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(54) Title: METHODS AND SYSTEMS FOR REPAIRING AN INTERVERTEBRAL DISC USING A TRANSCORPORAL APPROACH

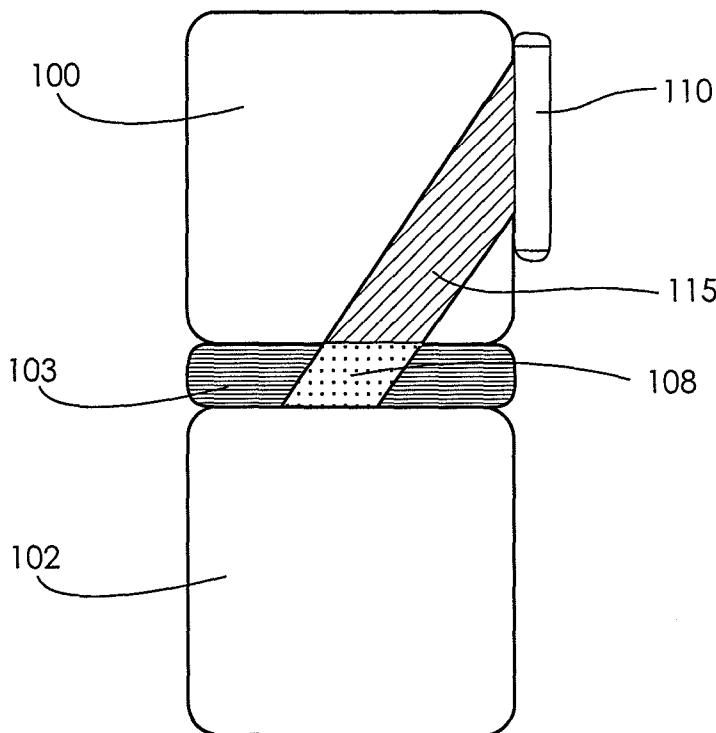


FIG. 1F

(57) Abstract: The invention includes a system and methods for performing surgery on a spinal disc. The system includes an implantable bone plate (110) with an access port to accommodate a bone cutting device, a spinal repair device (115) insertable through the access port of the bone plate configured to occupy a surgically- formed vertebral channel from an anterior surface of the host vertebral body to a site central to an end plate of the host vertebral body, a trajectory control sleeve engageable to the bone plate to direct the trajectory of a cutting device, and a cutting device engageable within the trajectory control sleeve. Methods are directed to forming a vertebral channel and restoring the vertebral body and disc with devices that both repair the bone and the disc.

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**METHODS AND SYSTEMS FOR REPAIRING AN INTERVERTEBRAL DISC  
USING A TRANSCORPORAL APPROACH**

**CROSS REFERENCE TO RELATED APPLICATIONS**

[0001] This application claims priority to US Provisional Patent Application No. 60/990,587 of Lowry *et al.*, entitled "Methods and Systems for Repairing an Intervertebral Disc Using a Transcorporal Approach", as filed on November 27, 2007.

**FIELD OF INVENTION**

[0002] The invention relates to a system and methods of spinal surgery. More particularly, the invention provides a system, devices, and methods to create a surgical access channel between a surgically-exposed surface of a vertebra and the end plate bone tissue of the vertebra adjacent the degenerated disc.

**INCORPORATION BY REFERENCE**

[0003] All publications, patents and patent applications mentioned in this specification, either by inventors common to this application or other inventors, are herein incorporated by reference to the same extent as if each individual publication, patent or patent application was specifically and individually indicated to be incorporated by reference.

[0004] In particular, the following U.S. Patent Applications include related subject matter, and are incorporated in their entirety by this reference: U.S. Patent Application No. 11/855,124 of Lowry *et al.* (filed on September 13, 2007, and entitled "Implantable bone plate system and related method for spinal repair"), U.S. Patent Application 12/210,109 of Lowry *et al.* (filed on September 12, 2008, entitled "Device and method for tissue retraction in spinal surgery"), U.S. Patent Application 12/210,089 of Lowry *et al.* (filed on September 12, 2008, entitled "Transcorporeal spinal decompression and repair system and related method"), and U.S. Patent Application 12/239,431 of Lowry *et al.* (filed on September 26, 2008, entitled "Vertebrally mounted tissue retractor and method for use in spinal surgery").

**BACKGROUND OF THE INVENTION**

[0005] Intervertebral discs provide articulating means and mechanical stress absorption in the spine and further serve to permit controlled motion across vertebral segments. Vertebral discs degenerate progressively as a result of the natural aging process, and injury or disease, and with physical degeneration comes a loss in thickness or height of the disc, and a loss in their capacity to support a load and to absorb shock. Physically, disc degeneration can present in the form of

the disc bulging material beyond its normal anatomical space or with collapse of the disc, both conditions being associated with spinal stenosis. Degenerative disc disease is variously associated with axial neck or back pain, a loss of normal spinal motion or increased abnormal motion, back pain, numbness, tingling, or weakness in one or more limbs.

[0006] In other instances a sudden physical stress on the spine can cause a defect to occur on the fibrous outer ring of the disc, the annulus fibrosis. In these cases the inner disc material, the nucleus pulposus, can rupture or protrude beyond the outer surface of the annulus, or shift outward a portion of the ring of the annulus fibrosis, resulting in an impingement on an adjacent neural structure. This is commonly referred to as a disc herniation, protrusion, or rupture, and typically causes symptoms similar to those of degenerative disc disease.

[0007] Nerve root impingements related to disc degeneration can occur throughout the spine but are most common in the lumbar and cervical regions. Most symptomatic disc degenerations occur posteriorly, and are thus particularly problematic as they are immediately adjacent to the spinal cord and nerve roots, and thereby prone to inducing neural impingement.

[0008] There are various treatment options for degenerative disc disease and disc herniations. Mild degenerative disc disease is often treated non-surgically, but more severe cases often require surgical treatment. These treatments may include the removal of the disc (discectomy), a reconditioning of the disc using a synthetic substance added to the nucleus (nucleoplasty), artificial total disc replacement (arthroplasty), or a spinal fusion procedure (arthrodesis). Recent trends in spine surgical development have focused on the replacement or repair of damaged discs with various biocompatible implants or repair devices. While a total disc arthroplasty in the cervical spine is presently done from an anterior surgical approach to the spine, a reconditioning of any disc may be achieved injecting an artificial nucleus pulposus material through a defect surgically created in the annulus fibrosis in the course of resecting compressing disc material.

[0009] Presently, current techniques for reconditioning the nucleus pulposus with a synthetic material or performing a total disc arthroplasty (disc replacement) require that a defect be made in the outer rim of the disc, the annulus fibrosis. The annulus defect may be several millimeters wide, as when injecting a nucleus reconditioning substance such as NuCore (Spine Wave, Inc., Shelton, CT), or it may be as large as several centimeters, as when doing a disc arthroplasty. Any defect in the annulus, however, can initiate a post-operative herniation or migration of the implanted reconditioning substance out of the normal interior space of the disc. This undesirable result can induce a compression of an adjacent neural structure and/or induce a collapse of the intervertebral disc.

[0010] Some improvements have been made in surgical approaches to disc damage or disease,

as exemplified by U.S. Pat. App. No. 2006/0271198 of McAfee, U.S. Pat. App. No. 2005/0149046 of Friedman, and U.S. Pat. App. No. 2006/0074424 of Alleyne. There remains a need, however, specifically for approaches by which the inner portion, the nucleus pulposus, of the vertebral discs, particularly cervical discs, can be accessed and repaired, restored, or replaced without violating the annulus fibrosis of the disc.

### SUMMARY OF THE INVENTION

[0011] The invention provides a system with devices and methods by which to utilize the system and devices to form and repair an intervertebral channel useful in surgical procedures involving repair or replacement of at least a portion of the intervertebral disc, such portion typically involving the central portion of the disc, the nucleus pulposus. The channel is transcorporeal in nature, *i.e.*, it traverses through a vertebral body and approaches the disc from a central aspect that preserves the integrity of the peripheral portion of the disc, the annulus fibrosis. Embodiments of the invention also include repair devices that fill the channel once the channel has fulfilled its function as well as substitute disc materials that functionally replace a damaged or excised portion of a disc. Embodiments of these bone repair devices include ones that have a lumen communicating between the proximal and distal ends of the device for the delivery of a flowable substitute disc material into the intervertebral space. Other bone repair device embodiments have a portion that occupies the transcorporeal channel, but also another portion that extends into the intervertebral space to functionally replace a disc. Some of these latter embodiments may also include a lumen for the delivery of flowable substitute disc material that may augment support provided by the bone repair device itself, or help to support the integrity of the intervertebral space.

[0012] An embodiment of a spinal repair device, according to this invention, includes at least one lumen communicating between a proximal end of the device and a distal end of the device. The device embodiment is sized and configured to occupy at least a portion of a surgically-formed transcorporeal channel in a vertebral body that extends on a trajectory from a non end-plate surface to an end plate where an opening of the channel communicates into an intervertebral space, the at least one lumen sized and configured to permit the flow therethrough of a disc replacement material. The trajectory of the channel, and by extension, the trajectory of a spinal repair device may be understood as a prescribed trajectory inasmuch as the optimal course of the channel and device are precisely planned by a surgeon prior to operating, such prescription based on the medical aspects and spinal dimensions of the patient.

[0013] With regard to the lumen or internal channel feature of the spinal repair device, in some embodiments, the at least one lumen provides a flow path for a liquid state disc repair material.

In some embodiments, the lumen includes a flow prevention element that prevents egress of a liquid state disc repair material from the intervertebral space. And in some embodiments, the lumen includes two channels, a first channel configured for liquid flow into the intervertebral space, and a second channel configured to allow liquid or gas egress from the intervertebral space.

**[0014]** Some aspects and features of the implantable spinal repair device relate to the biocompatibility of the device and to its ability to integrate into the bone of the host vertebral body. Thus, in some embodiments, the device includes a surface portion that is sufficiently porous to allow in-growth of host bone. Some embodiments of the device include a biologically compatible material, which may include any of a polymer, a metal, a ceramic, or a combination thereof. In some embodiments, the device may include biologically absorbable material. Some embodiments of the device include an osteogenic agent incorporated into the device composition. In some embodiments, the device is formed in whole or in part from a porous cage, which permits passage of biological fluid and cells. In some of these embodiments, a bone cell preparation is included within the porous cage; these cells may be derived as an autograft preparation from the patient, from a compatible donor individual, and further, bone cells from any source may be cultured in an in vitro system prior to implantation.

**[0015]** With regard to the form and dimensions of the implantable bone repair device, some embodiments of the device are linear in form, such linear form configured to occupy a linear transcorporeal channel. Other embodiments may be arcuate in form, such arcuate form configured to occupy an arcuate transcorporeal channel. Embodiments of the device typically have a length that ranges from about 8 mm to about 20 mm and a diameter that ranges from about 3 mm and about 7 mm.

**[0016]** An embodiment of a system for spinal disc surgery, according to this invention, includes the above-summarized spinal repair device which includes the lumen, as well as a trajectory control apparatus adapted to attach to the non-end plate surface of the vertebral body and comprising a portion configured to hold at least a portion of a bone cutting tool such that when the apparatus is engaged to the vertebral body, the bone cutting tool is positioned to form the transcorporeal channel. In these embodiments of a system, the trajectory control apparatus includes a cutting tool holder portion and an implantable bone plate portion; the cutting tool holding portion is detachably engageable to the implantable bone plate portion. Some embodiments of the cutting tool holder include a sleeve that receives at least a portion of a cutting tool. In some of these trajectory control apparatus embodiments, the cutting tool holder has a bone plate engagement feature and the bone plate has a cutting tool holder engagement

feature; the respective engagement features are configured such that when the bone plate is attached to the vertebral body, and the cutting tool holder and the bone plate are mutually engaged, the cutting tool holder is oriented to direct a cutting tool on the trajectory. In some of these trajectory control apparatus embodiments, the bone plate portion includes an access port configured to accommodate a cutting portion of a bone cutting tool and to accommodate through passage of the spinal repair device.

[0017] Some embodiments of the system for spinal surgery include a bone cutting tool that is adapted to form the transcorporeal channel; at least a portion of the bone cutting tool is configured to be movably held by the trajectory control apparatus. In some of these embodiments, the cutting tool includes a mechanical stop configured to limit the penetration of the cutting tool into the vertebral body.

[0018] Some embodiments of the system for spinal surgery include an injector that is configured to deliver a disc replacement material through the internal cannula of the spinal repair device and into an intradiscal void. These injector-including system embodiments may further include a valve device coupled with the injector, the valve device having at least two input ports and at least one output port (the output port being in fluid communication with the injector), a vacuum delivery device in fluid communication with one of the two input ports of the valve device, and a reservoir device containing the disc replacement material in communication with the second of the two input ports of the valve device. In some of these embodiments, the injector includes a channel that is configured to allow liquid or gas egress from the intervertebral space. In these injector-including embodiments, the disc replacement material is typically a flowable substance, which may include, for example, any of a liquid, a settable liquid, a liquid-to-solid phase changing material, a gel, a suspension, or a slurry.

[0019] An embodiment of a method for accessing and repairing an intervertebral disc in the spine, according to this invention, makes use of the above-summarized device which includes a lumen, and the summarized system that includes such a device. The method embodiment includes engaging a trajectory control apparatus to a non-endplate surface of a vertebral body; forming a transcorporeal channel in a vertebral body with a trajectory that extends from a non end-plate surface to an end plate where a channel opening communicates into an intervertebral space; implanting into the transcorporeal channel a spinal repair device sized and configured to occupy at least a portion of the channel; and injecting a disc replacement material through the spinal repair device and into a void within a space formerly occupied by at least a portion of the intervertebral disc. In some embodiments of this method, forming a transcorporeal channel that extends from a non end-plate surface includes forming the channel from any of an anterior

surface, a lateral surface, a posterior aspect of a pedicle, or a posterior, or posterolateral surface.

[0020] In some embodiments of the method, the engaging step includes implanting a bone plate portion of the trajectory control apparatus on the non-endplate surface of the vertebral body and then engaging a bone cutting tool holder portion of the trajectory control apparatus to the bone plate. In some of these embodiments, implanting a bone plate on the non-endplate surface of the vertebral body includes securing it to the surface with one or more fastening elements. And in some embodiments, the method may further include removing the bone plate after implanting it.

[0021] Some embodiments of method may also include removing at least a portion of the intervertebral disc through the transcorporeal channel before injecting the disc replacement material, and in some of these particular embodiments, removing at least a portion of the intervertebral disc includes removing the nucleus pulposis and leaving the annulus fibrosis intact.

[0022] Some embodiments of the method may further include allowing gas from within the intervertebral space to escape through the spinal repair device during the injecting step. In some embodiments of the method, forming the transcorporeal channel includes cutting bone with a bone-cutting tool. In some embodiments of the method, implanting the spinal repair device comprises compressively engaging an external surface of the spinal repair device with cancellous bone of the host vertebral body.

[0023] Another embodiment of a spinal repair device, according to this invention, includes a spinal repair device sized and configured to occupy at least a portion of a surgically-formed transcorporeal channel in a host vertebral body and at least a portion of an intervertebral space adjacent to the host vertebral body. This embodiment of the device has a proximal portion sized to occupy at least a portion of the transcorporeal channel, the channel having a trajectory that extends from a non-end plate surface to an end plate where a channel opening communicates into the intervertebral space, and a distal portion sized to extend from the end plate of the host vertebral body into the intervertebral space. In some embodiments of this latter device, the distal portion extends to a point where it comes into intimate contact with an endplate of an adjacent vertebral body.

[0024] The proximal and distal portions various embodiments of the device may differ in composition, features, and function. For example, the proximal portion may be adapted to replace at least a portion of bone and the distal portion may be adapted to replace at least a portion of an intervertebral disc. In being adapted to generally replace bone or a portion of bone, at least the external surface of the proximal portion may be sufficiently porous to allow in-growth of bone. In some embodiments, the proximal portion of the device may include an



osteogenic agent within its composition. Some embodiments of the proximal portion of the spinal repair device may include a porous cage, and some of these embodiments, a bone cell preparation may be included within that porous cage.

[0025] With regard to the distal portion of the spinal repair device, some embodiments may include a resilient composition that provides a shock-absorbing functionality similar to that of a healthy and intact disc. Some embodiments of the distal portion may include a distal surface adapted to articulately engage the end plate of the adjacent vertebral body, which can replicate the smooth low-friction slidable engagement that exists between a disc surface and vertebral end plates.

[0026] Some embodiments of the device are linear in form, such linear form configured to occupy a linear transcorporeal channel. Other embodiments of the device are arcuate in form, such arcuate form configured to occupy an arcuate transcorporeal channel. Some embodiments of this repair device, with distinct proximal and distal portions, may also include a lumen that communicates between an opening on the proximal end of the device and an opening distal end of the device, the channel comprising a flow path for a flowable disc replacement material.

[0027] With regard to the form and dimensions of the implantable bone repair device, some embodiments of the device are linear in form, such linear form configured to occupy a linear transcorporeal channel. Other embodiments may be arcuate in form, such arcuate form configured to occupy an arcuate transcorporeal channel. Embodiments of the device typically have a length that ranges from about 12 mm to about 25 mm and a diameter that ranges from about 3 mm to about 7 mm.

[0028] An embodiment of a system for spinal disc surgery, according to this invention, includes the above-summarized spinal repair device which includes a proximal portion within the transcorporeal channel and a distal portion that extends into the intervertebral space, and further includes a trajectory control apparatus adapted to attach to the non-end plate surface of the vertebral body and comprising a portion configured to hold at least a portion of a bone cutting tool such that when the apparatus is engaged to the vertebral body, the bone cutting tool is positioned to form the transcorporeal channel.

[0029] In some embodiments of this system, the trajectory control apparatus includes a cutting tool holder and an implantable bone plate portion, the cutting tool holding portion detachably engageable to the implantable bone plate portion. In various of these embodiments, the cutting tool holding portion includes a sleeve that receives at least a portion of a cutting tool. In some embodiments, the cutting tool holder has a bone plate engagement feature and the bone plate has a cutting tool holder engagement feature. These respective engagement features are configured

such that when the bone plate is attached to the vertebral body, and the cutting tool holder and the bone plate are mutually engaged, the cutting tool holder is oriented to direct a cutting tool on the trajectory. In some embodiments of this system, the bone plate portion includes at least one access port configured to accommodate a cutting portion of a bone cutting tool and to accommodate through passage of the spinal repair device.

[0030] Some embodiments of the system of claim may include two spinal repair devices, the devices being configured to occupy dual surgically-formed transcorporeal channels. These channels are typically parallel, and may be advantageous to the patient by providing bilateral support within a vertebral body.

[0031] Some embodiments of the system may further include a bone cutting tool that is adapted to form the transcorporeal channel, and at least a portion of the bone cutting tool is configured to be accommodated by the trajectory control apparatus. In some embodiments, the cutting tool includes a mechanical stop configured to limit the penetration of the cutting tool into the host vertebral body.

[0032] Embodiments of the system may further include a disc replacement material which may be any of a liquid, a liquid that can solidify, a liquid-to-solid phase changing material, a fabric, or a solid, or any combination of these materials.

