inner set screw 152 to allow translational freedom of the spinal rod 22 with respect to any previously implanted pedicle screw assembly. The dynamic member 50 snaps over the rod 22 between any desired pair of pedicle screw assemblies 26, 30, and 34 to serve as a bumper and to limit overextension of the rod 22 with respect to any chosen pedicle screw assembly 26, 30, and 34. The dynamic member 50 can be provided in a range of sizes and can be coupled to any portion of the rod 22.

**[0040]** Fig. 6 shows another embodiment of the dynamic stabilization system 10. As shown, rod 22 may include a first portion 300, and a second portion 304 that is separate from the first portion 300. First portion 300 is configured to extend into body 200 of member 50 and is adapted to be connected to member 50 as described above. Second portion 304 extends from elastomeric portion 270 and is preferably integral therewith. For example, elastomeric portion

270 may be overmolded both body 200 and second portion 304. By having second portion 304 separate from first portion 300, rod 22 may not only be capable of translating with respect to pedicle screw assembly 34, but it also may be capable of flexing in all radial directions with respect to elastomeric element 270. Therefore, a patient will have additional mobility through the non-fusion level 18, as compared to a system having a single spinal rod 22, while the fusion level 14 is completely immobilized.

**[0041]** It will be appreciated by those skilled in the art that changes could be made to the embodiment described above without departing from the broad inventive concept thereof. It is understood, therefore, that this invention is not limited to the particular embodiment disclosed, but it is intended to cover modifications within the spirit and scope of the present invention as defined by the present description.

## What is Claimed:

1. A dynamic stabilization system comprising:
  - an elongated spinal rod;
  - at least two bone anchors attached to the elongated rod, wherein at least one of the bone anchors allows translation of the spinal rod with respect to the at least one bone anchor;
  - a dynamic member comprising a body and a stop member coupled to at least one side of the body, the body capable of being attached to the elongated spinal rod between the two bone anchors.
2. The dynamic stabilization system of claim 1, wherein the elongated spinal rod comprises a first portion and a second portion that is separate from the first portion.
3. The dynamic stabilization system of claim 2, wherein (i) the first portion of the spinal rod is attached to the body of the dynamic member, and the second portion of the spinal rod is attached to the stop member, and (ii) the stop member is capable of flexing to thereby enable radial movement of the second portion of the spinal rod.
4. The dynamic stabilization system of claim 3, wherein the stop member is over-molded onto the second portion of the spinal rod.
5. The dynamic stabilization system of claim 1, wherein at least one end of the spinal rod includes a flange.
6. The dynamic stabilization system of claim 1, wherein (i) the dynamic member further comprises a collet retained within the body, and a locking cap that extends through the body and into a bore defined by the collet, (ii) the bore of the collet has internal threads, (iii) the locking cap has external threads that engage the internal threads of the collet, (iv) the spinal rod extends through the collet, and (v) actuation of the locking cap tightens the collet around the spinal rod.
7. The dynamic stabilization system of claim 6, wherein (i) the body includes a first taper at its distal end, and the collet includes an end portion at its distal end, (ii) the end portion widens as it extends distally, and (iii) interaction between the first taper and the widened end portion causes the collet to clamp against the spinal rod.

8. The dynamic stabilization system of claim 1, wherein (i) the bone anchor that allows translation of the spinal rod comprises an anchor seat having a collet and an outer locking screw retained within the anchor seat, (ii) the collet and outer locking screw together define a bore for receiving the spinal rod, (iii) the outer locking screw is capable of being moved to a fully engaged position in which the outer locking screw abuts the collet, and (iv) when the outer locking screw is in its fully engaged position, a space remains between the outer locking screw and the spinal rod.
9. The dynamic stabilization system of claim 8, wherein (i) the bone anchor that allows translation of the spinal rod, further comprises a set screw that engages a second bore defined by the outer locking screw, and (ii) the set screw is capable of engaging the spinal rod to thereby prevent translation of the spinal rod.
10. The dynamic stabilization system of claim 1, wherein the bone anchors are pedicle screws.
11. The dynamic stabilization system of claim 1, wherein the stop member is an elastomeric element.
12. A dynamic stabilization member comprising:  
a body;  
a stop member attached to at least one side of the body, the stop member being configured to abut a bone anchor;  
a collet retained in the body, the collet having threads; and  
a locking cap having threads that engage the threads of the collet,  
wherein (i) the collet is capable of receiving a spinal rod between a pair of bone anchors, and (ii) the collet is capable of clamping to the spinal rod upon threaded advancement of the locking cap.
13. The dynamic stabilization member of claim 12, wherein the stop member is over-molded onto a portion of the spinal rod.
14. The dynamic stabilization member of claim 12, wherein (i) the body includes a first taper at its distal end, and the collet includes an end portion at its distal end, (ii) the end portion widens

as it extends distally, and (iii) interaction between the first taper and the widened end portion causes the collet to clamp against the spinal rod.

15. The dynamic stabilization member of claim 12, wherein the collet comprises two legs that define a channel capable of receiving the spinal rod.

