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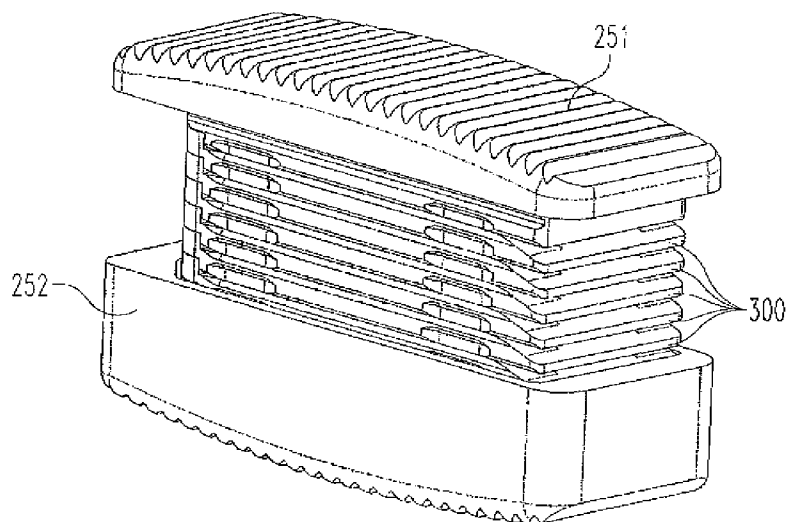


Fig. 3

(57) Abstract: An expandable interbody fusion device includes superior and inferior endplates that are configured to receive a sequentially inserted stack of interlocking expansion members or wafers. The like-configured wafers include features on their top and bottom surfaces that interlock the wafers in multiple degrees of freedom so that the wafer stack is not disrupted when the fusion device is fully expanded. One of the interlocking features includes a plurality of prongs projecting from an upper surface of the wafers and into a recess defined in the lower surface of an adjacent previously inserted like-configured wafer. The prongs and recesses are configured to prevent retrograde movement of each new wafer in a direction opposite the direction of insertion. Other interlocking features prevent movement in the direction of insertion, transverse to the insertion direction and vertically within the stack.

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EXPANDABLE INTERBODY FUSION DEVICE

BACKGROUND OF THE INVENTION

The present invention relates to devices and methods for distraction and stabilization of tissue surfaces, and most particularly for stabilization of the intervertebral disc space in interbody fusion applications.

The number of spinal surgeries to correct the causes of low back pain has steadily increased over the last several years. Most often, low back pain originates from damage or defects in the spinal disc between adjacent vertebrae. The disc can be herniated or can be suffering from a variety of degenerative conditions, so that in either case the anatomical function of the spinal disc is disrupted. The most prevalent surgical treatment for these types of conditions has been to fuse the two vertebrae surrounding the affected disc. In most cases, the entire disc will be removed, except for the annulus, by way of a discectomy procedure. Since the damaged disc material has been removed, something must be positioned within the intra-discal space, otherwise the space may collapse resulting in damage to the nerves extending along the spinal column.

In order to prevent this disc space collapse, the intra-discal space has been filled with bone or a bone substitute in order to fuse the two adjacent vertebrae together. In early techniques, bone material was simply disposed between the adjacent vertebrae, typically at the posterior aspect of the vertebrae, and the spinal column was stabilized by way of a plate or a rod spanning the affected vertebrae. With this technique, once fusion has occurred the hardware used to maintain the stability of the segment became superfluous. Moreover, the surgical procedures necessary to implant a rod or plate to stabilize the level during fusion were frequently lengthy and involved.

It was therefore determined that a more optimum solution to the stabilization of an excised disc space is to fuse the vertebrae between their respective end plates, most optimally without the need for anterior or posterior plating. There have been an extensive number of attempts to develop an acceptable intra-discal implant that could be used to replace a damaged disc and yet maintain the stability of the disc interspace between the adjacent

vertebrae, at least until complete arthrodesis is achieved. These "interbody fusion devices" have taken many forms, but many have had difficulty in achieving fusion, at least without the aid of some additional stabilizing device, such as a rod or plate. Moreover, some of these devices are not structurally
5 strong enough to support the heavy loads and bending moments applied at the most frequently fused vertebral levels, namely those in the lower lumbar spine.

The interbody fusion devices (IBFDs) that have overcome these difficulties are typically bulky, at least with respect to the intervertebral space.
10 In particular, these devices have been configured to completely fill the space and to restore the normal spinal anatomy at the instrumented level. One drawback of this approach is that the implant device is not exactly sized to the anatomy of the particular patient, thus typically requiring pre-distraction of opposed vertebrae in order to increase the disc space for device implantation.
15 While a collection of differently sized IBFDs can be provided, it is unwieldy and impractical to provide an IBFD sized for every intervertebral disc space height.