[0033] An embodiment of a method for accessing and repairing an intervertebral disc in the spine, according to this invention, makes use of the above-summarized spinal repair device which includes a proximal portion within the transcorporeal channel and a distal portion that extends into the intervertebral space and the system that further includes the trajectory control apparatus that is adapted to attach to the non-end plate surface of a vertebral body and has a portion configured to hold at least a portion of a bone cutting tool. This method embodiment includes engaging a trajectory control apparatus to a surface of a host vertebral body; forming a transcorporeal channel within a host vertebral body, the channel extending from a surface of the host vertebral body on a trajectory toward an intervertebral disc between the host vertebral body and an adjacent vertebral body, and extending at least as far as the end plate of the host vertebral body; replacing at least a portion of the disc; and implanting a spinal repair device configured to fit into the channel and extending into the intervertebral space.

[0034] In some embodiments of the method, forming a transcorporeal channel that extends from a non end-plate surface includes forming the channel from any of an anterior surface, a lateral surface, a posterior aspect of a pedicle, or a posterior, or posterolateral surface. In some embodiments of the method, forming the transcorporeal channel includes cutting bone with a bone-cutting tool.

[0035] In some embodiments of the method, implanting a spinal repair device includes placing a distal portion of the device in intimate contact with the end plate tissue of the vertebral body and a proximal portion in intimate contact with cancellous bone tissue within the transcorporeal channel. In some embodiments of the method, implanting the spinal repair device comprises including engaging an external surface of the spinal repair device with an internal surface of the transcorporeal channel.

[0036] In some embodiments of the method, the engaging step may include implanting a bone plate portion of the trajectory control apparatus on the non-endplate surface of the vertebral body and then engaging a bone cutting tool holder portion of the trajectory control apparatus to the bone plate. In various of these embodiments, implanting a bone plate on the non-endplate surface of the vertebral body includes securing it to the surface with one or more fastening elements. And some embodiments of the method may further include removing the bone plate after implanting it. Such removal may occur at various points, such as after forming the transcorporeal channel, after replacing a portion of the disc, or after implanting the spinal repair device.

[0037] Some embodiments of the method may further include removing at least a portion of the intervertebral disc through the transcorporeal channel before implanting the spinal repair device. In particular embodiments of the method, removing a portion of a disc includes removing a nucleus pulposus and leaving an annulus fibrosis intact.

[0038] In some embodiments of the method, replacing at least a portion of the disc comprises replacing the portion of the disc with any of a any of a liquid, a liquid that can solidify, a liquid-to-solid phase changing material, a fabric, or a solid, or any combination of these materials. Some embodiments of the method may further include injecting a flowable disc material through a lumen in the spinal repair device into the intervertebral space.

[0039] Another embodiment of a system for spinal disc surgery includes a spinal repair device sized and configured to occupy at least a portion of a surgically-formed transcorporeal channel in a vertebral body that extends on a trajectory from a non end-plate surface to an end plate where an opening communicates into an intervertebral space, a bone plate sized and configured to be implantable on a surface of the host vertebral body and configured to be engageable to a cutting tool holder, and a cutting tool holder configured to detachably engage the bone plate and configured to receive at least a portion of a bone cutting tool, the cutting tool holder, when engaged to the bone plate, positioned to guide the bone cutting tool to form the transcorporeal channel with the trajectory. These system embodiments may further include a bone plate cover that is engageable to the bone plate and configured to cover an opening of the transcorporeal channel on the non-endplate surface.

[0040] An embodiment of a method for accessing and repairing an intervertebral disc in the spine, according to this invention, makes use of the above-summarized system for spinal disc surgery which includes spinal repair device, a bone plate, and a cutting tool holder. This method embodiment includes engaging an implantable bone plate to a non-endplate surface of a vertebral body; detachably engaging a cutting tool holder to the implanted bone plate; forming a transcorporeal channel in a vertebral body with a trajectory that extends from a non end-plate surface to an end plate where an opening communicates into an intervertebral space; implanting into the transcorporeal channel a spinal repair device sized and configured to occupy at least a portion of the channel; and injecting a disc replacement material through the spinal repair device and into a void within a space formerly occupied by at least a portion of the intervertebral disc. Some of the embodiments of this method further include installing a bone plate cover on the bone plate and sealing an opening of the transcorporeal channel on the non-endplate surface.

### BRIEF DESCRIPTION OF THE DRAWINGS

[0041] **Figures 1A – 1F** are schematic cross-sectional views that storyboard a method for creating an transcorporeal access channel within a vertebral body for accessing, repairing, replacing and/or restoring intervertebral disc tissue and thereafter repairing the intravertebral or transcorporeal access channel with a bone repair material, and affixing an implantable bone plate to the surface of the vertebral bone tissue to prevent migration of the bone repair implant out of the intravertebral access channel.

[0042] **Figure 1B** shows the transcorporeal access channel expanded so as to include the central portion of an intervertebral disc.

[0043] **Figure 1C** shows an injector penetrating the transcorporeal access channel and delivering a disc repair material into the void within the disc, as in **Figure B**.

[0044] **Figure 1D** shows the injector (**Figure 1B**) having been withdrawn, and the injected disc repair material having coalesced into a solid form.

[0045] **Figure 1E** shows a bone repair implant being inserted into the transcorporeal access channel.

[0046] **Figure 1F** shows the bone repair implant completely in place, and its proximal end covered and secured by a bone plate that is attached to the vertebral body.

[0047] **Figure 2** is a perspective view of a vertebral body illustrating a transcorporeal access channel from an anterior perspective.

[0048] **Figure 3** is a perspective view of a vertebral body showing the exit point of the

transcorporeal access channel of **Figure 2** through the vertebral end plate.

[0049] **Figure 4** is a cut away perspective view through a vertebral bone segment along the centerline of the transcorporeal access channel, showing the access to nucleus pulposus of the intervertebral disc through the access channel.

[0050] **Figure 5** is a perspective view that includes a cut away view through a vertebral bone segment along the centerline of the transcorporeal access channel and illustrating the remaining annulus fibrosis of the intervertebral disc after the nucleus pulposus has been excised.

[0051] **Figure 6** is a lateral perspective view of adjacent vertebral bodies and the annulus fibrosis of the intervertebral disc after the nucleus pulposus has been excised.

[0052] **Figure 7** is a perspective view of adjacent vertebral bodies with a cut away central focus on showing the nucleus pulposus volume of the intervertebral disc filled with a substitute disc material and the transcorporeal access channel bone repair implant in the pre-installation position.

[0053] **Figure 8** is a perspective view of adjacent vertebral bodies showing the nucleus pulposus volume of the intervertebral disc filled with a substitute disc material and the transcorporeal access channel bone repair implant in the installed position.

[0054] **Figure 9** is an anterior perspective of a vertebral body showing a bone plate in the installed position, covering the proximal end of the transcorporeal repair implant device (not visible).

[0055] **Figure 10** is a cross-section side view of two adjacent vertebral bodies showing the completed disc repair, illustrating the intact annulus fibrosis of the intervertebral disc, the substitute disc material contained therein, the access channel bone repair implant in the fully installed position and the bone plate installed on the vertebral body.

[0056] **Figure 11** is an anterior view of a vertebral body with a bone plate implanted on its anterior surface, with two integral tissue access ports visible on the bone plate.

[0057] **Figure 12A** is a side view of a vertebral body with a bone plate implanted on its anterior surface, and a trajectory control sleeve temporarily installed on the bone plate.

[0058] **Figure 12B** is a side view of a vertebral body with a bone plate and a trajectory control sleeve as in **Figure 12A**, with a bone cutting device engaged into the trajectory control sleeve, positioned to form a transcorporeal access channel into the host vertebral body.

[0059] **Figure 13** is an anterior view of a vertebral body with a bone plate implanted on its surface, and with integral tissue access ports that have been used to provide access to a cutting

tool guided by a trajectory control sleeve to form transcorporal access channels.

[0060] **Figure 14** shows a pair of interbody disc implant devices schematically suspended in air aligned and aligned for entry into prepared access channels through an implanted bone plate.

[0061] **Figure 15** is an illustration of two interbody repair devices in their fully installed position with the distal ends protruding past the end plate into the interdiscal space within the annulus fibrosis.

[0062] **Figure 16** is a cross section view of two adjacent vertebrae, showing the intact annulus fibrosis of the intervertebral disc and a unitary interbody repair device in the fully installed position.

[0063] **Figure 17** is a cross section view of two adjacent vertebrae, showing the intact annulus fibrosis of the intervertebral disc and a composite interbody repair device in its fully installed position with the pliant disc substitute material being in intimate contact with the end plate of the adjacent vertebra and the bone repair material in intimate contact with the cancellous bone tissue within the transcorporal access channel.

[0064] **Figure 18** is a cross section view of an interbody repair device the device having a central filling channel therethrough and a fluid backflow prevention device within the channel.

[0065] **Figure 19** is a cross section view of an interbody repair device with a fluid injection device within the central filling channel and penetrating through the backflow prevention device.

[0066] **Figure 20** is a cross section view of an interbody repair device having a fluid egress path located radially around distal end of the repair device.

[0067] **Figure 21A** is a perspective view of an interbody repair device having a fluid egress path located radially around distal end of the repair device.

[0068] **Figure 21B** is a perspective view of the channels within the device shown in **Figure 21A**, the channels rendered as pipes.

[0069] **Figure 22** is a cutaway view through a vertebral body, showing an interbody repair device *in situ* within the vertebral body and a fluid injection device located entering the central access channel.

[0070] **Figure 23** is a cutaway view through a vertebral body, showing an interbody repair device *in situ* within the vertebral body and a fluid injection device located within the central access channel, the injection device having penetrated the fluid backflow element and entered the nucleus pulposus volume within the intervertebral disc.

[0071] **Figures 24 and 25** are lateral cutaway views showing disc repair material being

injected into the nucleus pulposus volume within the intervertebral disc. **Figure 24** shows the injection in progress, with a relatively small amount of disc material in the host site. **Figure 25** shows the host site nearly filled with substitute disc material.

[0072] **Figure 26** is a cross section view of the intervertebral disc after it has been filled with a disc repair material and after the injection device has been extracted through the fluid backflow element.

[0073] **Figure 27** is a schematic illustration of an embodiment of a vacuum fill system.

#### DETAILED DESCRIPTION OF THE INVENTION

[0074] The present invention provides a system, various devices, and methods to create and repair a transcorporeal or intravertebral surgical access channel between a (1) surgically-exposed host vertebral body surface and (2) the end plate of the vertebral body that is adjacent to a disc in need of a surgical intervention, such as a degenerated disc. In some embodiments of the invention, the channel may be considered to extend beyond the vertebral body and into the intervertebral space, where a void has been created by removal or excision of at least a portion (the nucleus pulposus, for example) of the intervertebral disc. Accordingly, such a channel may be generally referred to as a vertebral repair channel, such channel also broadly including channels that are fully included within a single vertebral body, such as a transcorporeal or intravertebral channel. These channels, formed by embodiments of devices and methods of the invention, may be used to provide surgical access to an intervertebral space, including access to a disc residing in the space, as well as to provide a host site for the implantation of a bone repair device, as per embodiments of devices provided by the invention.

[0075] An optimal surgical outcome, as provided by the invention, is one in which symptoms are relieved and the stability of the spine is improved. The physical bases of the functional or mechanical improvement provided by surgical procedures and devices provided herein includes the repairing, restoring, or replacing degenerated disc tissue, and restoring intervertebral height. In some embodiments, the procedure includes maintaining the integrity of annulus fibrosis of the disc, *i.e.*, not disrupting the annulus fibrosis while replacing the nucleus pulposus within the annulus fibrosis with a substitute or replacement material or structure. In typical embodiments of the method, the repair of the transcorporeal channel, used for surgical access to the intervertebral space or the disc therein, is filled in and restored to a state such that the former site of the channel poses no vulnerability. Devices included in a system that can implement the inventive method include various embodiments of an implantable bone repair device, an implantable bone plate, and a trajectory control sleeve, and a bone cutting tool, as described further below. In various embodiments of the invention, a trajectory control sleeve may also be referred to as a

cutting tool holder; and in various embodiments of the invention, a cutting tool holder and a bone plate, particularly when joined together, may be understood to be portions of a single conjoined trajectory control apparatus. And these component portions, although identified separately, may also be referred to singularly in the conjoinable form as a trajectory control apparatus. Typical embodiments of a cutting tool holder do include a sleeve-like portion that holds at least a portion of a cutting tool during an aspect of the method when a transcorporeal channel is being formed.

[0076] A transcorporeal channel, as formed by method and device embodiments of the invention, allows direct access to the internal volume of the disc, more particularly to the nucleus pulposus of the disc, so that a disc repair, restoration or replacement procedure may be performed without penetrating or compromising the peripheral annulus fibrosis of the disc. Repair and restoration procedures may include the removal and replacement of nucleus pulposus tissue; the replacement materials may include solids, liquids, or phase-changing materials. The invention restores disc height, thus alleviating symptoms associated with degenerative disc disease. The method further and advantageously preserves a substantial amount of healthy disc tissue, more particularly, the method preserves the integrity of the annulus fibrosis and preserves healthy bone tissue, by virtue of the use of a transcorporeal access pathway to the center of the disc, rather than a disruptive transdiscal approach. In terms of another benefit, the transcorporeal approach contributes the net preservation or conservation of native bone and disc tissue compared to presently conventional surgical approaches.

[0077] In some embodiments, after completion of a disc repair procedure, a bone repair implant formed from natural bone material or a biocompatible bone substitute material (or a combination thereof) may be compressively engaged within the access channel to prevent the outflow, extrusion, or expulsion of the disc repair material, and to restore the mechanical integrity of the vertebral body. As described further below, a variation of the bone repair implant embodiment is one where the implanted bone repair includes a distal portion that serves as an intradiscal or intervertebral repair implant that functionally replaces the disc.

[0078] In some embodiments of the invention, a vertebral bone plate may be applied and fastened to the exposed surface of the host vertebral body, thereby covering the proximal end of the implanted bone repair device. The bone plate stabilizes the bone repair device in its host site, the former access channel, and supports the integrity of the host vertebral body. The bone plate, in an implementation of the method, is applied to the bone prior to the formation of an access channel, where it provides a base for a trajectory control sleeve which establishes an anatomically appropriate or prescribed path for a bone cutting device to form the channel. A prescribed path of trajectory of the transcorporeal channel refers to a path that is planned by the



surgical physician that is based on measurements or images of the vertebral site of the operation, and which are the basis for determining the precise angle which the channel needs to follow from the anterior surface to the target site within the endplate.

[0079] Embodiments of a trajectory control sleeve, one of the devices included in the inventive system, may be attached directly to an anterior vertebral surface, but are typically attached indirectly to the vertebral surface by way of temporary engagement to an implanted bone plate during the aspect of the procedure when the transcorporeal channel is being formed by a bone cutting tool. The bone plate, thus is adapted to be compatible both with a trajectory control sleeve, when the channel is being formed with a prescribed trajectory, and also compatible with a bone repair device in that the repair device passes through the primary aperture of the bone plate.

[0080] The channel through a host vertebral body, as provided by embodiments of the invention, is oriented obliquely with respect to the plane of the targeted disc; it starts on the anterior surface of the host vertebral body and terminates at or near the end plate bone tissue of the vertebral body in the locale of the nucleus pulposus of the targeted disc. The formed channel then becomes the route through which the targeted disc is accessed for a procedure to remove or repair damaged tissue, and through which artificial disc substitute material can be introduced. On completion of such a procedure, the access channel may be filled with an embodiment of a bone repair device.

[0081] In some embodiments of the invention, the bone cutting tool that forms a transcorporeal channel is a drill or a trephine, as exemplified by the embodiment depicted in **Figure 12B**, which forms a straight channel. Bone repair devices appropriate for these channels are straight, as are embodiments depicted herein as examples of the invention. However, in other embodiments of this invention, a channel may be formed by a cutting tool affixed to a flexible shaft, or a cutting tool guided by a jig, as performed freehand, or by other methods known in the art, which form an arcuate channel. Methods may be applied, for example, as described in the US Patent Application No. 10/968,867 of Carl *et al.* (Publication No. 2005/0267481, published December 1, 2005). Aspects of the present invention, accordingly, include bone repair devices and systems that are arcuate or curvilinear, as are appropriate and complementary to arcuate transcorporeal channels. Straight transcorporeal channels and arcuate transcorporeal channels each may have particular benefits or advantages, depending on particulars of the patient's spine, the vertebral body location within the spine, the elected site of transcorporeal channel entry, and the instruments that are used in the procedure.

[0082] Some embodiments of the inventive method include creating a channel within a vertebral body and thereafter through the space of the nucleus pulposus of the adjacent disc,

terminating at the end plate bone tissue of the vertebral body adjacent to the nucleus pulposus. The method may continue with the insertion of an intervertebral implant device through the channel, the distal end of the implant engaging the end plate bone tissue of the adjacent vertebral body to provide a load bearing and articulating surface that engages the adjacent vertebra so as to restore normal motion to the vertebral joint. Some embodiments of the intervertebral implant device are formed as a unitary device that includes a biocompatible material such as polyethylene, polyetheretherketone (PEEK), tantalum, or a titanium alloy. Other embodiments of the intervertebral implant device may be formed as device that includes two regions of at least partially distinct composition, the distal end of the device including a pliant or resilient material appropriate and compatible with disc tissue and the proximal portion of the device being appropriate and compatible with bone.

[0083] In some embodiments of the invention, some intervertebral void space resulting from the creation of the access channel may remain even after implantation of a bone repair device. Such void space may be filled with a bone substitute implant of synthetic or natural composition that prevents leakage of the artificial disc substance out of the normal confines of the disc space and further supports the structural integrity of the host vertebral body.

[0084] Some embodiments of the invention include a surgical system and related method for accessing and repairing, restoring or replacing degenerative disc tissue within the annulus fibrosis of an intervertebral disc. In this method, an access channel of a prescribed size and trajectory is created in a vertebral body, the channel having a prescribed point of entry on an exposed vertebral surface and having an exit on the end plate of the same vertebral body, the exit being located within the inner perimeter of the annulus fibrosis of the intervertebral disc. In some embodiments, the internal disc material is excised through the access channel, a substitute disc material is inserted into the intra-discal void and the access channel is repaired by the insertion of a bone repair implant, having a complimentary size, within the access channel.

[0085] Some embodiments of the invention include an implantable bone repair device having a lumen or internal channel connecting the proximal and distal ends of the implant, the lumen having a unidirectional valve. The lumen is configured to receive a filling element inserted there through for the purpose of conveying an injectable liquid phase disc replacement material into an internal disc volume, the volume being contained within the annulus fibrosis of the disc. The unidirectional valve is configured to allow the passage or penetration of the injection element therethrough and to provide a sealing means upon the removal of the injection device. This device is used in a method that includes creating an open channel in a vertebral body which starts on an exposed surface and is obliquely directed to a termination at the end plate, the terminus in

the locale of the nucleus pulposus of the adjacent disc. The method continues with inserting a bone repair device with the internal channel or lumen into the transcorporeal access channel, inserting a needle through the lumen of the bone repair device into the internal disc volume, and injecting a liquid or phase-changing disc substitute into the disc volume.

