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(71) Applicant: **ETHICON LLC** [US/US]; #475 Street C, Suite 401, Los Frailes Industrial Park, Guaynabo, USA, 00969 (PR).

(72) Inventors: **STROBL, Geoffrey S.**; 4545 Creek Road, Cincinnati, Ohio 45242 (US). **SHAW, Jr., William D.**; 4545 Creek Road, Cincinnati, Ohio 45242 (US). **NIENHAUS, Ellen M.**; 4545 Creek Road, Cincinnati, Ohio 45242 (US). **WORRELL, Barry C.**; 4545 Creek Road, Cincinnati, Ohio 45242 (US).

(74) Agent: **SHIRTZ, Joseph F.** et al.; Johnson & Johnson, One Johnson & Johnson Plaza, New Brunswick, New Jersey 08933 (US).

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(54) Title: JAW STRUCTURE WITH DISTAL POST FOR ELECTROSURGICAL INSTRUMENTS

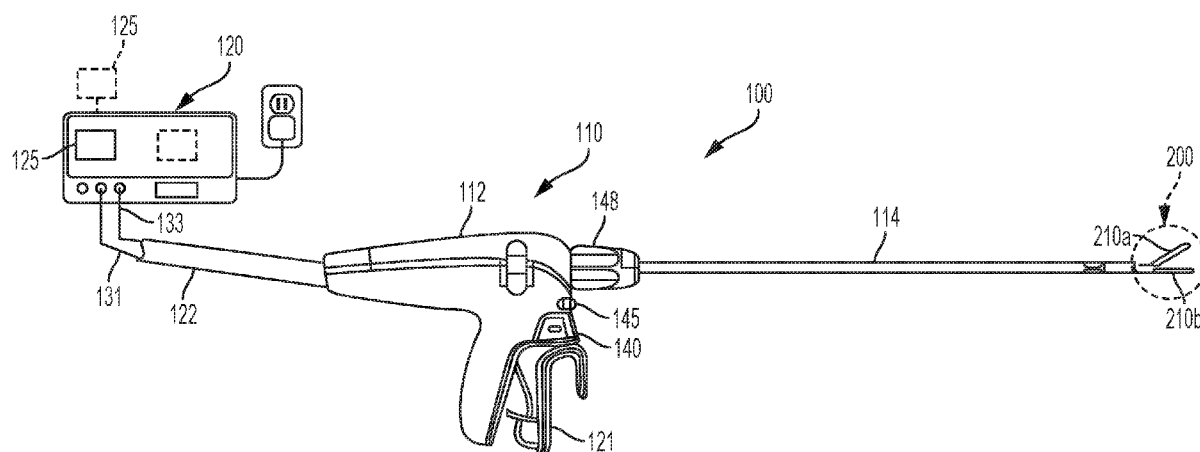


FIG. 1

(57) Abstract: An end effector for an electrosurgical instrument is disclosed which includes a first jaw, a first energy delivery surface, a first distal end, and a first proximal end. A second jaw of the end effector includes a second energy delivery surface, a second distal end, and a second proximal end. The end effector also includes an electrically conductive gap setting member which defines a distal gap distance between the first and second energy delivery surfaces. At least one pivot is fixed to one of the jaws to set a proximal gap distance between the first and second energy delivery surfaces. A method for making an end effector and a method for assembling an end effector for an electrosurgical instrument are also disclosed.

**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))*

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## JAW STRUCTURE WITH DISTAL POST FOR ELECTROSURGICAL INSTRUMENTS

### RELATED APPLICATIONS

[0001] This application is related to the following commonly owned patent applications referenced under:

Attorney Docket No. END7918USNP/160047 entitled ELECTROSURGICAL INSTRUMENT WITH ELECTRICALLY CONDUCTIVE GAP SETTING MEMBER AND ELECTRICALLY INSULATIVE TISSUE ENGAGING MEMBERS;

Attorney Docket No. END7919USNP/160048 entitled ELECTROSURGICAL INSTRUMENT WITH CONDUCTIVE GAP SETTING MEMBER AND INSULATIVE TISSUE ENGAGING MEMBER HAVING VARIABLE DIMENSIONS AND STIFFNESS;

Attorney Docket No. END7920USNP/160049 entitled ELECTROSURGICAL INSTRUMENT WITH ELECTRICALLY CONDUCTIVE GAP SETTING AND TISSUE ENGAGING MEMBERS;

Attorney Docket No. END7922USNP/160060 entitled NON-LINEAR JAW GAP FOR ELECTROSURGICAL INSTRUMENTS; and

Attorney Docket No. END7923USNP/160061 entitled JAW STRUCTURE WITH DISTAL CLOSURE FOR ELECTROSURGICAL INSTRUMENTS; each of which is incorporated herein by reference in its entirety.

### TECHNICAL FIELD

[0002] The present disclosure is related generally to medical devices having various mechanisms for grasping and sealing tissue. In particular, the present disclosure is related to medical devices having an electrically conductive gap setting member configured to define a gap between electrodes of an electrosurgical instrument.

### BACKGROUND

[0003] Electrosurgical devices may be used in many surgical operations. Electrosurgical devices may apply electrical energy to tissue in order to treat tissue. An electrosurgical device may comprise an instrument having a distally mounted end effector comprising one or more electrodes. The end effector can be positioned against tissue such that electrical current may be introduced into the tissue. Electrosurgical devices can be configured for monopolar or bipolar

operation. During monopolar operation, current may be introduced into the tissue by an active (or source) electrode on the end effector and returned through a return electrode. The return electrode may be a grounding pad and separately located on a patient's body. During bipolar operation, current may be introduced into and returned from the tissue by the active and return electrodes, respectively, of the end effector.

**[0004]** The end effector may include two or more jaws. At least one of the jaws may have at least one electrode. At least one jaw may be moveable from a position spaced apart from the opposing jaw for receiving tissues to a position in which the space between the jaws is less than that of the first position. This movement of the moveable jaw may compress the tissue held between. Heat generated by the current flow through the tissue in combination with the compression achieved by the jaw's movement may form hemostatic seals within the tissue and/or between tissues and, thus, may be particularly useful for sealing blood vessels, for example. The end effector may comprise a cutting member. The cutting member may be movable relative to the tissue and the electrodes to transect the tissue.

**[0005]** Electrosurgical devices also may include mechanisms to clamp tissue together, such as a stapling device, and/or mechanisms to sever tissue, such as a tissue knife. An electrosurgical device may include a shaft for placing the end effector proximate to tissue undergoing treatment. The shaft may be straight or curved, bendable or non-bendable. In an electrosurgical device including a straight and bendable shaft, the shaft may have one or more articulation joints to permit controlled bending of the shaft. Such joints may permit a user of the electrosurgical device to place the end effector in contact with tissue at an angle to the shaft when the tissue being treated is not readily accessible using an electrosurgical device having a straight, non-bending shaft.

## SUMMARY

**[0006]** In one general aspect, an end effector for an electrosurgical instrument which includes a first and second jaw is provided. The end effector includes a first jaw which has a first energy delivery surface, a first distal end, and a first proximal end. The end effector also includes a second jaw which has a second energy delivery surface, a second distal end, and a second proximal end. According to various embodiments, the first and second jaws are pivotally coupled at the first and second proximal ends, such that at least one of the first and second jaws is configured for movement between a closed position and an open position. In the closed

position, the first and second distal ends are in proximity and the first and second energy delivery surfaces face each other. In the open position, the first and second distal ends are spaced apart. The end effector includes an electrically conductive member protruding from the second jaw, wherein the electrically conductive member is in proximity to the second distal end. The end effector further includes a pivot which is in proximity to the first and second proximal ends, wherein the electrically conductive member and the pivot cooperate to maintain a gap between the first energy delivery surface and the second energy delivery surface in the closed position. According to various implementations, the electrically conductive member is further in contact with the first jaw in the closed position. The pivot is fixed in position to finalize a distal gap distance between the first and second energy delivery surfaces in proximity to the first and second distal ends and a proximal distance between the first and second energy delivery surfaces in proximity to the first and second proximal ends. The distal gap distance is different from the proximal gap distance.

**[0007]** In yet another general aspect, a method for making an end effector of an electrosurgical instrument is provided. The method includes providing a first jaw of the end effector, wherein the first jaw has a first energy delivery surface, a first proximal end, and a first distal end. The method also includes providing a second jaw of the end effector, wherein the second jaw has a second energy delivery surface, a second proximal end, a second distal end, and an electrically conductive member protruding from the second jaw in proximity to the second distal end. The method further includes positioning a spacer having a predetermined thickness between the first jaw and the second in proximity to the first proximal end and the second proximal end. The method includes moving at least one of the first jaw and the second jaw toward the other one of the first jaw and the second jaw until the movement of the at least one of the first jaw and the second jaw is limited by the spacer such that a proximal gap distance is defined between the first and second energy surfaces. The proximal gap distance substantially equals the predetermined thickness of the spacer until the electrically conductive member is in contact with the first energy delivery surface such that a distal gap distance is defined by the electrically conductive member between the first and second energy delivery surfaces. The method further includes positioning at least one pivot in proximity to the first and second proximal ends and fixing the at least one pivot to one of the first jaw and the second jaw, and removing the spacer.

**[0008]** In an additional general aspect, a method for assembling an end effector of an electrosurgical instrument is provided. The method includes providing a first jaw of the end effector, wherein the first jaw has a first energy delivery surface, a first proximal end, and a first distal end. The method further includes providing a second jaw of the end effector, wherein the second jaw has a second energy delivery surface, a second proximal end, a second distal end, and an electrically conductive member protruding from the second jaw in proximity to the second distal end. The method includes sandwiching a spacer having a predetermined thickness between the first jaw and the second jaw to set a minimum gap between the first energy delivery surface and the second energy delivery surface in proximity to the first and second proximal ends while the electrically conductive member is in contact with the first energy delivery surface. The method further includes positioning at least one pivot in proximity to the first and second proximal ends and fixing the at least one pivot to one of the first jaw and the second jaw, and removing the spacer.

#### **BRIEF DESCRIPTION OF THE FIGURES**

**[0009]** The features of the various aspects are set forth with particularity in the appended claims. The various aspects, however, both as to organization and methods of operation, together with advantages thereof, may best be understood by reference to the following description, taken in conjunction with the accompanying drawings as follows:

**[0010]** FIG. 1 shows one example of a surgical instrument system, according to one aspect of the present disclosure.

**[0011]** FIG. 2 shows a perspective view of an end effector with jaws open, according to one aspect of the present disclosure.

**[0012]** FIG. 3A shows an elevational view of the end effector with the jaws closed, according to one aspect of the present disclosure.

**[0013]** FIG. 3B shows an enlarged view of an electrically conductive gap setting member of the end effector of FIG. 3A according to one aspect of the present disclosure.

**[0014]** FIG. 3C shows an enlarged view of electrically insulative tissue engaging members of the end effector of FIG. 3A according to one aspect of the present disclosure.

**[0015]** FIG. 4 shows a perspective view of an end effector with the jaws open in an initial gap

setting process, according to one aspect of the present disclosure.

**[0016]** FIG. 5A shows an elevational view of the end effector of FIG. 4 with the jaws closed in the initial gap setting process, according to one aspect of the present disclosure.

**[0017]** FIG. 5B shows an enlarged view of a spacer in FIG. 5A, according to one aspect of the present disclosure.

**[0018]** FIG. 6A shows an elevational view of an end effector with the jaws closed in an initial gap setting process, according to one aspect of the present disclosure.

**[0019]** FIG. 6B shows an enlarged view of a spacer in FIG. 6A, according to one aspect of the present disclosure.

**[0020]** FIG. 7 shows an exploded view of end effector components prior to an initial gap setting process, the components including a first jaw, a second jaw, and a pivot assembly.

**[0021]** FIG. 8 shows an elevational view of an end effector with the jaws closed, according to one aspect of the present disclosure.

**[0022]** FIG. 9A shows a perspective view of an end effector with the jaws closed in an initial gap setting process, according to one aspect of the present disclosure.

**[0023]** FIG. 9B shows a perspective view of the end effector of FIG. 9A with the jaws open, according to one aspect of the present disclosure.

**[0024]** FIG. 9C shows an enlarged view of the lower jaw of the end effector of FIG. 9A, according to one aspect of the present disclosure.

## **DETAILED DESCRIPTION**

**[0025]** The following description of certain examples of the technology should not be used to limit its scope. Other examples, features, aspects, aspects, and advantages of the technology will become apparent to those skilled in the art from the following description, which is, by way of illustration, one of the best modes contemplated for carrying out the technology. As will be realized, the technology described herein is capable of other different and obvious aspects, all without departing from the technology. Accordingly, the drawings and descriptions should be regarded as illustrative in nature and not restrictive.

**[0026]** It is further understood that any one or more of the teachings, expressions, aspects, examples, etc. described herein may be combined with any one or more of the other teachings, expressions, aspects, examples, etc. that are described herein. The following described teachings, expressions, aspects, examples, etc. should, therefore, not be viewed in isolation relative to each other. Various suitable ways in which the teachings herein may be combined will be readily apparent to those of ordinary skill in the art in view of the teachings herein. Such modifications and variations are intended to be included within the scope of the claims.

**[0027]** Also, in the following description, it is to be understood that terms such as front, back, inside, outside, upper, lower, and the like are words of convenience and are not to be construed as limiting terms. Terminology used herein is not meant to be limiting insofar as devices described herein, or portions thereof, may be attached or utilized in other orientations. The various aspects will be described in more detail with reference to the drawings. Throughout this disclosure, the term “proximal” is used to describe the side of a component, e.g., a shaft, a handle assembly, etc., closer to a user operating the surgical instrument, e.g., a surgeon, and the term “distal” is used to describe the side of the component farther from the user operating the surgical instrument.

**[0028]** Aspects of the present disclosure are presented for a single electrosurgical device configured for grasping tissue and performing sealing procedures using electrical and/or other energy. An end effector of the electrosurgical device may include multiple members arranged in various configurations to collectively perform the aforementioned functions. As used herein, an end effector may be referred to as a jaw assembly or clamp jaw assembly comprising an upper jaw member and a lower jaw member where at least one of the upper jaw member and the lower jaw member may be movable relative to the other. Each of the jaw members may be adapted to connect to an electrosurgical energy source. Each jaw member may incorporate an electrode. The electrode may be a positive or negative electrode. In a bipolar electrosurgical device, the electrodes may be adapted for connection to the opposite terminals of the electrosurgical energy source, such as a bipolar radio frequency (RF) generator, so as to generate a current flow therebetween. An electrosurgical energy may be selectively communicated through tissue held between the jaw members to effect a tissue seal and/or treatment. Tissue may be coagulated from the current flowing between the opposite polarity electrodes on each jaw member.

