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- 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:** INTERVERTEBRAL IMPLANT

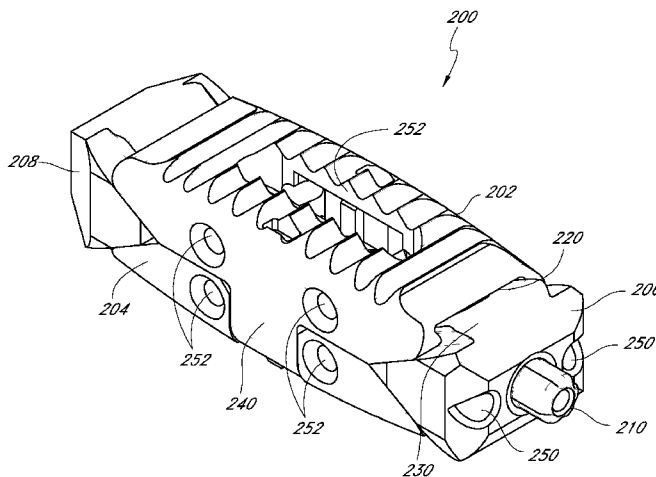


FIG. 16A

(57) **Abstract:** An adjustable spinal fusion intervertebral implant (10) is provided that can comprise upper and lower body portions (14), (16) that can each have proximal and distal wedge surfaces (18). (20) and (70), (72) disposed at proximal and distal ends (22), (24) and (74), (76) thereof. A pin (30) disposed intermediate the upper and lower body portions (14), (16) can be actuated to cause proximal and distal protrusions (68), (80) to converge towards each other and contact the respective ones of the proximal and distal wedge surfaces (18), (20) and (70), (72). Such contact can thereby transfer the longitudinal movement of the proximal and distal protrusions (68), (80) against the proximal and distal wedge surfaces (18). (20) and (70), (72) to cause the separation of the upper and lower body portions (14), (16), thereby expanding the intervertebral implant (10).

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INTERNATIONAL SEARCH REPORT

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A CLASSIFICATION OF SUBJECT MATTER  
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**USPC - 623/17.16, 623/17.11**  
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)  
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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 practicable, search terms used)  
MicroPatent

C DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No
X	US 2005/0278026 A1 (GORDON et al) 15 December 2005 (15 12 2005) entire document	1-23, 27-31
Y		24-26
Y	US 5,893,889 A (HARRINGTON) 13 April 1999 (13 04 1999) entire document	24-26

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 17 June 2008	Date of mailing of the international search report <b>07 JUL 2008</b>
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Name and mailing address of the ISA/AJ Mail Stop PCT, Attn ISA/US, Commissioner for Patents P O Box 1450, Alexandria, Virginia 22313-1450 Facsimile No 571-273-3201	Authorized officer Blaine R Copenheaver PCT Helpdesk 571-272-4300 PCT OSP 571-272 7774
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**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 **D** **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. HI 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

**Group I, claims 1-31, drawn to an adjustable spinal fusion intervertebral implant comprising a wedge member and upper and lower body portions**

**Group II, claims 32-36, drawn to an implantation tool comprising a handle section comprising a fixed section and first and second rotatable members**

- 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  
1-31

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