[0086] Alternative embodiments of the invention vary with respect to the site of entry of a channel into a vertebral body. For example, an alternative embodiment of the inventive method includes creating an open channel within or through a vertebral body from a trans-pedicular approach, the channel originating at the posterior aspect of a vertebral pedicle and terminating at or near the end plate of the vertebral body adjacent to the nucleus pulposus. Another alternative embodiment of the inventive method includes creating an open channel within or through a vertebral body from a posterior, lateral or posterolateral extra-pedicular approach, with the channel originating at the posterior-lateral aspect of a vertebral body and terminating at or near the end plate bone tissue adjacent to the nucleus pulposus.

[0087] Aspects and exemplary embodiments of the invention, as generally described above, are described further in the context of **Figures 1 – 27**, as follows below.

[0088] **Figures 1A – 1F** are schematic cross-sectional views that storyboard a method for creating an transcorporeal access channel within a vertebral body for accessing, repairing, replacing and/or restoring intervertebral disc tissue. The method continues with a repairing of the intervertebral access channel with a bone repair material, and affixing an implantable bone plate to the surface of the vertebral bone tissue to prevent migration of the bone repair implant out of the intervertebral access channel.

[0089] **Figure 1A** show two adjacent vertebral bodies, a device-hosting vertebral body **100** and an adjacent vertebral body **102**, and an intervertebral disc **103**. A generally cylindrical intervertebral access channel **101** has been created within a vertebral body adjacent the disc to be repaired. The access channel has a point or site of entry **104** on the exposed surface of the vertebral body **100**, and then penetrates the vertebral bone and exits through the vertebral end plate **105** at a site near the center of an intervertebral disc **103**.

[0090] **Figure 1B** shows a vacant internal volume **107** created within the central nucleus pulposus region of the intervertebral disc **103** that has been formed by surgically displacing or excising the nucleus pulposus tissue through the transcorporeal access channel **101**.

[0091] **Figure 1C** shows an injection device introducing disc repair material **108** into the vacant internal disc volume **107** through the transcorporeal access channel **101**.

[0092] **Figure 1D** shows the formerly vacant (**Figure 1C**) internal disc volume now filled with

the disc repair material **108**.

[0093] **Figure 1E** shows the entry of a bone repair implant or device **115** into the transcorporeal access channel **101**.

[0094] **Figure 1F** shows a completed post surgical result of having repaired the intervertebral disc by implanting therein a disc repair material **108**, having repaired the transcorporeal access channel by inserting into it a bone repair device **115**, and having secured the device **115** in the installed location by affixing a bone plate **110** to the exposed surface of the vertebral bone.

[0095] **Figures 2 – 5** show an embodiment of an transcorporeal access channel **101** from various perspectives, and at various points in a surgical repair procedure. The channel **101** is generally cylindrical in form and has a point of entry **104** on the anterior surface of vertebral body **100** and a point of exit **106** on the vertebral end plate thereby providing unrestricted access to the internal nucleus pulposus portion **103np** of the intervertebral disc **103** through the access channel. **Figure 2** is a perspective view of a vertebral body **100** showing a transcorporeal access channel **101** from an anterior perspective. **Figure 3** is a perspective view of a vertebral body showing the exit point **106** of the transcorporeal access channel of **Figure 2** through the vertebral end plate **105**. **Figure 4** is a perspective view that includes a cut away view through a vertebral body **100** segment along the centerline of the transcorporeal access channel **101**, showing the access to nucleus pulposus **103np** of the intervertebral disc through the access channel.

[0096] **Figure 5** is similar to **Figure 4**, but focuses attention on an internal void **112** created within an intervertebral disc by a surgical procedure operated within the space provided by the access channel **101**, in which the nucleus pulposus of the disc has been displaced or excised. The confinement of the procedure within the access channel has precluded the penetration or compromise the annulus fibrosis **113** of the intervertebral disc **103**.

[0097] **Figure 6** is a lateral perspective view of adjacent vertebral bodies (a device hosting vertebral body **100**, shown transparently by dotted outline, and an adjacent vertebral body **102**) and the annulus fibrosis **113** of an intervertebral disc remnant after its nucleus pulposus has been excised. An internal void **112** has been created and is confined within an intact annulus fibrosis **113af** of the intervertebral disc.

[0098] **Figure 7** is a perspective view of adjacent vertebral bodies **100** and **102** on either side of a repaired disc **103**. The central portion of the figure includes a cut away of a portion of a vertebral body that allows a view of the repaired intervertebral disc, wherein the internal void **112** (**Figure 6**) within the annulus fibrosis **113** of a disc has been replaced with a substitute disc material **108**. **Figure 7** further shows a vertebral bone repair implant **115** embodiment suspended

in space, but directed toward its host or installation site. Bone repair device **115** has a distal end **117** disposed to be generally meet the plane of the vertebral end plate **105** when implanted in its host site, and a proximal end **116** disposed to be generally proximal to the anterior surface of the vertebral body **100** when in the final installed position. The proximal end of bone repair device **115** may have an abutment **118** disposed to engage the anterior surface of the host vertebral body so as to prevent its insertion beyond the prescribed depth within the host vertebral body.

[0099] In various embodiments of the invention, the bone repair implant may include particular osteointegrative features such as those provided in U.S. Patent Application No. 60/972192 of Lowry *et al.*, as filed on Sept 13, 2008. Examples of osteointegrative features include the external surface of the devices having at least a portion of which is porous enough for native bone ingrowth, and incorporating osteogenic agents into the matrix of the bone repair device. Inclusion of a bone cell preparation within the device, as described further below, is also a major osteointegrative feature, as such bone cells can migrate into the host site, and knit together host and grafted bone.

[00100] **Figure 8** is a perspective view of adjacent vertebral bodies **100** and **102** with a cutaway central portion of the superior and host vertebral body **100** that has been operated on, showing the nucleus pulposus volume of the intervertebral disc **103** filled with a substitute disc material **108** and the formally open transcorporeal access channel now occupied by the installed bone repair implant **115** embodiment. Below the now repaired disc **100** is an adjacent and intact vertebral body **100**. The abutment **118** of the bone repair implant **115** can be seen flush against the surface of the host vertebral body. The distal end of bone repair implant **115** (not visible) can be understood to meet the end plate **105** of the host vertebral body. An intact disc **103** can be seen on the superior aspect of the host vertebral body.

[00101] **Figure 9** shows a bone plate **110** embodiment permanently affixed to the anterior surface of a host vertebral body **100** by one or more bone screws **120**, the bone plate engaging the proximal end of the bone implant **118** (not visible here, but shown in **Figure 8**) so as to prevent migration of the implant out of the access channel. Discs **103** lie above and below the superior host vertebral body; an adjacent intact vertebral body **100** lies inferior to the host vertebral body.

[00102] **Figure 10** is a cross sectional side view of adjacent vertebral bodies **100** and **102**, a repaired intervertebral disc **103**, the disc having an intact annulus fibrosis **113** and a substitute disc material **108** contained therein. The formerly open transcorporeal access channel has been repaired with an implanted bone repair device **115** and a bone plate **110** fastened to the vertebral body over the bone repair device to prevent its migration, and to assure the optimal mechanical

integrity of the post-operative vertebral body.

[00103] Some embodiments of the invention are directed toward the implantation of devices through a host vertebral body that include a disc-replacing portion with a distal surface that is articulatable against the end plate of the adjacent vertebral body. Such articulatable surfaces are hard and smooth. In some embodiments, these devices are implanted singly in a host vertebral body, and in other embodiments, these devices are implanted as a side-by-side dual set, hosted by dual channels within a vertebral body. The dual channel (dual devices) approach differs from the typical embodiment used when surgical access to a disc is the primary purpose of a procedure; these embodiments typically make use of a single channel with the implantation of a single repair device. In embodiments of the invention that include the implantation of an articulating disc replacement, dual channels (and dual implanted devices) may provide particular benefit with regard to maintaining posture and symmetrical load bearing within the spine.

[00104] **Figure 11** is a perspective view of adjacent vertebral bodies **100** and **102**, and intervertebral discs **103** lying above and below the superior vertebral body **100** that is now host to an embodiment of an implanted bone plate **110**. The bone plate **130** is attached to the exposed surface of a host vertebral **100** by one or more bone screws **131** in a manner so as to symmetrically locate the bone access ports **132** relative to the medial centerline of the vertebra, thereby establishing a point of entry for a tool such as bone cutting device at the bone surface.

[00105] **Figure 12A** is a side view of a spinal section having an embodiment of a bone plate **110** affixed to the anterior surface of a vertebral body **100** and an embodiment trajectory control sleeve or cutting tool holder **134** positively engaging the bone plate **110**. Bone plate **100** and trajectory control sleeve **134** have complimentary orientation control features **135** (on the bone plate) and **136** (on the trajectory control sleeve). These features are configured to establish a desired angle **138** of penetration for a bone cutting device such as a drill from a point of entry **137** (in **Figure 11**) and into the vertebral bone so as to assure that the point of exit of the drill at the vertebral end plate is adjacent to the annulus fibrosis of the intervertebral disc. These complementary features, while generally fixed on any given device (bone plate or trajectory control sleeve), may be varied from device-to-device, either on one or both of the complementary devices, in order to form a desired angle. Further, in some embodiments, one or both of the features of the complementary devices may be configured such that the angle of engagement is adjustable. **Figure 12B** is a side view of a vertebral body with a bone plate and a trajectory control sleeve (as in **Figure 12A**) with a bone cutting device **400** engaged into the trajectory control sleeve, positioned to form a transcorporeal access channel into the host vertebral body.

[00106] **Figure 13** is an anterior perspective view of a vertebral body **100** that shows two substantially parallel transcorporeal access channels **139** through the vertebral body. A nucleus pulposus **103NP** portion of an intervertebral disc **103** is exposed through the access channels that are framed by bone plate **110**. The channels **139** have been formed with a cutting device whose path was directed by a trajectory control sleeve or cutting tool holder **134** (see **Figure 12**) which has since been removed.

[00107] **Figure 14** shows a pair of intra-discal implant **140** embodiments schematically positioned in an alignment directed toward the anterior openings of the transcorporeal access channels **139** within the bone plate **110** implanted in vertebral body **100**. Intra-discal implants or repair device embodiments are similar to bone repair device (generally labeled **115**) embodiments as described above and as depicted in **Figures 7 and 8**, however the intra-discal implants (generally labeled **140**) have further structure and function such that, when implanted, they extend beyond the bone plate and occupy space that replaces an excised nucleus pulposus portion of an intervertebral disc. As will be described below and as comparatively depicted in **Figures 16 and 17**, intra-discal implants or repair devices may be of a unitary construction and composition **140A** or they may be of a composite construction **140B**, including at least two different portions.

[00108] **Figure 15** shows embodiments of two intra-discal implants **140A** in their fully inserted position in a host vertebral body **100**. The implants have a proximal end **141** that engages the bone plate **110** in a manner that controls the depth of penetration of the distal end **142** into the intervertebral disc space. **Figure 15** further illustrates that the intra-discal implants **140A** are contained within an intact annulus fibrosis **113** of the remnant disc.

[00109] A function of embodiments of intradisc repair implant **140** (**Figures 16 and 17**) is to replace degenerated native disc material, to restore articulating motion between the adjacent vertebral segments, and to restore disc height while preserving the annulus fibrosis of the disc and substantially all of the native vertebral end plate tissue. Further, the mechanical integrity of the vertebral body transgressed by the access channel is restored by the insertion of the bone repair implant, the implant device **140** thus facilitates its own osteointegration with the native bone tissue of the host vertebral body **100** during the healing process.

[00110] **Figure 16** is a cross sectional view of two adjacent vertebrae **100** and **102** with an embodiment of a unitary intra-disc repair implant **140A** inserted through a transcorporeal access channel within a host vertebral body **100**. The device **140A** is implanted in such a manner so as to assure intimate or abutting contact between the distal end **142** of the device and the end plate bone tissue **105** of the adjacent (non-hosting) vertebral body **102**. The site of contact occurs

within bounds of the intact annulus fibrosis of the intervertebral disc **113**, the nucleus pulposus having been removed. The proximal end **147** of the intra-disc repair implant **140A** device may lockably engage the bone plate **110** or may be retained in place by the attachment of a complimentary bone plate device. **Figure 17** shows an alternate embodiment of a repair implant, this embodiment being an intra-disc repair device **140B** used as described in conjunction with **Figure 16**. This embodiment of the implantable device is formed as a construct of two materials; the proximal portion **145** includes a biocompatible bone repair material so as to promote bone ingrowth therein and the distal portion **146** includes a pliant material with characteristics comparable to those of natural disc tissue so as to improve shock absorption and enhance relative motion between the adjacent vertebral bodies **100** and **102**. As described further below, embodiments of the proximal portion **145** of the device may also include bone cell preparations.

[00111] In various embodiments of the invention, the bone repair implant may include particular osteointegrative features such as those provided in U.S. Patent Application No. 60/972192 of Lowry *et al.*, as filed on Sept 13, 2008, which is incorporated into the present application in its entirety by this reference. That application described in detail the use of a preparation of the patient's own bone within a porous cage like device that ultimately integrates into the host vertebral body. These use of a trephine to form a channel is shown in Figure of 30 of application 60/972192, and various views of embodiments of the porous cage device and the method of implanting it are shown in Figures 31 – 37.

[00112] Embodiments of the porous cage device, or the porous cage proximal portion of the device and aspects of its preparation and implantation will now be described briefly.

[00113] Implantation of the patient's own bone tissue (an autologous graft) is a generally advantageous approach to repairing bone, as autologous grafting typically yields high success rates and a low rate of surgical complications. Accordingly, some embodiments of the invention include using core bone tissue harvested from the forming of the vertebral access channel, and implanting the plug, intact, in the form of bone repair graft. An advantage to recovering and making use of bone derived from the channel includes the absence of a need to harvest bone from a second site. Embodiments of the invention, however, do include harvesting bone from secondary sites on the patient, such as the iliac crest, as may be appropriate in the practice of the invention under some circumstances. In some embodiments, for example, it may be advantageous to supplement bone derived from the access channel with bone from other sites. In still other embodiments, under various clinical circumstances, it may be appropriate to make use of bone from donor individuals. Bone from other autologous sites or other donor individuals may be used as a repair device in the form of an appropriately formed plug, or bone may be



fragmented or morselized, and packaged as a solid plug, or bone may be included as a preparation provided in a porous cage, as described further below.

[00114] Some embodiments of methods provided make use of a trephine type bone cutting system, as noted above. With a trephine bone cutting system, the external diameter of the bone tissue core is about equal to the internal diameter of the trephine device, while the internal diameter of the access channel is about equal to the external diameter of the device. Thus, a trephine-derived bone plug from forming the access channel provides an appropriately-sized piece to be inserted into the channel for repair and healing, but does not necessarily make intimate contact with the inside surface of the channel due to the width of the kerf created by the trephine.

[00115] Optimal healing and recovery from implantation of bone material into an access channel occurs when there is an intimate or compressive engagement of the graft material with the vertebral bone tissue (substantially cancellous bone), as this intimate association provides for rapid blood perfusion and bone healing while providing mechanical support during healing. Accordingly, an embodiment of the bone repair device provided herein includes a device with bone tissue inside a porous cage, as described in detail below.

[00116] The porosity of the cage is a particularly advantageous feature for allowing cell to cell contact through the boundary of the device. To some degree, it may also allow cell migration, however the most advantageous factor in promoting rapid healing is cell to cell contact that initiates sites of tissue unification, which can then spread, stabilize a healing zone around the graft or bone repair device, and ultimately lead to effective fusion and integration of the graft within the host vertebral body.

[00117] A porous cage, as provided by this invention, also has a compressibility, such that when the contents of the cage are subject to a compressive force, however transient and minimal, blood or plasma and bone cells that are present in the harvested cancellous bone are forced outward into the environment within and around the access channel site. Extrusion of biological fluid in this manner, advantageously packs bone tissue closer together within the cage, and bathes the periphery of the graft and the host-graft intersectional zone with a medium that is optimal for exchange of dissolved gas and nutrients that are critical in the initial stages of healing. Some embodiments of the invention include bathing the bone tissue preparation in a supportive liquid medium before implantation. Such bathing may occur prior to placing the bone tissue preparation in the porous cage and/ or after placing the preparation in the cage. The liquid medium may be any appropriate cell culture medium, and may be further supplemented with biological agents, such as osteogenic agents or other growth factors.

[00118] Embodiments of the implantable porous cage bone repair device, as provided herein, encapsulate the bone tissue contained therein, and provide mechanical stability to the access channel during healing. These embodiments compensate for the volumetric loss associated with the bone cutting process of the trephine and promote contact between the bone volume within the device and the surrounding vertebral bone tissue. The device, as a whole, and like other bone repair embodiments provided, cooperates with the implanted bone plate so that the orientation and penetration depth of the implant device within the access channel may be controlled. These forms of control assure that the device does not over-penetrate through the channel, thereby compressing the dura mater or neural elements within the vertebra, and assuring that the implanted device cannot migrate in an anterior direction out of the access channel.

[00119] In various alternate embodiments of the invention, a bone repair implant or an intradisc repair device may be held in place with bone cement, by a press-fit with the bone and/or by screwing the implant into the bone. These methods may be used independently or in conjunction with a bone plate 110 described above. Embodiments of the bone plate may be constructed from a biocompatible polymer, a biocompatible metal, a biocompatible ceramic and/or a bioabsorbable material. A biologically-absorbable or partially-absorbable bone plate is particularly compatible in the context of embodiments of the method in which the bone repair device is osteointegrative, as for example, when it includes bone tissue that ultimately fuses and/or integrates with bone of the host site. In these instances, once integrated, a bone plate may serve no substantially beneficial purpose, and restoration of the surgical site to a near-native configuration may be beneficially served by the absorption of bone plate material. In some embodiments of the inventive system and methods of operating the system, the bone plate may be temporarily in place during a spinal procedure, and it may be removed, for example, after an intervertebral channel has been formed, or after a spinal repair device has been implanted.

[00120] An alternate embodiment of the invention will now be described in which disc repair is not performed by implantation of a preformed solid implant such as the exemplary devices 140A or 140B as described above, but rather, repair is effected by injection of a flowable material that solidifies into a supporting structure. As previously described and as Figures 2, 3, and 4 show, an transcorporeal access channel 101 created through a vertebral body between an exposed surface on the vertebral body and the end plate bone tissue of the vertebra and Figures 5 and 6 show the formation of an intra-disc void. In the present alternative embodiment of the invention (Figures 18 – 27), thereafter a bone repair implant having an internal filling channel or lumen is inserted into the transcorporeal access channel and the intra-disc void is filled with a fluidic or flowable material, such as, by way of example, a liquid, a liquid-to-solid phase-changing

material, a settable liquid, a gel, a suspension, or a slurry by means of a fluid injection device such as a syringe needle, the injection device being inserted into the intra-disc void through a filling channel within the bone repair implant device.

[00121] A cross-sectional view of a bone repair implant **200** embodiment, shown in **Figures 18 and 19**, has a proximal end **201**, a distal end **202**, and an internal filling channel or lumen **203**. The internal filling lumen may have a unidirectional flow control element **204** to allow the passage of the injection device **205** and injected flowable disc-substitute material **108** into a prepared internal disc volume and thereafter restrict the backflow of the material. The back flow control element may be, for example, a plug that is sufficiently compliant that it permits the passage of an injection needle, and is sufficiently resilient that it closes and seals the injection passage after the needle has been withdrawn. **Figures 20, 21A, and 21B** show an alternate embodiment of an implantable bone repair device **200**. In this embodiment, the fluid injection does not directly enter the internal disc void, but rather courses through internal access channel or lumen **203** and intersecting one or more diffusion channels **206**, distributing around the distal end of the implant device so as to assure a more complete filling of the intra-disc void. **Figure 21B** is a perspective view of the lumens within the device shown in **Figure 21A**, the lumens rendered as pipes within the solid piece. This embodiment may be particularly suited to use in conjunction with the implantation of a solid intra-disc repair device (**Figures 16 and 17**), where void spaces may remain in the annulus fibrosis of the disc after the disc repair implants are inserted and where supplemental disc substitute material is beneficial to the long term outcome of the procedure.