**[0029]** At least one jaw member may include a knife channel defined therein configured to



reciprocate a knife there along for severing tissue held between the jaw members. The knife channel may be an extended slot in the jaw member. The knife may be provided within a recess associated with the at least one jaw member. The electrosurgical device may have both coagulation and cutting functions. This may eliminate or reduce instrument interchange during a surgery. Cutting may be achieved using mechanical force alone or a combination of mechanical force and the electrosurgical energy. The electrosurgical energy may be selectively used for coagulation and/or cutting. The knife may be made from an electrically conductive material adapted to connect to the electrosurgical source, and selectively activatable to separate tissue disposed between the jaw members. The knife may be spring biased such that once tissue is severed, the knife may automatically return to an unengaged position within the knife channel or a retracted position in the recess.

**[0030]** In some aspects, the jaw members may be movable relative to each other. During operation of the electrosurgical device, at least one of the jaw members may move from a first, open position where the jaw members can be disposed around a mass of tissue, to a second, closed position where the jaw members grasp the tissue. The jaw members therefore may move through a graspers-like range of motion, similar to that of conventional pliers. In the second position, current flows between the jaw members to achieve hemostasis of the tissue captured therebetween. The jaw members may be configured to have a relatively thick proximal portion to resist bending. At least one of the jaw members may have a three-dimensional configuration with a D-shaped cross-sectional. The three-dimensional configuration with the D-shaped cross-sectional may resist bending. A lock mechanism may be included to lock the jaw members in the closed position. The lock mechanism may set the clamp pressure between the jaw members. At least one electrically conductive gap setting member may be provided between the jaw members to establish a desired gap between electrodes in bipolar electrosurgical devices.

**[0031]** The electrosurgical device may incorporate components to grasp a tissue via the end effector, deliver energy to the tissue via one or more electrodes, and cut the tissue via a dissecting device such as a tissue knife. The structural capabilities of any aspect of an electrosurgical device may be designed for use in one or more of a variety of surgical procedures. In some surgical procedures, the treated tissue may be readily accessible to an end effector affixed to a relatively straight and unbendable shaft. In some alternative surgical procedures, the tissue may not be readily accessible to the end effector on such a shaft. In such procedures, the electrosurgical device may incorporate a shaft designed to bend so that the end effector may contact the tissue requiring treatment. In such a device, the shaft may include one

or more articulated joints that may permit the shaft to bend under control by the user. A sliding knife may include a feature to provide actuating force to the sliding knife. A knife actuator may be operably coupled to the shaft for selectively reciprocating the knife through the knife channel.

**[0032]** A front portion assembly may be designed for a specific surgical procedure, while a reusable handle assembly, configured to releasably attach to a front portion assembly, may be designed to provide control of surgical functions common to each front portion assembly, such as tissue grasping, cauterizing, and cutting. Consequently, the number and types of devices required for surgeries can be reduced. The reusable handle assembly may be designed to automate common functions of the electrosurgical device. Device intelligence may be provided by a controller located in the reusable handle assembly that is configured to receive information from a front portion assembly. Such information may include data regarding the type and use of the front portion assembly. Alternatively, information may include data indicative of the position and/or activation of control components (such as buttons or slides that can be manipulated) that may indicate what system functions should be activated and in what manner.

**[0033]** In some non-limiting examples, the controller may supply the RF current when the energy activation control is placed in an activating position by the user. In some alternative non-limiting examples, the controller may supply the RF current for a predetermined period of time once the energy activation control is placed in an activating position. In yet another non-limiting example, the controller may receive data related to the position of the jaws and prevent the RF current from being supplied to the one or more tissue cauterization power contacts if the jaws are not in a closed position.

**[0034]** In some aspects, any of the mentioned examples also may be configured to articulate along at least one axis through various means, including, for example, a series of joints, one or more hinges or flexure bearings, and one or more cam or pulley systems. Other features may include cameras or lights coupled to one or more of the members of the end effector, and various energy options for the surgical device.

**[0035]** The electrosurgical device can be configured to source energy in various forms including, without limitation, electrical energy, monopolar and/or bipolar RF energy, microwave energy, reversible and/or irreversible electroporation energy, and/or ultrasonic energy, heat energy, or any combination thereof, to the tissue of a patient either independently or simultaneously. The energy can be transmitted to the electrosurgical device by a power source

in electrical communication with the electrosurgical device. The power source may be a generator. The power source may be connected to the electrosurgical device via a suitable transmission medium such as a cable. The power source may be separate from the electrosurgical device or may be formed integrally with the electrosurgical device to form a unitary electrosurgical system. In one non-limiting example, the power source may include one or more batteries located within a portion of the electrosurgical device. It may be understood that the power source may source energy for use on the tissue of the patient as well as for any other electrical use by other devices, including, without limitation, lights, sensors, communication systems, indicators, and displays, which operate in relation to and/or with the electrosurgical device to form an electrosurgical system.

**[0036]** The electrosurgical device may be configured to source electrical energy in the form of RF energy. The electrosurgical device can transmit the RF energy through tissue compressed between two or more jaws. Such RF energy may cause ionic agitation in the tissue, in effect producing resistive heating, and thereby increasing the temperature of the tissue. Increased temperature of the tissue may lead to tissue cauterization. In some surgical procedures, RF energy may be useful for removing, shrinking, or sculpting soft tissue while simultaneously sealing blood vessels. RF energy may work particularly well on connective tissue, which is primarily composed of collagen and shrinks when contacted by heat. Because a sharp boundary may be created between the affected tissue and the surrounding tissue, surgeons can operate with a high level of precision and control, without sacrificing untargeted adjacent tissue.

**[0037]** The RF energy may be in a frequency range described in EN 60601-2-2:2009+A11:2011, Definition 201.3.218 – HIGH FREQUENCY. For example, the frequency in monopolar RF applications may be typically restricted to less than 5MHz. However, in bipolar RF applications, the frequency can be almost anything. Frequencies above 200 kHz can be typically used for monopolar applications in order to avoid the unwanted stimulation of nerves and muscles that would result from the use of low frequency current. Lower frequencies may be used for bipolar applications if the risk analysis shows the possibility of neuromuscular stimulation has been mitigated to an acceptable level. Normally, frequencies above 5 MHz are not used in order to minimize the problems associated with high frequency leakage currents. Higher frequencies may, however, be used in the case of bipolar applications. It is generally recognized that 10 mA is the lower threshold of thermal effects on tissue.

**[0038]** As discussed above, the electrosurgical device may be used in conjunction with a

generator. The generator may be an electrosurgical generator characterized by a fixed internal impedance and fixed operating frequency that deliver maximum power to an external load (e.g., tissue) having an electrical impedance in the range of about 50 ohms to 150 ohms. In this type of bipolar electrosurgical generator, the applied voltage may increase monotonically as the load impedance increases toward the maximum "open circuit" voltage as the load impedance increases to levels of tens of thousands of ohms or more. In addition, the electrosurgical device may be used with a bipolar electrosurgical generator having a fixed operating frequency and an output voltage that may be substantially constant over a range of load impedances of tens of ohms to tens of thousands of ohms including "open circuit" conditions. The electrosurgical device may be advantageously used with a bipolar electrosurgical generator of either a variable voltage design or substantially constant voltage design in which the applied voltage may be interrupted when the delivered current decreases below a predetermined level. Such bipolar generators may be referred to as automatic generators in that they may sense the completion of the coagulation process and terminate the application of voltage, often accompanied by an audible indication in the form of a cessation of a "voltage application" tone or the annunciation of a unique "coagulation complete" tone. Further, the electrosurgical device may be used with an electrosurgical generator whose operating frequency may vary with the load impedance as a means to modulate the applied voltage with changes in load impedance.

**[0039]** Various aspects of electrosurgical devices use therapeutic and/or sub-therapeutic electrical energy to treat tissue. Some aspects may be utilized in robotic applications. Some aspects may be adapted for use in a hand operated manner. In one non-limiting example, an electrosurgical device may include a proximal handle, a distal working end or end effector, and an introducer or elongated shaft disposed in-between.

**[0040]** In some non-limiting medical procedures, the electrosurgical device may be used to weld or seal vessels prior to tissue resection. Such vessels also may be removed as part of procedures to resect other tissue such as cysts, tumors, or infected materials. Blood vessel sealing may reduce bleeding, thereby decreasing potential harmful effects during a resection procedure. In such procedures, vessels may be cut at the cauterization location. It may be understood that complete sealing may be required at the site of the cut to prevent bleeding. It is therefore useful to have an electrosurgical device that may be prevented from cutting a vessel until complete sealing is assured.

**[0041]** To properly seal vessels, two mechanical parameters that affect thickness of the sealed

vessel may be accurately controlled: the pressure applied to the vessel and the gap between the electrodes. Proper sealing may require that sufficient pressure is placed on the vessel to assure that the vessel walls are proximate to each other and no intervening gap remains therebetween. The vessel may be compressed to a pressure within a predetermined range. A typical range of appropriate pressures may be between 250 and 1250 pounds per square inch (psi). In addition, proper sealing may require that sufficient power is provided to assure that the vessel walls receive sufficient heat to weld the walls together. Thus, both tissue compression and tissue cauterization may be required to form a proper seal. These can be achieved by the jaw members of the end effector. As mentioned above, the jaw members may grasp, compress, and deliver the energy to the tissue.

**[0042]** To effectively carry out hemostasis, the jaw members should efficiently conduct a proper current flow through the grasped tissue. When that current is insufficient, coagulation of the tissue or vessel may be compromised. When the current is excessive, correspondingly excessive heating may occur with a potential for the generation of damaging electrical arcing. Excessive heating may result in the phenomenon of tissue and blood coagulum sticking to the surface of the jaw members. This may result in increased electrical impedance between the electrodes of the device and the tissue that may subsequently be grasped for the purpose of treatment. Such sticking tissue may evoke a disruption of the coagulated surface, which in itself may compromise the intended hemostatic effect. The end effector may incorporate highly polished electrode surfaces for the purpose of reducing the extent of tissue sticking as well as to facilitate their cleaning when sticking does occur. When grasping tissue, the jaw members may come into mutual contact, causing a short circuit. For example, when a small tissue component is grasped between the jaw members and/or when the jaw members are compressed hard, the electrodes may be in contact with each other in the vicinity of the grasped tissue, causing short-circuiting. The jaw members may include insulative coatings that may be in contact in some geometry, but the insulative coatings may not prevent the short-circuiting.

**[0043]** Arcing may be a possibility as the jaw members closely approach each other. Arcing may happen when monopolar electrosurgical devices are used where the current flows completely through the patient. These high voltage electrical currents may arc from the small electrode to nearby, non-targeted vital structures or may follow erratic paths as they flow through the patient's body, thereby causing damage to tissues both near and at some distance from the electrode. Aberrant current arcs may cause deep tissue necrosis and inadvertent damage to adjacent tissue masses.

**[0044]** Arcing also may happen in a procedure performed by a bipolar electrosurgical device, for example, a “coagulative painting” procedure, where the side surfaces of the electrically active jaw members are drawn over the surface of membranous tissue such as the mesentery. Done properly, this action congeals the microvessels within such thin tissues. However, higher voltage settings on the generator applied across a thin layer of tissue to the other jaw member can cause arcing of the device. For some bipolar electrosurgical devices, microarcs between the electrodes may be normal during operation. However, these microarcs can attack the electrodes. If the electrodes, for example, contain some polymer material, these microarcs can draw out carbon from the polymer material, thus creating carbon tracks, sometimes referred to as “carbon arc tracking,” which then may lead to short-circuiting of the electrodes. Also, in general, in case of excessive voltage or sharp edges, a significant arc or a big arc may happen, and the generator may perceive the arc as short-circuiting. Short-circuiting due to either a big arc or carbon arc tracking can be very problematic. This calls for adjustment of the voltage or maintenance of the spacing between the two jaw members to avoid arcing the system. It may be desirable to adjust the spacing rather than changing the applied voltage because lowering the voltage may result in less than desirable tissue effects. Of course, it is also necessary for the surgeon to maintain space between the electrodes of the device to achieve the requisite performance.

**[0045]** In general, for bipolar electrosurgical devices, electrodes of opposite polarity should not contact each other during the application of energy. Shorting of the electrodes effectively shunts energy away from the tissue. Some shunting happens with arcing. It is known that Paschen's Law gives the breakdown voltage, which is the voltage necessary to start a discharge or electric arc between two electrodes in a gas as a function of pressure and gap length. The breakdown voltage of various gases between parallel metal plates as the gas pressure and gap distance were varied has been studied. It has been found that the voltage necessary to arc across the gap decreases as the pressure is reduced and then increased gradually, exceeding its original value. It has also been found that at normal pressure, the voltage needed to cause an arc reduces as the gap size is reduced but only to a point. As the gap is reduced further, the voltage required to cause an arc begins to rise and again exceeds its original value. For a given gas, the voltage is a function only of the product of the pressure and gap length. According to Paschen's Law, at higher pressures and gap lengths, the breakdown voltage is approximately proportional to the product of pressure and gap length. If a bipolar device allows shorting or arcing between the tissue treating electrodes, the effectiveness of the device may be diminished. In one aspect,

present disclosure provides an electrically conductive gap setting member to prevent one electrode from contacting the opposed electrode of a bipolar electrosurgical device. In various aspects, the electrically conductive gap setting member may define a uniform or non-uniform gap along the length and/or the width of the jaw member(s) or tissue contacting area thereof.

**[0046]** According to various aspects, an end effector may include an electrically conductive gap setting member to ensure that the electrodes of the jaw members do not electrically contact each other within a range of the closing or opening motion of the jaw members. The electrically conductive gap setting member defines a gap between the upper and lower electrodes of the jaw members when the jaw members are at the closed position. The gap may be uniform or non-uniform along the length and/or width of the tissue contacting area of the jaw. The electrically conductive gap setting member may be dimensioned so that when the jaw members are in the closed position, the gap may be sufficient to prevent electrical shorting between the electrodes. The electrically conductive gap setting member may control the gap distance between opposing electrodes of the jaw members. The heights of the electrically conductive gap setting members are selected as the value to achieve a minimum spacing between the electrode surfaces driving a current path through the grasped tissue, which may be of a distance that does not exceed a value necessary to achieve effective coagulation while avoiding arcing and/or short-circuiting.

**[0047]** In various aspects, the electrically insulative tissue engaging member may comprise an insulating layer. The insulating layer may have a thickness in the range of about 0.002" to about 0.050", more preferably about 0.003" to about 0.007". At thicknesses of about 0.001" or less, the thickness of the insulating layer may be insufficient to prevent shorting of the electrodes. Insulating layer thicknesses above about 0.002" and below about 0.050" may cause adequate hemostasis. It has been observed, however, that the greater the minimum distance between the proximate current conducting portions of the opposing electrodes in the region of current flow through the tissue, the longer the current path through the tissue and the more difficult it may become to obtain the desired localized and intense heating to achieve adequate hemostasis. Insulating layer thicknesses above about 0.050" may be too large for most practical applications using the ceramic insulating materials described.

