

(19) World Intellectual Property
Organization
International Bureau



(43) International Publication Date
11 November 2004 (11.11.2004)

PCT

(10) International Publication Number
WO 2004/096066 A3

(51) International Patent Classification⁷: **A61B 17/70**

(21) International Application Number:
PCT/US2004/012367

(22) International Filing Date: 22 April 2004 (22.04.2004)

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data:
60/465,340 25 April 2003 (25.04.2003) US
60/470,149 13 May 2003 (13.05.2003) US

GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW.

(84) Designated States (unless otherwise indicated, for every kind of regional protection available): ARIPO (BW, GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PL, PT, RO, SE, SI, SK, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

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(81) Designated States (unless otherwise indicated, for every kind of national protection available): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, EG, ES, FI,

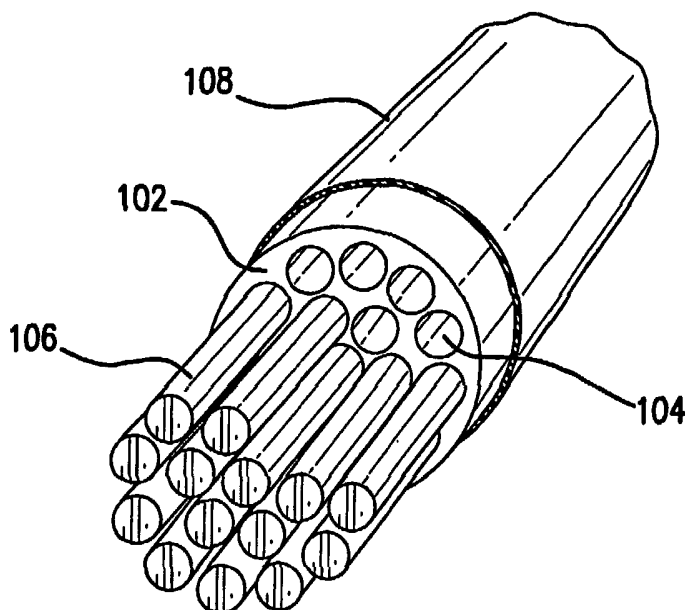
Declaration under Rule 4.17:
— of inventorship (Rule 4.17(iv)) for US only

Published:
— with international search report

(88) Date of publication of the international search report:
24 March 2005

For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

(54) Title: SPINAL CURVATURE CORRECTION DEVICE



(57) Abstract: A spinal curvature correction device has a flexible tube having one or multiple lumens extending longitudinally through substantially the entire length of the flexible member. The lumens are a plurality of channels formed to receive multiple longitudinal members, or rods. Each rod is shaped to a desired curvature of a healthy spine or a curvature that will affect a correction of a diseased spine. The hollow, flexible tube is surgically placed along the axis of the spine and fixed. After fixation to the spinal elements is structurally stable, a plurality of curved semi-rigid rods is placed within the channels of the flexible tube. As additional rods are placed within the hollow flexible member, increased force is applied to the spine by the device, thereby moving the spine towards the desired curvature.

WO 2004/096066 A3

INTERNATIONAL SEARCH REPORT

International Application No
PCT/US2004/012367

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 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)
IPC 7 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-Internat

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X A A A A	<p>FR 2 702 363 A (BIOMAT) 16 September 1994 (1994-09-16) page 4, line 3 - page 10, line 28; figures -----</p> <p>WO 93/20771 A (EUROSURGICAL ; MAZEL CHRISTIAN (FR)) 28 October 1993 (1993-10-28) abstract; figures 27,28 -----</p> <p>WO 00/16710 A (VIART GUY ; EUROSURGICAL (FR); GALLARD EMERIC (FR); STEIB JEAN PAUL (F) 30 March 2000 (2000-03-30) abstract; figures -----</p> <p>US 5 658 286 A (SAVA GARARD A) 19 August 1997 (1997-08-19) the whole document -----</p> <p style="text-align: center;">-/--</p>	<p>1,3,5,6, 8-11,18 15,16</p> <p>1,3,15, 16</p> <p>1,3</p> <p>1,3</p>

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

° Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- "&" document member of the same patent family

Date of the actual completion of the international search

13 October 2004

Date of mailing of the International search report

28.12.2004

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INTERNATIONAL SEARCH REPORT

Internati application No
PCT/US2004/012367

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	FR 2 806 615 A (CREMASCOLLI ORTHO S A) 28 September 2001 (2001-09-28) abstract; figures -----	

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2004/012367

Box 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.: 13
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 III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:
1, 3, 5-11, 14-20

Remark on Protest

- The additional search fees were accompanied by the applicant's protest.
 No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

International Application No. PCT/ US2004/ 012367

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

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

1. claims: 1,3,5-11,14-20

A spinal curvature correction device having a plurality of lumens

2. claims: 2,4-10,12-20

A spinal curvature correction device having at least one lumen

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US2004/012367

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