Another drawback of these prior devices is that the surgical insertion site must be at least as big as the IBFD. Minimally invasive and working
20 channel surgical techniques have been recently developed that have significantly reduced the surgical invasion, but even more improvement is needed. One solution to these drawbacks was presented in U.S. Patent No. 6,595,998 (the '998 Patent), entitled "Tissue Distraction Device", which issued on July 22, 2003, to the assignee of the present invention. The '998 Patent
25 discloses sequentially introducing a series of wafers into the space (whether inter- or intra-vertebral) using a percutaneous introducer. In certain embodiments, the wafers included features that allowed adjacent wafers to interlock to some degree along the longitudinal axis of the wafers. The disclosure of the '998 Patent is incorporated herein by reference, particularly
30 as it pertains to the interlocking features of the wafers and the percutaneous introducer.

In an improvement on the wafer concept in the '998 Patent, an expandable distraction device was disclosed in co-owned pending application

S.N. 10/813,819 (the '819 Application), which was filed on March 31, 2004, and published as Pub. No. 2005/0187559 on August 25, 2005. The disclosure of the '819 Application is incorporated herein by reference. The expandable distraction device disclosed in the '819 Application includes a plurality of wafers that are successively inserted to form a stack of wafers in a column. The wafers are configured so that a newly inserted wafer lifts the stack of previously inserted wafers, including the superior endplate, until the space has been distracted to a desired height.

A further improvement is disclosed in co-owned pending application S.N. 11/211,346 (the '346 Application), which was filed on August 25, 2005, and was published as Pub. No. 2006/0058807 on March 16, 2006. The disclosure of the '346 Application is incorporated herein by reference. The '346 Application discloses a wafer insertion apparatus **50** that includes a wafer track **52** configured at one end to releasably engage the inferior endplate of the expandable device **10**, as depicted in **FIG. 1**. The other end of the wafer track is connected to a gun **51** that supports a cartridge of wafers **54** and includes a trigger-operated mechanism **53** for extracting a wafer from the cartridge and advancing it along the wafer track into the wafer cavity between the superior and inferior endplates. The wafer insertion apparatus initially supports the expandable device *in situ* and includes a release plate operable to separate the wafer track from the expandable device when wafer insertion is complete.

The wafer insertion apparatus disclosed in the '346 Application utilizes a series of posts as shown for example in Figures 44-45 thereof formed in the wafer cavity defined by the inferior endplate. The posts are engaged by an insertion plate that forms part of the wafer track so that the track can support the expandable distraction device *in situ* during wafer insertion. A release plate severs the posts to allow the wafer track to disengage the inferior endplate for removal of the wafer insertion apparatus.

The wafers disclosed in the '346 Application include features that facilitate interlocking between adjacent wafers. Thus, as illustrated for example in Figures 28-29 and Figures 35-36 of the '346 Application, the

wafers include resiliently deflectable features that deflect and lock upon longitudinal insertion of a new wafer underneath a previously inserted wafer.

In preferred uses of the expandable devices described above, it is contemplated that bone promotion filler such as osteoinductive or

5 osteoconductive material may be integrated around, and in some cases into, the stack of wafers forming the distraction device. Ideally, once fusion occurs the entire space is rigid, as if the entire space is bone. In an interbody fusion procedure, the vertebrae adjacent the affected disc space are fused together so that the motion segment is eliminated at the disc level. The distracted
10 space is subjected to significant loads, even when efforts are made to immobilize the spine around the affected vertebral level. While the compressive loads along the length of the spine are readily borne by the expanded distraction device and associated wafer stack, transverse loads and most particularly torsion loads must also be withstood.

15 Consequently, there remains a need for an expandable distraction device that can endure the significant spinal loads and maintain suitable structural integrity, at least until complete fusion can be achieved.

SUMMARY OF THE INVENTION

In order to address these objectives, the present invention contemplates a device for distracting a body tissue space between opposing tissue surfaces, comprising an upper plate having an outer surface configured to contact one of the opposing surfaces and a lower plate having an outer surface configured to contact the other of the opposing surfaces. The upper and lower plates combine to define a cavity when the upper plate is supported on the lower plate. The lower plate includes a support surface for supporting at least one expansion member, or wafer, within the cavity, and a channel communicating with the cavity that is configured to receive an expansion member conveyed therethrough for placement on the surface of the lower plate.

In one embodiment, the wafers are like-configured, each comprising an interlocking engagement that includes a plurality of resiliently deflectable prongs that project above an upper surface of the wafer, and a like plurality of locking surfaces extending transversely between the upper surface and the lower surface. The prongs deflect as each wafer is inserted into the space between the expandable upper and lower plates until each wafer is substantially co-extensive with the prior inserted wafer. When so oriented, the prongs resiliently deflect upward against corresponding locking surfaces to prevent retrograde movement (i.e., opposite the direction of insertion) of the newly inserted wafer.