**[0048]** In various aspects, an electrically conductive gap setting member may be provided between the jaw members. The electrically conductive gap setting member may be affixed on and/or integral to one jaw member and extend to the other jaw member. The electrically

conductive gap setting member may protrude through the jaw member. The electrically conductive gap setting member may define a gap between the jaw members. The electrically conductive gap setting member may be electrically conductive. The electrically conductive gap setting member may be a pin. The pin may be metal. The gap setting member can be made of a material that is electrically conductive and also is stiff to resist deformation in response to an applied force. The material is stiff with a high tensile strength and is incompressible. The electrically conductive gap setting member can be made of an electrically conductive metal or metal alloy and preferably can be made of steel, such as medical grade stainless steel, for example. The electrically conductive gap setting member may not contact the electrically conductive surface or portion of any electrode, including the electrode which the electrically conductive gap setting member may be affixed on or protrude through and the opposite electrode. The electrically conductive gap setting member may be sized and configured to avoid short-circuiting between the opposing electrodes and/or ensure that the electrodes would not close enough to arc without the presence of tissue between the electrodes.

**[0049]** In various aspects, the gap between the jaw members or the electrodes may be about 0.002" to about 0.02", preferably about 0.003" to about 0.012", more preferably about 0.004" to about 0.01", even more preferably about 0.004" to about 0.008". The gap between the electrode and the upper of the electrically insulative tissue engaging member on the opposite electrode may be about 0 to about 0.005", preferably about 0.001" to about 0.005", more preferably about 0.001" to about 0.002", more preferably about 0.001". These gaps may be configured to provide desired sealing of vessels. As smaller distances between the electrodes are employed, for example, at values of about 0.001" or about 0.002", arcing may occur. For example, it has been found that as the height diminishes below about 0.005", for example, to about 0.001" or about 0.002", isotonic saline fluid is encountered in the surgical field and the spacing between grasping surfaces, and an arc may form and evoke intense heating in its ionized pathway with resultant damage.

**[0050]** According to various aspects, an end effector may include an electrically insulative member between the jaw members. The electrically insulative member may be provided on at least one of the jaw members. Each jaw member may have a surface. The surface may be a tissue grasping surface. The surface may comprise an electrode. The surface of the upper jaw member may face the surface of the lower jaw member. The electrically insulative member may comprise at least one electrically insulative tissue engaging member. The at least one electrically insulative tissue engaging member is a protuberance in the form of a short cylindrical



solid or hollow object, bump, hump, lump, ridge, bulge, knob, swelling peg, or button formed integral with or inserted into a jaw member and protruding through apertures defined by an electrode of the jaw member. The electrically insulative tissue engaging members are configured to facilitate gripping or grasping tissue located between the jaw members and enhance manipulation of tissue during the operation of the electrosurgical device, such as the sealing process.

**[0051]** In some aspects where there may be more than one electrically insulative member, the more than one electrically insulative member may be provided on the same surface or on difference surfaces of the jaw members. In some aspects where at least one electrically insulative member may be provided on one surface of a jaw member, effective grasping of very thin tissue and small blood vessels may be provided. Manufacturing costs may be reduced as the at least one electrically insulative member need only be applied to one of the two jaw members. Because it is not required to have the electrically insulative member on both jaw members, it may not be required to precisely control the widths of more than one insulative member and the spacing therebetween to assure required registration between an upper and lower disposed array of electrically insulative members. This may reduce manufacturing costs. This may enhance manufacturability inasmuch as the requirement for precisely registering the insulative members at two grasping surfaces of the jaw members may be eliminated during final assembly.

**[0052]** In various aspects, at least one electrode may be formed on at least one surface of the at least one jaw member. The electrically insulative tissue engaging member may protrude from a aperture in the electrode. In some non-limiting examples, the aperture in the electrode may be line-line same size as the member protruding from the aperture. Therefore, the electrically insulative tissue engaging member may be a tight fit through the aperture. In some other non-limiting examples, the aperture in the electrode may be larger than the electrically insulative tissue engaging member and thereby form a donut around the electrically insulative tissue engaging member. When the aperture is larger than the electrically insulative tissue engaging member, it may be easier for manufacturing since it may be easier to align the electrically insulative tissue engaging members if needed. The aperture may have a diameter twice as large as a diameter of the electrically insulative tissue engaging member. In some aspects, the aperture may have a size such that the space around the electrically insulative tissue engaging member may allow the electrically insulative tissue engaging member to move and/or deform. In any case, the aperture, the electrically insulative tissue engaging member, and the space

therebetween should have appropriate sizes and/or dimensions such that the electrosurgical device and its electrodes achieve the requisite performance.

**[0053]** In various aspects, the at least one electrically insulative tissue engaging member may have various shapes. The at least one electrically insulative tissue engaging member may have the shape of a cube, rectangular prism, triangular prism, octagonal prism, tetrahedron, square pyramid, cylinder, cone, sphere, or any other suitable shape. A upper surface of the at least one electrically insulative tissue engaging member may be round, square, rectangle, oval, or any other suitable shape. In some aspects where there is more than one electrically insulative tissue engaging member, the electrically insulative tissue engaging members may each have the same shape or different shapes with any combination of various shapes.

**[0054]** In various aspects, there may be more than one electrically insulative tissue engaging member. The electrically insulative tissue engaging members may have different shapes and/or sizes. All or some of the electrically insulative tissue engaging members may change shapes and/or sizes along the length of the electrodes. The electrically insulative tissue engaging members may have increasing or decreasing sizes along the length of the electrodes. The electrically insulative tissue engaging members may change shapes and/or sizes in a regular fashion or randomly.

**[0055]** In various aspects, the electrodes on the surfaces of the jaw members may be formed of metal. The exposed portions of the surfaces of the jaw members may have smooth surfaces to minimize sticking to tissue or coagulum and to facilitate their cleaning when tissue debris or coagulum does accumulate. The surfaces of the jaw members may include thermally conductive components such as copper, silver, aluminum, tungsten, nickel, or any other thermally conductive materials that may occur to those skilled in the art. Laminar composites coated with a biocompatible metal coating may be applied to the surfaces. The jaw members may include laminar composites of thermally conductive copper and a mechanically stronger material, particularly, higher modulus stainless steel. Biocompatibility of the jaw members may be maintained through an electro-deposited biocompatible metal coating, such as chromium, that coats both the stainless steel and copper laminate while not affecting the electrically insulative tissue engaging members. In some non-limiting examples, for end effectors with small jaw members, for example, having a width of about 0.039" (1 mm) at their tip, laminar composites having a layer of 304 stainless steel of thickness of about 0.011" and a corresponding layer of copper having about 0.052" thickness may be provided. For larger jaw members, laminar

composites having a layer of 304 stainless steel of thickness about 0.015" and a corresponding layer of copper having about 0.075" to about 0.085" thickness may be provided. The biocompatible coating may be provided, for example, as an electro-deposited chromium coating, for example, that identified as MED-COAT 2000 marketed by Electrolyzing Corporation of Ohio, Cleveland, Ohio 44112. This biocompatible coating is described as meeting or exceeding USP Class VI certification.

**[0056]** The at least one electrically insulative tissue engaging member may be made of electrically insulative material. The electrically insulative material may be alumina, ceramic, nylon, polyphthalamide (PPA), Teflon, polyimide, parylene, any other suitable material, and/or any combinations thereof. In various aspects, smooth metal surfaces may be provided on the surfaces of the jaw members to reduce sticking of tissue or coagulum and these surfaces may be coated with an electrically conductive non-stick coating. Upper surfaces of the at least one electrically insulative tissue engaging member may be coated with electrically insulative non-stick coating material. Such non-stick coating material may be sufficiently thin and/or applied to a sufficiently rough surface to provide a multiplicity of regions on the contacting surfaces that are uncoated with insulative non-stick coating material. Such non-stick coatings may include metal-filled (containing metal particles) organic materials such as fluoropolymers or other compounds generally known under the tradename TEFLON (polytetrafluoroethylene polymers and copolymers) or thin fluoropolymers known under the tradename VYDAX, both of which are manufactured by E.I. DuPont de Nemours of Wilmington, Del. In addition, metallic coatings such as ME-92 (ME-92 Operations, Providence, R.I.) and MED-COAT 2000 (supra) may be applied to the stainless steel surfaces of the jaw members to reduce the sticking of tissue thereto.

**[0057]** In various aspects, the length of the jaw members may be set for the particular application in surgery. For example, the length of the jaw members of about 0.4" or 0.5" to about 0.75", such as about 0.47" (12 mm), may be used for smaller anatomical structures or fine work. For larger anatomical structures, the length of the members may be about 1" or greater, for example, about 1.57" (40mm).

**[0058]** The at least one electrically insulative tissue engaging member may have an appropriate diameter such that the electrically insulative tissue engaging member is neither so small as to pierce tissue nor so large as to take away too much of the electrode surface. The minimum diameter of the member may be about 0.03125" (1/32") as an electrically insulative tissue engaging member of this diameter may not pierce tissue unless the pressure applied on the

tissue from the electrically insulative tissue engaging member is very high. If too much of the electrode surface is taken away by the electrically insulative tissue engaging member or members, there may be too little of the electrode surface and therefore, too little of the electrically conductive area adjacent to the electrically insulative tissue engaging member/members, and the electrosurgical device and/or the electrodes may not achieve the requisite performance. In some aspects where there is more than one electrically insulative tissue engaging member, the electrically insulative tissue engaging members may have the same or different diameters of any combination.

**[0059]** The at least one electrically insulative tissue engaging member may have a height about 0.001" smaller than the gap between the electrodes or jaw members, for example, about 0.001" to about 0.019", preferably about 0.002" to about 0.011", more preferably about 0.003" to about 0.009", such as about 0.008", about 0.003" to about 0.007", or about 0.004" to about 0.007",. In general, the height may be less than about 0.020" or less than or equal to about 0.010". The minimum value found practical for the height may be about 0.003". In some aspects where there is more than one electrically insulative member, the members may have the same or different heights of any combination.

**[0060]** These sizes may be selected to achieve the most efficient electrode contact geometry for achieving the most efficient hemostasis with respect to tissue or vessels grasped. The sizes and/or dimensions may be configured such that the electrosurgical device and the electrodes achieve the requisite performance.

**[0061]** In various aspects, the electrically insulative tissue engaging members may have the same height or different heights. The members may be provided on one jaw member and received in receiving pockets on the other jaw member. The depths of the receiving pockets may vary. The electrically insulative members and the receiving pockets may be configured to define a non-uniform arrangement along the length of the jaw members.

**[0062]** In various aspects, the electrically insulative tissue engaging members may be integrally formed in the electrode. The electrically insulative tissue engaging members may be molded in the electrode(s). The electrically insulative tissue engaging members may be fabricated by an insert molding manufacturing process. This may reduce the cost of manufacturing. In some other aspects, the electrically insulative tissue engaging members may be inserted into openings defined in the electrode(s). In some other aspects, the electrode on the surface of one

jaw member may be coined or bent to form tissue grasping members having the same function as the electrically insulative tissue engaging members that may contact a non-electrically conductive portion on the surface of the other jaw member. Portions on the surface of the other jaw member corresponding to the electrically insulative tissue engaging members may be cut out to expose the non-electrically conductive portion and receive the electrically insulative tissue engaging members. In some other aspects, the electrically insulative tissue engaging members may be formed on a embossed insert that may be inserted in an insulated material in one jaw member. The embossed insert may be inserted and set in glue in the jaw member. A shim may be used to set the heights of the electrically insulative tissue engaging members.

**[0063]** In various aspects, the electrically insulative tissue engaging members may be formed of ceramic, glass, or glass/ceramic applied by plasma deposition methods; physical vapor deposition; screen or pad printing followed by fusing of the insulative layer by exposure to high temperatures; a photolithography process; or attachment of individual ceramic members using brazing, soldering, or adhesive bonding methods. The electrically insulative tissue engaging members may be formed from plastic and using coating methods such as, for example, dipping, plasma coating, encasement, or the like.

**[0064]** In some non-limiting examples, the electrically insulative tissue engaging members may be provided as discrete, spaced-apart members disposed in arrays on one surface of a jaw member. The electrically insulative tissue engaging members may be cubes or any other suitable shapes. The electrically insulative tissue engaging members defined within the arrays may be formed by first depositing, for example, by plasma deposition or physical vapor deposition, an electrically insulative layer over a desired length of the surface. Next, thin grinding wheels can be used to grind away the electrically insulative layer to produce the pattern of electrically insulative tissue engaging members. In some non-limiting examples, the electrically insulative tissue engaging members or arrays may be formed by thick film printing of insulative material followed by exposure to elevated temperatures to affect its bonding to the surface. In some non-limiting examples, the electrically insulative tissue engaging members may be formed as layers utilizing a physical mask to deposit the electrically insulative material in required areas on the surface. Alternatively, the surface may be configured containing an array of apertures of circular cross-sectional, peripheral shape, or any other suitable shape. The electrically insulative tissue engaging members may then be provided as electrically insulative glass, ceramic, or glass/ceramic pegs inserted within the apertures.

**[0065]** In the following detailed description, reference is made to the accompanying drawings, which form a part hereof. In the drawings, similar symbols and reference characters typically identify similar components throughout the several views, unless context dictates otherwise.

**[0066]** In various embodiments, there may be more than one electrically insulative tissue engaging member. The tissue engaging members may have different shapes and/or sizes. All or some of the tissue engaging members may change shapes and/or sizes along the length of the electrodes. The tissue engaging members may have increasing or decreasing sizes along the length of the electrodes. The tissue engaging members may change shapes and/or sizes in a regular fashion or randomly.

**[0067]** In various embodiments, the electrodes on the surfaces of the jaw members may be formed of metal. The exposed portions of the surfaces of the jaw members may have smooth surfaces to minimize sticking to tissue or coagulum and to facilitate their cleaning when tissue debris or coagulum does accumulate. The surfaces of the jaw members may include thermally conductive components such as copper, silver, aluminum, tungsten, nickel, or any other thermally conductive materials that may occur to those skilled in the art. Laminar composites coated with a biocompatible metal coating may be applied to the surfaces. The jaw members may include laminar composites of thermally conductive copper and a mechanically stronger material, particularly, higher modulus stainless steel. Biocompatibility of the jaw members may be maintained through an electro-deposited biocompatible metal coating, such as chromium, that coats both the stainless steel and copper laminate while not affecting the tissue engaging members. In some non-limiting examples, for end effectors with small jaw members, for example, having a width of about 1 mm at their tip, laminar composites having a layer of 304 stainless steel of thickness of about 11 mils and a corresponding layer of copper having about 52 mils thickness may be provided. For larger jaw members, laminar composites having a layer of 304 stainless steel of thickness about 15 mils and a corresponding layer of copper having about 75 to 85 mils thickness may be provided. The biocompatible coating may be provided, for example, as an electro-deposited chromium coating, for example, that identified as MED-COAT 2000 marketed by Electrolyzing Corporation of Ohio, Cleveland, Ohio 44112. This biocompatible coating is described as meeting or exceeding USP Class VI certification.

