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(71) Applicant *(for all designated States except US)*: **INTERVENTIONAL & SURGICAL INNOVATIONS, LLC.** [US/US]; 25 High Meadow Road, Campbell Hall, NY 10916 (US).

(72) Inventors: **HINCHLIFFE, Peter, W.J.**; 25 High Meadow Road, Campbell Hall, NY 10916 (US). **LEHMAN, Adam, I.**; 26 Hillside View Road, Northford, CT 06472 (US). **HELME, Daniel**; 41 Mountain Avenue, Warren, NJ 07059 (US). **JANKOWSKI, Norbert, Thomas**; 3405 Spring Street, Pompano Beach, FL 33062 (US). **HELFER, Joel, N.**; 392 Jinny Hill Road, Cheshire, CT 06410 (US).

(74) Agent: **GERSHON, Neil, D.**; 1011 High Ridge Road, Stamford, CT 06905 (US).

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Published:

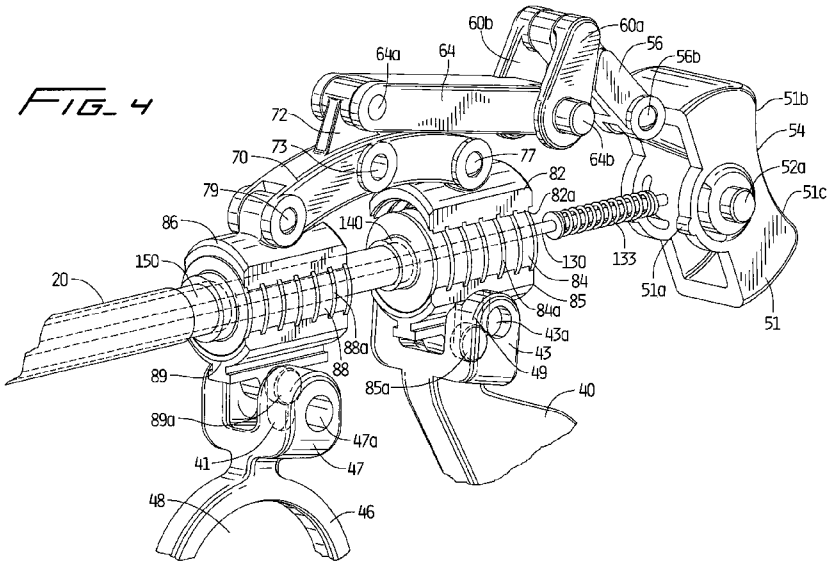
— *with international search report (Art. 21(3))*

— *before the expiration of the time limit for amending the claims and to be republished in the event of receipt of amendments (Rule 48.2(h))*

(88) Date of publication of the international search report:
14 January 2010

(54) Title: SURGICAL INSTRUMENT FOR GRASPING AND CUTTING TISSUE

FIG. 4



(57) Abstract: A surgical instrument (10) for cutting and grasping tissue comprising a handle assembly (30), an elongated member (20) and first (110) and second (120) jaws. A first movable member (140) moves the second jaw in a first direction about a first pivot axis in a grasping action and a second movable member (150) moves the second jaw in a second direction different than the first direction and about a second pivot axis in a cutting action. A switch (51) is positioned at the proximal portion of the instrument and a selecting member (70, 82, 86) is actuated by movement of the switch, the selecting member movable between a first position to enable movement of the second jaw in the first direction and prohibit movement in the second direction and a second position to enable movement of the second jaw in the second direction and prohibit movement in the first direction.

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INTERNATIONAL SEARCH REPORT

International application No
PCT/US2009/000745

A. CLASSIFICATION OF SUBJECT MATTER
INV. A61B17/28 A61B17/32

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
A61B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)
EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X Y	US 7 208 005 B2 (FRECKER MARY I [US] ET AL) 24 April 2007 (2007-04-24) figures 4-11,13,14	1,3-5,8, 11-15 1,2,6
Y	US 6 506 208 B2 (HUNT ROBERT B [US] ET AL) 14 January 2003 (2003-01-14) figures 3-11	1,2,6

☐ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
20 May 2009	16/11/2009

Name and mailing address of the ISA/	Authorized officer
European Patent Office, P.B. 5818 Patentlaan 2 NL – 2280 HV Rijswijk Tel. (+31-70) 340-2040, Fax: (+31-70) 340-3016	Schießl, Werner

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.1

Continuation of Box II.1

Claims Nos.: 28-30

Rule 39.1(iv) PCT - Method for treatment of the human or animal body by surgery
Rule 39.1(iv) PCT - Method for treatment of the human or animal body by therapy

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Continuation of Box II.2

Claims Nos.:

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.2), should the problems which led to the Article 17(2)PCT declaration be overcome.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2009/000745

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. [X] Claims Nos.: 28-30
because they relate to subject matter not required to be searched by this Authority, namely:

Rule 39.1(iv) PCT - Method for treatment of the human or animal body by surgeryRule 39.1(iv) PCT - Method for treatment of the human or animal body by therapy

2. [X] 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:

see FURTHER INFORMATION sheet PCT/ISA/210

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 allsearchable 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 reportcovers only those claims for which fees were paid, specifically claims Nos.:

4. [X] No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

see additional sheet(s)

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: 1-6,8,11-15

   A surgical instrument wherein the selecting member comprises a lockable linking member for selective engagement of one of a first and second locking mechanism (see claim 2) or a linkage mechanism linking the switch to the selecting member and comprising multiple links (see claim 6) in order to provide more effective switching mechanisms.

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2. claims: 7, 16-20

   A surgical instrument further comprising a safety mechanism operably associated with the switch to prevent movement thereof if the jaws are not in a closed position (see claim 7) or to allow activation thereof only when the jaws are in the closed position (see claim 16) to inhibit any switching as long as the jaws are in an open position.

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3. claims: 9, 25-27

   A surgical instrument and a handle assembly comprising a first handle / first movable finger loop and a second handle / second movable finger loop to effect the cutting and the grasping action of the jaws in order to decouple the actuation of the respective actions.

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4. claims: 10,21-24

   A surgical instrument wherein the first and the second movable member are coaxially positioned tubular members (see claim 10) or the second movable member is positioned in the first one (see claim 21) to provide a more symmetric force transmission to the jaws.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No
PCT/US2009/000745

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 7208005 B2	24-04-2007	WO 03013374 A1	20-02-2003
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