[00122] As described above in general, and in some particularity with regard to the spinal repair device embodiment of **Figure 17**, a portion or the substantial entirety of a device may be formed by a porous cage that includes a bone cell preparation. Embodiments such as those depicted in **Figures 18 – 27** that include an internal lumen may also be formed from porous cages, or the devices may include forms with portions having walls of mixed composition, some wall portions solid and some wall portions porous. In some embodiments, for example, an internal lumen may be formed from a solid wall, while the external walls are porous.

[00123] **Figure 22** shows a bone repair implant **200** with an internal fill lumen inserted within the transcorporeal access channel within a host vertebral body **100**. **Figure 22** further shows an internal disc void **112** contained within the intact annulus fibrosis **113** of the intervertebral disc. Such an internal void is generally the result of a surgical procedure in which the void has been formed by removal of at least a portion of the nucleus pulposus of the disc. The fluid injection device **205** is shown entering the proximal end **201** of implant device **200**. **Figure 23** shows the

fluid injection device having penetrated the back flow prevention element **204** and entered the intra-disc void **112**.

[00124] **Figures 24 and 25** show the progressive injection of a flowable disc substitute material **108** into the internal disc void, the material being constrained by the annulus fibrosis **113** and by the end plate bone tissue of the adjacent vertebral body **102**. **Figure 24** shows the injection in an early stage; **Figure 25** shows the injection at stage where the host site is nearly filled with the substitute disc material. The injection process may be regulated by the introduction of a prescribed volume of substitute material, by monitoring back pressure at the injection device, or by other volumetric, pressure or displacement means. **Figure 26** shows the repaired spine section; the fluid injection device has been removed through the backflow prevention element **204**, leaving within the annulus fibrosis a restored disc structure, with solidified disc substitute material **108** filling the formerly void space within the disc. In a final step, a bone plate **130** may be fixed to the vertebral body by conventional bone screws so as to resist the expulsion of the bone repair implant **200** and to resist movement so as to promote bone growth of new bone into the device.

[00125] In various embodiments of the methods described herein, the vertebral segments may be distracted using currently available methods and tools such as vertebral distractor pins prior to or during the performance of a transcorporeal disc repair or replacement procedure.

[00126] In various embodiments described herein where a liquid or phase changing material is implanted within the intra-disc volume, it may be advantageous to evacuate gas or fluid from the volume so as to assure optimal filling of the void space with substitute material, and the formation of an appropriate level of substitute material density within the space. The trapping of air within the intervertebral space or within liquid disc substitute material is not a trivial consequence as air is compressible, and for the repaired, restored or substituted disc to function in its normal capacity, the disc volume needs to be resilient, but the total volume is desirably non-compressible. In embodiments of the invention, this gas evacuation may be achieved variously by means of a vent channel integral to the injection device, by means of a vent channel within the bone repair implant device, or by means of a vacuum filling process wherein the gaseous volume is evacuated by a vacuum and a liquid disc material is introduced thereafter into the evacuated volume to relieve the negative pressure within the void, thereby assuring a more complete filling of the complete volume of the void. More generally, the internal cannula or the injector itself may include two channels, one configured for proximal-to-distal flow of liquid disc substitute material, and a second channel configured for distal-to-proximal escape of air that would otherwise remain entrapped. In some embodiments of the method, there may also be

egress of liquid disc substitute material through this out-channel as well. This does no particular harm and indeed provides an indication to the operating physician that the intervertebral space (or intradiscal space) is filled. In still other gas-ventable embodiments, the spinal repair device may include longitudinally running folds on the external surface that would allow gas to escape. Some embodiments including these various features may include a cap to be applied to the proximal, external facing surface of the device after injection of the disc substitute material to prevent escape of disc substitute fluid.

[00127] **Figure 27** shows a schematic view of an embodiment of a vacuum fill system **300** that may be used in conjunction with a bone repair implant device **200**, and as an adjunct to the basic method of using device **200** as described above. In a method making use of the vacuum system **300**, a fluid injection device **205** is inserted into the intradiscal void **112**. A bi-directional control valve device **301** has two inlet ports **310** and **320** and one outlet port **330**, with the outlet port **330** being connected to a fluid injection device **205**. A vacuum source **303** is attached to the first inlet port **310** and a fluid reservoir **302** containing the disc repair fluid is attached to the second inlet port **320**.

[00128] The valve position is set to open an access channel between the vacuum inlet port **310** and the fill device port **330** and a vacuum is created within the intra-disc volume **112**. Thereafter the valve device **300** is switched to close the vacuum port **310** and simultaneously open the fluid port **320**. The pressure differential between the fluid reservoir **302** and the intra-disc void **113** causes the fluid in the reservoir **302** to flow into the intra-disc void **112**, completely filling the internal volume with fluid and avoiding gaseous voids in the disc.

[00129] While the exemplary embodiments provided herein all involve an access channel being formed from an anterior surface of the vertebral body towards the nucleus pulposus of the intervertebral disc, such an access channel may alternatively be formed using a lateral or posterior approach. Similarly, while all of the embodiments shown herein involve approaching the nucleus pulposus from a cephalad direction, a caudal approach may be preferable in some instances. Further details of methods and systems for forming a transcorporeal access channel into a vertebral body may be found in co-pending U.S. provisional application serial number 60/972,192, filed September 13, 2007, and entitled "Transcorporeal spinal decompression and repair system and related method", incorporated herein by reference.

## CLAIMS

What is claimed is:

1. A spinal repair device comprising at least one lumen communicating between a proximal end of the device and a distal end of the device, the device sized and configured to occupy at least a portion of a surgically-formed transcorporeal channel in a vertebral body that extends on a trajectory from a non end-plate surface to an end plate where an opening of the channel communicates into an intervertebral space, the at least one lumen sized and configured to (selectively) permit the flow therethrough of a disc replacement material.
2. The spinal repair device of claim 1 wherein the at least one lumen comprises a flow path for a liquid state disc repair material.
3. The spinal repair device of claim 1 wherein the at least one lumen comprises a flow prevention element that prevents egress of a liquid state disc repair material from the intervertebral space.
4. The spinal repair device of claim 1 wherein the at least one lumen comprises two channels, a first channel configured for liquid flow into the intervertebral space, and a second channel configured to allow liquid or gas egress from the intervertebral space.
5. The spinal repair device of claim 1 wherein the device comprises a surface portion sufficiently porous to allow in-growth of bone.
6. The spinal repair device of claim 1 comprising a biologically compatible material.
7. The spinal repair device of claim 6 comprising any of a polymer, a metal, a ceramic, or a combination thereof.
8. The spinal repair device of claim 1 comprising an osteogenic agent.
9. The spinal repair device of claim 1 comprising a porous cage.
10. The spinal repair device of claim 9 wherein a bone cell preparation is included within the porous cage.
11. The spinal repair device of claim 1 comprising a biologically absorbable material.
12. The spinal repair device of claim 1 wherein the device is linear in form, such linear form configured to occupy a linear transcorporeal channel.

13. The spinal repair device of claim **1** wherein the device is arcuate in form, such arcuate form configured to occupy an arcuate transcorporeal channel.
14. A system for spinal disc surgery comprising:
  - a spinal repair device according to claim **1**; and
  - a trajectory control apparatus adapted to attach to the non-end plate surface of the vertebral body and comprising a portion configured to hold at least a portion of a bone cutting tool such that when the apparatus is engaged to the vertebral body, the bone cutting tool is positioned to form the transcorporeal channel.
15. The system of claim **14** wherein the trajectory control apparatus comprises a cutting tool holder portion and an implantable bone plate portion, the cutting tool holding portion detachably engageable to the implantable bone plate portion.
16. The system of claim **15** wherein the cutting tool holder portion comprises a sleeve that receives at least a portion of a cutting tool.
17. The system of claim **15** wherein the cutting tool holder has a bone plate engagement feature and the bone plate has a cutting tool holder engagement feature, the respective engagement features configured such that when the bone plate is attached to the vertebral body, and the cutting tool holder and the bone plate are mutually engaged, the cutting tool holder is oriented to direct a cutting tool on the trajectory.
18. The system of claim **15** wherein the bone plate portion comprises an access port configured to accommodate a cutting portion of a bone cutting tool and to accommodate through passage of the spinal repair device.
19. The system of claim **14** further comprising a bone cutting tool adapted to form the transcorporeal channel, at least a portion of the bone cutting tool configured to be movably held by the trajectory control apparatus.
20. The system of claim **19**, wherein the cutting tool comprises a mechanical stop configured to limit the penetration of the cutting tool into the vertebral body.
21. The system of claim **14** further comprising an injector configured to deliver a disc replacement material through the internal cannula of the spinal repair device and into an intradiscal void.
22. The system of claim **21** further comprising

- a valve device coupled with the injector, the valve device having at least two input ports and at least one output port, the output port being in fluid communication with the injector;
- a vacuum delivery device in fluid communication with one of the two input ports of the valve device; and
- a reservoir device containing the disc replacement material in communication with the second of the two input ports of the valve device.
23. The system of claim **21** wherein the injector comprises a channel configured to allow liquid or gas egress from the intervertebral space.
  24. The system of claim **21** wherein the disc replacement material comprises a flowable substance.
  25. The system of claim **24** wherein the flowable substance comprises any of a liquid, a settable liquid, a liquid-to-solid phase changing material, a gel, a suspension, or a slurry.
  26. A method for accessing and repairing an intervertebral disc in the spine comprising:  
engaging a trajectory control apparatus to a non-endplate surface of a vertebral body;  
forming a transcorporeal channel in a vertebral body with a trajectory that extends from a non end-plate surface to an end plate where a channel opening communicates into an intervertebral space;  
implanting into the transcorporeal channel a spinal repair device sized and configured to occupy at least a portion of the channel; and  
injecting a disc replacement material through the spinal repair device and into a void within a space formerly occupied by at least a portion of the intervertebral disc.
  27. The method of claim **26** wherein forming a transcorporeal channel that extends from a non end-plate surface comprises forming the channel from any of an anterior surface, a lateral surface, a posterior aspect of a pedicle, or a posterior, or posterolateral surface.
  28. The method of claim **26** wherein the engaging step comprises implanting a bone plate portion of the trajectory control apparatus on the non-endplate surface of the vertebral body and then engaging a bone cutting tool holder portion of the trajectory control apparatus to the bone plate.
  29. The method of claim **28** wherein implanting a bone plate on the non-endplate surface of the vertebral body comprises securing it to the surface with one or more fastening elements.



30. The method of claim 28 further comprising removing the bone plate after implanting it.
31. The method of claim 26 further comprising removing at least a portion of the intervertebral disc through the transcorporeal channel before injecting the disc replacement material.
32. The method of claim 31 wherein removing at least a portion of the intervertebral disc comprises removing a nucleus pulposis and leaving an annulus fibrosis intact.
33. The method of claim 26 further comprising allowing gas from within the intervertebral space to escape through the spinal repair device during the injecting step.
34. The method of claim 26 wherein forming the transcorporeal channel comprises cutting bone with a bone-cutting tool.
35. The method of claim 26 wherein implanting the spinal repair device comprises compressively engaging an external surface of the spinal repair device with cancellous bone of the host vertebral body.
36. A spinal repair device sized and configured to occupy at least a portion of a surgically-formed transcorporeal channel in a host vertebral body and at least a portion of an intervertebral space adjacent to the host vertebral body, the device comprising:  
a proximal portion sized to occupy at least a portion of the transcorporeal channel, the channel having a trajectory that extends from a non-end plate surface to an end plate where a channel opening communicates into the intervertebral space; and  
a distal portion sized to extend from the end plate of the host vertebral body into the intervertebral space.
37. The spinal repair device of claim 36 wherein the distal portion extends to a point where it comes into intimate contact with an endplate of an adjacent vertebral body.
38. The spinal repair device of claim 36 wherein the proximal portion is adapted to replace at least a portion of bone and the distal portion is adapted to replace at least a portion of an intervertebral disc.
39. The spinal repair device of claim 36 wherein the proximal portion and the distal portion of the spinal repair device are of different composition.
40. The spinal repair device of claim 36 wherein at least a portion of the external surface of the proximal portion of the device is sufficiently porous to allow in-growth of bone.

41. The spinal repair device of claim 36 wherein the proximal portion of the device comprises an osteogenic agent.
42. The spinal repair device of claim 36 wherein the proximal portion of the device comprises a porous cage.
43. The spinal repair device of claim 42 wherein a bone cell preparation is included within the porous cage.
44. The spinal repair device of claim 36 wherein the distal portion of the spinal repair device comprises a resilient composition.
45. The spinal repair device of claim 36 wherein the distal portion of the spinal repair device comprises a distal surface adapted to articulately engage the end plate of the adjacent vertebral body.
46. The spinal repair device of claim 36 wherein the device is linear in form, such linear form configured to occupy a linear transcorporeal channel.
47. The spinal repair device of claim 36 wherein the device is arcuate in form, such arcuate form configured to occupy an arcuate transcorporeal channel.
48. The spinal repair device of claim 36 further comprising at least one lumen communicating between an opening on the proximal end of the device and an opening on the distal end of the device, the channel comprising a flow path for a flowable disc replacement material.
49. A system for spinal disc surgery comprising:  
a spinal repair according to claim 36; and  
a trajectory control apparatus adapted to attach to the non-end plate surface of the vertebral body and comprising a portion configured to hold at least a portion of a bone cutting tool such that when the apparatus is engaged to the vertebral body, the bone cutting tool is positioned to form the transcorporeal channel.
50. The system of claim 49 wherein the trajectory control apparatus comprises a cutting tool holder and an implantable bone plate portion, the cutting tool holding portion detachably engageable to the implantable bone plate portion.
51. The system of claim 50 wherein the cutting tool holding portion comprises a sleeve that receives at least a portion of a cutting tool.

52. The system of claim **50** wherein the cutting tool holder has a bone plate engagement feature and the bone plate has a cutting tool holder engagement feature, the respective engagement features configured such that when the bone plate is attached to the vertebral body, and the cutting tool holder and the bone plate are mutually engaged, the cutting tool holder is oriented to direct a cutting tool on the trajectory.
53. The system of claim **50** wherein the bone plate portion comprises at least one access port configured to accommodate a cutting portion of a bone cutting tool and to accommodate through passage of the spinal repair device.
54. The system of claim **49** comprising two spinal repair devices, the devices configured to occupy dual surgically-formed transcorporeal channels.
55. The system of claim **49** further comprising a bone cutting tool adapted to form the transcorporeal channel, at least a portion of the bone cutting tool configured to be accommodated by the trajectory control apparatus.
56. The system of claim **55**, wherein the cutting tool comprises a mechanical stop configured to limit the penetration of the cutting tool into the host vertebral body.
57. The system of claim **49** further comprising a disc replacement material comprising any of a liquid, a liquid that can solidify, a liquid-to-solid phase changing material, a fabric, or a solid, or any combination of these materials.
58. A method for accessing and repairing an intervertebral disc in the spine comprising:  
engaging a trajectory control apparatus to a surface of a host vertebral body;  
forming a transcorporeal channel within a host vertebral body, the channel extending from a surface of the host vertebral body on a trajectory toward an intervertebral disc between the host vertebral body and an adjacent vertebral body, and extending at least as far as the end plate of the host vertebral body;  
replacing at least a portion of the disc; and  
implanting a spinal repair device configured to fit into the channel and extending into the intervertebral space.
59. The method of claim **58** wherein forming a transcorporeal channel that extends from a non end-plate surface comprises forming the channel from any of an anterior surface, a lateral surface, a posterior aspect of a pedicle, or a posterior, or posterolateral surface.

60. The method of claim **58** wherein implanting a spinal repair device comprises placing a distal portion of the device in intimate contact with the end plate tissue of the vertebral body and a proximal portion in intimate contact with cancellous bone tissue within the transcorporeal channel.
61. The method of claim **58** wherein the engaging step comprises implanting a bone plate portion of the trajectory control apparatus on the non-endplate surface of the vertebral body and then engaging a bone cutting tool holder portion of the trajectory control apparatus to the bone plate.
62. The method of claim **61** wherein implanting a bone plate on the non-endplate surface of the vertebral body comprises securing it to the surface with one or more fastening elements.
63. The method of claim **61** further comprising removing the bone plate after implanting it.
64. The method of claim **58** further comprising removing at least a portion of the intervertebral disc through the transcorporeal channel before implanting the spinal repair device .
65. The method of claim **64** wherein removing at least a portion of the intervertebral disc comprises removing a nucleus pulposis and leaving an annulus fibrosis intact.
66. The method of claim **58** wherein replacing at least a portion of the disc comprises replacing the portion of the disc with any of a any of a liquid, a liquid that can solidify, a liquid-to-solid phase changing material, a fabric, or a solid, or any combination of these materials.
67. The method of claim **58** wherein forming the transcorporeal channel comprises cutting bone with a bone-cutting tool.
68. The method of claim **58** wherein implanting the spinal repair device comprises compressively engaging an external surface of the spinal repair device with an internal surface of the transcorporeal channel.
69. The method of claim **58** further comprising injecting a flowable disc material through a lumen in the spinal repair device into the intervertebral space.
70. A system for spinal disc surgery comprising:  
a spinal repair device sized and configured to occupy at least a portion of a surgically-formed transcorporeal channel in a vertebral body that extends on a trajectory from a non end-plate surface to an end plate where an opening communicates into an intervertebral space;

a bone plate sized and configured to be implantable on a surface of the host vertebral body and configured to be engageable to a cutting tool holder; and  
a cutting tool holder configured to detachably engage the bone plate and configured to receive at least a portion of a bone cutting tool, the cutting tool holder, when engaged to the bone plate, positioned to guide the bone cutting tool to form the transcorporeal channel with the trajectory.

71. The system of claim 70 further comprising a bone plate cover engageable to the bone plate and configured to cover an opening of the transcorporeal channel on the non-endplate surface.
72. A method for accessing and repairing an intervertebral disc in the spine comprising:  
engaging an implantable bone plate to a non-endplate surface of a vertebral body;  
detachably engaging a cutting tool holder to the implanted bone plate;  
forming a transcorporeal channel in a vertebral body with a trajectory that extends from a non end-plate surface to an end plate where an opening communicates into an intervertebral space;  
implanting into the transcorporeal channel a spinal repair device sized and configured to occupy at least a portion of the channel; and  
injecting a disc replacement material through the spinal repair device and into a void within a space formerly occupied by at least a portion of the intervertebral disc.
73. The system of claim 72 further comprising installing a bone plate cover on the bone plate over an opening of the transcorporeal channel on the non-endplate surface.

