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Declarations under Rule 4.17:

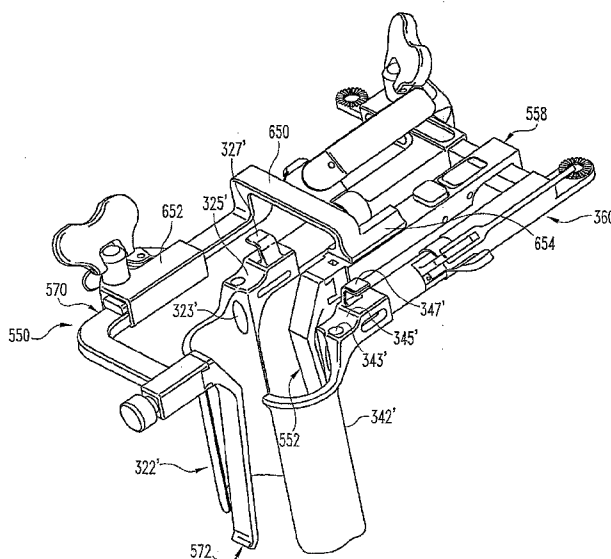
- as to applicant's entitlement to apply for and be granted a patent (Rule 4.17(ii))
- as to the applicant's entitlement to claim the priority of the earlier application (Rule 4.17(iii))

Published:

- with international search report

[Continued on next page]

(54) Title: INSTRUMENTS AND METHODS FOR MINIMALLY INVASIVE TISSUE RETRACTION AND SURGERY



(57) Abstract: Methods and devices retract tissue for minimally invasive surgery in a patient. A retractor (20, 320) includes a working channel (50, 350) formed by a first portion (22, 322, 322') and a second portion (42, 342, 342'). The first and second portions (22, 322, 322', 42, 342, 342') are movable relative to one another from a first configuration for insertion that minimizes trauma to skin and tissue to an enlarged configuration after insertion to further retract skin and tissue in a minimally invasive manner. An optional intermediate retractor assembly (450, 470, 550) is positionable between the first and second retractor portions (22, 322, 322', 42, 342, 342') to provide further tissue retraction capabilities.

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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*

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.

(88) Date of publication of the international search report:

1 March 2007

INTERNATIONAL SEARCH REPORT

International application No

PCT/US2006/023434

A. CLASSIFICATION OF SUBJECT MATTER

INV. A61B17/02

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)

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)

EP0-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 2005/030318 A (NUVASIVE, INC.) 7 April 2005 (2005-04-07) abstract; figures 1,8,13-18 page 18, line 14 - page 19, line 10 page 21, line 5 - page 22, line 10 -----	1,14
X	EP 0 951 868 A1 (WALDEMAR LINK (GMBH & CO.)) 27 October 1999 (1999-10-27) the whole document	1-3,14, 15
Y	-----	4-6,16
Y	US 2005/113644 A1 (OBENCHAIN ET AL.) 26 May 2005 (2005-05-26) the whole document ----- -/--	4

☒ 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

"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

12 October 2006

Date of mailing of the international search report

04 JAN. 2007

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INTERNATIONAL SEARCH REPORT

International application No

PCT/US2006/023434

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 2004/176665 A1 (BRANCH ET AL.) 9 September 2004 (2004-09-09) the whole document	5,6,16
A	-----	1,14
X	EP 1 053 717 A (LAB ENGINEERING & MANUFACTURING, INC.) 22 November 2000 (2000-11-22) abstract; figures paragraphs [0013], [0014], [0018], [0031] -----	1,14

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2006/023434

Box 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 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 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.:

1-6, 14-16

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

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

1. claims: 1-6,14-16

Intermediate retractor assembly comprising a second retractor blade.

2. claims: 7-13,17-35

A length adjustable arm comprising a first retractor blade and a link member engageable to a separation instrument.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/US2006/023434

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