Each wafer is configured with angled leading and trailing ends so that each newly inserted wafer lifts the stack of prior inserted wafers. As each wafer is inserted, additional interlocking features are engaged that prevent movement of the wafers in other degrees of freedom. One interlocking feature includes a keyway and tab arrangement that prevents further movement along the direction of insertion. Yet another interlocking feature prevents relative movement transverse to the insertion direction and vertically within the stack of wafers. The interlocking features also prevent disengagement of the wafers or dislodgement of any wafer from the stack due to torsional or twisting movement.

In one embodiment, an expansion member for sequential insertion into a space between opposing tissue surfaces to be distracted is provided that comprises an elongated body having an upper surface and an opposite lower surface, at least one locking surface extending transversely between the upper surface and the lower surface, and at least one resilient prong defined in and projecting outwardly beyond one of the upper surface and the lower surface. In one feature, the at least one prong is oriented such that when two of the expansion members are immediately adjacent and substantially co-extensive at least a portion of the at least one prong of one expansion member is disposed in contact against the locking surface of the other expansion member.

In another embodiment, an expandable interbody fusion device (IBFD) for implantation into the intradiscal space between two opposing vertebral bodies of a spine, comprises a first endplate member having an outer surface for contacting one vertebral body in a spine, and a second endplate member having an outer surface for contacting an opposing vertebral body in the spine, the second endplate member being movable in an expansion direction relative to the first endplate member toward the opposing vertebral body. The IBFD further comprises an expansion member configured to be introduced between the first endplate member and the second endplate member in an insertion direction that is substantially perpendicular to the expansion direction, to thereby move the first and second endplate members relatively apart in the expansion direction upon introduction, and an interlocking prong and cavity engagement defined between the expansion member and the second endplate member to prevent relative movement of the expansion member relative to the second endplate member in a direction opposite the insertion direction when the expansion member is substantially co-extensive with the second endplate member. In one aspect of this embodiment, the expansion member includes a surface facing the second endplate member and the second endplate member has a surface facing the expansion member, and the cavity is defined in the facing surface of the second endplate member and the prong projects beyond the facing surface of the expansion member into the recess when the expansion member is substantially co-extensive with the second endplate member.

It is one object of the invention to provide an improved expandable device that may be used to distract the space between two body tissue surfaces. A further object of the invention is to provide expansion members that interlock in multiple degrees of freedom.

- 5 One benefit of this feature is that the wafers become interlocked upon sequential insertion. Other objects and benefits of the invention will become apparent upon consideration of the following written description taken together with the accompanying figures.

DESCRIPTION OF THE FIGURES

FIG. 1 is a side view of an expandable distraction device mounted on a wafer insertion apparatus as disclosed in co-pending published application No. 2006/0058807.

5 **FIGS. 2 and 3** are rear and front perspective views of an expandable distraction device comprising a stack of wafers in accordance with one embodiment of the present invention.

FIGS. 4 and 5 are side and end views of the expanded device shown in **FIGS. 2-3**.

10 **FIG. 6** is an end cross-sectional view of an expandable distraction device such as the device shown in **FIGS. 2-5** shown with a single wafer therein prior to expansion of the device.

FIG. 7 is an end cross-sectional view of the expandable distraction device depicted in **FIGS. 2-5** showing expansion by the introduction of a
15 second wafer into the device.

FIG. 8 is a perspective view of an interlocking wafer in accordance with one embodiment of the present invention that is configured to form a wafer stack within an expandable distraction device, such as the device shown in **FIGS. 2-5**.

20 **FIG. 9** is a top view of the interlocking wafer shown in **FIG. 8**.

FIG. 10 is a side view of the interlocking wafer shown in **FIGS. 8-9**.

FIG. 11 is an insertion end view of the interlocking wafer shown in **FIGS. 8-10**.

FIG. 12 is a trailing end view of the interlocking wafer shown in **FIGS.**
25 **8-10**.

FIGS. 13-14 are perspective and plan views of the bottom of the interlocking wafer shown in **FIGS. 8-10**.

FIGS. 15 is a longitudinal perspective cross-sectional view of the interlocking wafer depicted in **FIGS. 8-14**.

FIG. 16 is an end cross-sectional view of the expandable distraction device depicted in **FIGS. 6-7** shown with a three-wafer stack within the device after removal of the wafer track.

5 **FIG. 17** is a side cross-sectional view of an expandable distraction device, such as the device shown in **FIGS. 2-5**, with a stack of interlocking wafers of the present invention disposed within the device.

FIG. 18 is an exploded side view of a wafer inserter apparatus and a wafer cartridge suitable for introducing interlocking wafers of the present invention into an expandable distraction device.