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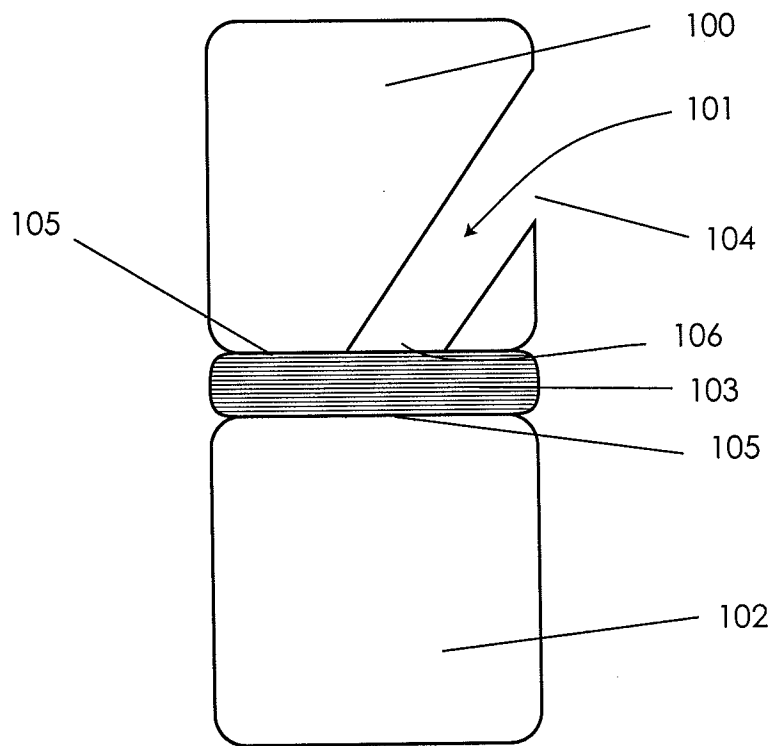


FIG. 1A

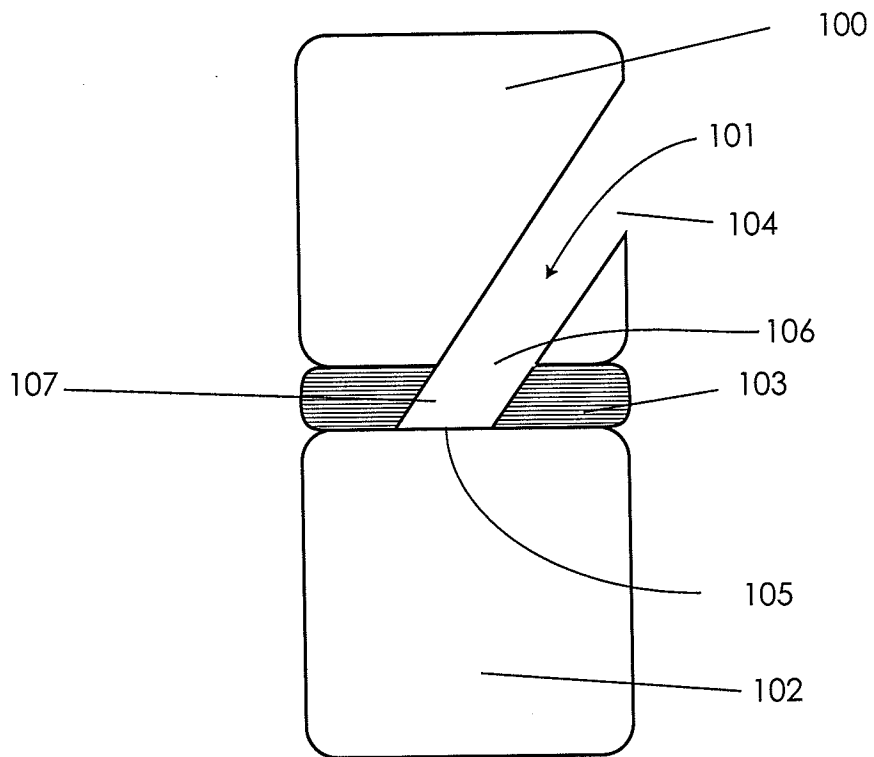


FIG. 1B

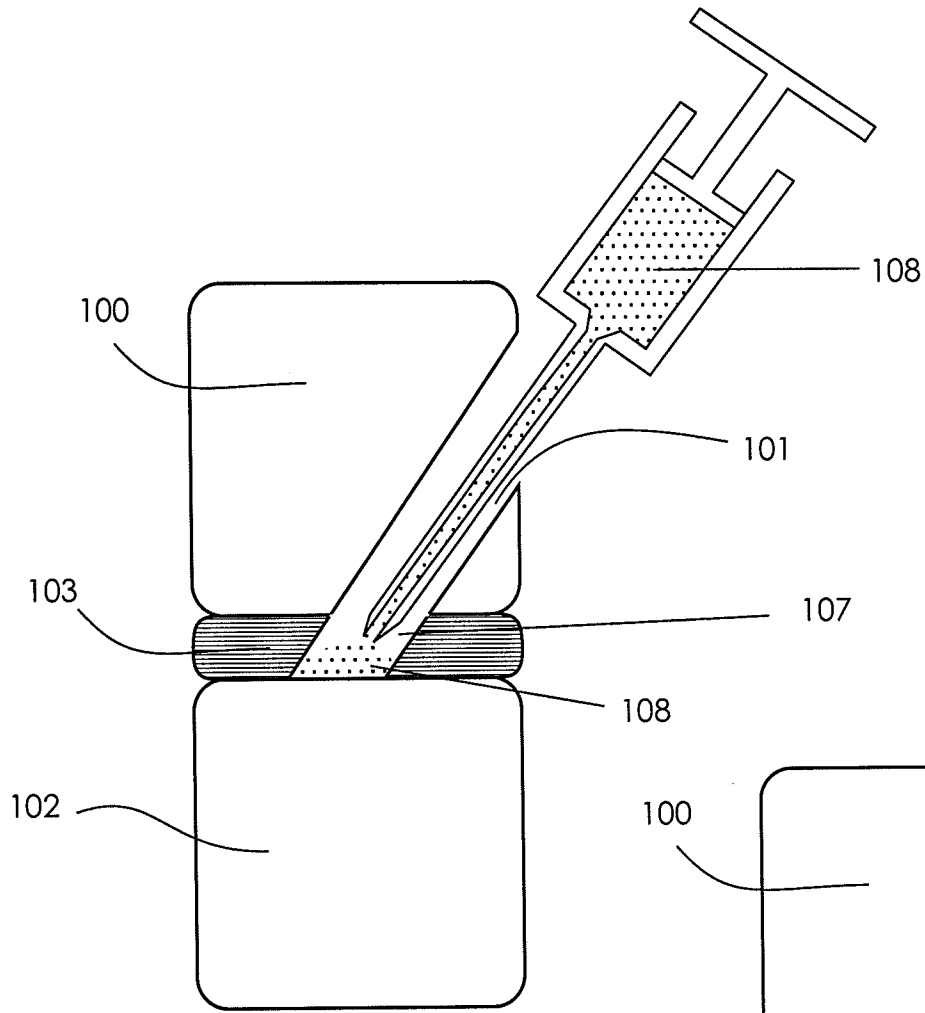


FIG. 1C

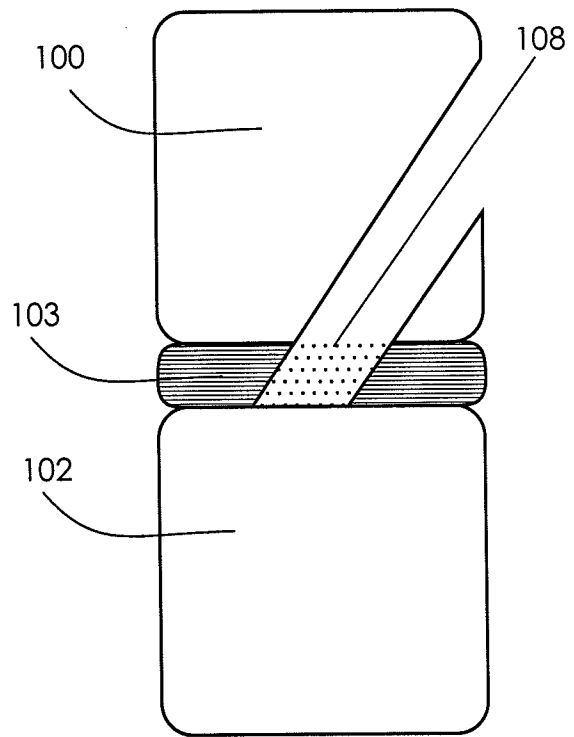


FIG. 1D

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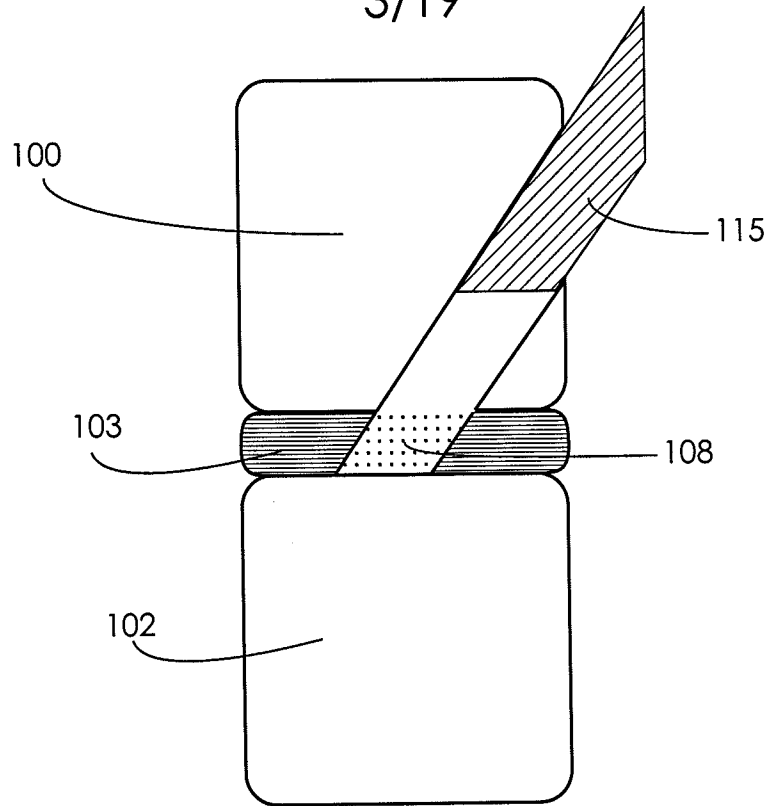


FIG. 1E

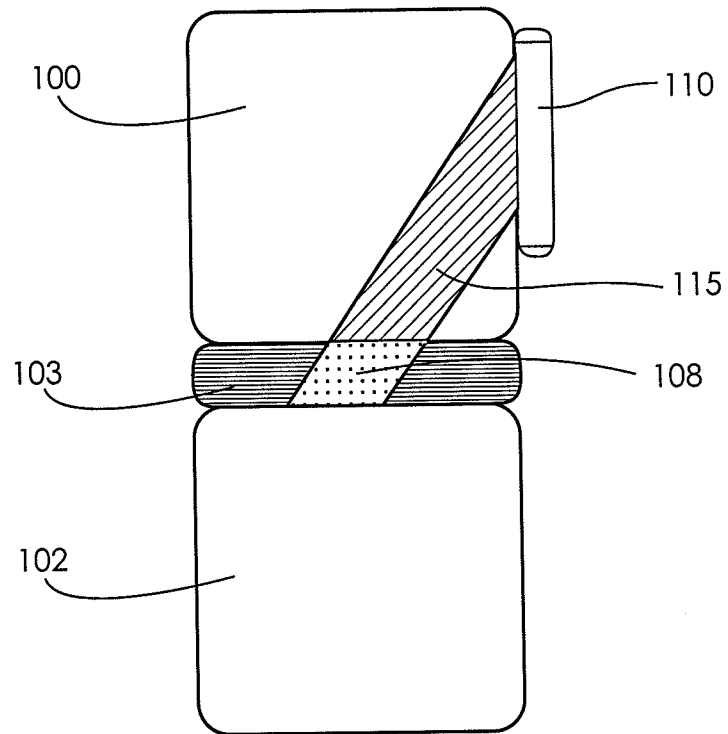
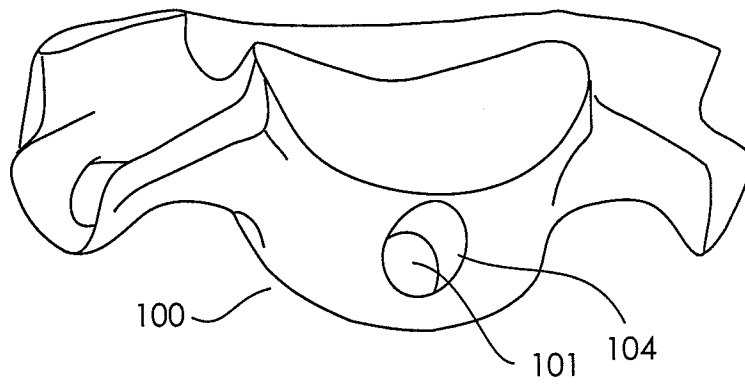
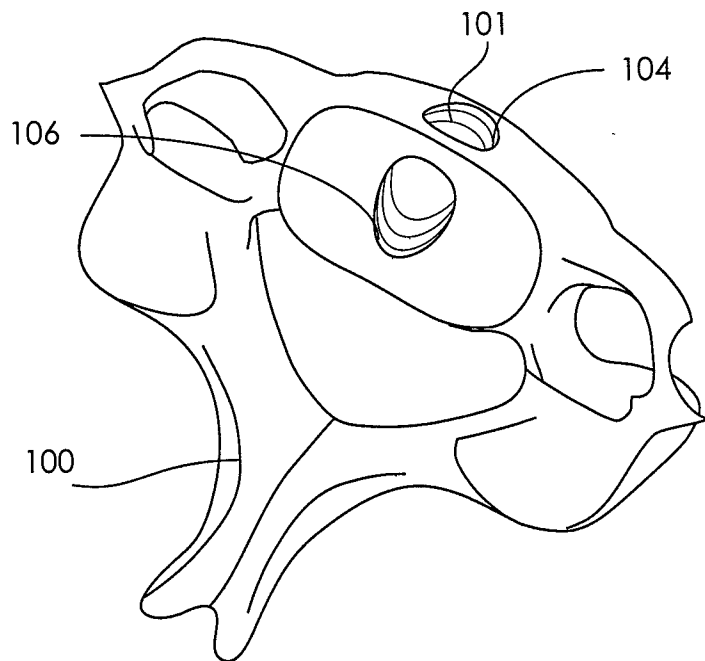


FIG. 1F



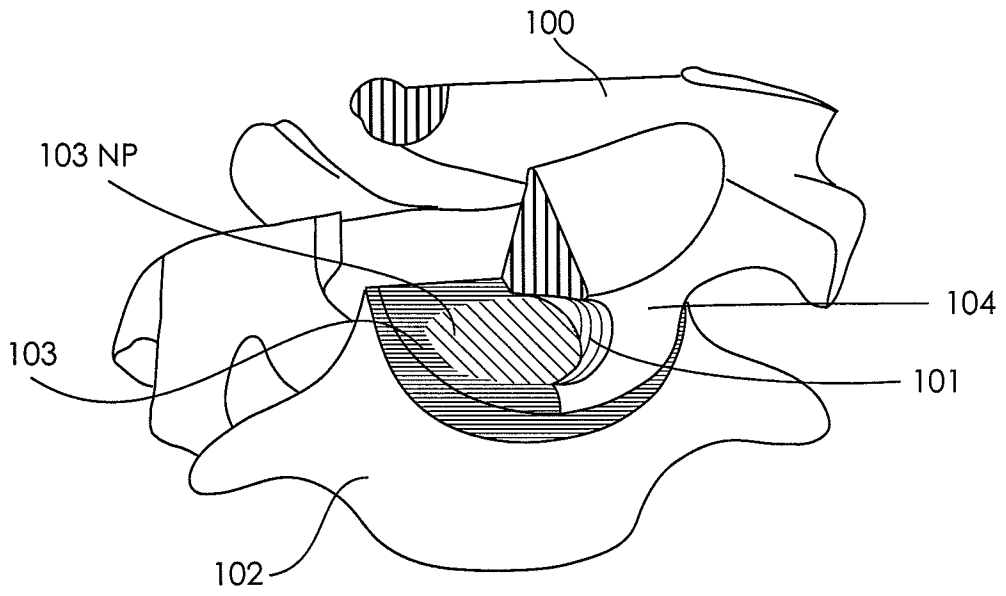


**FIG. 2**

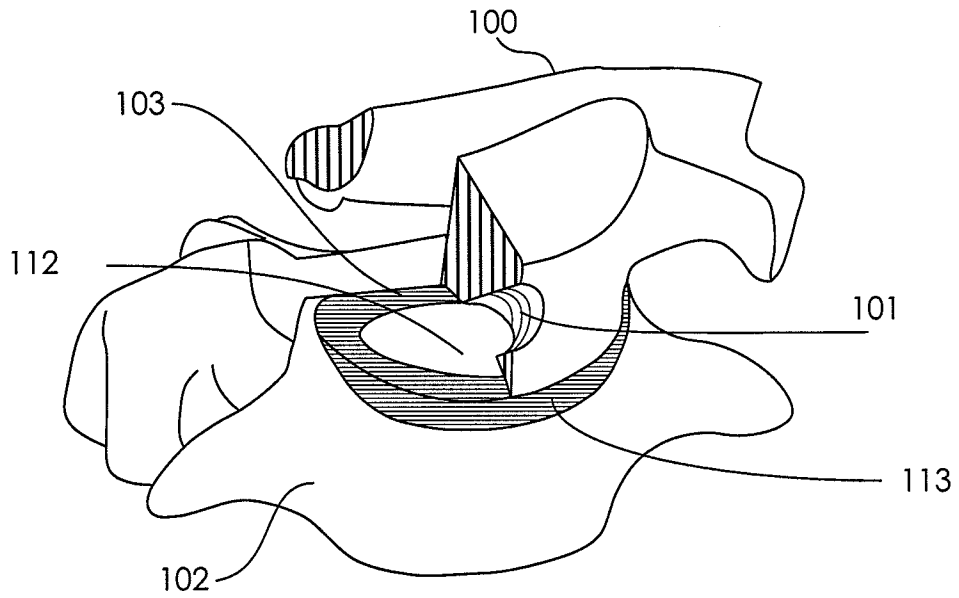


**FIG. 3**

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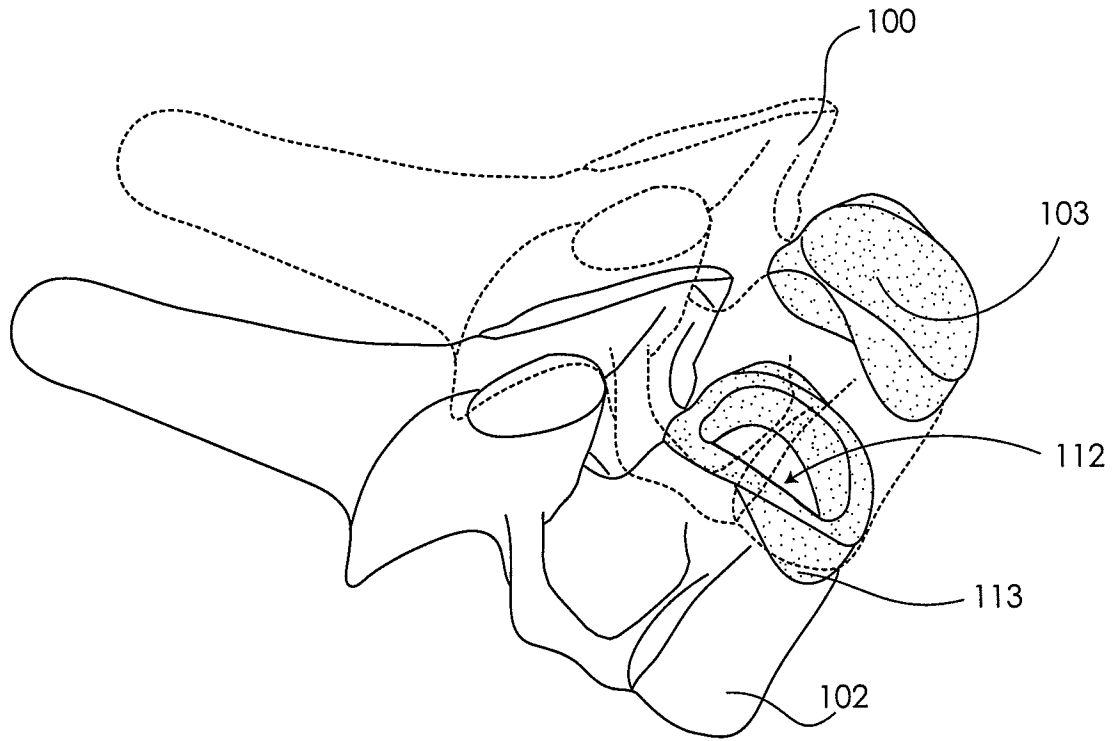


