

(19) World Intellectual Property
Organization
International Bureau



(43) International Publication Date
18 March 2004 (18.03.2004)

PCT

(10) International Publication Number
WO 2004/021939 A3

(51) International Patent Classification⁷: A61F 9/013,
A61B 3/10

(21) International Application Number:
PCT/US2003/028169

(22) International Filing Date:
9 September 2003 (09.09.2003)

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data:
60/409,523 9 September 2002 (09.09.2002) US

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(81) Designated States (national): AE, AG, AL, AM, AT, AU,
AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU,
CZ, DE, DK, DM, DZ, EC, EE, EG, ES, FI, GB, GD, GE,

GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR,
KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK,
MN, MW, MX, MZ, NI, NO, NZ, OM, PG, PH, PL, PT,
RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR,
TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW.

(84) Designated States (regional): ARIPO patent (GH, GM,
KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW),
Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM),
European patent (AT, BE, BG, CH, CY, CZ, DE, DK, EE,
ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, RO,
SE, SI, SK, TR), OAPI patent (BF, BJ, CF, CG, CI, CM,
GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

Declaration under Rule 4.17:

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

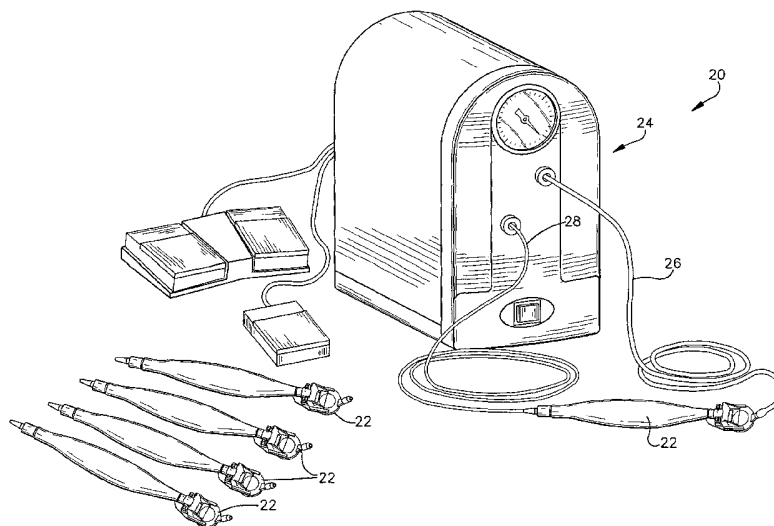
Published:

— 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

(88) Date of publication of the international search report:
3 March 2005

[Continued on next page]

(54) Title: OPHTHALMIC SURGICAL SYSTEM



(57) Abstract: A system (20) for making a consistent and uniformly thick resection of the cornea includes a plurality of microkeratomes (22) individually and interchangeably connectable to a controller (24). Each microkeratome (22) has a base that mounts on an eye, a cutting blade that having a cutting edge and an applanator spaced above the cutting edge of the cutting blade. The base has an aperture for receiving an eye therethrough. The microkeratomes (22) have a different size apertures or different blade gap distances between the cutting edge and a bottom of the applanator. The microkeratome (22) is mostly made of plastic, which allows the microkeratome to be used when wet, improving the operation of the microkeratome.

WO 2004/021939 A3



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

PCT/US 03/28169

A. CLASSIFICATION OF SUBJECT MATTER
 IPC 7 A61F9/013 A61B3/10

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 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

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 02/17834 A (DYBBS ALEXANDER) 7 March 2002 (2002-03-07) page 16, line 19 - line 26; claims 1,15-20; figures page 9, line 8 - line 20 -----	1,2,7,8
A	US 6 254 619 B1 (GARABET ANTOINE ET AL) 3 July 2001 (2001-07-03) column 8, line 59 - column 9, line 34; claims 1,14; figures -----	1
A	US 6 126 668 A (GRADOV IGOR ET AL) 3 October 2000 (2000-10-03) claims; figures -----	1
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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

29 December 2004

Date of mailing of the international search report

13. 01. 2005

Name and mailing address of the ISA

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INTERNATIONAL SEARCH REPORT

PCT/US 03/28169

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 1 147 754 A (NOVOSALUD S L) 24 October 2001 (2001-10-24) paragraph '0015!; claims 1,2; figures	9-11
A	-----	12
A	US 4 517 747 A (MORIN J DONALD) 21 May 1985 (1985-05-21) abstract; figures	20,22
A	----- US 4 490 022 A (REYNOLDS ALVIN E) 25 December 1984 (1984-12-25) column 2, line 45 - column 3, line 12; figures -----	20

INTERNATIONAL SEARCH REPORT

PCT/US 03/28169

Box I Observations where certain claims were found unsearchable (Continuation of item 1 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.: 15-19
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.:
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 II Observations where unity of invention is lacking (Continuation of item 2 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.:

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 I.1

Claims Nos.: 15-19

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

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

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

1. claims: 1-8

A system for ophthalmic surgery comprising a plurality of microkeratomes individually connectable to a controller wherein each microkeratome has a base, a cutting blade, and an applanator and each microkeratome has a different size aperture or blade gap.

(Problem: the use of an individual microkeratome according to the needs of the patient connectable to a single controller)

2. claims: 9-14

A method of preparing a microkeratome by wetting the microkeratome with a liquid prior to surgery.

(Problem: to improve the seal against the eye during eye surgery)

3. claims: 20-23

Method for selecting an optimum microkeratome by determining the steepness of the corneal curve and selecting a microkeratome with a specific aperture size.

(Problem: method for selecting an optimum microkeratome)

INTERNATIONAL SEARCH REPORT

PCT/US 03/28169

Patent document cited in search report		Publication date	Patent family member(s)		Publication date
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