10 **FIG. 19-20** are a top and bottom perspective views of an alternative interlocking wafer in accordance with a further embodiment of the invention.

FIGS. 21-22 are top and bottom perspective views of another interlocking wafer in accordance with a further embodiment of the invention.

DESCRIPTION OF THE PREFERRED EMBODIMENTS

For the purposes of promoting an understanding of the principles of the invention, reference will now be made to the embodiments illustrated in the drawings and described in the following written specification. It is understood that no limitation to the scope of the invention is thereby intended. It is further understood that the present invention includes any alterations and modifications to the illustrated embodiments and includes further applications of the principles of the invention as would normally occur to one skilled in the art to which this invention pertains.

The present invention contemplates an improved interlocking wafer, and particularly a wafer configuration that firmly and permanently interlocks a stack of wafers inside an expandable distraction device, even when subjected to normal spinal loads. In accordance with one embodiment of the invention, an expandable distraction device **250** is provided, as shown in **FIGS. 2-5**, which includes a stack of interlocking wafers **300** that can withstand spinal loads. The distraction device **250** includes a superior endplate **251** and an inferior endplate **252** that may be similar to the endplates disclosed in the '346 Application, which disclosure is incorporated herein by reference. The surfaces of the endplates include ridges **254** that are adapted to firmly grip the vertebral bodies when the device is expanded to distract the intervertebral space. In the illustrated embodiment, the contours of the endplates are adapted to engage the bony endplates of the adjacent vertebrae.

The inferior plate **252** defines a wafer channel **257** through which the wafers **300** which serve as expansion members are introduced. As with the endplates disclosed in the '346 Application, the inferior endplate defines opposite ledges **260** which support each wafer as it is introduced into the wafer channel, as illustrated in **FIG. 7**. The inferior endplate also defines an inserter channel **258** that is underneath and in communication with the wafer channel **257**. The inserter channel **258** receives a wafer track, such as track **52** shown in **FIG. 1**. More specifically the inserter channel **258** includes a number of posts **262** projecting upward therein that are configured, as illustrated in **FIGS. 6-7**, to engage an insertion plate **270** and a release plate

272 in a manner similar to that described in the '346 Application incorporated herein.

The superior and inferior endplates **251** and **252** are configured to be initially releasably engaged when the device **250** is unexpanded, as shown in

5 **FIG. 6**. In one embodiment, each opposite side wall **264** of the inferior endplate **252** defines a pair of ribs **265** projecting into the wafer channel, the ribs **265** being spaced lengthwise on each side wall **264**. The superior endplate **251** includes a hub portion **269** that is sized to fit within the wafer channel **257** and between the side walls **264** of the inferior endplate. The hub

10 portion **269** defines a groove **280** extending along each side of the hub portion that is configured to engage the ribs **265** of the inferior endplate. This engagement temporarily holds the superior and inferior endplates together as the device **250** is introduced into the space to be distracted. The hub portion **269** further defines in a particular arrangement a pair of spaced notches **282**

15 beneath the groove **280** that are also configured to receive the corresponding pair of ribs **265**. As shown in **FIG. 7**, with the ribs **265** extending into the notches **282**, the superior endplate **251** is freely separated from the side walls **264** of the inferior endplate **252** and the lower surfaces of the ribs **265** contact the angled upper edges **315** (see **FIG. 11**) of the side wall **314** of wafer **300a**.

20 As such, the ribs **265** provide some resistance against wafer **300a** until further wafers are introduced as seen in **FIG. 16**.

Details of one embodiment of the interlocking wafer **300** are shown in **FIGS. 8-14**. The wafer **300** has an upper surface **302** and a lower surface **303**, both of which are generally planar so that the wafers can form a stable

25 stack within the IBFD **250**. The trailing end **305** includes a downward-facing sloped surface **306** that corresponds angularly to an upward-facing surface **309** on the leading end **308** of the wafer. The two sloped surfaces help displace an earlier inserted wafer **300** upon introduction of a new wafer. More specifically, when a wafer is within the wafer channel **257**, resting on the

30 ledge **260** (**FIG. 7**), the downward-facing sloped surface **306** is lifted by contact with the upward-facing slope **309** of a newly inserted wafer. This allows the newly inserted wafer to ride along the ledge **260** until it is positioned fully underneath the previous wafer.

The wafer **300** further includes notches or indentations **312** that are configured to receive the ribs **265** on the side walls of the inferior plate **251** (see **FIG. 16**) in a manner similar to the notches **282** in the hub portion of the superior endplate **251**. In the preferred embodiment, the indentations **312** are offset toward and intersect the lower surface **303**. As best seen in **FIG. 16**, the ribs **265** sit within the indentations **312** of an "upstream" wafer **300a** and bear against an upper angled edge **315** of the side walls **314** of the "downstream" wafer **300b** underneath. In the illustrated embodiment, two spaced ribs **265** are provided on each side wall of the inferior endplate. Thus, the hub portion of the superior endplate **251** and the wafers **300** include two corresponding notches **312** oriented to receive the ribs. Of course, different numbers of ribs and notches may be provided.