16. The dynamic stabilization member of claim 15, wherein (i) the channel includes an open bottom, (ii) the open bottom is wider than a diameter of the spinal rod when the member is separate from the spinal rod, and (iii) the open bottom is narrower than the diameter of the spinal rod when the member is tightened to the spinal rod.

17. The dynamic stabilization member of claim 12, wherein (i) the collet has a bore that defines internal threads, and (ii) the locking cap is a set screw that extends through the body and into the bore of the collet, the set screw having external threads that engage the internal threads of the collet.

18. The dynamic stabilization member of claim 12, wherein the stop member is an elastomeric element.

19. A method of stabilizing vertebrae, the method comprising:  
attaching a first bone anchor to a first vertebrae,  
attaching a second bone anchor to a second vertebrae;  
attaching a spinal rod to the bone anchors, such that the spinal rod is tightly attached to the first anchor, and translatable with respect to the second bone anchor; and  
attaching a stabilization member to the spinal rod between the first and second bone anchors, the stabilization member having a stop member attached to at least one of its sides, such that the stop member is capable of abutting the second bone anchor.

20. The method of claim 19, wherein the spinal rod includes a first portion and a second portion that is separate from the first portion.

21. The method of claim 20, wherein the stop member is over-molded onto the second portion of the spinal rod such that the second portion of the spinal rod is capable of radial movement.

22. The method of claim 19, wherein the spinal rod includes a flange that is capable of abutting the second bone anchor.

23. The method of claim 19, further comprising tightening a set screw of the second bone anchor to tightly attach the spinal rod to the second bone anchor.

24. The method of claim 19, further comprising attaching a third bone anchor to a third vertebrae, wherein the spinal rod is tightly attached to the third bone anchor.

