

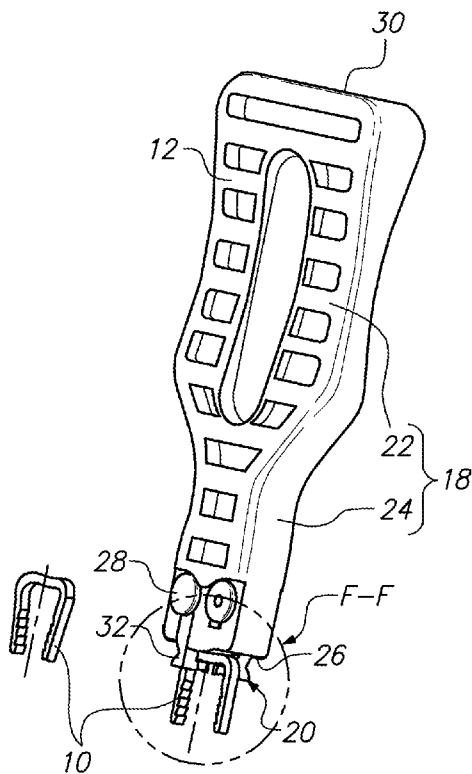


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DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT,
HN, HR, HU, ID, IL, IN, IR, IS, JP, KE, KG, KN, KP, KR,
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MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ,
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SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TH, TJ, TM,
TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM,
ZW.

[Continued on next page]

(54) Title: SURGICAL STAPLE INSERTION DEVICE



(57) Abstract: A staple inserter (12) for use with a surgical staple (10) during a surgical procedure, the staple inserter (12) comprising a staple holder assembly (20) that is rotatable in a first direction relative to the surgical staple (10) to selectively engage and retain the surgical staple (10). The staple holder assembly (20) includes (i) a first engagement member (32) that is rotatable in the first direction relative to the surgical staple (10) to selectively engage and retain the surgical staple (10), and (ii) a second engagement member (32) that is rotatable in the first direction relative to the surgical staple (10) to selectively engage and retain the surgical staple (10).

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- *with international search report (Art. 21(3))*
- *before the expiration of the time limit for amending the claims and to be republished in the event of receipt of amendments (Rule 48.2(h))*

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INTERNATIONAL SEARCH REPORT

International application No
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A. CLASSIFICATION OF SUBJECT MATTER
INV. A61B17/064 A61B17/068 A61B17/80
ADD.
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 practicable, search terms used)
EPO-Internal, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 2009/135022 A1 (ETHICON ENDO SURGERY INC [US]; HARRIS JASON L [US]; STOKES MICHAEL J []) 5 November 2009 (2009-11-05) page 24, last paragraph - page 28, line 1 page 29, line 4 - page 32, line 15; figures 10-21	1-17,19
X	US 2010/237128 A1 (MILLER ALAN B [US] ET AL) 23 September 2010 (2010-09-23) paragraph [0030] - paragraph [0038]; figures 3-4F	1-3,7,8,11-15,17-19
X	US 5 478 354 A (TOVEY H JONATHAN [US] ET AL) 26 December 1995 (1995-12-26) column 5, line 20 - column 8, line 39; figures 12-41	1,7-13,17-19
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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 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 15 January 2014	Date of mailing of the international search report 07/04/2014
Name and mailing address of the ISA/ European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Fax: (+31-70) 340-3016	Authorized officer Croatto, Loredana

INTERNATIONAL SEARCH REPORT

International application No
PCT/US2013/063997

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0 552 109 A1 (CENDIS MEDICAL SARL [FR]) 21 July 1993 (1993-07-21) column 2, line 2 - line 47; figures -----	1,7-11, 13,17,19
A	FR 2 868 938 A1 (MEMOMETAL TECHNOLOGIES SOC PAR [FR]) 21 October 2005 (2005-10-21) page 5, line 15 - page 7, line 26; figures -----	1-19

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2013/063997

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:

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 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.:

1-19

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.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

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

1. claims: 1-19

A staple inserter for use with a surgical staple during a surgical procedure, the surgical staple including a middle section and two side sections that cantilever away from the middle section, the surgical staple being selectively movable between a relaxed configuration and an opened configuration, the staple inserter comprising: a staple holder assembly that is rotatable in a first direction relative to the surgical staple to selectively engage and retain the surgical staple.

2. claims: 20-22

A staple inserter for use with a surgical staple during a surgical procedure, the surgical staple including a middle section and two side sections that cantilever away from the middle section, the surgical staple being selectively movable between a relaxed configuration and an opened configuration, the staple inserter comprising: a first inserter member that selectively engages the surgical staple when the surgical staple is in the opened configuration, the first inserter member being made from a metallic material; and a second inserter member that is coupled to the first inserter member, the second inserter member selectively engaging the surgical staple when the surgical staple is in the opened configuration, the second inserter member being made from a plastic material.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No PCT/US2013/063997

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 2009135022	A1	05-11-2009	CA 2722903 A1 05-11-2009 CN 102046097 A 04-05-2011 EP 2285295 A1 23-02-2011 JP 2011519623 A 14-07-2011 RU 2010149043 A 10-06-2012 US 2009275957 A1 05-11-2009 WO 2009135022 A1 05-11-2009
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