The wafer **300** includes several features to interlock adjacent wafers in multiple degrees of freedom. One particular feature includes a series of resiliently deflectable prongs **320** that project outwardly above the upper surface **302** of the wafer (as best seen in **FIGS. 11-12**). In one arrangement, the prongs **320** are disposed generally centrally on the central portion **333** of each wafer **300**, extending lengthwise in alignment. Each prong **320** is seated within a cavity **322** defined through the wafer. Each prong is cantilevered from an adjoining wall **325** between cavities, as best seen in **FIGS. 15** and **17**, so that the prong can deflect into the cavity upon pressure on the prong from above the wafer. The cavity **322** includes a rear ledge **323** at the lower surface **303**. In certain embodiments, the rear ledge may extend sufficiently far into the cavity beneath the prong **320** to keep the prong from bending underneath the wafer. More importantly, the rear ledge **323** defines a stop surface **324** at the lower surface **303** of the wafer against which the cantilevered face **321** of an associated prong bears. In the illustrated embodiment, five prongs **320** and associated stop surfaces **324** are provided on each wafer to provide a firm interlocking engagement between adjacent wafers. Of course, it is contemplated that fewer or greater numbers of prongs may be provided in a wafer within the scope of the present invention. For instance, the number of prongs may be adjusted based on the length of the wafer **300**.

Thus, as shown in **FIG. 17** an uppermost wafer **300a** provides a stop surface **324a** that is contacted by the cantilevered face **321b** of the next lower wafer **300b** as the prong **320b** of that lower wafer projects into the cavity **322a** of the upper wafer. It can be appreciated that each of the five prongs **320b** of the wafer **300b** shown in **FIG. 17** project into a corresponding cavity **322a** and engage the associated stop surface **324a** to lock the wafers against retrograde movement – i.e., movement opposite the direction of insertion **I** – that might lead to expulsion of the wafer from within the expanded device **250**. It should be appreciated that as each subsequent wafer is sequentially inserted, the associated prongs **320b** deflect downward against the associated ledge **323b** as the prongs progressively traverse the lower surface **303a** of a previously inserted wafer **300a**. Preferably, the prongs are provided with an angled surface **326** that bears against the underside of the previous wafer and progressively deflects the prong as the angled surface traverses the other wafer. Once the prongs in the lower wafer **300b** are aligned with the cavities **322a** in the upper wafer, the prongs spring upward into the cavity **322** of the previous wafer to positively and substantially permanently lock the two wafers together in the direction of insertion **I**.

As shown in **FIG. 17**, each wafer in the stack locks into the immediately previously inserted wafer using the prongs and stop surface. The uppermost wafer **320a** also engages the superior endplate **251** to lock the stack to the expandable device **250**. Thus, in one embodiment, a stop surface **328** is formed in corresponding recess **329** defined in the underside of a hub portion **269** of the superior plate **251**. The hub **269** is also provided with a downward-facing sloped surface **330** similar to the sloped surface **306** of the wafers, to facilitate introduction of the initial wafer **300a** and to lift the superior endplate as that initial wafer is introduced. Thus, it can be seen that the superior plate **251** and the successively inserted stack of wafers **300** are all interlocked against longitudinal movement opposite the direction of insertion **I**.

The cooperating locking structure of the wafers **300** also restricts or prevents movement of the wafers in the stack in the direction of insertion **I**. In one embodiment, the upper surface **302** defines a keyway **335** with side channels **336** and an upper wall **337**, as shown in **FIGS. 11, 15** and **17**. The

lower surface **303** defines a complementary notch **340** and tab **341**, as shown in **FIGS. 13-14**. The tab **341** fits within the side channels **336** and the notch engages the upper wall **337** of the keyway, as seen in **FIG. 17**. Thus, the tab and keyway prevent longitudinal movement of each wafer relative to the

5 previously inserted wafer in the direction of insertion **I**. As shown in **FIG. 17**, there may be some clearance **C** between the cantilevered face **321** of the prongs **320** and the corresponding stop surfaces **324** of the wafers. The overlapping engagement between the keyway **335** and the notch **340** and tab **341** is sufficient so that any retrograde movement of the wafers that closes

10 this clearance will not disengage the tab from the keyway. It is contemplated that the clearance **C** between prongs and stop surfaces may decrease from the trailing end **305** to the leading end **308** of the wafer, as depicted in **FIG. 17**, to enhance the rigidity of the engagement between wafers.

