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[Continued on next page]

(54) Title: TRANSESOPHAGEAL GASTRIC REDUCTION METHOD AND DEVICE FOR PRACTICING SAME

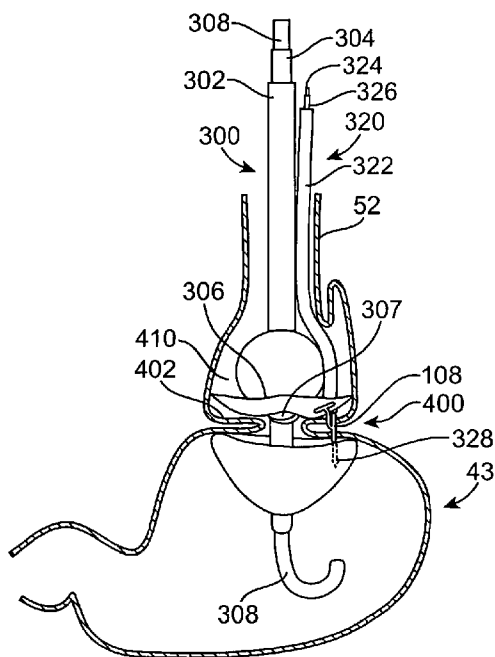


FIG. 18

(57) Abstract: A system and method forms a gastric reduction pouch within a stomach associated with an esophagus. The method includes the steps of delivering, down the esophagus, a substantially planar annular member into the stomach, drawing stomach wall tissue to a juxtaposed relation with the annular member; and securing, to the annular member, the stomach wall tissue juxtaposed to the annular member.

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Previous Correction:
see Notice of 25 September 2008

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US 08/00634

A. CLASSIFICATION OF SUBJECT MATTER

IPC(8) - A61B 17/08 (2009.01)

USPC - 606/157

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(8): A61B 17/08 (2009.01)

USPC: 606/157

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
USPC: 606/139, 142, 151, 153, 157; 623/23.65 (text searched-see terms below)

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

USPTO PubWest (PGPB, USPT, USOC, EPAB, JPAB); Google Scholar

Search Terms: gastric, reflux, \$esophag\$, reduc\$, stomach, reduc\$, decreas\$, small\$, and bushing

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X --- Y	US 2006/0020254 A1 (HOFFMAN) 26 January 2006 (26.01.2006), entire document, more specifically, Fig 1-4, para[0007], [0008], and [0016]-[0024]	1-6, 9, 12, 17, and 18 ----- 7, 8, 10, 11, 19, 20
Y	US 2006/0241748 A1 (LEE, et al.) 26 October 2006 (26.10.2006), Fig 33, 35, 41, 41, para[0025] and [0161]-[0164]	7, 8, 10, 11, 19, 20
Y	US 2004/0148034 A1 (KAGAN, et al.) 29 July 2004 (29.07.2004), Fig 3-4B, para[0140]-[0146]	11, 19

Further documents are listed in the continuation of Box C.

- | | |
|---|--|
| * Special categories of cited documents: | "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 |
| "A" document defining the general state of the art which is not considered to be of particular relevance | "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 |
| "E" earlier application or patent but published on or after the international filing date | "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 |
| "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) | "&" document member of the same patent family |
| "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 | |

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INTERNATIONAL SEARCH REPORT

International application No.
PCT/US 08/00634

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. 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. 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:
This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Group I: Claims 1-12 and 17-20 are directed to a method and system for forming a gastric reduction pouch by delivering an annular member through the esophagus of the patient.
Group II: Claims 13-16 are directed to a system for forming a gastric reduction pouch comprising a specific structure for delivering an annular member through the esophagus.
The inventions listed as Groups I-II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The special technical feature of Group I is a method and system for forming a gastric reduction pouch by delivering an annular member through the esophagus of the patient, which is not present in Group II that has a special technical feature of a system for forming a gastric reduction pouch comprising a specific structure for delivering an annular member through the esophagus.

- 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.:
1-12 and 17-20

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.