**FIG. 4**

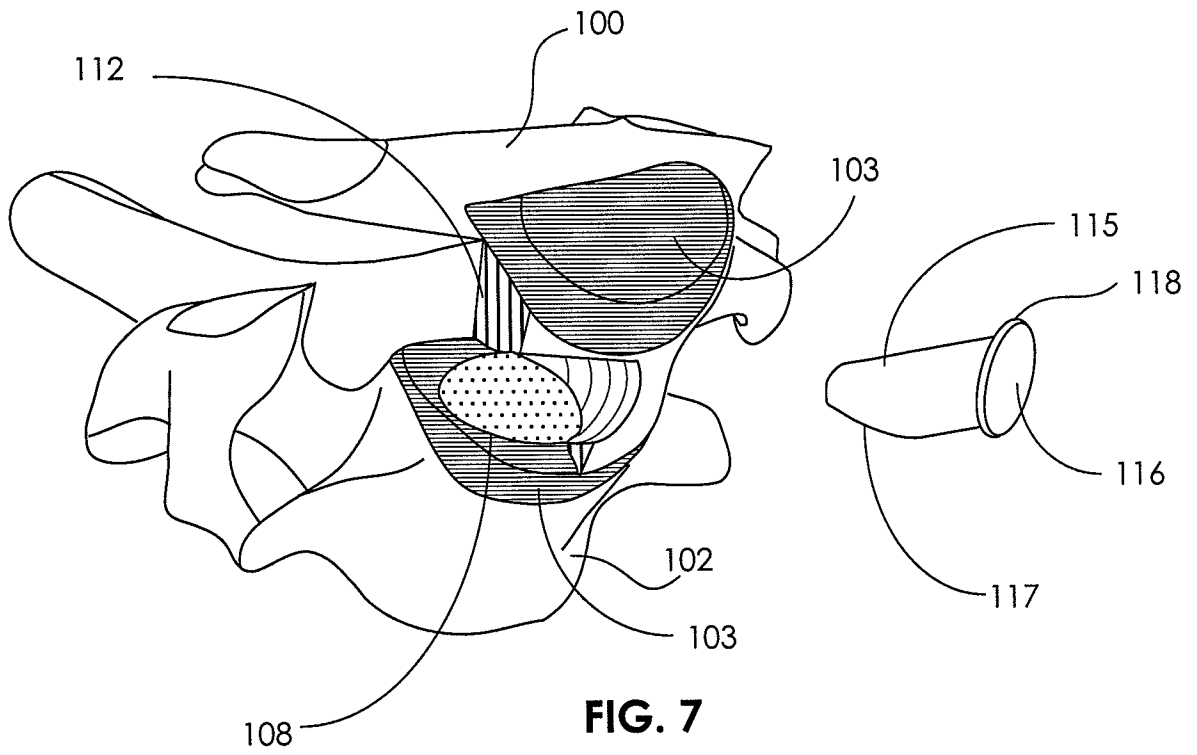


**FIG. 5**

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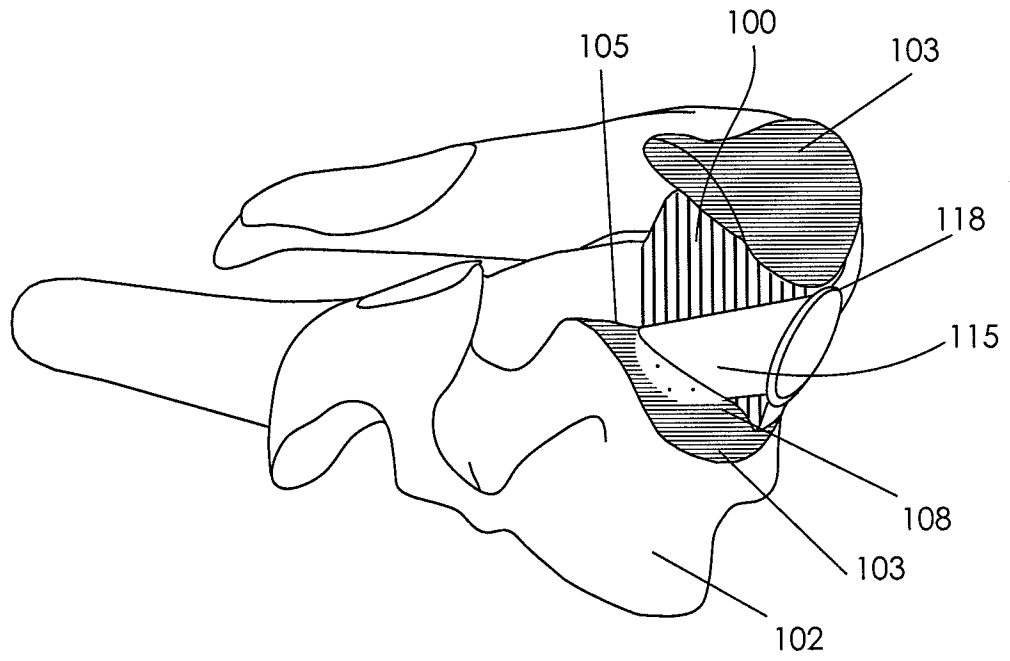


**FIG. 6**

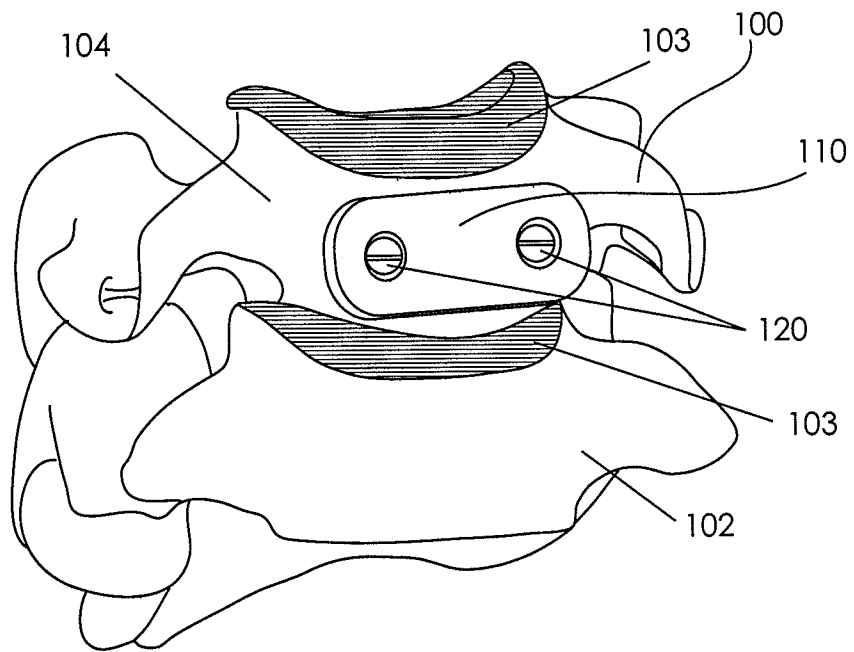


**FIG. 7**

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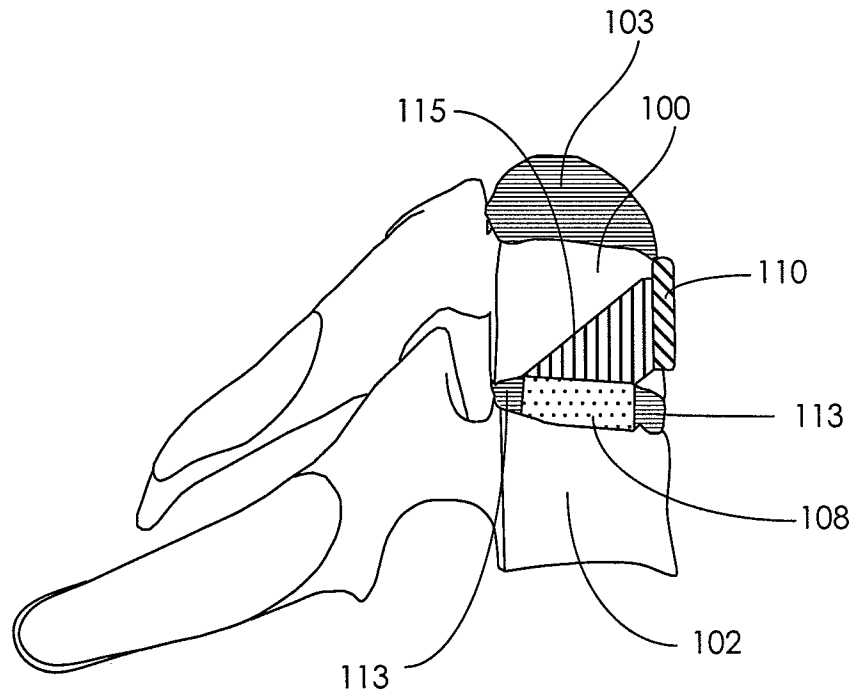


**FIG. 8**

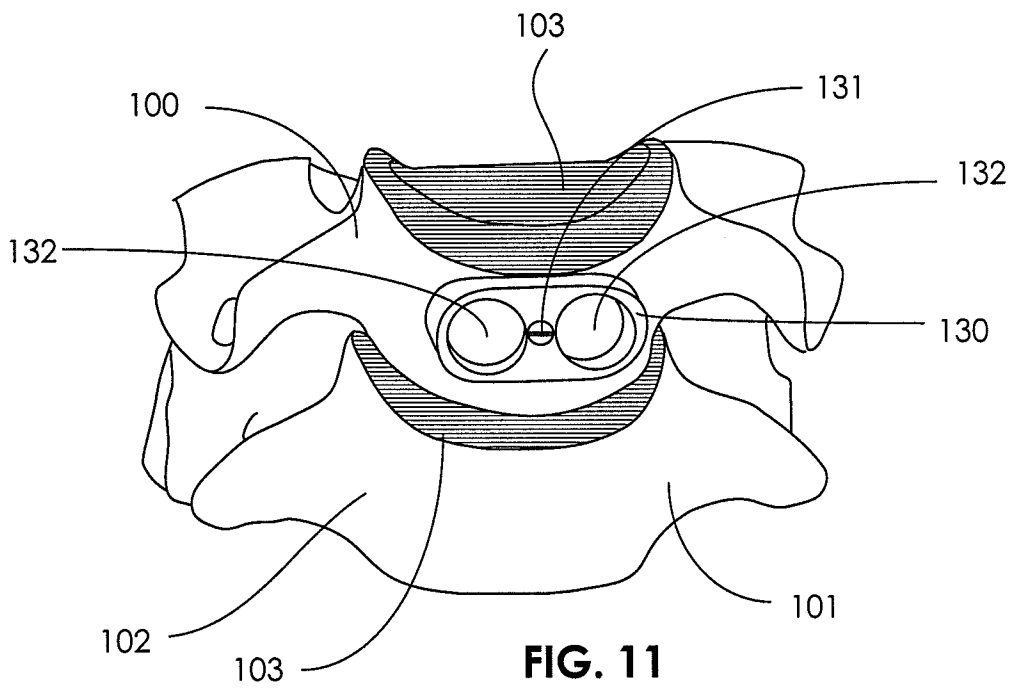


**FIG. 9**

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**FIG. 10**



**FIG. 11**

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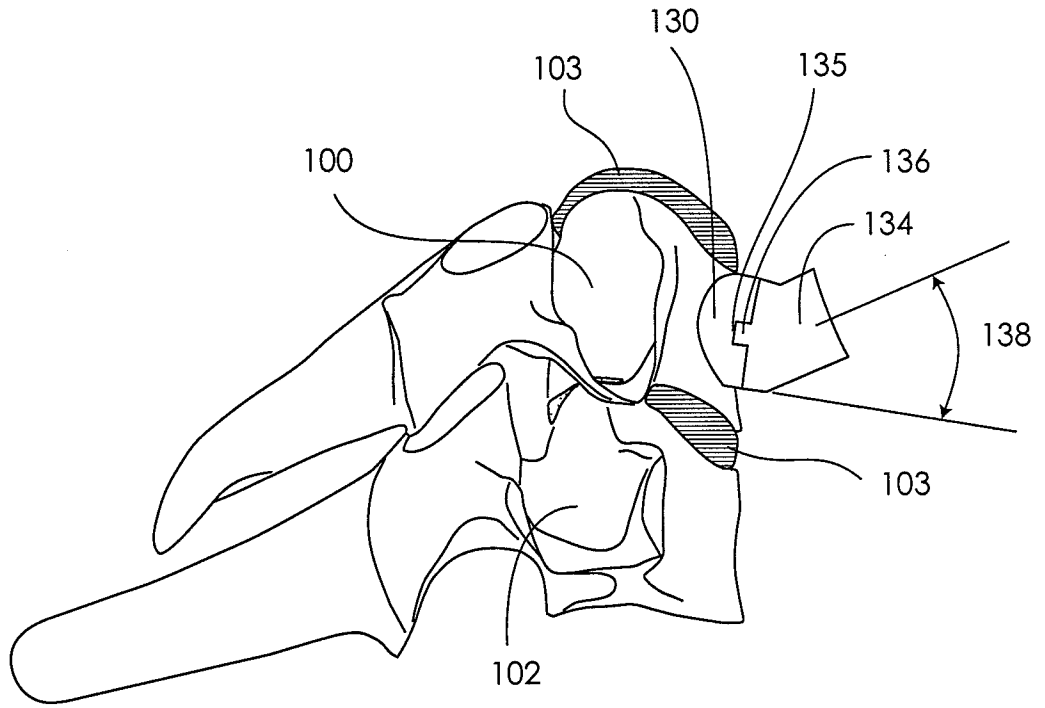