25. The method of claim 19, wherein the stop member is an elastomeric element.

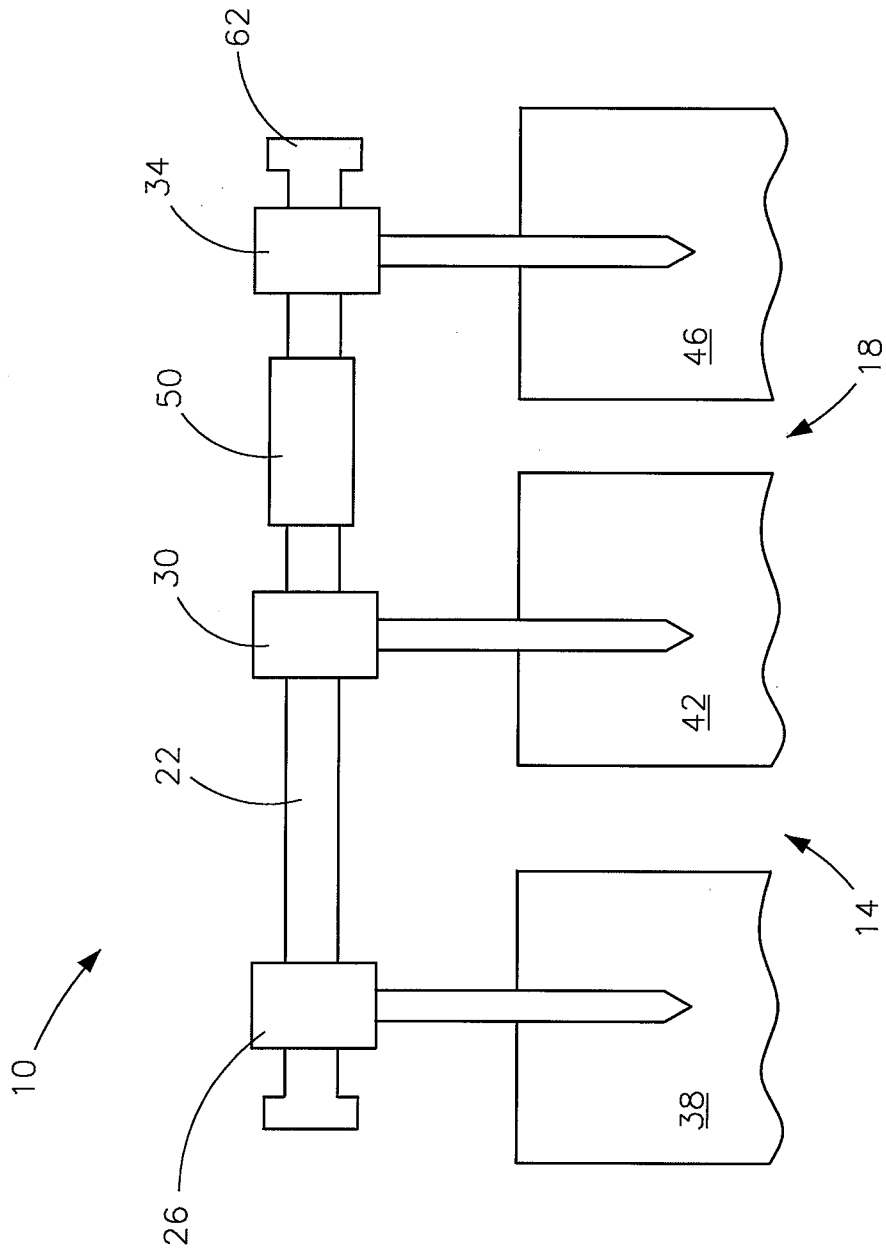


Fig. 1



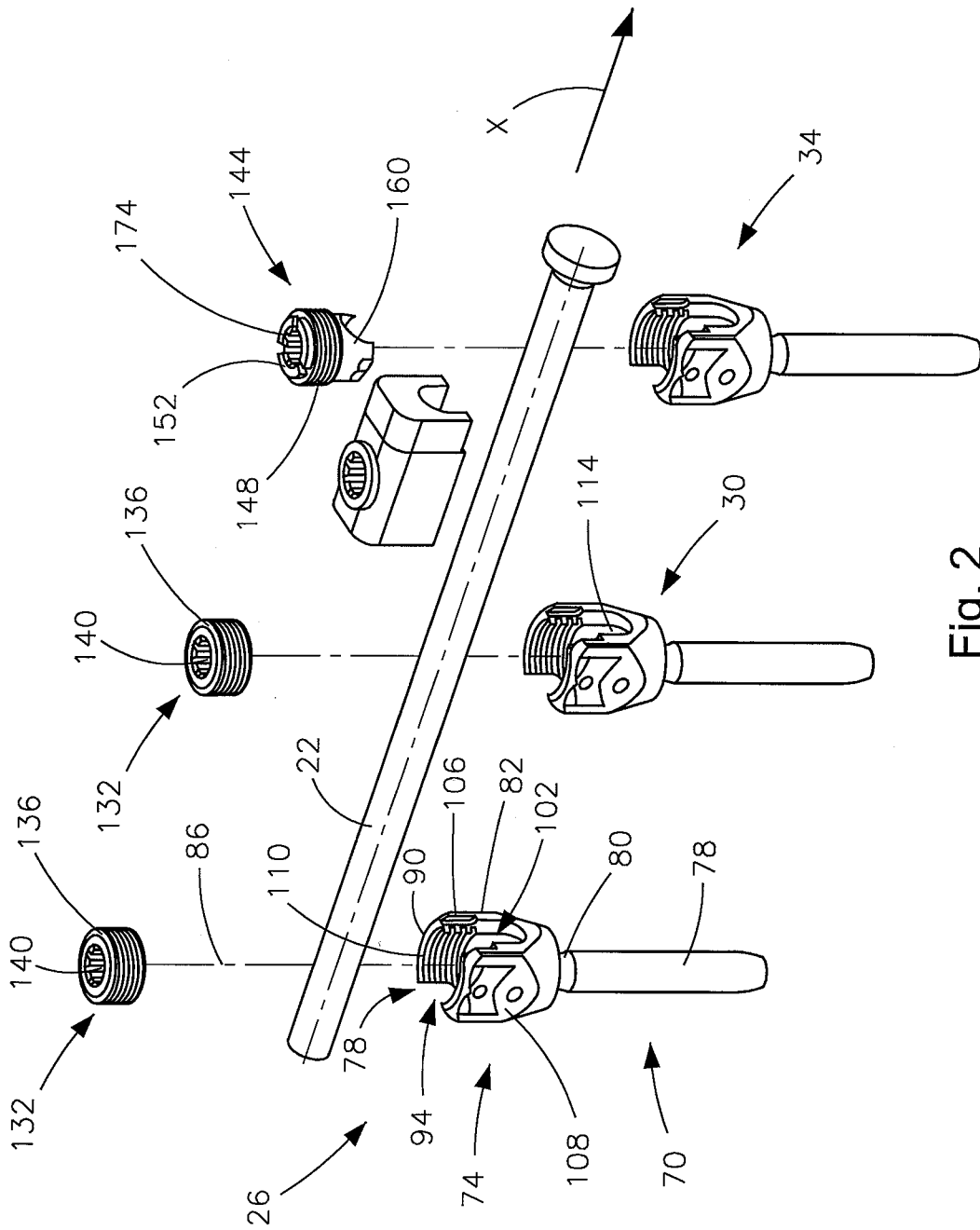


Fig. 2

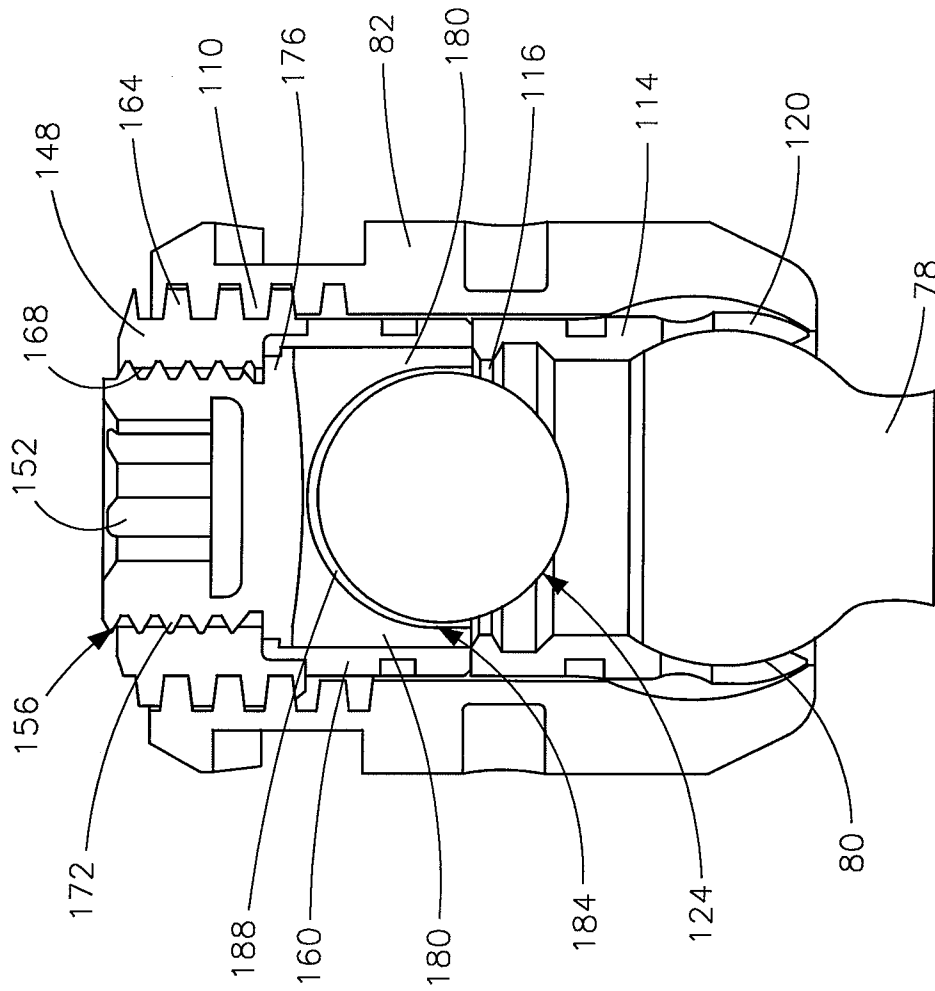


Fig. 3

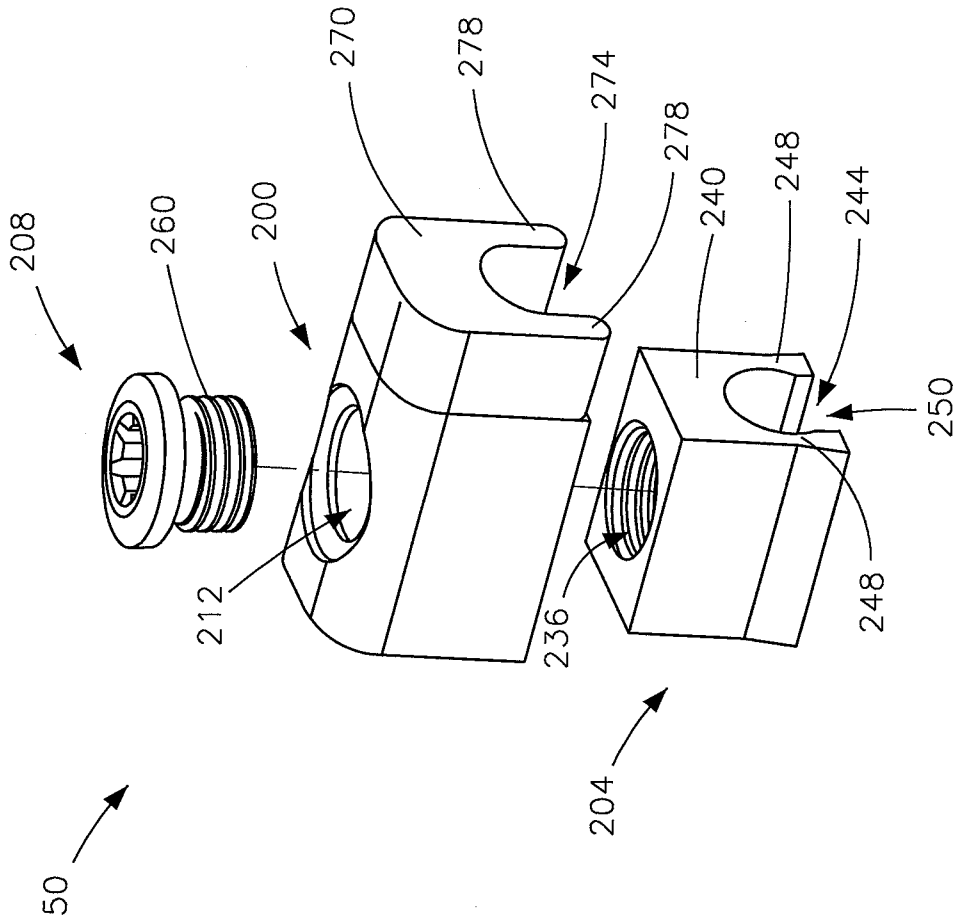


Fig. 4A

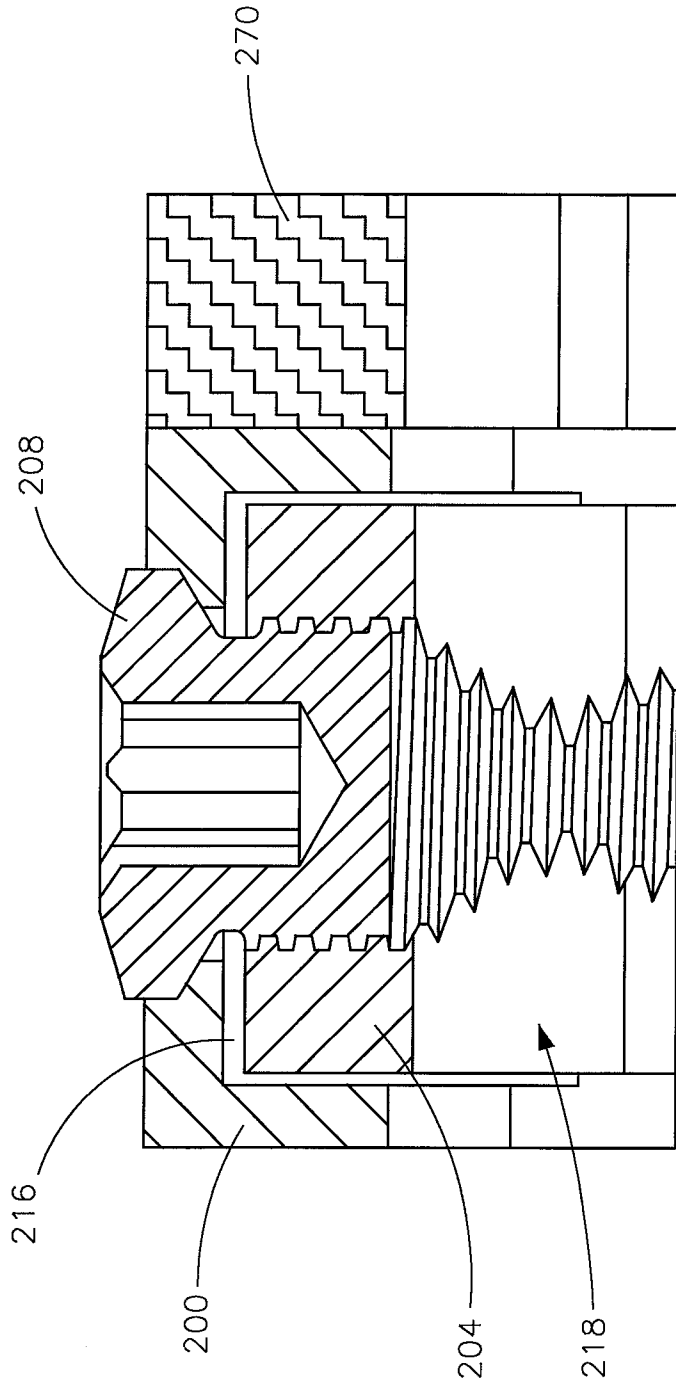


Fig. 4B

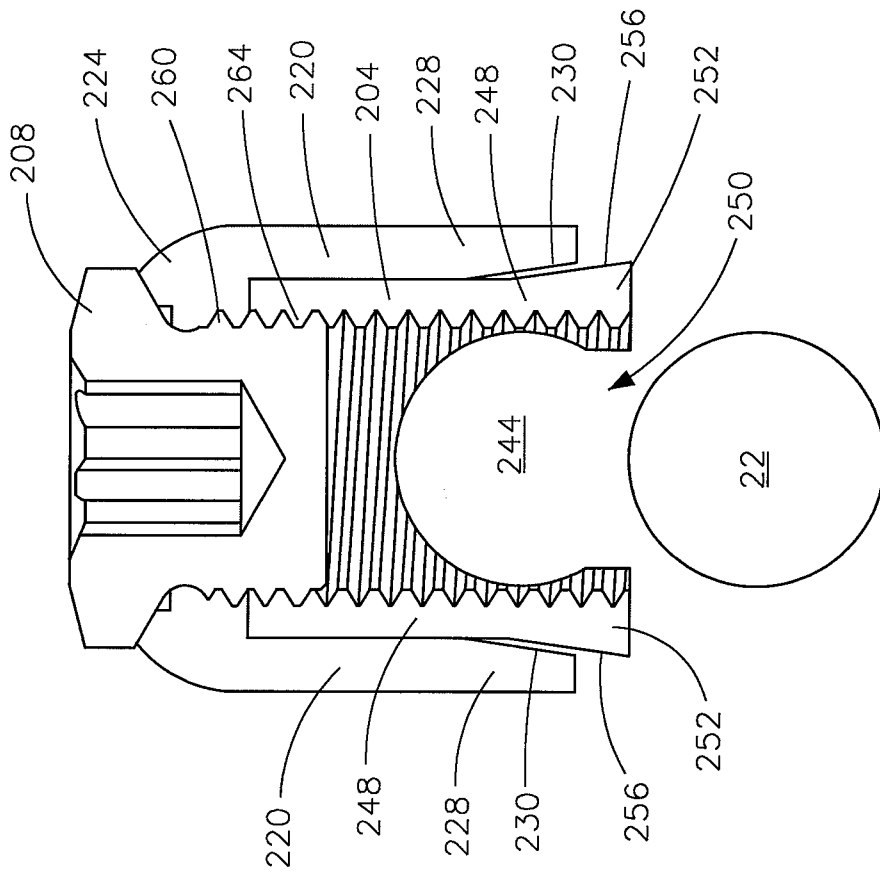


Fig. 4C

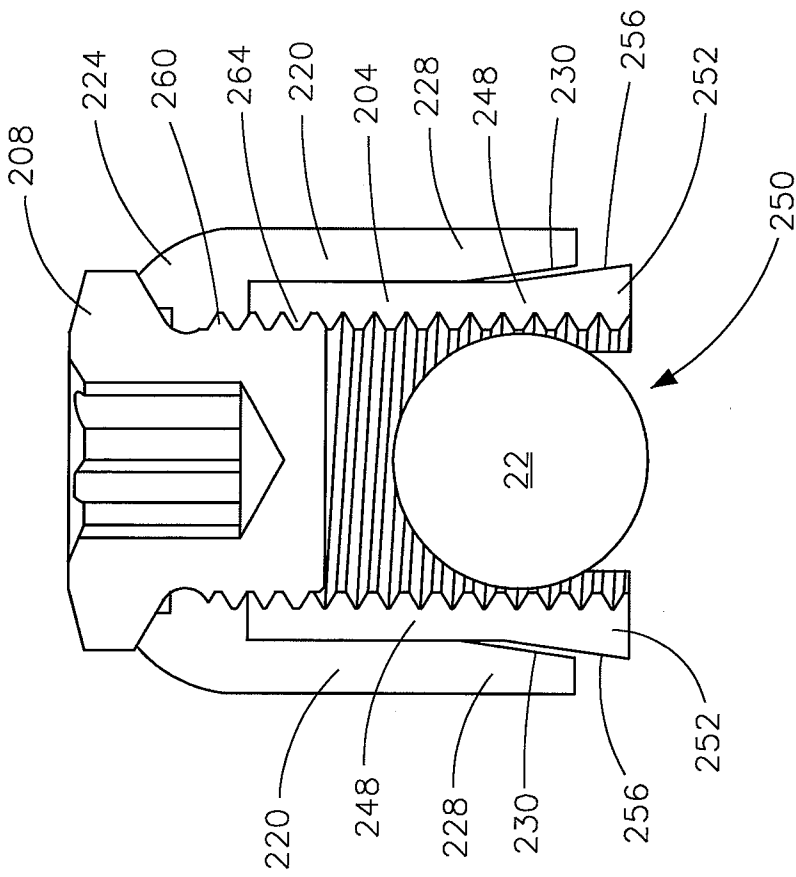


Fig. 4D

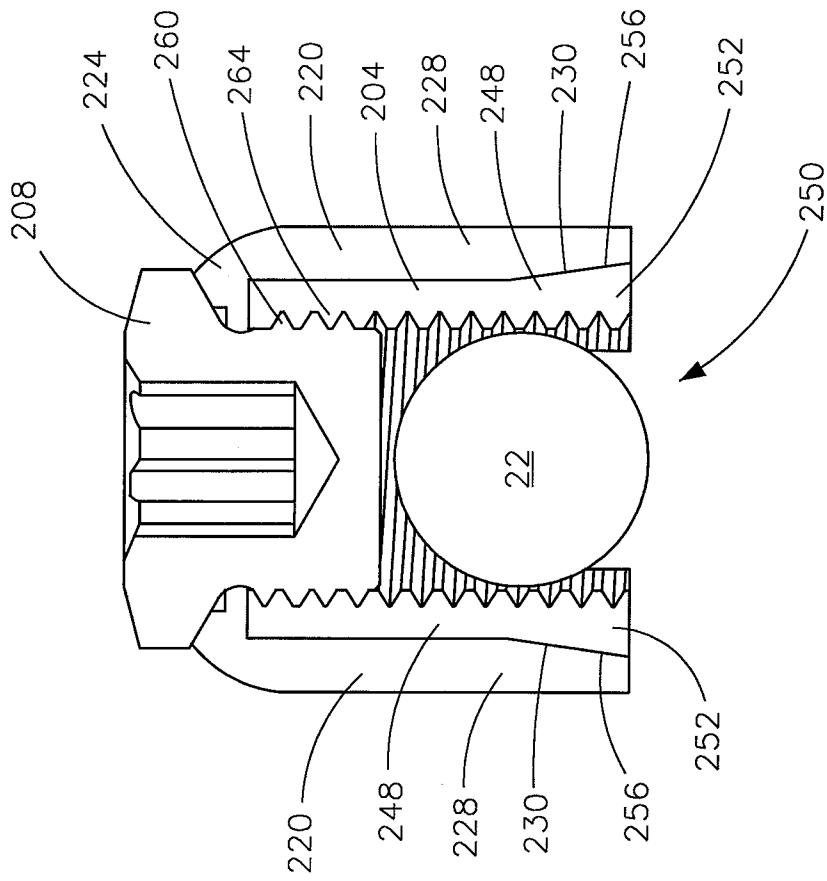


Fig. 4E

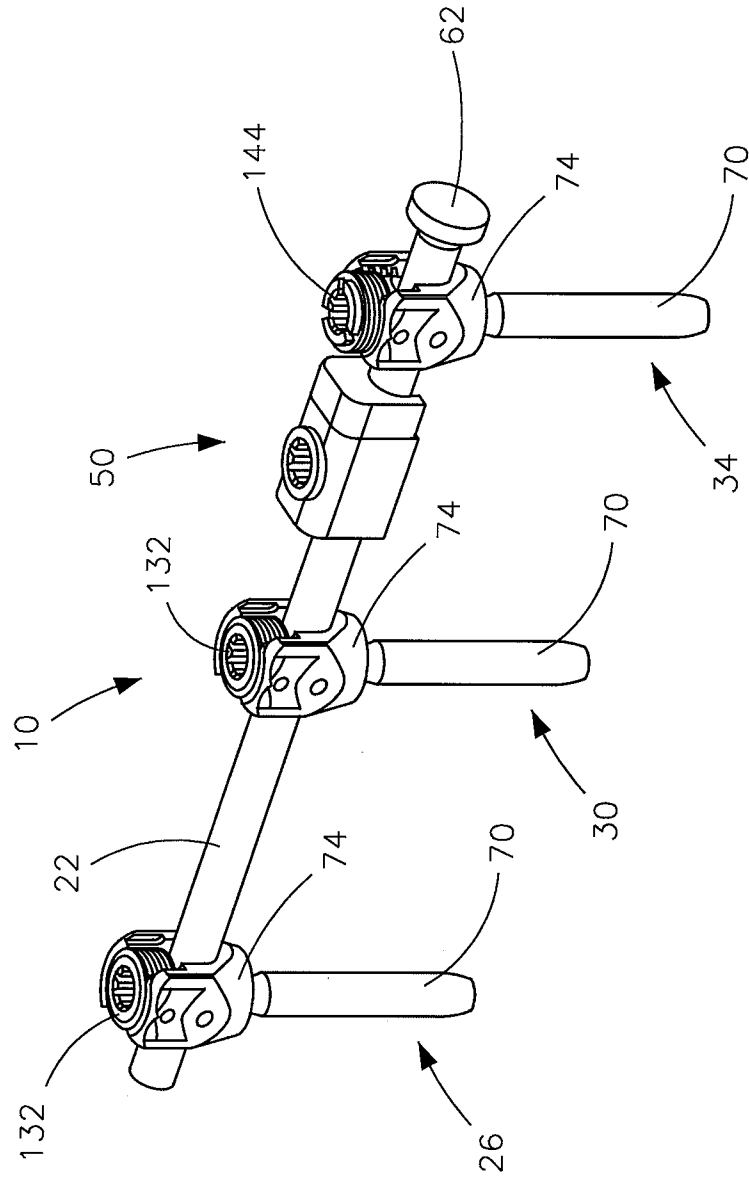


Fig. 5



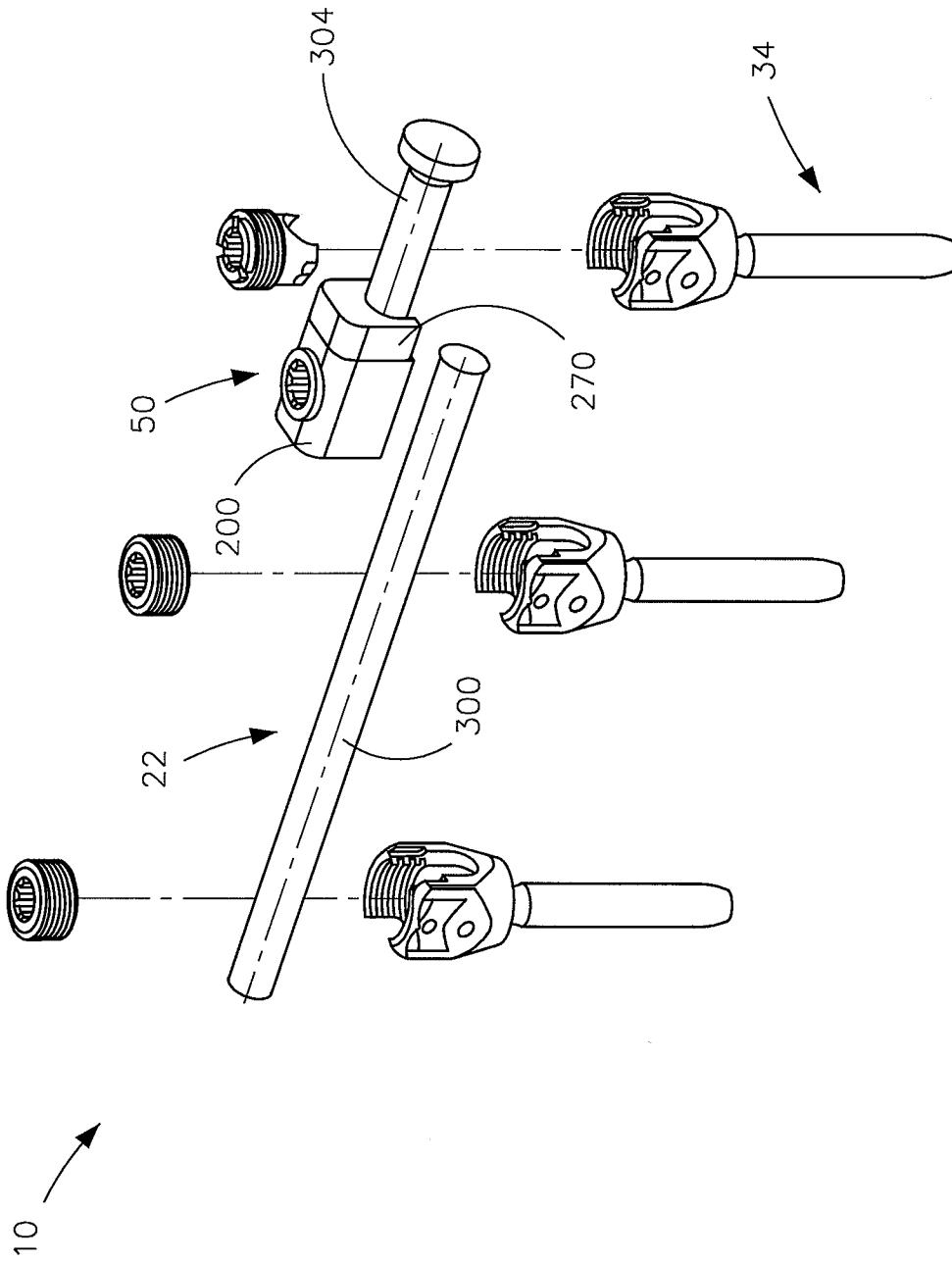


Fig. 6

## INTERNATIONAL SEARCH REPORT

International application No

PCT/US2009/068464

<b>A. CLASSIFICATION OF SUBJECT MATTER</b> INV. A61B17/70		
