

(19) World Intellectual Property
Organization
International Bureau



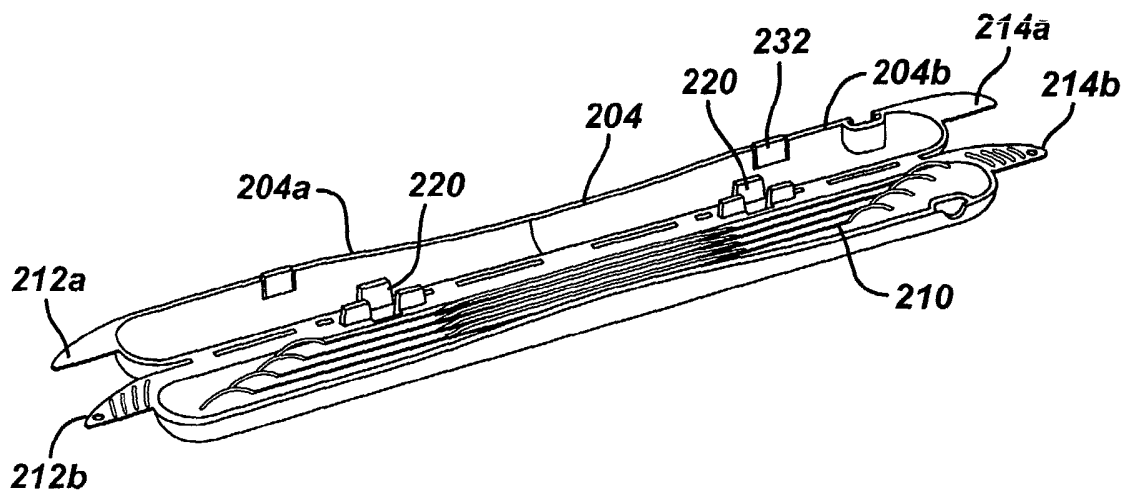
(43) International Publication Date
9 October 2003 (09.10.2003)

PCT

(10) International Publication Number
WO 2003/082373 A3

- (51) International Patent Classification⁷: **A61B 17/04**
- (21) International Application Number:
PCT/US2003/009297
- (22) International Filing Date: 26 March 2003 (26.03.2003)
- (25) Filing Language: English
- (26) Publication Language: English
- (30) Priority Data:
60/367,900 26 March 2002 (26.03.2002) US
- (71) Applicant: **ETHICON, INC.** [US/US]; U.S. Route #22,
Somerville, NJ 08876-0151 (US).
- (72) Inventors: **RUDNICK, James, J.**; 11 Clearwater Court,
Mahwah, NJ 07430 (US). **CIARROCCA, Scott**; 4 Myers
Lane, Stockton, NJ 08559 (US). **TANNHAUSER, Robert,
J.**; 265 Holland Court, Bridgewater, NJ 08807 (US). **COL-
LIER, John, P.**; 884 Pueblo Drive, Franklin Lakes, NJ
07417 (US).
- (74) Agents: **JOHNSON, Philip, S.** et al.; Johnson & Johnson,
1 Johnson & Johnson Plaza, New Brunswick, NJ 08933
(US).
- (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, 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, NO, NZ, OM, PH, PL, PT, RO, RU, SC, SD, SE,
SG, SK, SL, TJ, TM, TN, TR, TT, TZ, UA, UG, 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).
- Published:**
— with international search report
- (88) Date of publication of the international search report:
24 June 2004
- 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.*

(54) Title: SURGICAL ELEMENT DELIVERY SYSTEM AND METHOD



(57) Abstract: A surgical element carrier and method for use is provided, wherein the surgical element carrier includes a housing (206) dimensioned to contain therein a plurality of surgical elements (210), and dimensioned for insertion through a surgical port used in minimally invasive surgeries. The housing further includes a first housing portion (204b) and a second housing portion (204a) movable relative to the first housing portion between a closed position wherein the surgical elements are substantially surrounded by the housing, and an open position wherein the surgical elements are at least partially exposed and removable from the housing.

WO 2003/082373 A3

INTERNATIONAL SEARCH REPORT

International application No.

US03/09297 -

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : A61B 17/04
 US CL : 227/176.1

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)
 U.S. : 227/176.1

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)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 6,330,965 B1 (MILLMAN et al) 18 December 2001 (18.12.01), See entire patent.	1, 2, 5, 8, 12, 15, 16, 19, 20
Y	US 4,621,640 A1 (MULHOLLAN et al.) 11 November 1986 (11.11.1986), See entire patent.	
A	US 4,574,957 A1 (STEAD) 11 March 1986 (11.03.1986), See entire document.	
X	US 2001/0023352 A1 (GORDON et al.) 20 September 2001 (20.09.2001), See entire document.	

Further documents are listed in the continuation of Box C.

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 application or patent 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	
"P" document published prior to the international filing date but later than the priority date claimed	"&" document member of the same patent family

Date of the actual completion of the international search 13 January 2004 (13.01.2004)	Date of mailing of the international search report 29 MAR 2004
---	--

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. (703)305-3230	Authorized officer <i>Shawn N. Greene for</i> Paul A. Roberts Telephone No. (703) 308-0858
--	--

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US03/09297

Box I Observations where certain claims were found unsearchable (Continuation of Item 1 of first sheet)

This international report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

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

2. Claim 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. Claim 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:
Please See Continuation 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.: 1,2,5,6,8,12-17,19,20,22 and 24
- Remark on Protest**
- | | |
|--------------------------|---|
| <input type="checkbox"/> | The additional search fees were accompanied by the applicant's protest. |
| <input type="checkbox"/> | No protest accompanied the payment of additional search fees. |

BOX II. OBSERVATIONS WHERE UNITY OF INVENTION IS LACKING

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In order for more than one species to be examined, the appropriate additional examination fees must be paid. The species are as follows:

- Needle carrier A, figure 1b, claims 2 and 22.
- Needle carrier B, figure 2b, claims 3, 4, and 23.
- Needle carrier C1, figure 5a, claims 9 and 10.
- Needle carrier C2, figure 6a, claims 11.
- Tip carrier figure 8a, claim 7, 18, and 25.