FIG. 12A

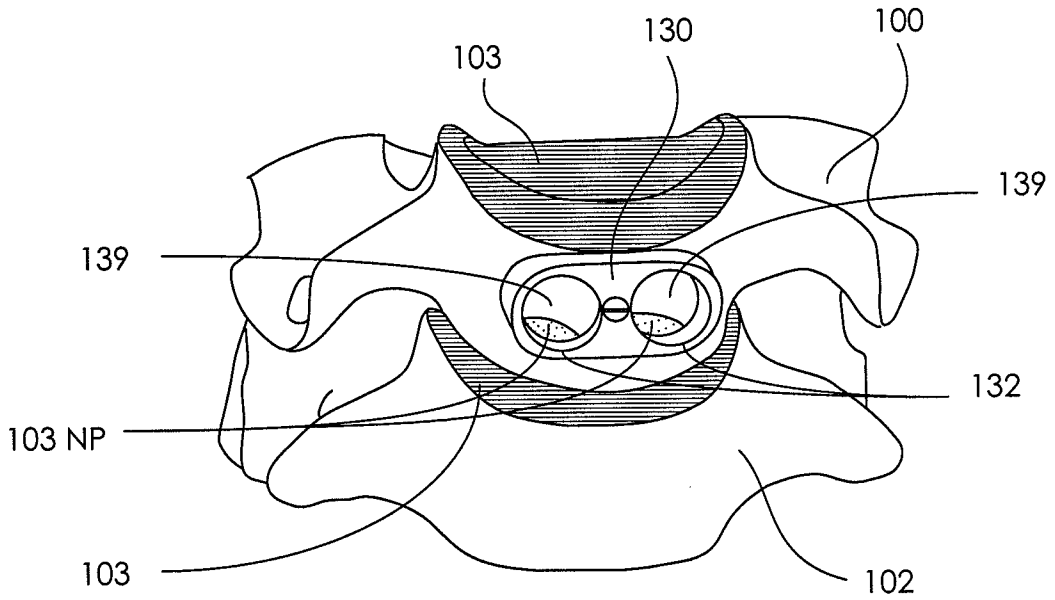


FIG. 13

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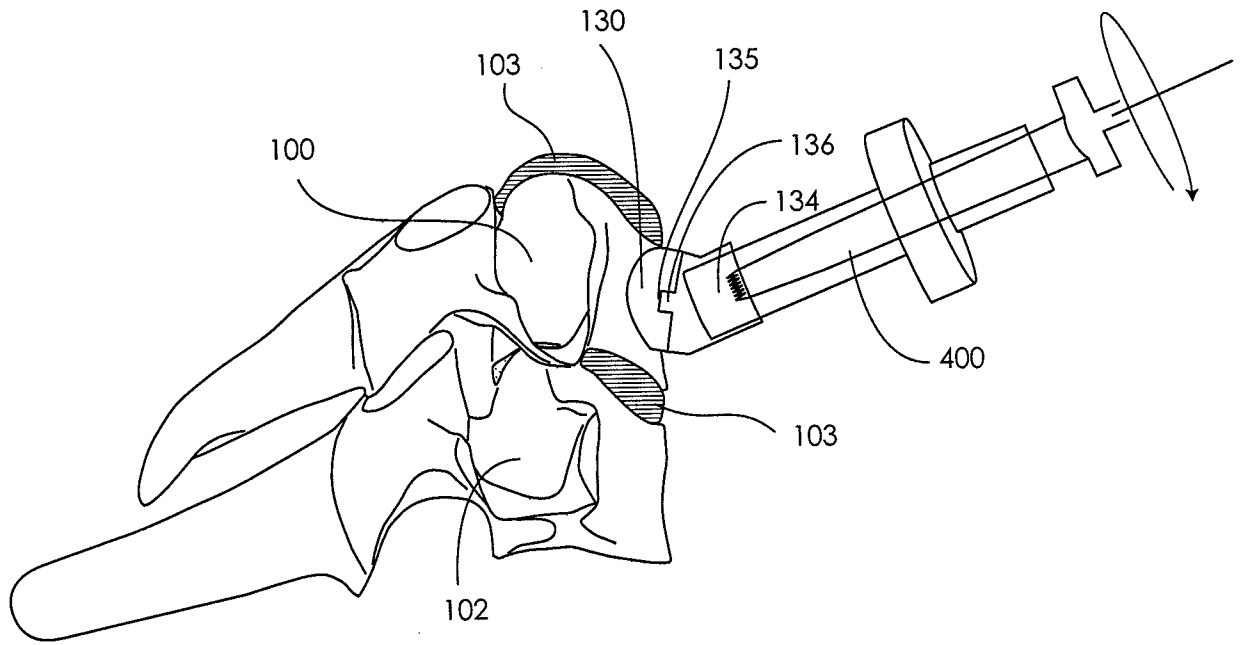
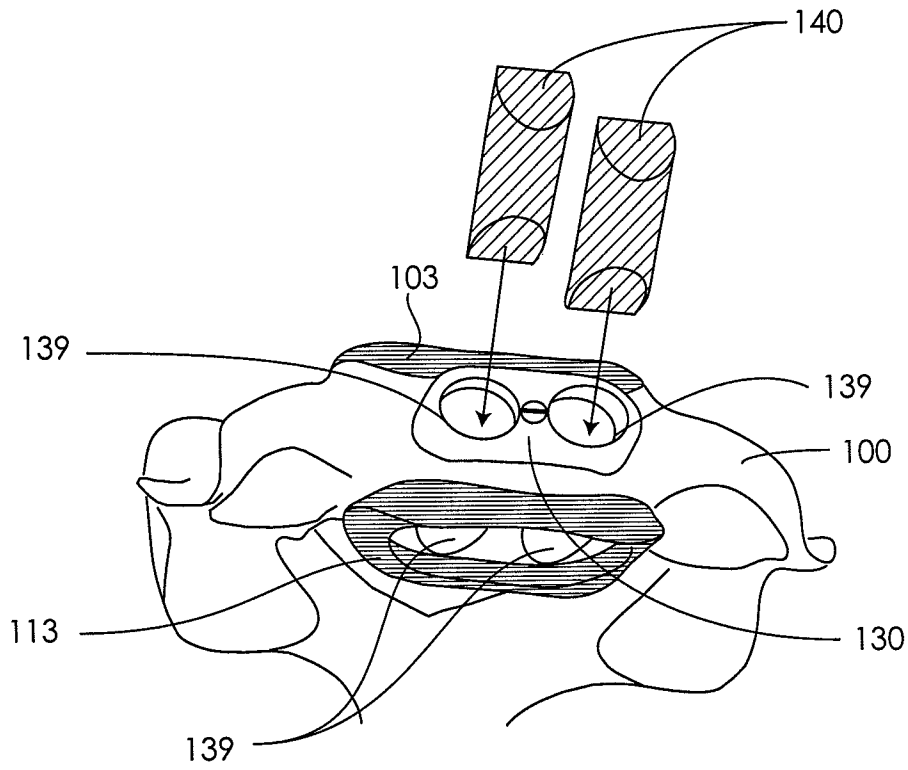
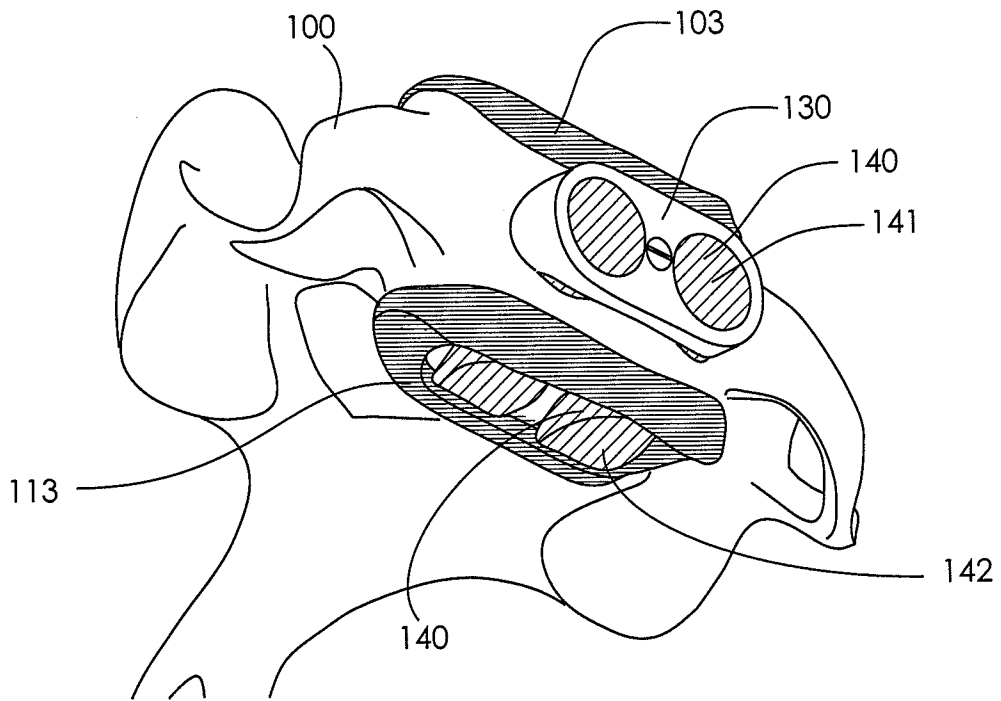


FIG. 12B

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**FIG. 14**



**FIG. 15**



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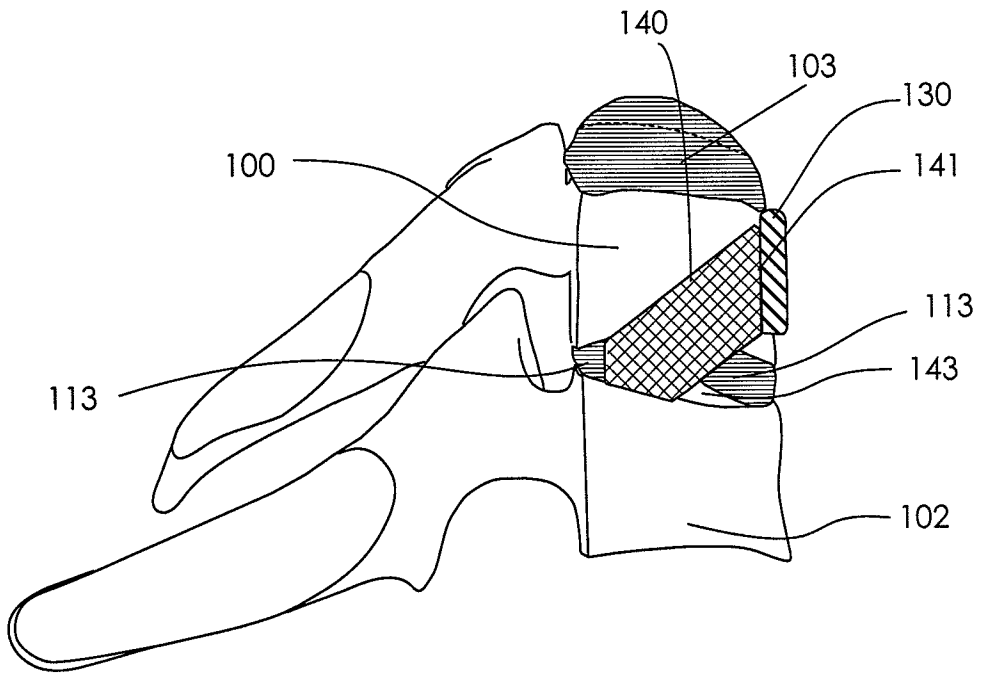


FIG. 16

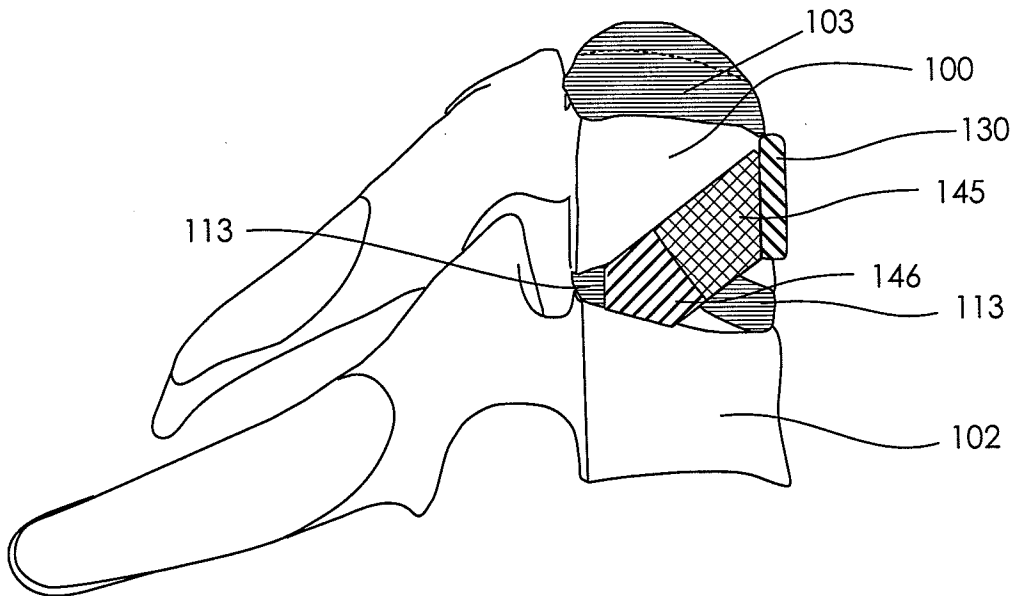


FIG. 17

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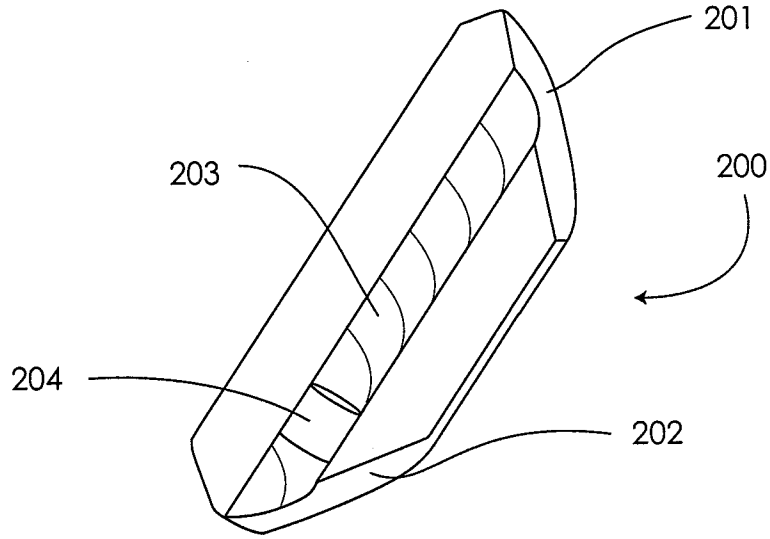


FIG. 18

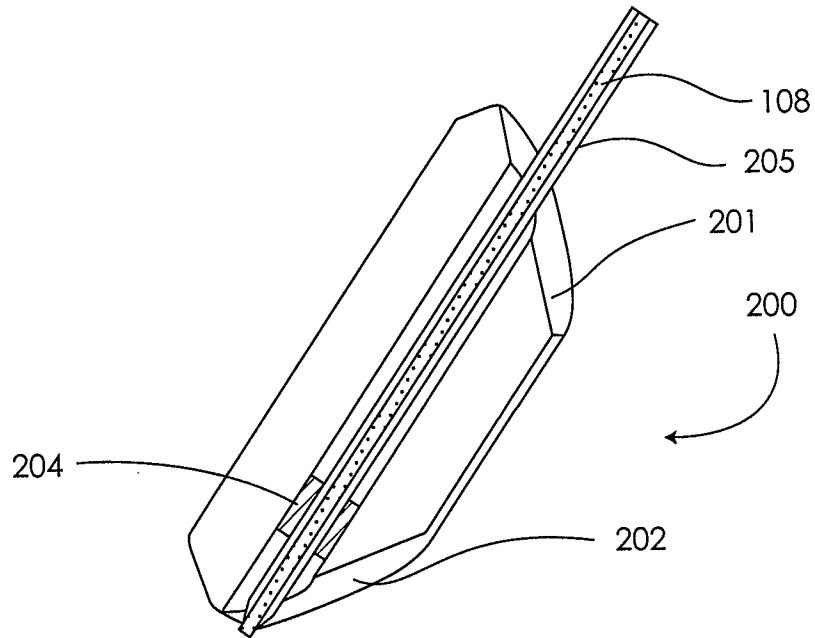


FIG. 19

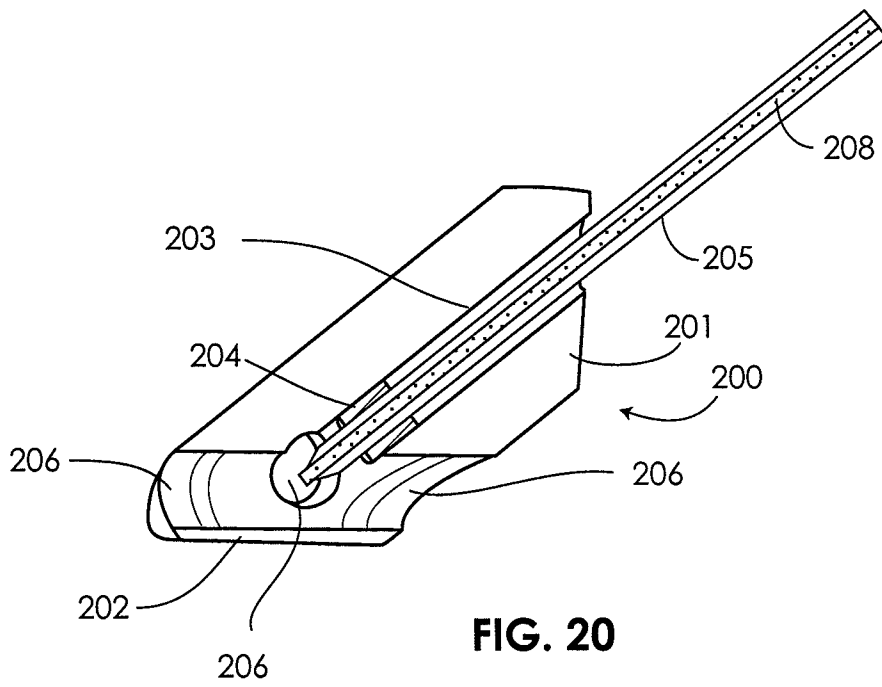


FIG. 20

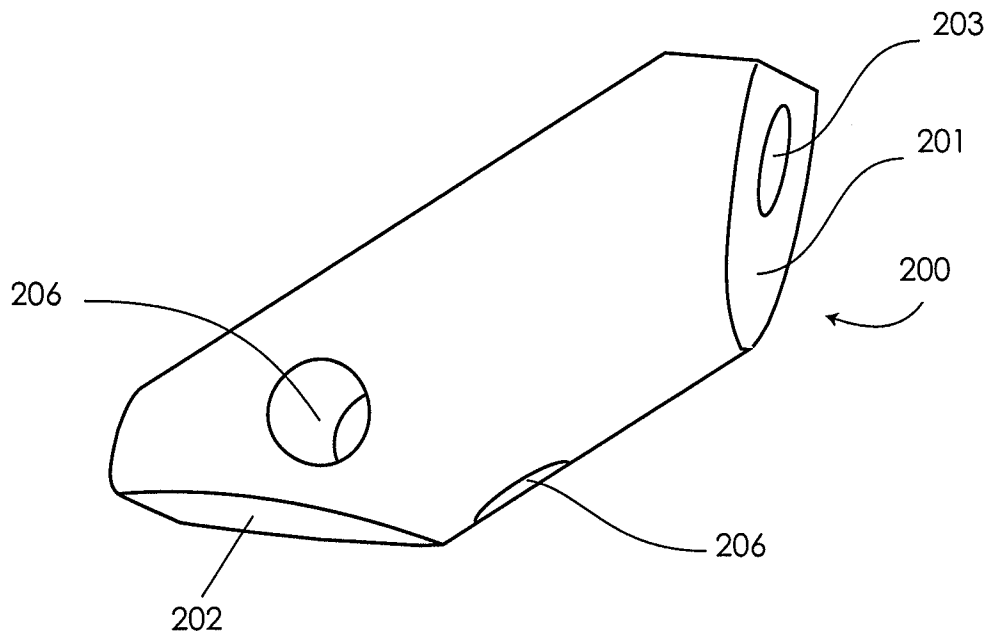
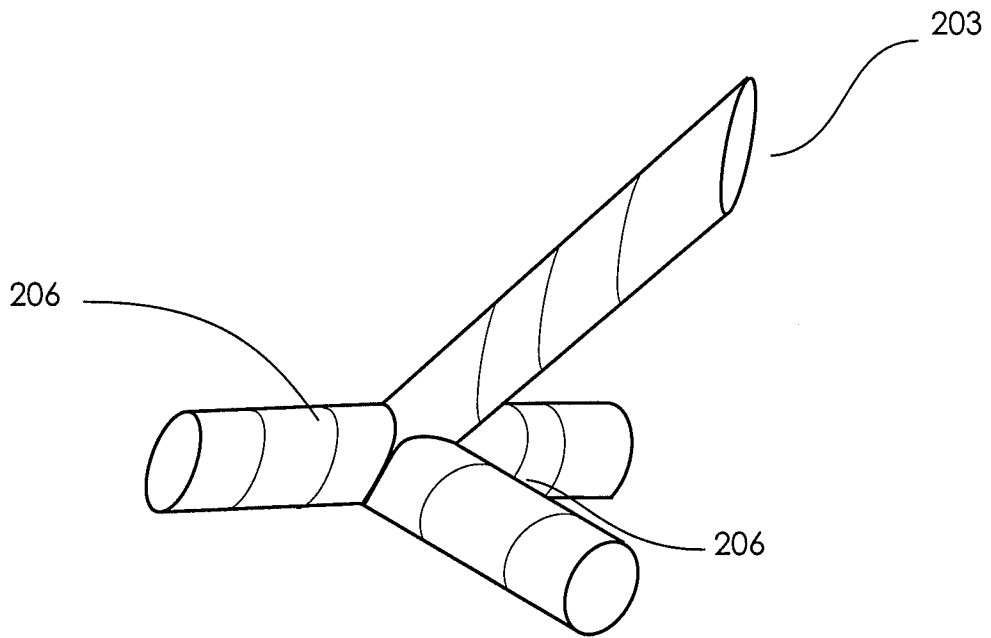