According to International Patent Classification (IPC) or to both national classification and IPC		
<b>B. FIELDS SEARCHED</b>		
Minimum documentation searched (classification system followed by classification symbols) A61B		
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		
<b>C. DOCUMENTS CONSIDERED TO BE RELEVANT</b>		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2008/065079 A1 (BRUNEAU AURELIEN [US] ET AL) 13 March 2008 (2008-03-13) paragraph [0021]; figure 1	1,5,8-11
Y	paragraph [0044]; figure 7A paragraph [0058]; figure 9	2-4
Y	US 2008/195154 A1 (BROWN STEVEN [US] ET AL) 14 August 2008 (2008-08-14) paragraph [0033] - paragraph [0038]; figures 2,3	2-4
A	US 2006/241594 A1 (MCCARTHY RICHARD [US] ET AL) 26 October 2006 (2006-10-26) paragraph [0021] - paragraph [0022]; figures 1,2 paragraph [0028] - paragraph [0030]; figures 3,4 paragraph [0035] - paragraph [0036]; figures 5,6	1
<input type="checkbox"/> Further documents are listed in the continuation of Box C. <input checked="" type="checkbox"/> 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	"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	
"E" earlier document but published on or after the international filing date	"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	
"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)	"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.	
"O" document referring to an oral disclosure, use, exhibition or other means	"&" document member of the same patent family	
