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(71) Applicant (for all designated States except US): SDGI HOLDINGS, INC. [US/US]; 300 Delaware Avenue Suite 508, Wilmington, DE 19801 (US).

(72) Inventors; and

(75) Inventors/Applicants (for US only): GROSS, Jeffrey, M. [US/US]; 5941 Redfearn Cove, Memphis, TN 38120 (US). SIMONTON, Thomas, A. [US/US]; 335 Avon Road, Memphis, TN 38117 (US).

(74) Agents: JOHNSON, Noreen, C. et al.; MS LC340, 710 Medtronic Parkway, Minneapolis, MN 55432 (US).

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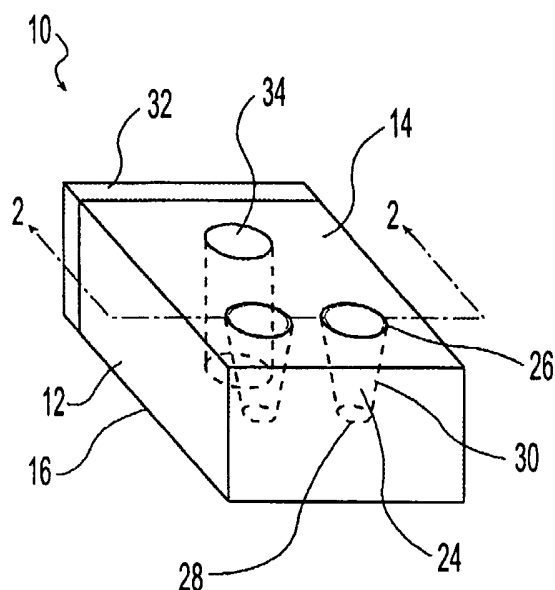
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Declarations under Rule 4.17:

— as to applicant's entitlement to apply for and be granted a patent (Rule 4.17(ii)) for the following designations AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BW, 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, NA, 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, UZ, VC, VN, YU, ZA, ZM, ZW, ARIPO patent (BW, GH, GM, KE, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian patent (AM, AZ,

[Continued on next page]

(54) Title: REINFORCED FUSION IMPLANT



(57) Abstract: The present application provides a fusion implant (10) for use between adjacent bony structures and related methods. The implant includes a body (12) and at least one reinforcing member (24) positionable within the body.

WO 2005/030099 A3



- 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, PL, PT, RO, SE, SI, SK, TR), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG)
- as to the applicant's entitlement to claim the priority of the earlier application (Rule 4.17(iii)) for all designations
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- 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

International Application No
PCT/US2004/031089

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 A61F2/44 A61F2/28

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

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	US 2003/105528 A1 (WINTERBOTTOM JOHN M ET AL) 5 June 2003 (2003-06-05) claim 61; figures 4,21,35,42,43,45 paragraphs [0152], [0155], [0159], [0201], [0202], [0215], [0233], [0240], [0244], [0245]	1,2, 4-10, 12-14, 20-34,41
Y	-----	3,15,16, 43
A	-/--	21,42

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

11 January 2005

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Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Stach, R

INTERNATIONAL SEARCH REPORT

International Application No

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5 769 897 A (HAERLE ANTON) 23 June 1998 (1998-06-23) figures 3-10 column 9, line 1 - line 22	21,42
Y		3,15,16, 43
A		1,4, 6-10,23, 25
A	----- WO 02/098329 A (BIASIOLO RINO ; BIOTECK SRL (IT); MAGGI SERGIO (IT)) 12 December 2002 (2002-12-12)	1,4, 6-10,20, 21, 23-25, 28,29, 31-33, 41-43
A	claims 1-7; figures 3-10 ----- US 6 379 385 B1 (KALAS ROLF-DIETER ET AL) 30 April 2002 (2002-04-30)	1,2,4, 6-10,12, 20,21, 23-25, 29,31, 32,41,42
A	claims 1-5; figures 1,3 ----- US 2002/016633 A1 (LIN JO-WEN ET AL) 7 February 2002 (2002-02-07) -----	

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2004/031089

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.: 37-40
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 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.:

see annex

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: 1-10,12-16, 20-34, 41-43

A fusion implant for insertion between adjacent bony structures, the implant comprising:
a body having opposing sides for contacting the adjacent bony structures; and
at least one member positioned in the body, the member having a first end and a second end, the member having a tapered portion between the first and second ends wherein the member extends from a first opposing side partway toward a second opposing side such that the member is exposed at the first opposing side and stops short of the second opposing side.

2. claim: 11

A fusion implant for insertion between adjacent bony structures, the implant comprising:
a body having opposing sides for contacting the adjacent bony structures; and
at least one member positioned in the body, the member having a first end and a second end, the member having a tapered portion between the first and second ends wherein the body further comprises at least one cortical face adjacent the cancellous bone, the cortical face extending between the opposing sides of the body.

3. claims: 17-19, 35, 36

A fusion implant for insertion between adjacent bony structures, the implant comprising:
a body having opposing sides for contacting the adjacent bony structures; and
at least one member positioned in the body, the member having a first end and a second end, the member having a tapered portion between the first and second ends and a fixation device attached to the adjacent bony structures to limit the relative motion between them.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US2004/031089

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