**[0068]** The at least one electrically insulative tissue engaging member may be made of electrically insulative material. The electrically insulative material may be alumina, ceramic, nylon, Teflon, polyimide, parylene, any other suitable material, and/or any combinations thereof.

In various embodiments, smooth metal surfaces may be provided on the surfaces of the jaw members to reduce sticking of tissue or coagulum and these surfaces may be coated with an electrically conductive non-stick coating. Top surfaces of the at least one tissue engaging member may be coated with electrically insulative non-stick coating material. Such non-stick coating material may be sufficiently thin and/or applied to a sufficiently rough surface to provide a multiplicity of regions on the contacting surfaces that are uncoated with insulative non-stick coating material. Such non-stick coatings may include metal-filled (containing metal particles) organic materials such as fluoropolymers or other compounds generally defined as Teflon™ (polytetrafluoroethylene polymers and copolymers) or thin fluoropolymers such as Vydax™, both of which are manufactured by E.I. DuPont de Nemours of Wilmington, Del. In addition, metallic coatings such as ME-92 (ME-92 Operations, Providence, R.I.) and MED-COAT 2000 (supra) may be applied to the stainless steel surfaces of the jaw members to reduce the sticking of tissue thereto.

**[0069]** In one embodiment, the length of the jaw members may preferably be 15-25 millimeters (0.59-0.98 inches), for example for a laparoscopic instrument. In another embodiment, the length of the jaw members may preferably be 30-45 millimeters (1.18-1.77 inches), for example for an open procedure device.

**[0070]** In various embodiments, the uniform or non-uniform gap between the jaw members may be 0.002-0.012 inches, preferably 0.003-0.008 inches.

**[0071]** The at least one electrically insulative tissue engaging member may have a diameter of 0.015-0.045 inches, preferably about 0.02 inches. In some aspects where there is more than one tissue engaging member, the tissue engaging members may have the same or different diameters of any combination.

**[0072]** The at least one electrically insulative tissue engaging member may have a height of 0.002-0.012 inches, preferably 0.003-0.008 inches, more preferably 0.003-0.004 inches. In some aspects where there is more than one electrically insulative tissue engaging member, the tissue engaging members may have the same or different heights of any combination. As smaller spacings are employed, for example, at values of about 0.001" or 0.002", arcing may occur. For example, it has been found that as the height diminishes below about 0.005", for example, to 0.001" or 0.002", isotonic saline fluid is encountered in the surgical field and the spacing between grasping surfaces, and an arc may form and evoke intense heating in its

ionized pathway with resultant damage.

**[0073]** These sizes may be selected to achieve the most efficient electrode contact geometry for achieving the most efficient hemostasis with respect to tissue or vessels grasped.

**[0074]** In various embodiments, the electrically insulative tissue engaging members may have the same height or different heights. The tissue engaging members may be provided on one jaw member and received in receiving pockets on the other jaw member. The depths of the receiving pockets may vary. The electrically insulative tissue engaging members and the receiving pockets may be configured to form a nonuniform gap between the jaw members.

**[0075]** In various embodiments, a gap setting member may be provided between the jaw members. The gap setting member may be affixed on one jaw member and extend above the sealing surface of the jaw member. The gap setting member may define a gap between the jaw members by itself or with the electrically insulative tissue engaging members. The gap setting member may be conductive or insulative. The gap setting member may be a pin. The gap setting member may or may not touch the electrodes. The gap setting member may be configured such that the opposing electrodes may not be conductively connected to each other in any way to avoid short-circuiting.

**[0076]** In various embodiments, the electrically insulative tissue engaging members may be integrally formed in the electrode. The tissue engaging members may be molded in the electrode. The tissue engaging members may be fabricated by an insert molding manufacturing process. This may reduce the cost of manufacturing. In some other embodiments, the tissue engaging members may be inserted into openings in the electrode. In some other embodiments, the electrode on the surface of one jaw member may be coined or bent to form the electrically insulative tissue engaging members that may contact a nonconductive portion of the other jaw member's surface. Portions on the surface of the other jaw member corresponding to the tissue engaging members may be cut out to expose the nonconductive portion and receive the electrically insulative tissue engaging members. In some other embodiments, the tissue engaging members may be formed on a stamped insert that may be inserted in an insulated material in one jaw member. The stamped insert may be inserted and set in glue in the jaw member. A shim may be used to set the heights of the tissue engaging members.

**[0077]** In various embodiments, the electrically insulative tissue engaging member may be formed of ceramic, glass, or glass/ceramic applied by plasma deposition methods; physical



vapor deposition; screen or pad printing followed by fusing of the insulative layer by exposure to high temperatures; a photolithography process; or attachment of individual ceramic members using brazing, soldering, or adhesive bonding methods. The tissue engaging members may be formed from plastic and using coating methods such as, for example, dipping, plasma coating, encasement, or the like.

**[0078]** In some non-limiting examples, the electrically insulative tissue engaging members may be provided as discrete, spaced-apart members disposed in arrays on one surface of a jaw member. The tissue engaging members may be cubes or any other suitable shapes. The electrically insulative tissue engaging member defined within the arrays may be formed by first depositing, for example, by plasma deposition or physical vapor deposition, an electrically insulative layer over a desired length of the surface. Next, thin grinding wheels can be used to grind away the electrically insulative layer to produce the pattern of electrically insulative tissue engaging members. The heights of the members as they protrude from the surface should establish the - distance or spacing discussed above. In some non-limiting examples, the electrically insulative tissue engaging member or arrays may be formed by thick film printing of insulative material followed by exposure to elevated temperatures to effect its bonding to the surface. In some non-limiting examples, the electrically insulative tissue engaging members may be formed as layers utilizing a physical mask to deposit the electrically insulative material in required areas on the surface. Alternatively, the surface may be configured containing an array of holes of circular cross-sectional, peripheral shape, or any other suitable shape. The spacers may then be provided as electrically insulative glass, ceramic, or glass/ceramic pegs inserted within the holes.

**[0079]** Reference will now be made in detail to several aspects, including example implementations of an end effector for electrosurgical instruments. Wherever practicable similar or like reference numbers may be used in the figures and may indicate similar or like functionality. The figures depict examples of the disclosed surgical instruments and/or methods of use for purposes of illustration only. One skilled in the art will readily recognize from the following description that alternative examples of the structures and methods illustrated herein may be employed without departing from the principles described herein.

**[0080]** An end effector for an electrosurgical instrument is frequently used to grasp bleeding thin fragile tissues. Thus precise and effective acquisition, retention and sealing of such tissues are desired. Furthermore, electrodes of opposite polarity of the end effector should not contact each

other. Shorting the electrodes effectively shunts energy away from the issue. Additionally, it is important for the two jaws of an end effector to align to each other while in a closed configuration. Otherwise a tissue-cutting element of the electrosurgical instrument may create unwanted damages.

**[0081]** Various aspects of an improved end effector for an electrosurgical instrument are disclosed, which improves grasping of tissues, avoids shorting the electrodes, and/or improves alignment of jaws. Aspects of the present disclosure may be used with, for example, a laparoscopy vessel sealer.

**[0082]** FIG. 1 shows one example of a surgical instrument system 100, according to one aspect of the present disclosure. The surgical instrument system 100 comprises an electrosurgical instrument 110. The electrosurgical instrument 110 may comprise a proximal handle 112, a distal working end or end effector 200 and an introducer or elongated shaft 114 disposed in-between. Alternatively, the end effector may be attached directly to the handle as in scissor style devices such as the electrosurgical instrument described in U.S. Patent No. 7,582,087.

**[0083]** The electrosurgical system 100 can be configured to supply energy, such as electrical energy, ultrasonic energy, heat energy, or any combination thereof, to the tissue of a patient either independently or simultaneously, for example. In one example, the electrosurgical system 100 may include a generator 120 in electrical communication with the electrosurgical instrument 110. The generator 120 may be connected to the electrosurgical instrument 110 via a suitable transmission medium such as a cable 122. In one example, the generator 120 may be coupled to a controller, such as a control unit 125, for example. In various aspects, the control unit 125 may be formed integrally with the generator 120 or may be provided as a separate circuit module or device electrically coupled to the generator 120 (shown in phantom to illustrate this option). The control unit 125 may include automated or manually operated controls to control the amount of current delivered by the generator 120 to the electrosurgical instrument 110. Although as presently disclosed, the generator 120 is shown separate from the electrosurgical instrument 110, in some aspects, the generator 120 (and/or the control unit 125) may be formed integrally with the electrosurgical instrument 110 to form a unitary electrosurgical system 100, where a battery located within the electrosurgical instrument 110 may be the energy source and a circuit coupled to the battery produces the suitable electrical energy, ultrasonic energy, or heat energy.

**[0084]** In one aspect, the generator 120 may comprise an input device located on a front panel of the generator 120 console. The input device may comprise any suitable device that generates signals suitable for programming the operation of the generator 120, such as a keyboard, or input port, for example. In one example, one or more electrodes in the first jaw 210a and one or more electrodes in the second jaw 210b may be coupled to the generator 120. The cable 122 may comprise multiple electrical conductors for the application of electrical energy to a first electrode (which may be designated as a + electrode) and to a second electrode (which may be designated as a - electrode) of the electrosurgical instrument 110. It may be recognized that + and - designations are made solely for convenience and do not indicate an electrical polarity. An end of each of the conductors may be placed in electrical communication with a terminal of the generator 120. The generator 120 may have multiple terminals, each configured to contact one or more of the conductors. The control unit 125 may be used to activate the generator 120, which may serve as an electrical source. In various aspects, the generator 120 may comprise an RF source, an ultrasonic source, a direct current source, and/or any other suitable type of electrical energy source, for example, which may be activated independently or simultaneously.

**[0085]** In various aspects, the electrosurgical system 100 may comprise at least one supply conductor 131 and at least one return conductor 133, wherein current can be supplied to the electrosurgical instrument 110 via the at least one supply conductor 131 and wherein the current can flow back to the generator 120 via the at least one return conductor 133. In various aspects, the at least one supply conductor 131 and the at least one return conductor 133 may comprise insulated wires and/or any other suitable type of conductor. As described below, the at least one supply conductor 131 and the at least one return conductor 133 may be contained within and/or may comprise the cable 122 extending between, or at least partially between, the generator 120 and the end effector 200 of the electrosurgical instrument 110. The generator 120 can be configured to apply a sufficient voltage differential between the supply conductor 131 and the return conductor 133 such that sufficient current can be supplied to the end effector 200 to perform the intended electrosurgical operation.

**[0086]** The shaft 114 may have a cylindrical or rectangular cross-section, for example, and can comprise a thin-wall tubular sleeve that extends from the proximal handle 112. The shaft 114 may include a bore extending therethrough for carrying actuator mechanisms, for example, an axially moveable member for actuating the jaws 210a, 210b and for carrying electrical leads for delivery of electrical energy to electrosurgical components of the end effector 200. The proximal

handle 112 may include a jaw closure trigger 121 configured to adjust the position of the jaws 210a, 210b with respect to each other. In one non-limiting example, the jaw closure trigger 121 may be coupled to an axially moveable member disposed within the shaft 114 by a shuttle operably engaged to an extension of the jaw closure trigger 121.

**[0087]** The end effector 200 may be adapted for capturing and transecting tissue and for contemporaneously welding the captured tissue with controlled application of energy (e.g., RF energy). The first jaw 210a and the second jaw 210b may be closed thereby capturing or engaging tissue. The first jaw 210a and second jaw 210b also may apply compression to the tissue. In some aspects, the shaft 114, along with the first jaw 210a and second jaw 210b, can be rotated, for example, a full 360°. For example, a rotation knob 148 may be rotatable about the longitudinal axis of the shaft 114 and may be coupled to the shaft 114 such that rotation of the knob 148 causes corresponding rotation of the shaft 114. The first jaw 210a and the second jaw 210b can remain openable and/or closeable while rotated.

**[0088]** Also illustrated in FIG. 1 are a knife advancement control 140 and an energy activation control 145 located on the proximal handle 112. In some non-limiting examples, the knife advancement control 140 and the energy activation control 145 may be depressible buttons positioned to permit a user to control knife advancement or energy activation by the use of one or more fingers.

**[0089]** FIG. 2 shows a perspective view of the end effector 200 with the jaws 210a, 210b open, according to one aspect of the present disclosure. The end effector 200 may comprise the first or upper jaw 210a and the second or lower jaw 210b, which may be straight or curved. The upper jaw 210a may comprise a first distal end 212a and a first proximal end 214a. The lower jaw 210b may comprise a second distal end 212b and a second proximal end 214b. The first distal end 212a and the second distal end 212b may be collectively referred to as the distal end of the end effector when the jaws 210a, 210b are in a closed configuration. The first proximal end 214a and the second proximal end 214b may be collectively referred to as the proximal end of the end effector 200. The jaws 210a, 210b are pivotally coupled at the first and second proximal ends 214a, 214b. As shown in FIG. 2, The lower jaw 210b is fixed and the upper jaw 210a is pivotally movable relative to the lower jaw 210b from an open position to a closed position and vice versa. In the closed position, the first and second distal ends 212a, 212b are in proximity. In the open position, the first and second distal ends 214a, 214b are spaced apart. In other aspects, the upper jaw 210a may be fixed and the lower jaw 210b may be movable. In

other aspects, both the upper and lower jaws 210a, 210b may be movable. The end effector 200 may comprise a pivot assembly 270 located at or in proximity to the proximal end of the end effector, which sets an initial gap between the jaws 210a, 210b at the proximal end of the end effector 200 in a closed position. The pivot assembly 270 may be welded in place in a gap setting process during manufacturing of the end effector 200, as described in greater detail below.

**[0090]** The first jaw 210a and the second jaw 210b may each comprise an elongated slot or channel 250a and 250b, respectively, disposed along their respective middle portions. The channels 250a and 250b may be sized and configured to accommodate the movement of an axially moveable member (not shown), which may comprise a tissue-cutting element, for example, comprising a sharp distal edge. The upper jaw 210a may comprise a first energy delivery surface 230a. The lower jaw 210b may comprise a second energy delivery surface 230b. The first and second energy delivery surfaces 230a, 230b face each other when the jaws 210a, 210b are in a closed configuration. The first energy delivery surface 230a may extend in a "U" shape around the channel 250a, connecting at the first distal end 212a. The second energy delivery surface 230b may extend in a "U" shape around the channel 250b, connecting at the second distal end 212b. The first and second energy delivery surfaces 230a, 230b may comprise electrically conductive material such as copper, gold plated copper, silver, platinum, stainless steel, aluminum, or any suitable electrically conductive biocompatible material, for example. The second energy delivery surface 230b may be connected to the supply conductor 131 shown in FIG. 1, thus forming the first electrode of the electrosurgical instrument 110. The first energy delivery surface 230a may be connected to the return conductor 133 shown in FIG. 1, thus forming the second electrode of the electrosurgical instrument 110. For example, the first energy delivery surface 230a may be grounded. Opposite connection is also possible.