"P" document published prior to the international filing date but later than the priority date claimed		
Date of the actual completion of the international search  17 February 2010	Date of mailing of the international search report  14/04/2010	
Name and mailing address of the ISA/ European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Fax: (+31-70) 340-3016	Authorized officer  Ducreau, Francis	

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US2009/068464

## 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.: 19-25  
because they relate to subject matter not required to be searched by this Authority, namely:  
Rule 39.1(iv) PCT - Method for treatment of the human or animal body by surgery
2.  Claims Nos.: 19-25  
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 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:

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 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.:

see annex

### 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.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.1

Claims Nos.: 19-25

Rule 39.1(iv) PCT - Method for treatment of the human or animal body by surgery

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Continuation of Box II.2

Claims Nos.: 19-25

Rule 39.1(iv) PCT - Method for treatment of the human or animal body by surgery

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, 8.2), should the problems which led to the Article 17(2)PCT 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: 1-11

A dynamic stabilization system with an elongated spinal rod,  
at least two bone anchors and a dynamic member  
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2. claims: 12-18

A dynamic stabilization member with a body, a stop member, a  
collet and a locking cap  
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# INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No PCT/US2009/068464
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Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2008065079 A1	13-03-2008	NONE	
US 2008195154 A1	14-08-2008	WO 2009128843 A1	22-10-2009
US 2006241594 A1	26-10-2006	AU 2006235095 A1	19-10-2006
		CA 2602953 A1	19-10-2006
		EP 1871252 A1	02-01-2008
		JP 2008535574 T	04-09-2008
		WO 2006110463 A1	19-10-2006