As thus far described the wafer stack is locked against movement in

15 the longitudinal direction (i.e., fore and aft relative to the insertion direction **I**). Certain embodiments of the locking structure described herein further contemplate restricting or preventing relative movement between wafers in multiple degrees of freedom. Thus, in one embodiment, the upper surface **302** includes a channel **350** formed at each lateral side of the wafer **300**

20 flanking the central portion **333** that carries the prongs **320**, as seen in **FIGS. 8-9**. The central portion **333** extends into a flange **334** overhanging each channel that forms a groove **351** contiguous with the channel **350** (**FIG. 11**) thereby defining a T-bar configuration). The channel and groove on each side of the wafer extends from the leading end **308** to a stop face **352** adjacent the

25 trailing end **305**.

The bottom surface **303** of each wafer defines features for mating with the T-bar configuration on the upper surface **302** of a successive wafer. Thus, as shown best in **FIGS. 13** and **16**, the bottom surface includes a center track **357** with side flanges **358** that correspond define a T-slot configuration

30 which corresponds to and slidably mates with the T-bar configuration on the upper surface of an immediately adjacent wafer **300**, with flanges **334** being received in the track **357**. It should be appreciated that the respective T-bar and T-slot configurations may be formed on either the upper surface or the

lower surface of a wafer as desired. This interlocking relationship restricts or prevents transverse or lateral movement of one wafer relative to adjacent wafers. It can also be appreciated that the interaction between the track **357** and side flanges **334** also restricts or prevents vertical separation between wafers. This interlocking engagement occurs automatically when one wafer is introduced into the IBFD **250** underneath and substantially co-extensive lengthwise with a previously inserted wafer. The stop face **352** stops the linear advancement of one wafer relative to the other when the end surface **359** (**FIG. 13**) abuts the stop face. The length of the channel is calibrated so that the end faces **359** of the underneath wafer reach the stop faces **352** after the prongs **320** have engaged the corresponding cavities **322** in the immediately preceding wafer.

As shown in **FIG. 7**, the lowermost wafer **300b** rests on the wafer support ledges **260** defined in the inferior plate **252**. As more particularly disclosed in the '346 Application, the wafers are directed onto these support ledges by passage along a wafer track assembly, such as the track assembly **52** shown in **FIG. 18**. In the view shown in **FIG. 7**, the posts **262** are intact and an insertion plate **270** is shown within the insertion channel **258** with the posts **262** projecting through corresponding holes **271** in the plate. The insertion plate extends through the wafer track **52** for engagement with the mechanism of the inserter gun **600** (**FIG. 18**). In one embodiment, the openings **271** are configured with a cutting edge so that upon withdrawal of the insertion plate, the posts **262** are severed. Alternatively, a release plate **272** may be provided underneath the insertion plate, as shown in **FIGS. 6-7**. In this instance, the release plate is retracted beneath the insertion plate to sever the posts. Once the posts have been severed, the track assembly **52** may be disconnected from the completed distraction device **250**. The resulting IBFD **250** with the stacked wafers **300** appears as shown in **FIGS. 2-5**, and in **FIGS. 16-17**.

The manner in which the IBFD **250** is formed is illustrated in the sequence shown in **FIGS. 6, 7, 16** and **17**. In **FIG. 6** the superior endplate **251** is shown with one wafer **300a** already engaged to the hub **269**. In this condition, IBFD **250** is unexpanded and is attached to the track assembly **52**

as depicted in **FIG.18**. In one embodiment, the expandable device is initially provided with this wafer in place and the superior and inferior endplates releasably connected by way of the groove **280** and ribs **265**. When the first inserted wafer **300b** is introduced into the device, the newly inserted wafer lifts the first wafer **300a** and the superior endplate **251** until the angled edges **315** of the side walls **314** of the first inserted wafer **300b** contact the ribs **265**, as shown in **FIG. 7**. When a second wafer **300c** is inserted, as shown in **FIG. 16**, the first wafer **300a** is pushed above the inferior endplate, while which the angled edges **315** of the second wafer **300b** now engage the ribs. This process continues with each successively inserted wafer until a complete stack is formed, as depicted in **FIG. 17**. It should be appreciated that the trailing end of a previously inserted wafer may tend to elevate before the insertion end as a successive wafer is inserted, especially where the wafers are relatively rigid. In such situation, the ribs **265** adjacent the front end will continue to apply resistance to the front end of the forming wafer stack even if the back end is initially separated from the ribs **265** at the back end of the stack.

The wafers may be incorporated into a cartridge **650** that is adapted to releasably fit into a wafer insertion device **600** shown in **FIG. 18**. The device **600** may incorporate the same internal mechanism within housing **602** that is incorporated into the wafer insertion device disclosed in the '819 Application incorporated by reference above. Specifically, the mechanism is operable to withdraw a wafer from the cartridge and propel successive wafers along wafer track assembly **52** into an IBFD **300** that is preloaded onto the end of the track assembly. It is understood that the device **600** is preferably a reusable instrument, while the cartridge **650** may be reusable or disposable.