**[0091]** As shown in FIG. 2, the second energy delivery surface 230b is formed by a conductive layer disposed, or at least partially disposed, along at least a portion of the body of the lower jaw 210b. The electrically conductive layer comprising the second energy delivery surface 230b may extend to the second distal end 212b, and thus operation of the end effector 200 is possible without actually grasping the tissue. The lower jaw 210b may further comprise an electrically insulative layer 260 arranged between the conductive layer and the body of the lower jaw 210b. The electrically insulative layer 260 may comprise electrically insulative material such as ceramic or nylon. Furthermore, the first energy delivery surface 230a is formed of an electrically conductive layer disposed, or at least partially disposed, along at least a portion of the body of

the upper jaw 210a. The upper jaw 210a also may comprise an electrically insulative layer arranged between the conductive layer and the body of the upper jaw 210a.

**[0092]** The upper and lower jaws 210a and 210b may each comprise one or more electrically insulative tissue engaging members arranged on the first or second energy delivery surface 230a, 230b, respectively. Each of the electrically insulative tissue engaging members may protrude from the energy delivery surface and define a height above the energy delivery surface, and thus is sometimes referred to as a “tooth”. The electrically insulative tissue engaging members may comprise electrically insulative material such as ceramic or nylon. As shown in FIG. 2, the electrically insulative tissue engaging members 240 are arranged longitudinally, i.e., along the length of the lower jaw 210b, from the send proximal end 214b to the second distal end 212b and on the second energy delivery surface 230b. As shown in FIG. 2, the electrically insulative tissue engaging members 240 are in pairs, and each pair is arranged next to the channel 250b and is separated by the channel 250b. These paired electrically insulative tissue engaging members 240 as arranged here are sometimes referred to as “teeth”.

**[0093]** In other aspects, other configurations of the electrically insulative tissue engaging members 240 are possible. For example, the electrically insulative tissue engaging members 240 may be located at a distance away from the channel. For example, the electrically insulative tissue engaging members 240 may be arranged in a grid on the energy delivery surface. In other aspects, the electrically insulative tissue engaging members 240 may not have the half cylindrical cross sections as shown in FIG. 2, and may have cylindrical cross sections or rectangular cross sections. In other aspects, electrically insulative tissue engaging members 240 may be arranged on the first energy delivery surface 230a, or may be arranged on both of the first and second energy delivery surfaces 230a, 230b.

**[0094]** The lower jaw 210b further comprises a distal electrically conductive gap setting member 220 in proximity to the second distal end 212b. The electrically conductive gap setting member 220 is located in proximity to the edge of the second energy delivery surface 230b at the second distal end 212b. The electrically conductive gap setting member 220 also may be located at a distance away from the lateral edges of the second energy delivery surface 230b. The electrically conductive gap setting member 220 protrudes from the lower jaw 210b and defines a height above the second energy delivery surface 230b. The electrically conductive gap setting member 220 may be substantially in a shape of a post or a cylinder, or any other shape that

protrudes from the lower jaw 210b. The tip (outward end) of the electrically conductive gap setting member 220 may be rounded. The electrically conductive gap setting member 220 comprises an electrically conductive material such as stainless steel. The electrically conductive gap setting member 220 extends beyond the conductive layer and the insulative layer 260 and is connected to the body of the second jaw 210b, which is connected to the ground. Because the upper jaw 210a is also connected to the ground, the electrically conductive gap setting member 220 has a same polarity with the upper jaw 210a. The electrically conductive gap setting member 220 is arranged so that it is not in contact with the conductive layer (conductive material) of the second energy delivery surface 230b, or in other words, electrically isolated from the conductive material of the second energy delivery surface 230b. For example, the electrically conductive gap setting member 220 may be located near the bottom of the “U” shaped conductive layer on the lower jaw 210b but is separated from the conductive layer. Optionally, the upper jaw 210b may further comprise a recession 222 at or in proximity to the first distal end 212a. The recession 222 may be adapted to receive the electrically conductive gap setting member 220 when the jaws 210a, 210b are in a closed configuration. Therefore, the alignment between the jaws 210a, 210b when they are in a closed configuration may be improved.

**[0095]** In other aspects, the electrically conductive gap setting member 220 may be arranged on the upper jaw 210a, and the recession 222 may be arranged on the lower jaw 210b. In other aspects, the upper jaw 210a and the lower jaw 210b may each comprise an electrically conductive gap setting member. In other aspects, the upper jaw 210a and/or the lower jaw 210b may each comprise more than one electrically conductive gap setting member. In certain aspects, the electrically conductive gap setting member 220 and the electrically insulative tissue engaging members 240 may not be on a same jaw.

**[0096]** FIG. 3A shows an elevational view of the end effector 200 with the jaws 210a, 210b closed, according to one aspect of the present disclosure. In the closed position shown by FIG. 3A, the upper jaw 210a and the lower jaw 210b define a gap 211 between the first energy delivery surface 230a and the second energy delivery surface 230b in the closed position. In various aspects, the gap 211 defines a minimum distance between the first energy delivery surface 230a and the second energy delivery surface 230b. In at least one instance, the gap 211 is a uniform gap, and a uniform minimum distance is maintained between the first energy delivery surface 230a and the second energy delivery surface 230b along the length of the first energy delivery surface 230a and/or the second energy delivery surface 230b.

**[0097]** Alternatively, the gap 211 can be a non-uniform gap. A first minimum distance can be defined between the first energy delivery surface 230a and the second energy delivery surface 230b at a first position in proximity to the distal ends 212a and 212b while a second minimum distance different from the first minimum distance can be defined between the first energy delivery surface 230a and the second energy delivery surface 230b at a second position in proximity to the proximal ends 214a and 214b, for example.

**[0098]** In various instances, a minimum distance between the first energy delivery surface 230a and the second energy delivery surface 230b is equal from about 0.0005" (about 13  $\mu\text{m}$ ) to about 0.040" (about 1 mm), for example, and in some aspects, between about 0.001" (about 25  $\mu\text{m}$ ) to about 0.010" (about 250  $\mu\text{m}$ ), for example. In some non-limiting examples, a minimum distance may have values of about 0.0005" (about 13  $\mu\text{m}$ ), about 0.001" (about 25  $\mu\text{m}$ ), about 0.002" (about 51  $\mu\text{m}$ ), about 0.004" (about 100  $\mu\text{m}$ ), about 0.005" (about 130  $\mu\text{m}$ ), about 0.01" (about 250  $\mu\text{m}$ ), about 0.02" (about 510  $\mu\text{m}$ ), about 0.04" (about 1mm), or a range between any two of these values including endpoints.

**[0099]** When the jaws 210a, 210b are closed or nearly closed, they may grasp a tissue in between and contact opposite sides of the tissue, and current supplied by the generator 120 may pass along the supply conductor 131 to the lower jaw 210b and the second energy delivery surface 230b, through the tissue, and then return via the first energy delivery surface 230a, the upper jaw 210a, and the return conductor 133 to the generator 120. In this manner, the tissue between the upper jaw 210a and the lower jaw 210b forms a load for the generator 120.

**[0100]** With reference to FIG. 3B, which shows an enlarged view of the electrically conductive gap setting member 220 according to one aspect of the present disclosure, the height of the electrically conductive gap setting member 220 above the second energy delivery surface 230b defines a minimum distance  $t_0$  of the gap 211 between the first and second energy delivery surfaces 230a, 230b near the distal end of the end effector 200 ("the distal gap distance") when the electrically conductive gap setting member 220 is in contact with the first energy delivery surface 230a. In the case where the upper jaw 210a comprises a recession 222,  $t_0$  may be the difference between the height of the electrically conductive gap setting member 220 and the depth of the recession 222. The pivot assembly 270 defines a minimum distance  $t_0'$  between the first and second energy delivery surfaces 230a, 230b near the proximal end of the end effector 200 ("the proximal gap distance").



**[0101]** When a uniform gap is defined between the first energy delivery surface 230a and the second energy delivery surface 230b, the proximal gap distance and the distal gap distance are the same, or at least substantially the same as one another, such that the first and second energy delivery surfaces 230a, 230b are substantially parallel when the jaws 210a and 210b are closed but not deformed. In another aspect,  $t_0 < t_0'$ , such that the gap gradually becomes narrower from the proximal end to the distal end when the jaws 210a and 210b are closed but not deformed. For example, the difference between  $t_0$  and  $t_0'$  may be 0.002" or more. In other examples, the difference between  $t_0$  and  $t_0'$  may be 0.001", 0.005", 0.006", or any of the values therebetween. Because of the narrower distal gap distance, the degree of compression of the tissue is higher in the distal portion (for example, a 1/3 portion near the distal end), thus providing improved manipulation and sealing in the distal portion.

**[0102]** With reference to FIG. 3C, which shows an enlarged view of the electrically insulative tissue engaging members 240a, 240b, 240c according to one aspect of the present disclosure, the heights  $t_1$ ,  $t_2$ ,  $t_3$  of the electrically insulative tissue engaging members 240a, 240b, 240c, respectively, above the second energy delivery surface 230b are less than the distal gap distance  $t_0$ . For example, the heights  $t_1$ ,  $t_2$ ,  $t_3$  of the electrically insulative tissue engaging members 240a, 240b, 240c may be at least 0.002" less than the distal gap distance  $t_0$ . In other examples, the difference between  $t_0$  and the heights  $t_1$ ,  $t_2$ ,  $t_3$  may be 0.001", 0.005", 0.006", or any of the values therebetween. Therefore, gap distances  $g_1$ ,  $g_2$ ,  $g_3$ , respectively, are formed when the upper and lower jaws 210a and 210b are closed. In one aspect, the heights  $t_1$ ,  $t_2$ ,  $t_3$  may be substantially the same. In another aspect,  $t_1 < t_2 < t_3$ , for example.

**[0103]** FIG. 4 shows a perspective view of the end effector 200 with the jaws 210a, 210b open in a gap setting process, according to one aspect of the present disclosure. As shown in FIG. 4, a spacer or shim 410 with a thickness is placed between the first and second energy delivery surfaces 230a, 230b at or in proximity to the first proximal end 214a and the second proximal end 214b. The spacer 410 is shown in FIG. 4 as having a shape of a rectangular sheet. However, other shapes of the spacer 410 are possible. For example, the spacer 410 may be tapered or wedged. For example, the spacer 410 may have a shape of a rod or a pin.

**[0104]** FIG. 5A shows an elevational view of the end effector 200 with the jaws 210a, 210b closed in the initial gap setting process, according to one aspect of the present disclosure. As shown in FIG. 5A, the movement of the jaw(s) towards the closed position is limited by the spacer 410. At that point, the pivot assembly 270 may be welded in place to set a proximal gap

distance  $t_0'$  which substantially equals to the thickness of the spacer 410. As shown in FIG. 5A, the proximal gap distance  $t_0'$  is substantially the same as the distal gap distance  $t_0$ . The spacer 410 is thereafter removed. FIG. 5B shows an enlarged view of the spacer 410 in FIG. 5A.

**[0105]** FIG. 6A shows an elevational view of the end effector 200 with the jaws 210a, 210b closed in the gap setting process, according to one aspect of the present disclosure. The spacer 410' in FIG. 6 is thicker than the spacer 410 in FIGS. 5A-5B. Therefore,  $t_0 < t_0'$ , such that the gap between the jaws 210a, 210b gradually becomes narrower from the proximal end to the distal end when the jaws 210a, 210b are closed but not deformed. FIG. 6B shows an enlarged view of the spacer 410' in FIG. 6A.

**[0106]** In operation, an end effector 200 as discussed above may limit the pivotal movement with the electrically conductive gap setting member 220.

**[0107]** FIG. 7 shows an exploded view of the end effector 200 illustrating the pivot assembly 270. As shown in FIG. 7, the pivot assembly 270 may comprise two pieces, each comprising a body 272 and a pivot 274. A one-piece pivot assembly 270 may be possible in other embodiments. The pivots 274 may have substantially cylindrical shapes. In the initial gap setting process discussed above with reference to FIGS. 4-6B, after the spacer 410 is in place and the movement of the jaw(s) towards the closed position is limited by the spacer 410, the bodies 272 of the pivot assembly 270 may be welded to the lower jaw at or in proximity to the proximal end, for example at slots 278 located at the lower jaw. In other words, the pivots 274 are indirectly welded to the lower jaw. In other embodiments, the pivots 274 may be directly welded to the lower jaw, and the bodies 272 may be omitted. The upper jaw may comprise a hole 276 adapted to receive the pivots 274. The hole 276 may have a round shape. The pivotal movement between the upper and lower jaws discussed above may be about an axis defined by the pivots 274 and the hole 276. In other embodiments, the pivot assembly 270 may be welded to the upper jaw, and the hole 276 may be located at the lower jaw.

**[0108]** FIG. 8 shows an elevational view of an end effector 200 with jaws 210a, 210b closed, according to one aspect of the present disclosure.

**[0109]** FIG. 9A shows a perspective view of an end effector 200 the jaws 210a, 210b closed in the initial gap setting process, according to one aspect of the present disclosure. As shown in FIG. 9A, the first and second distal ends 212a, 212b have curved shapes. The spacer 410 has a shape of a rod or pin. FIG. 9B shows a perspective view of the end effector 200 of FIG. 9A with

the jaws 210a, 210b open, according to one aspect of the present disclosure. FIG. 9C shows an enlarged view of the lower jaw 210b of the end effector 200 of FIG. 9A, according to one aspect of the present disclosure.

**CLAIMS**

What is claimed is:

1. An end effector for an electrosurgical instrument, comprising:

a first jaw comprising a first energy delivery surface, a first distal end, and a first proximal end;

a second jaw comprising a second energy delivery surface, a second distal end, and a second proximal end, wherein the first and second jaws are pivotally coupled at the first and second proximal ends, such that at least one of the first and second jaws is configured for movement between a closed position where the first and second distal ends are in proximity and the first and second energy delivery surfaces face each other, and an open position where the first and second distal ends are spaced apart;

an electrically conductive member protruding from the second jaw, wherein the electrically conductive member is in proximity to the second distal end; and

a pivot in proximity to the first and second proximal ends, wherein the electrically conductive member and the pivot cooperate to maintain a gap between the first energy delivery surface and the second energy delivery surface in the closed position, wherein the electrically conductive member is in contact with the first jaw in the closed position, wherein the pivot is fixed in position to finalize a distal gap distance between the first and second energy delivery surfaces in proximity to the first and second distal ends and a proximal gap distance between the first and second energy delivery surfaces in proximity to the first and second proximal ends, and wherein the distal gap distance is different from the proximal gap distance.

2. The end effector of claim 1, wherein the proximal gap distance is greater than the distal gap distance.

3. The end effector of claim 2, wherein the proximal gap distance is greater than the distal gap distance by at least 0.002".

4. The end effector of claim 1, wherein the pivot is welded to one of the first jaw and the second jaw.

5. The end effector of claim 1, wherein the electrically conductive member is located at a

distance from an edge of the second energy delivery surface at the second distal end.