FIG. 21A



**FIG. 21 B**

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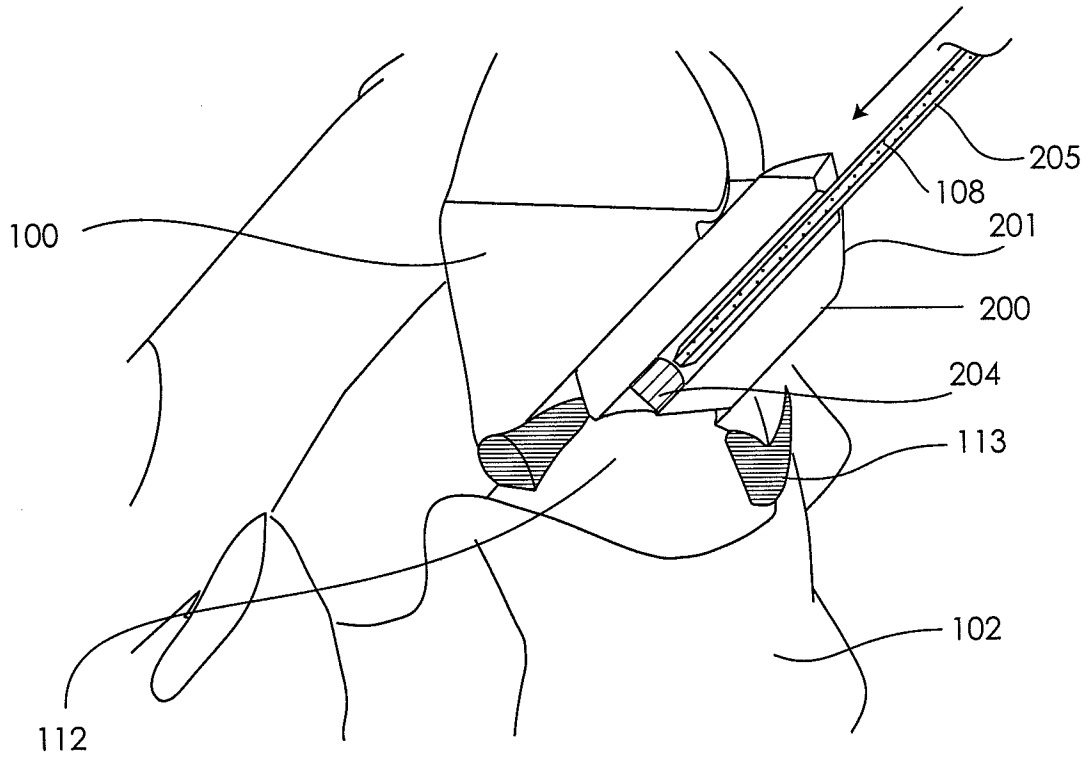


FIG. 22

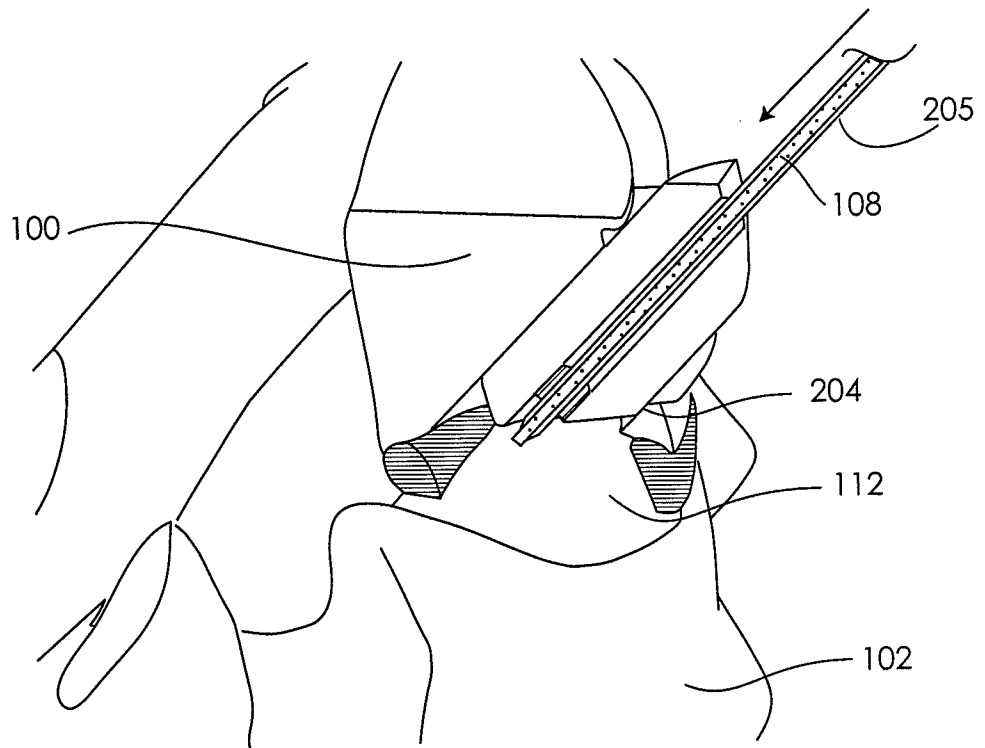


FIG. 23

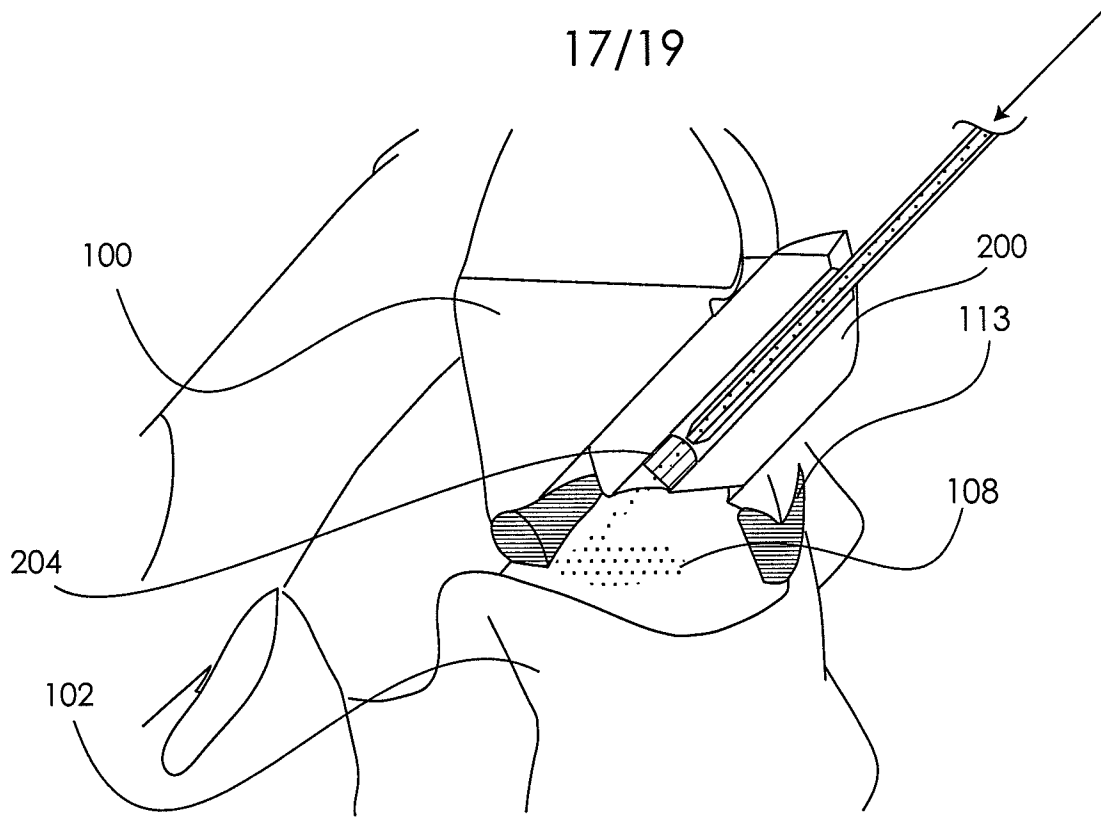


FIG. 24

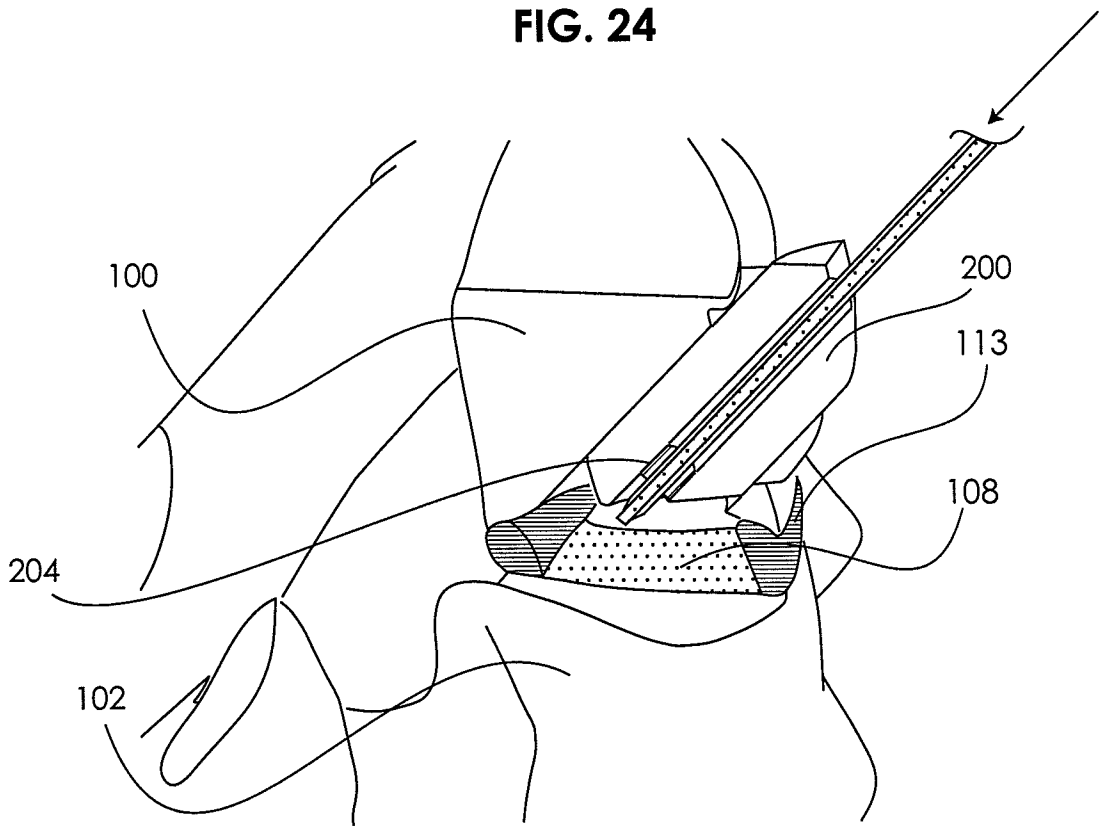


FIG. 25

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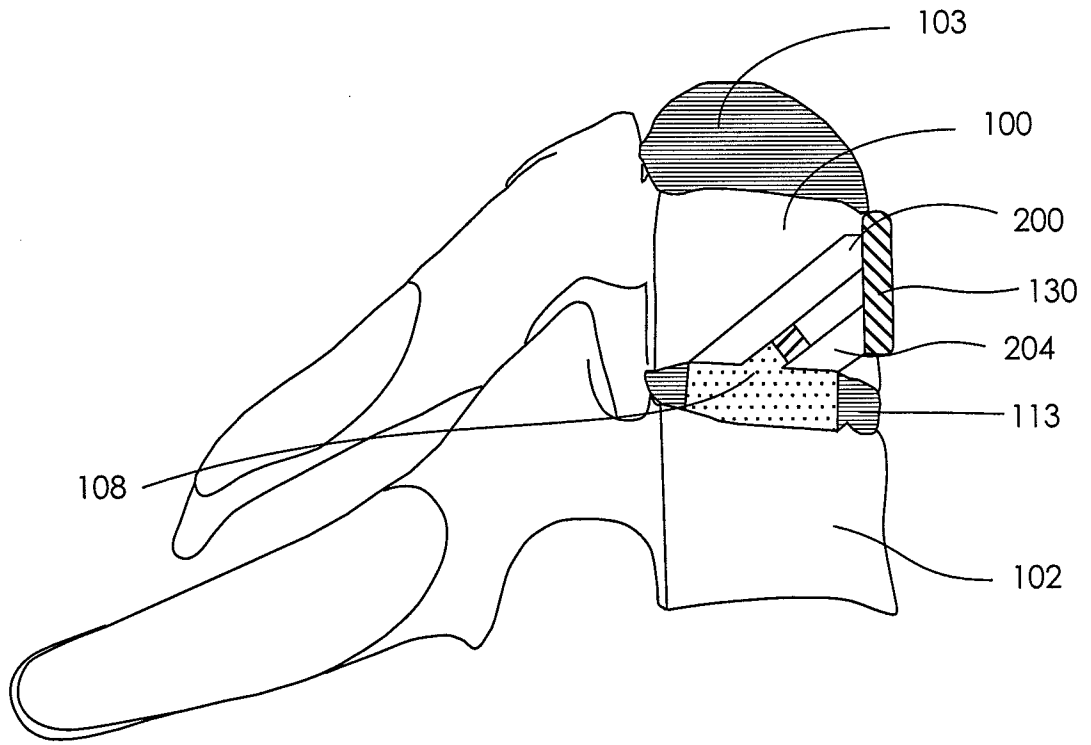


FIG. 26

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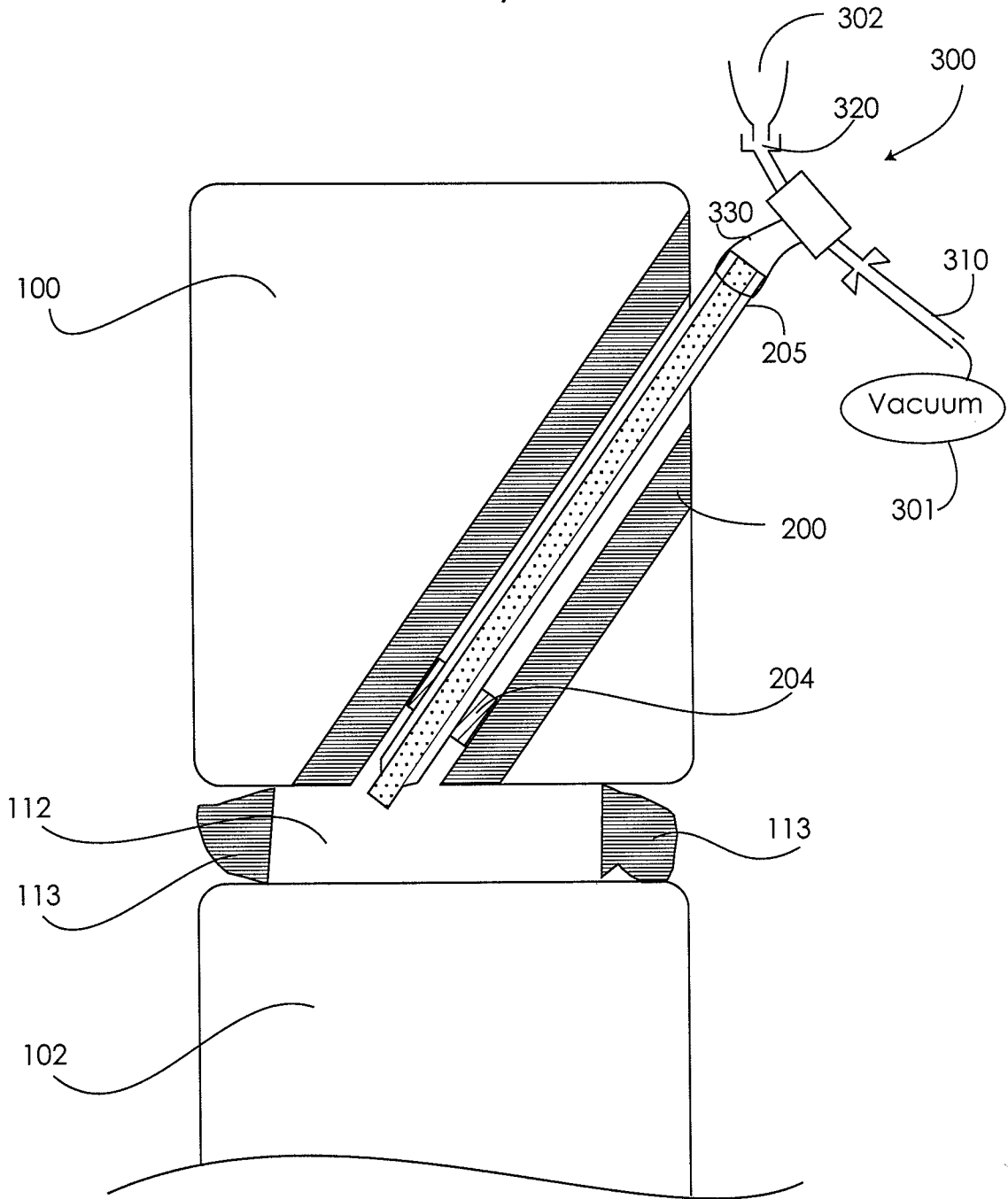


FIG. 27



## INTERNATIONAL SEARCH REPORT

International application No  
PCT/US2008/084739A. CLASSIFICATION OF SUBJECT MATTER  
INV. A61F2/44 A61F2/46 A61B17/17 A61B17/70

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)  
A61F 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	WO 2007/084427 A (ANOVA CORP [US]; FERREE BRET [US]) 26 July 2007 (2007-07-26)	1, 2, 4-13, 36-44, 46-48
Y	paragraphs [0176] - [0180], [0190]	14-25, 45, 49-57, 70, 71
X	----- WO 2006/020531 A (TRANS1 INC [US]; CRAGG ANDREW H [US]; ASSELL ROBERT L [US]; WESSMAN BR) 23 February 2006 (2006-02-23)  page 17, line 10 - page 21, line 30 page 35, line 27 - page 36, line 21 ----- -/--	1-3, 5-8, 11-13, 36-40, 44, 46-48

 Further documents are listed in the continuation of Box C. See patent family annex.

## \* Special categories of cited documents:

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- \*&\* document member of the same patent family

Date of the actual completion of the international search

16 March 2009

Date of mailing of the international search report

26/03/2009

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Authorized officer

Buchmann, Gerhard

## INTERNATIONAL SEARCH REPORT

International application No

PCT/US2008/084739

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	WO 2007/079242 A (HIGHGATE ORTHOPEDICS INC [US]; CARL ALLEN [US]; WINKLER JOSEF K [US];) 12 July 2007 (2007-07-12) paragraphs [0156] - [0171] -----	14-20, 49-56, 70,71
Y	US 2005/277921 A1 (EISERMANN LUKAS [US] ET AL) 15 December 2005 (2005-12-15) paragraphs [0020] - [0049] -----	45
Y	WO 2007/019631 A (COLUMNNA PTY LTD [AU]; DIWAN ASHISH [AU]; MILIJASEVIC ZORAN [AU]; CHOI) 22 February 2007 (2007-02-22) page 12, line 10 - page 16, line 2 -----	21-25,57
A	US 2007/118219 A1 (HYDE EDWARD R JR [US]) 24 May 2007 (2007-05-24) -----	1-71

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US2008/084739

## 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.: 26-35, 58-69, 72-73  
because they relate to subject matter not required to be searched by this Authority, namely:  
Rule 39.1(iv) PCT - Method for treatment of the human or animal body by surgery
2.  Claims Nos.:  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3.  Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box 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:

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 report covers only those claims for which fees were paid, specifically claims Nos.:
4.  No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

### Remark on Protest

- The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.
- The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.
- No protest accompanied the payment of additional search fees.

## INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/US2008/084739

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