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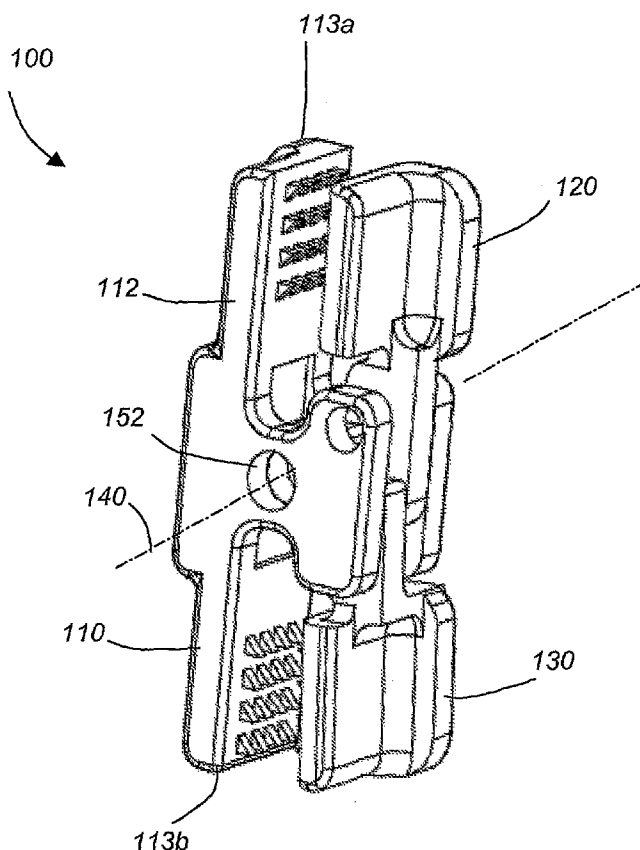
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[Continued on next page]

(54) Title: SPINOUS PROCESS FIXATION IMPLANT



(57) Abstract: An implantable spinous process fixation device includes a first plate component having an elongated plate and front and back cross plates extending at right angle to the front and back of the elongated plate, respectively, a top pivoting plate and a bottom pivoting plate. The top and bottom pivoting plates are configured to pivot around an axis perpendicular to the front and back cross plates and the elongate plate has an inner surface facing an inner surface of the top pivoting plate and an inner surface of the bottom pivoting plate.

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GN, GQ, GW, ML, MR, NE, SN, TD, TG).

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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*

**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))*

**(88) Date of publication of the international search report:**  
10 April 2008

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/US06/61977

<b>A. CLASSIFICATION OF SUBJECT MATTER</b> IPC(8) - A61F 2/44 (2007.10) USPC - 623/17.15 According to International Patent Classification (IPC) or to both national classification and IPC		
<b>B. FIELDS SEARCHED</b> Minimum documentation searched (classification system followed by classification symbols) IPC(8) - A61F 2/44 (2007.10) USPC - 623/17.15 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) PatBase		
<b>C. DOCUMENTS CONSIDERED TO BE RELEVANT</b>		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X - Y	US 2005/0060036 A1 (SCHULTZ et al) 17 March 2005 (17.03.2005) entire document	1-27 ----- 52, 58-60, 63, 67, 86-87, 90, 92, 105-132
X - Y	US 2003/0040746 A1 (MITCHELL et al) 27 February 2003 (27.02.2003) entire document	28-29, 31-36, 38, 40-41, 44-49, 51 ----- 30, 37, 39, 42-43, 50, 52-55, 77
Y	US 2003/0216736 A1 (ROBINSON et al) 20 November 2003 (20.11.2003) entire document	30, 37, 39, 42-43, 50, 52-104
Y	US 5,645,599 A (SAMANI) 08 July 1997 (08.07.1997) entire document	56-57, 61-62, 64-66, 68-85, 88-89, 91, 93-104
Y	US 5,180,381 A (AUST et al) 19 January 1993 (19.01.1993) entire document	105-132
<input type="checkbox"/> Further documents are listed in the continuation of Box C. <input type="checkbox"/>		
* 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 21 December 2007		Date of mailing of the international search report 29 JAN 2008
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. 571-273-3201		Authorized officer: Blaine R. Copenheaver PCT Helpdesk: 571-272-4300 PCT OSP: 571-272-7774

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/US06/61977

**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:

Group I, claims 1-55, drawn to an implantable assembly having a first plate with front and back cross plates extending at a right angle.

Group II, claims 56-104, drawn to an implantable assembly having a first S-shaped plate.

Group III, claims 105-132, drawn to an implantable assembly having a K-shaped component.

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.:

**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.