6. The end effector of claim 1, wherein the electrically conductive member is electrically isolated from the second energy delivery surface.

7. The end effector of claim 1, wherein the electrically conductive member is substantially in a shape of a post.

8. The end effector of claim 1, wherein the electrically conductive member is rounded at an outward end.

9. The end effector of claim 1, further comprising a recession in the first energy delivery surface, wherein the recession is in proximity to the first distal end and is adapted to receive the electrically conductive member in the closed position.

10. The end effector of claim 1, further comprising a first electrically insulative member protruding from the second energy delivery surface.

11. The end effector of claim 10, wherein a height of the first electrically insulative member above the second energy delivery surface is less than the distal gap distance.

12. The end effector of claim 10, wherein a difference between the height of the first electrically insulative member above the second energy delivery surface and the distal gap distance is at least 0.002".

13. The end effector of claim 10, further comprising a second electrically insulative member protruding from the second energy delivery surface.

14. The end effector of claim 13, wherein the second electrically insulative member is located between the first electrically insulative member and the second distal end, and a height of the second electrically insulative member above the second energy delivery surface is less than the height of the first electrically insulative member above the second energy delivery surface.

15. The end effector of claim 1, further comprising an electrically insulative member protruding

from the first energy delivery surface, wherein a height of the electrically insulative member above the first energy delivery surface is less than the distal gap distance.

16. A method for making an end effector of an electrosurgical instrument, comprising:

- providing a first jaw of the end effector, wherein the first jaw comprises a first energy delivery surface, a first proximal end, and a first distal end;

- providing a second jaw of the end effector, wherein the second jaw comprises a second energy delivery surface, a second proximal end, a second distal end, and an electrically conductive member protruding from the second jaw in proximity to the second distal end;

- positioning a spacer comprising a predetermined thickness between the first jaw and the second in proximity to the first proximal end and the second proximal end; and

- moving at least one of the first jaw and the second jaw toward the other one of the first jaw and the second jaw until the movement of the at least one of the first jaw and the second jaw is limited by the spacer such that a proximal gap distance is defined between the first and second energy delivery surfaces which substantially equals the predetermined thickness of the spacer, and until the electrically conductive member is in contact with the first energy delivery surface such that a distal gap distance is defined by the electrically conductive member between the first and second energy delivery surfaces;

- positioning at least one pivot in proximity to the first and second proximal ends;

- fixing the at least one pivot to one of the first jaw and the second jaw; and

- removing the spacer.

17. The method of claim 16, further comprising arranging a first electrically insulative member on the second energy delivery surface, wherein a height of the first electrically insulative member protruding from the second energy delivery surface is less than the distal gap distance.

18. The method of claim 16, wherein the electrically conductive member is located at a distance from an edge of the second energy delivery surface at the second distal end.

19. The method of claim 16, wherein the electrically conductive member is electrically isolated from the second energy delivery surface.

20. A method for assembling an end effector of an electrosurgical instrument, comprising:

- providing a first jaw of the end effector, wherein the first jaw comprises a first energy

delivery surface, a first proximal end, and a first distal end;

providing a second jaw of the end effector, wherein the second jaw comprises a second energy delivery surface, a second proximal end, a second distal end, and an electrically conductive member protruding from the second jaw in proximity to the second distal end;

sandwiching a spacer comprising a predetermined thickness between the first jaw and the second jaw to set a minimum gap between the first energy delivery surface and the second energy delivery surface in proximity to the first and second proximal ends while the electrically conductive member is in contact with the first energy delivery surface;

positioning at least one pivot in proximity to the first and second proximal ends;

fixing the at least one pivot to one of the first jaw and the second jaw; and

removing the spacer.

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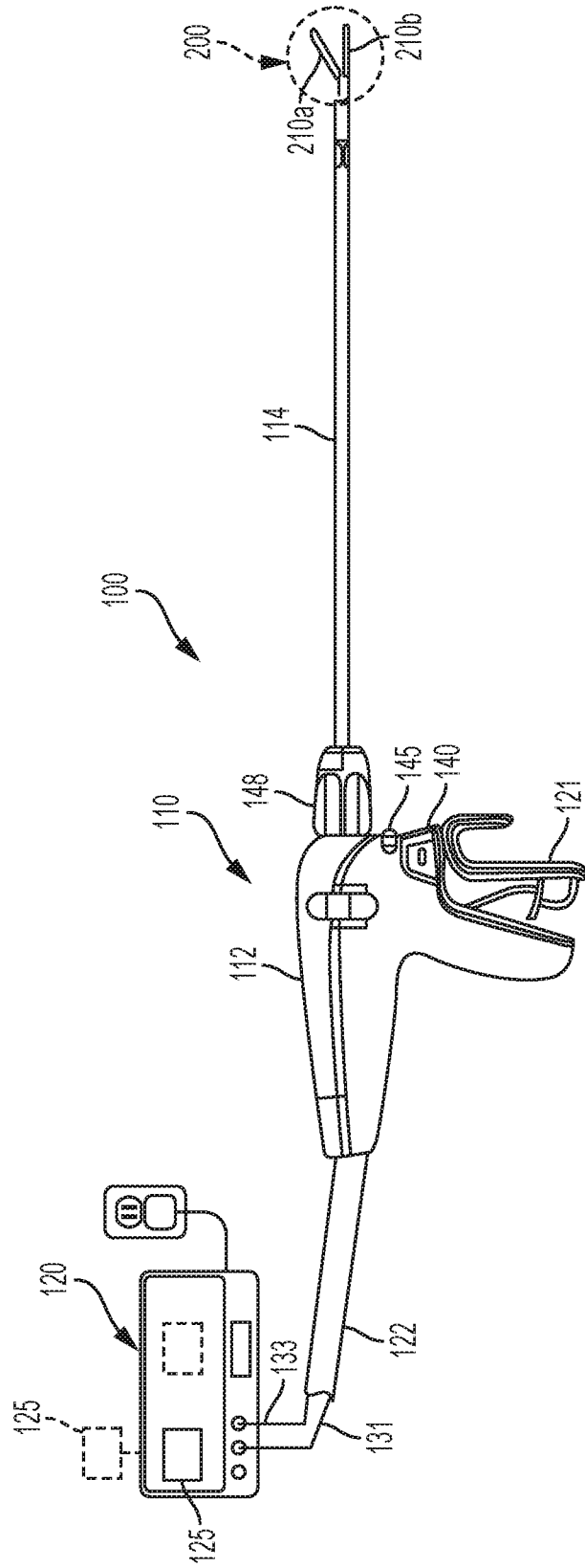


FIG. 1



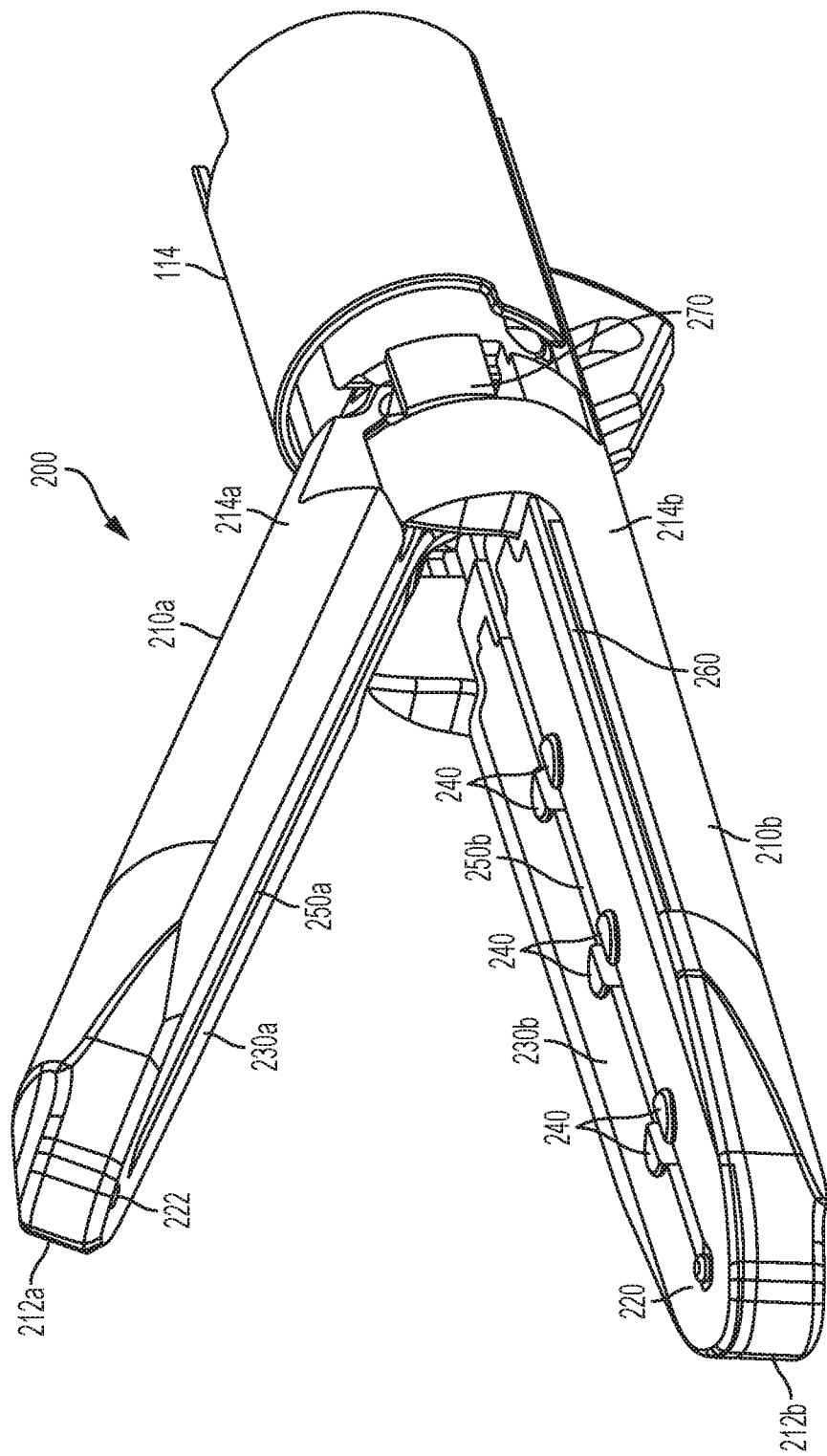
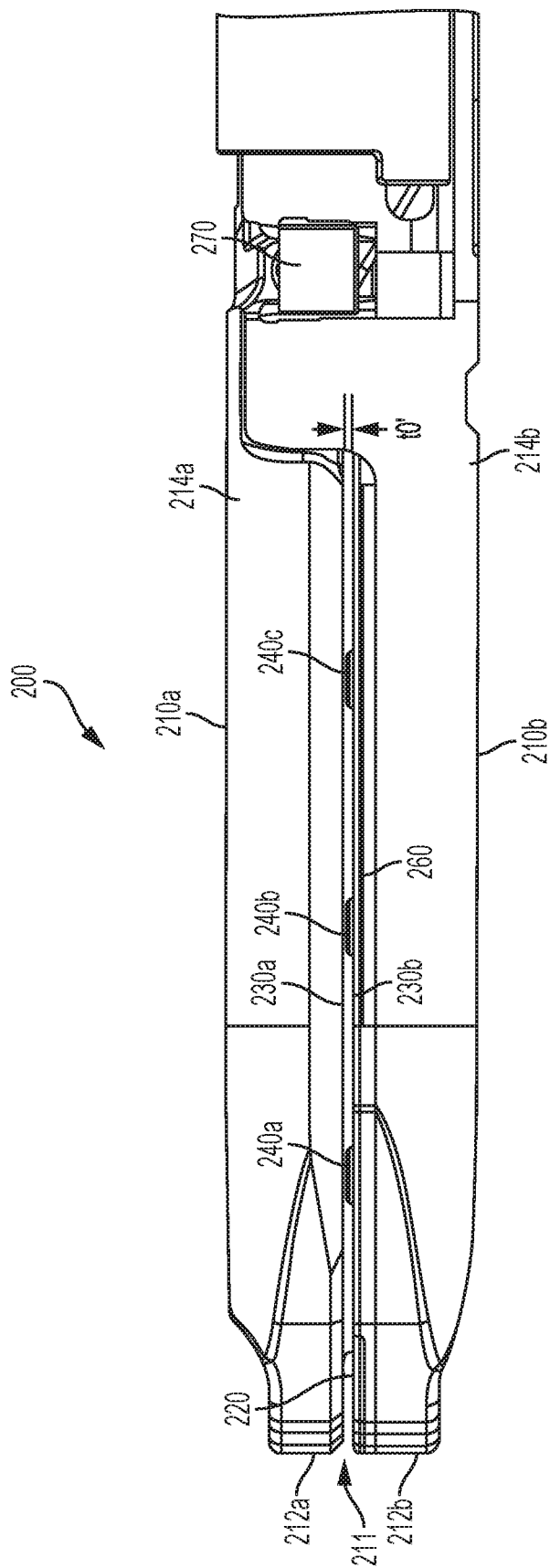
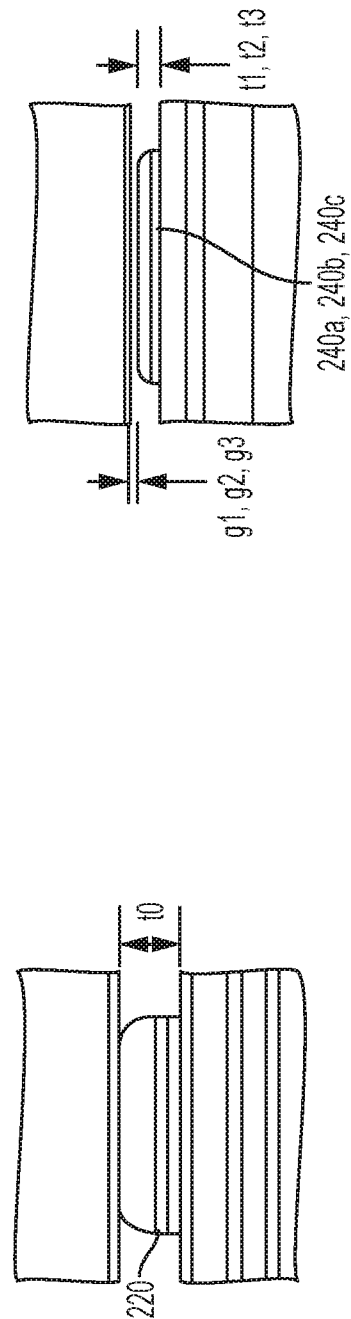