The wafer insertion device **600** includes a gun housing **602** that defines a top opening **604** for receiving the cartridge **650**. The cartridge includes a pair of vertical ribs **652** on both sides of the cartridge that slidably mate with corresponding internal grooves **606** formed in the gun housing **602**. The cartridge is further provided with a resilient latch **654** with a catch end **656** on each side of the cartridge that engages the housing **602**. The latch can be manually depressed to release the cartridge from the gun when the IBFD **300**

has been fully loaded with a stack of wafers. The cartridge **650** includes a wafer housing **658** that supports a supply of wafers, and a track housing **660** projecting from the wafer housing. The track housing **660** may incorporate portions of the advancement mechanism and guide tracks disclosed in the

5 '819 Application incorporated by reference. The trigger **610** operates the mechanism to extract and advance a wafer along the track **52**. The second trigger **612** is connected to the insertion plate **270** (or alternatively the release plate **272**) to retract the plate when the wafer stack is complete in order to sever the posts **262**, as described above.

10 It can be appreciated that the interlocking wafer **300** of the present embodiment provides for interlocking engagement that prevents or significantly restricts relative movement in multiple degrees of freedom, including longitudinally, transversely and vertically relative to the wafer body. In addition, the engagement between the prongs and the stop surfaces is

15 maintained even when the wafers are subject to torsion either along the longitudinal axis of the wafer or along a perpendicular axis. All of the interlocking structural features are calibrated to automatically engage once a newly inserted wafer is fully aligned beneath the previously inserted wafer.

The rigid interlocking engagement as described is provided to prevent

20 dislodgement of any wafer in the stack when the expanded IBFD is subjected to the normal spinal loads. Filler material may be introduced into the space surrounding the expanded device **250**, such that the filler material in conjunction with the expanded device **250** will form a rigid structure between the adjacent bone surfaces. Thus, once this rigid structure is created (such

25 as by hardening of a filler material or fusion of natural bone within the space) the spinal loads are borne by the entire rigid structure.

In an alternative embodiment, an interlocking wafer **400** is substantially similar in construction to the wafer **300**, except that the wafer **400** shown in

FIGS. 19-20 eliminates the keyway **335** of the prior wafer. The wafer **400**

30 includes multiple prongs **420** that are configured and operate the same as the prongs **320** of the prior embodiment. In lieu of the keyway configuration, the wafer **400** reverses the orientation of the forward-most prong **422** so that the forward portion **423** engages a stop face **428** of the recess **425** surrounding

the prong. Thus, it can be seen by comparing the prong **422** to the other prongs **420** that the forward-most prong faces in the direction of insertion, rather than opposite, and is configured to deflect upward, rather than downward, as a subsequent wafer is inserted underneath. Once the
5 subsequent wafer is disposed fully underneath the wafer **400**, the forward-most prong **422** snaps into the recess **425** of the underneath wafer. The interaction between the forward portion **423** and the stop surface **428** prevents further forward movement of the upper wafer relative to the underneath wafer in the insertion direction **I**.

10 In another embodiment, an interlocking wafer **500** is provided as shown in **FIG. 21-2122**. This interlocking wafer includes a generally centrally disposed flexible strip **502** that includes a series of sloped ridges **504** on an upper face **505** of the strip and a complementary offset series of sloped ridges **508** on a lower face **506** of the strip. The strip is recessed from the upper
15 surface **510** of the wafer **500** within a cavity **512** formed through wafer. The ridges **508** project below the bottom surface **514** of the wafer so that they can engage the upward-facing ridges **504**. The flexible strip **502** resiliently flexes as the upward-facing and downward-facing sloped ridges pass over each other until the end faces **515** of the ridges **504** are abutting the end faces **516**
20 of the lower ridges **508**. The abutting end faces **515** and **516** prevent retrograde movement between the two wafers.

The wafer **500** may incorporate other interlocking features found in the wafer **300** that limit transverse and superior-inferior movement of adjacent wafers. In an additional feature, the side walls **515** may incorporate wafer
25 removal features **518**. In the illustrated embodiment, these wafer removal features are in the form of ridges **519** with pockets **520** between the ridges that are formed for access by a suitable tool for removal of a wafer if necessary.