FIG. 2



3A  
G.  
F



உ

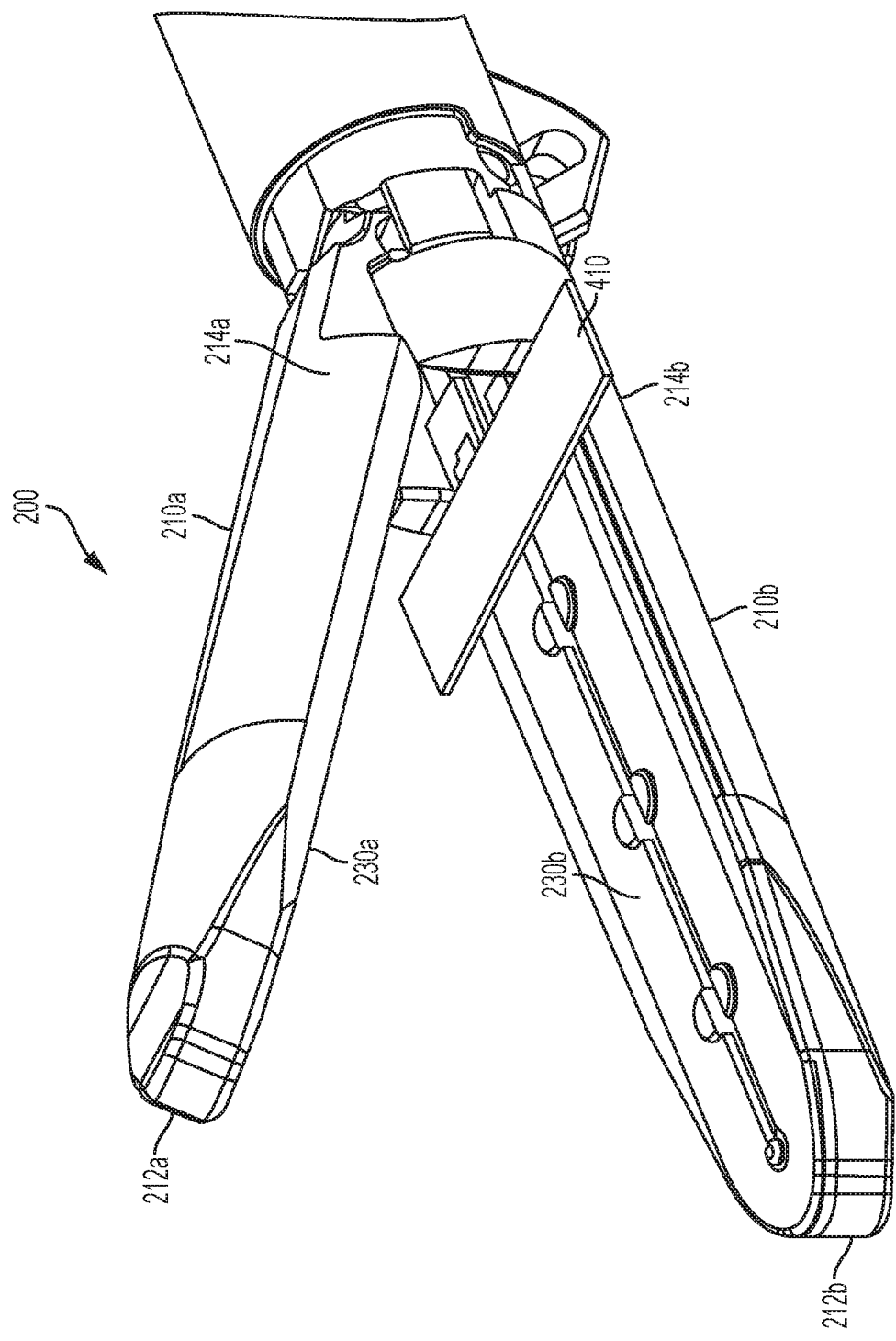


FIG. 4

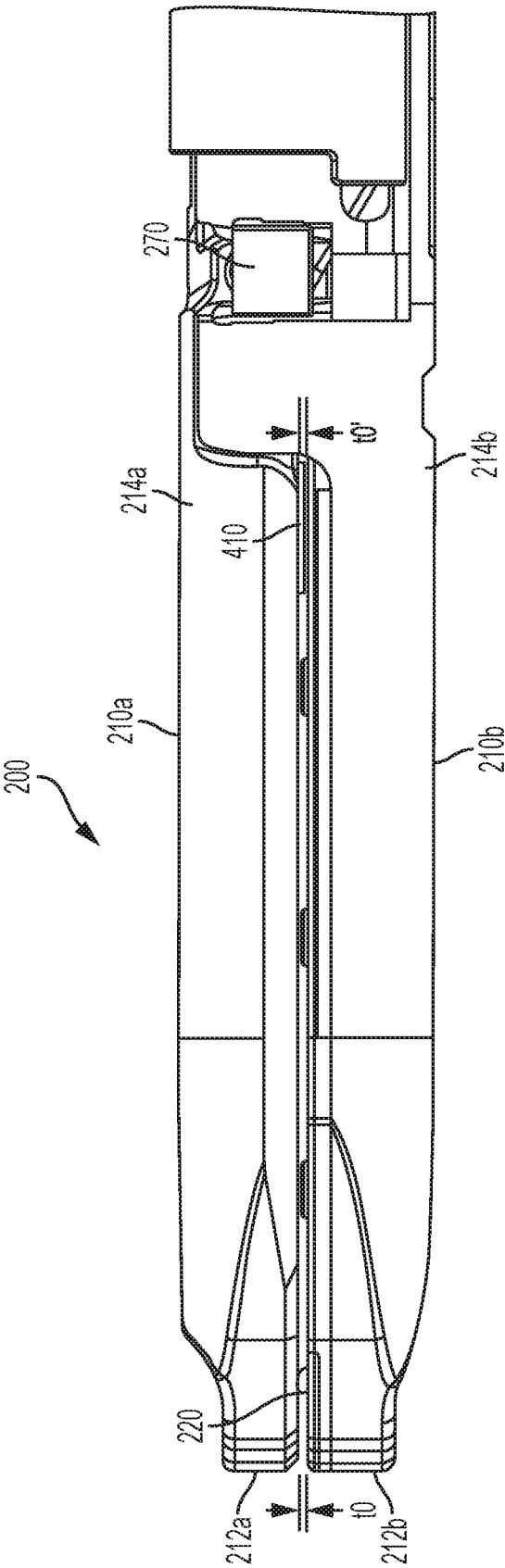


FIG. 5A

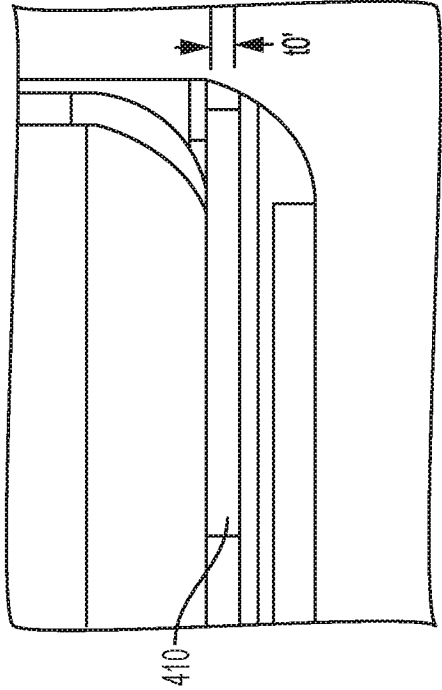


FIG. 5B

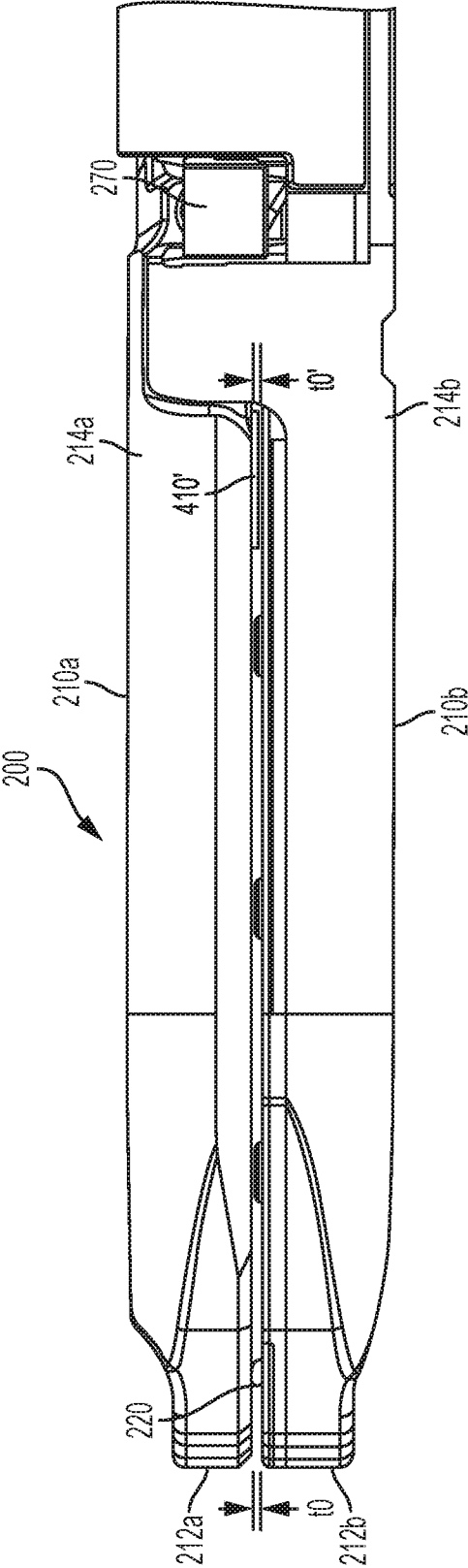


FIG. 6A

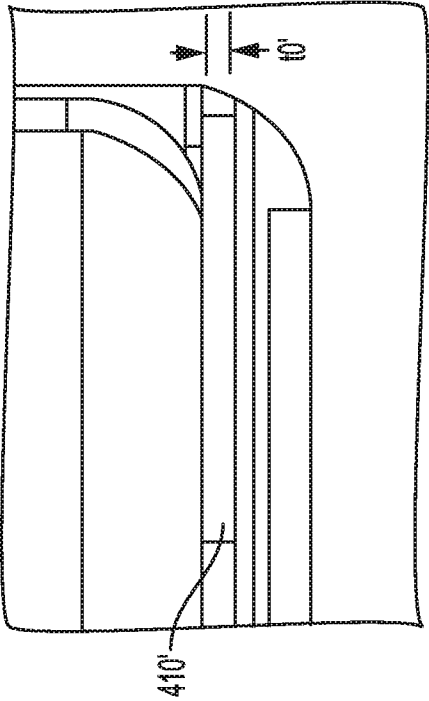


FIG. 6B

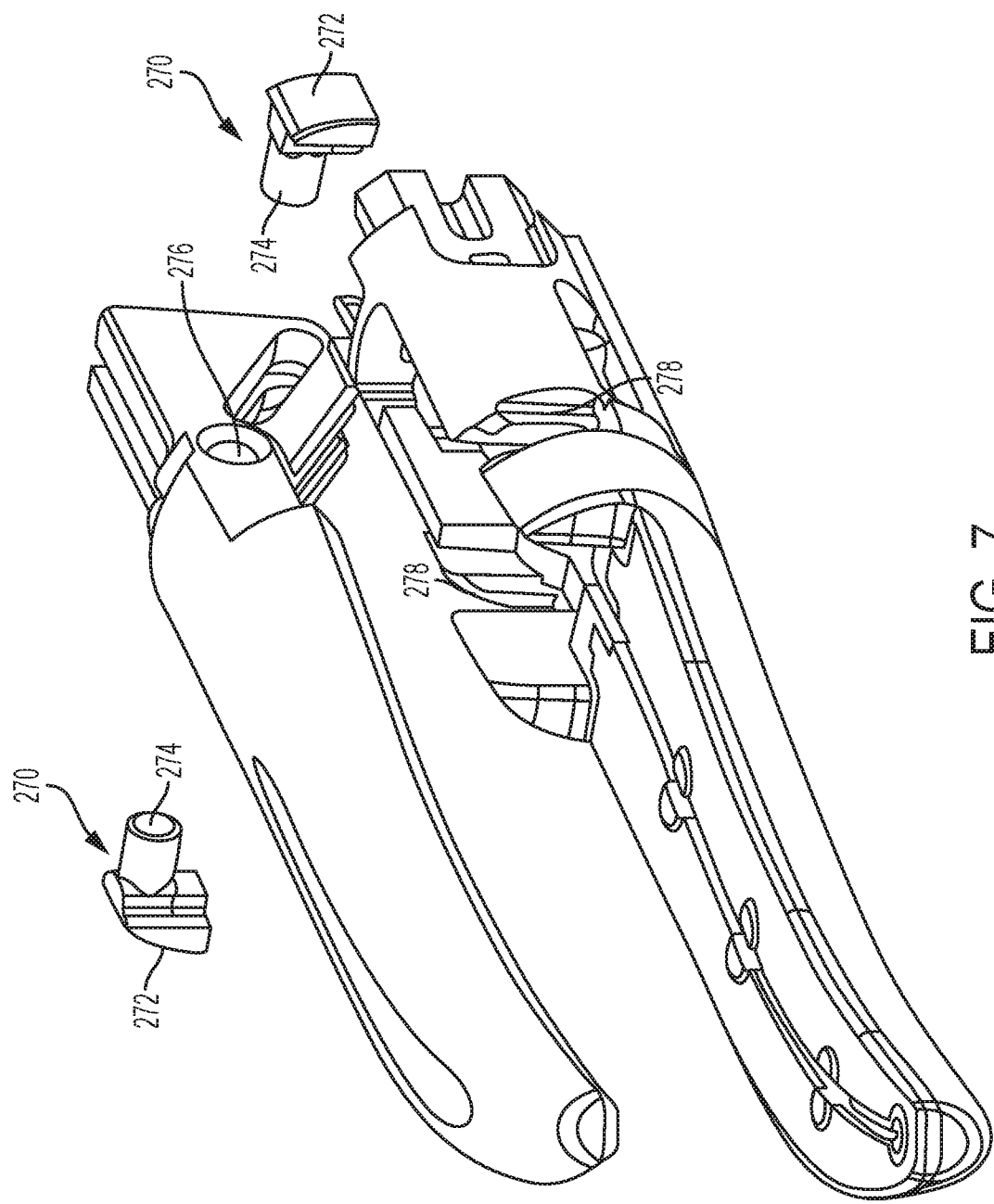


FIG. 7

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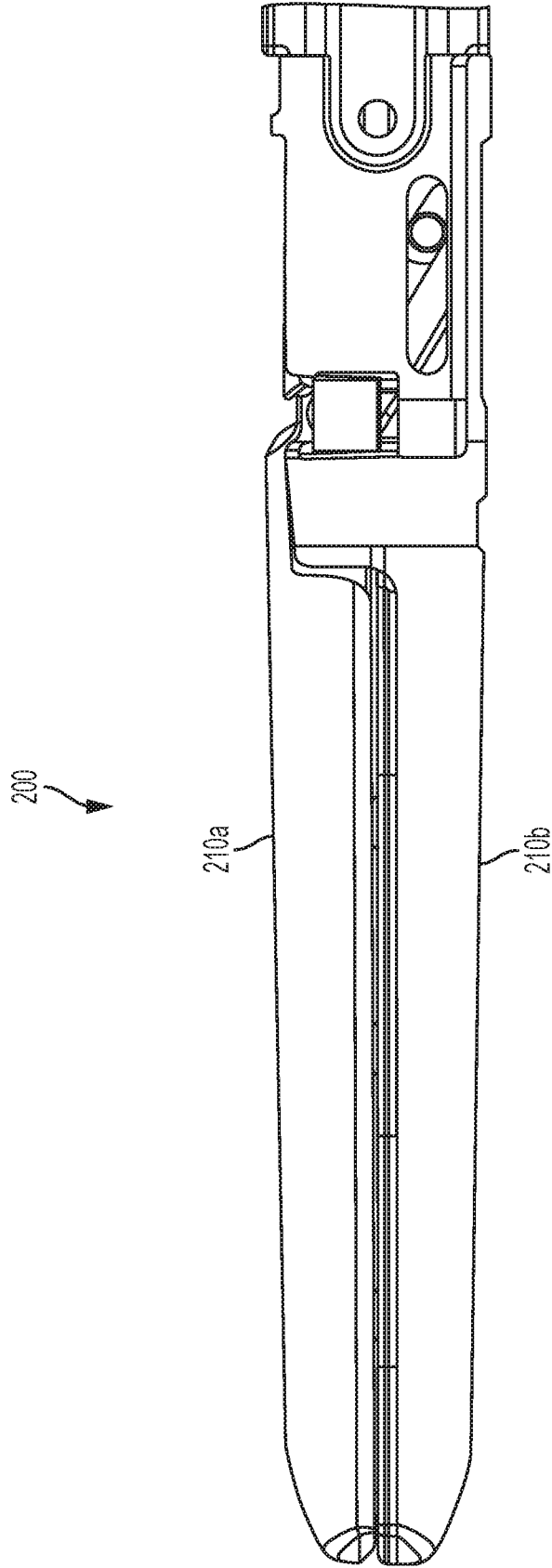


FIG. 8

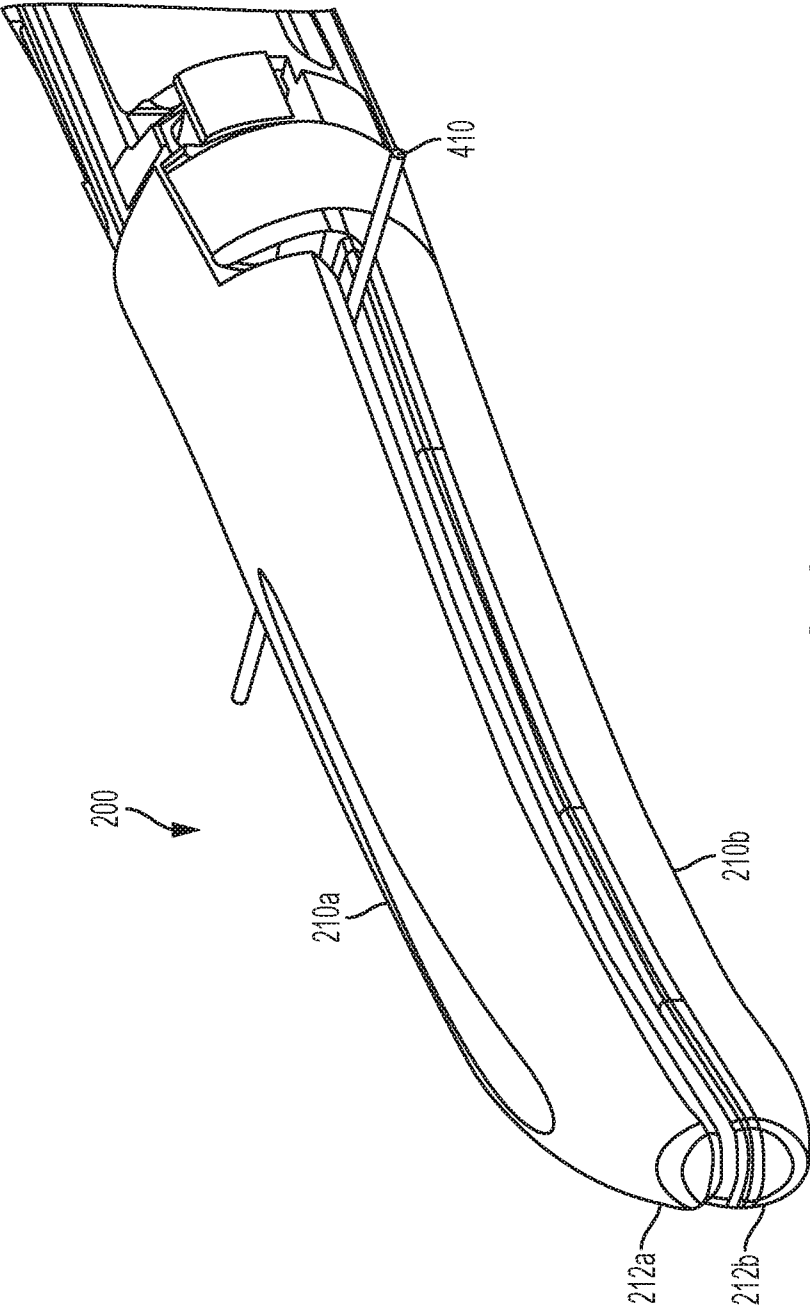


FIG. 9A



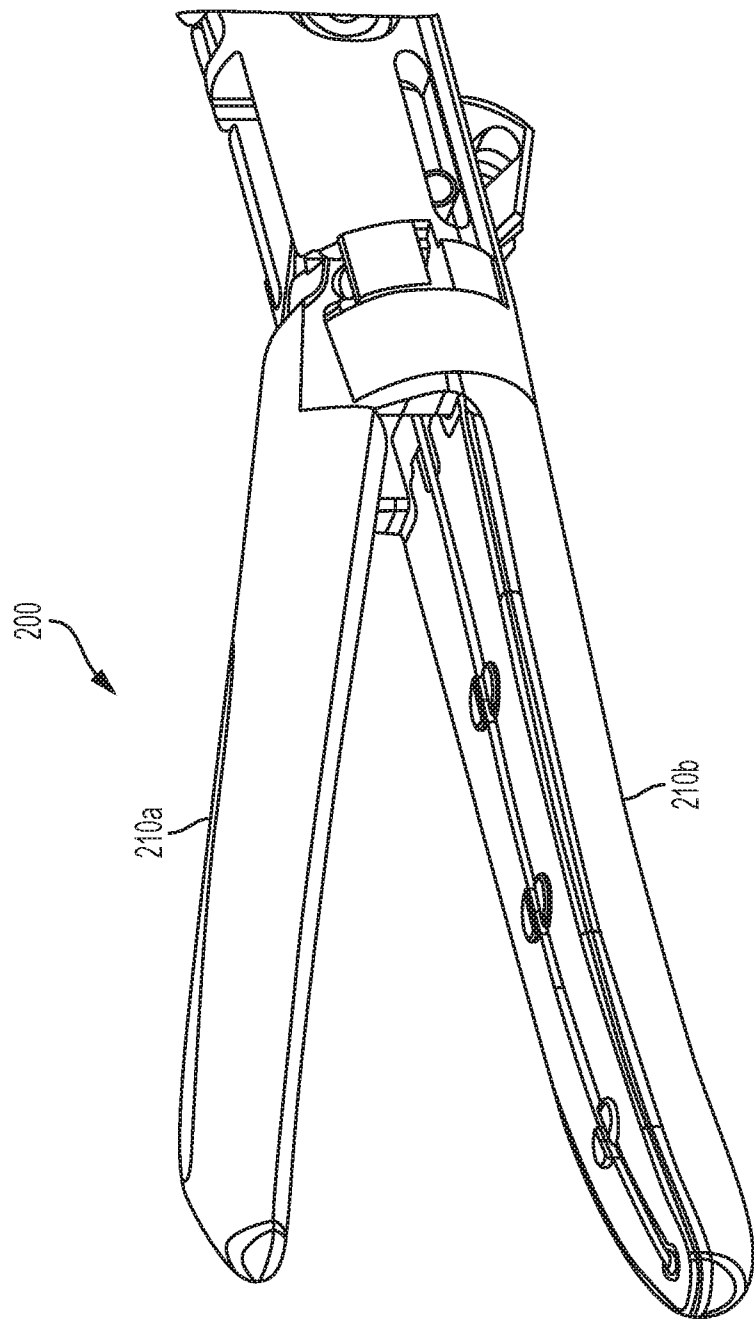


FIG. 9B

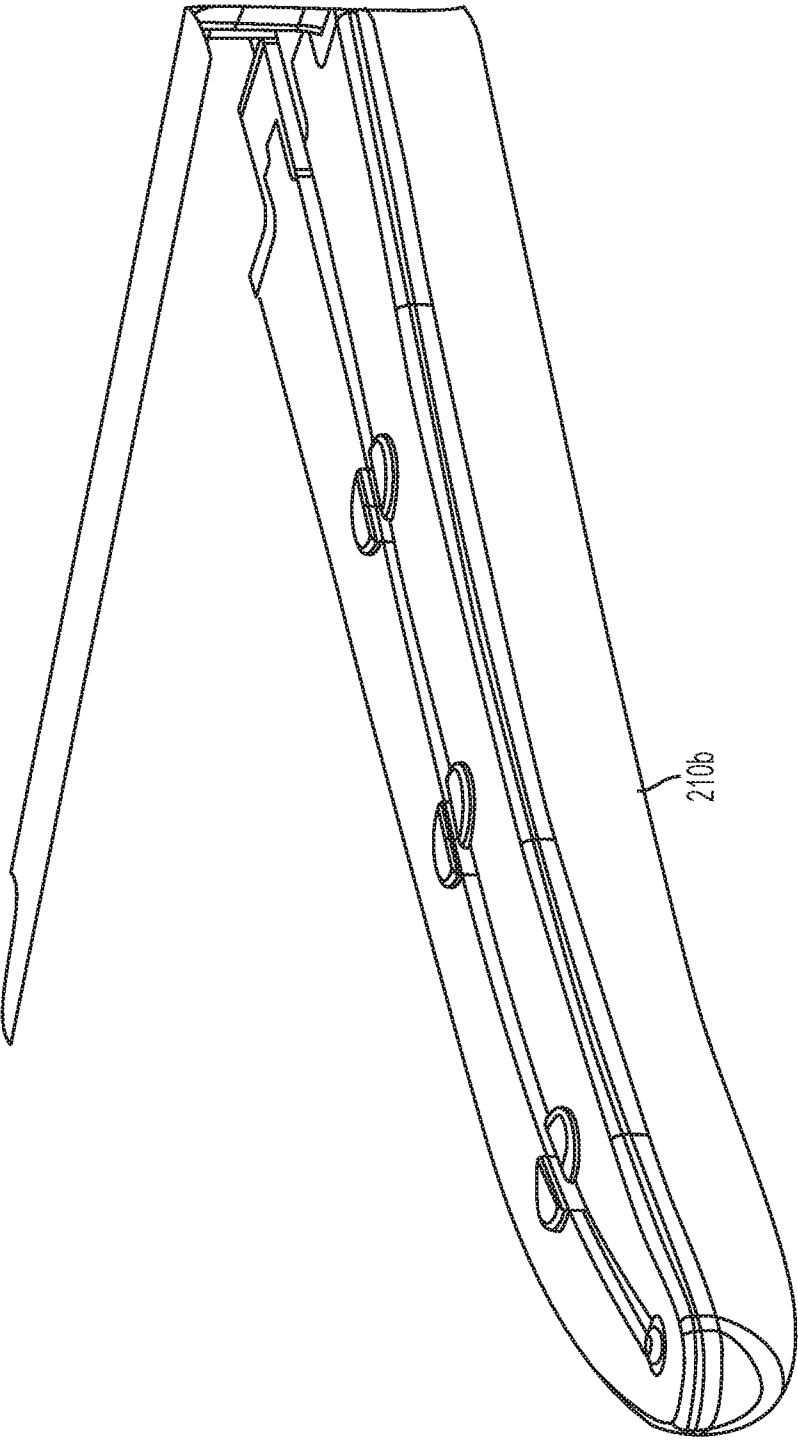


FIG. 9C

## INTERNATIONAL SEARCH REPORT

International application No  
PCT/US2017/029077

## A. CLASSIFICATION OF SUBJECT MATTER

INV. A61B18/14

ADD. A61B18/00 A61B90/00 A61B17/00

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. |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| Y         | US 2012/083784 A1 (DAVISON MARK A [US] ET AL) 5 April 2012 (2012-04-05) paragraph [0101]; figure 11<br>-----                           | 1-8                   |
| Y         | US 2015/282822 A1 (TREES GREGORY A [US] ET AL) 8 October 2015 (2015-10-08) paragraph [0100] - paragraph [0104]; figures 17,18<br>----- | 10-13,15              |
| Y         | DE 10 2014 108914 A1 (AESCULAP AG [DE]) 31 December 2015 (2015-12-31) paragraph [0063] - paragraph [0069]; figures 8,9,14-16<br>-----  | 9                     |
| Y         | US 2009/149853 A1 (SHIELDS CHELSEA [US] ET AL) 11 June 2009 (2009-06-11) paragraph [0039]<br>-----<br>-/-                              | 1,2,<br>5-13,15       |



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

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"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

"&amp;" document member of the same patent family

Date of the actual completion of the international search

4 July 2017

Date of mailing of the international search report

04/09/2017

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

Ekstrand, Vilhelm

## INTERNATIONAL SEARCH REPORT

International application No  
PCT/US2017/029077

| 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 2004/267311 A1 (VIOLA FRANK J [US] ET AL) 30 December 2004 (2004-12-30)<br>paragraph [0010] - paragraph [0011]<br>paragraph [0062] - paragraph [0063];<br>figure 6<br>paragraph [0071]; figure 15<br>----- | 3,4                   |
| A                                                    | EP 0 178 941 A2 (SENMED INC [US])<br>23 April 1986 (1986-04-23)<br>page 16, line 1 - line 25; figure 3<br>-----                                                                                               | 1-15                  |
| A                                                    | US 2013/232753 A1 (ACKLEY JOANNA [US] ET AL) 12 September 2013 (2013-09-12)<br>paragraph [0037]; figure 8<br>-----                                                                                            | 1-15                  |

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US2017/029077

### 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.:

1-15

#### 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: 1-15

An end effector for an electrosurgical instrument with an non-uniform gap between its jaws

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2. claims: 16-20

A method for making/assembling an end effector where a pivot is fixated to give a wanted gap between the jaws

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# INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/US2017/029077

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