30 It is contemplated that each of the wafers **300**, **400**, and **500** described herein is formed of a biocompatible material that is sufficiently rigid to form a solid stack within the expandable distraction device, but that has sufficient resilient properties for the prongs to deflect under manual pressure as the successive wafers are inserted into the device. Thus, in one specific

embodiment, the wafers are formed of PEEK or a carbon-fiber reinforced PEEK, or similar polymeric material. Preferably, the material is suitable for forming the wafers in a molding process, with little or no machining required to create the various features of the wafers. As an alternative, the prongs **320** and adjoining wall **325** may be formed of a resilient material with the remainder of the wafer **300** being over-molded with a different material that does not require the resilient properties of the prongs. The superior and inferior plates **251**, **252** are also formed of a biocompatible material, which may be the same as the wafers. Alternatively, the superior and inferior plates may be formed of a biological material, such as a bone graft material, or an osteoconductive or osteoinductive material

The wafers may be formed from a solid form of bone filler material, and/or any other suitable material such as, but not limited to, implantable grade alloys, medical grade composites, medical grade polymers, ceramics, hydrogels and resorbable polymers. The wafers may be dense or porous, while porous wafers may be filled with resorbable polymers, drug therapies or osteoinductive agents.

While the invention has been illustrated and described in detail in the drawings and foregoing description, the same should be considered as illustrative and not restrictive in character. It is understood that only the preferred embodiments have been presented and that all changes, modifications and further applications that come within the spirit of the invention are desired to be protected. For instance, while the illustrated embodiments have been directed to interbody fusion of the spine, the expandable devices and wafers disclosed herein may be used in other applications that require distraction of tissue surfaces. Modifications in size may be necessary depending upon the body space being distracted.

For example, the prongs **320** of the wafer **300** may be oriented to project below the lower surface **303** of the wafer. With this orientation, the passage of a wafer underneath a previously inserted wafer will resiliently deflect the downward projecting prongs until all of the cavities **322** align with all of the prongs. If the orientation of the prongs is altered, it is necessary to also alter the hub **269** of the superior plate **251** of the IBFD **250** to include

downward projecting prongs in lieu of the recesses **329**. Moreover, as suggested by the wafer **400** shown in **FIGS. 19-20**, the prongs on the wafer **300** may be oriented to project above and below the wafer.

5 In the wafer **300**, the prongs **320** are situated within cavities **322** that extend through the wafer. Alternatively, prongs may be disposed within a cavity that does not pass through the thickness of the wafer. In this instance, the stop surface **324** may defined in a separate recess formed in the lower surface **303** of the wafer.

What is claimed is:

1. An expansion member for sequential insertion into a space between opposing tissue surfaces to be distracted, comprising:

5 an elongated body having an upper surface and an opposite lower surface;

at least one locking surface extending transversely between said upper surface and said lower surface; and

10 at least one resilient prong defined in and projecting outwardly beyond one of said upper surface and said lower surface, wherein said at least one prong is oriented such that when two of said expansion members are immediately adjacent and substantially co-extensive at least a portion of said at least one prong of one expansion member is disposed in contact against said locking surface of the other expansion member.

15 2. The expansion member of claim 1, wherein said elongated body defines a central portion extending lengthwise along said body.

20 3. The expansion member of claim 2, wherein a plurality of prongs and a corresponding number of locking surfaces extend linearly along said central portion.

25 4. The expansion member of claim 3, wherein said elongated body includes an insertion end having an angled surface between said upper surface and said lower surface.

30 5. The expansion member of claim 4, wherein said elongated body includes a trailing end having an angled surface between said upper surface and said lower surface, said angled surface at said trailing end sloping in the same direction and substantially at the same angle as said angled surface and said insertion end.

6. The expansion member of claim 5, wherein said elongated body further includes adjacent said insertion end a keyway defined in one of said

upper surface and said lower surface, and a mating tab adjacent the insertion end defined in the other of said upper and lower surfaces configured to engage said keyway between two immediately adjacent expansion members.

5 7. The expansion member of claim 6, wherein said central portion is on the upper surface of said elongated body and a track extends generally centrally within said lower surface of said elongated body.

10 8. The expansion member of claim 7, wherein one of said central portion and said track defines a T-bar configuration and the other of said central portion and said track defines a T-slot configuration formed to slidingly receive said T-bar configuration of an immediately adjacent expansion member.

15 9. The expansion member of claim 8, wherein said T-bar configuration and said T-slot configuration extend substantially the length of said elongated body.

20 10. The expansion member of claim 9, wherein said elongated body includes opposed side surfaces extending between said upper surface and said lower surface, and wherein at least one notch is formed within each side surface.

25 11. The expansion member of claim 10, wherein each side surface includes a pair of notches spaced lengthwise therein.

 12. An expansion member for sequential insertion into a space between opposing tissue surfaces to be distracted, comprising:
 an elongated body having an upper surface and an opposite lower
30 surface;
 at least one cavity defined in one of said upper surface and said lower surface; and

at least one resilient prong defined in and projecting beyond the other of said upper surface and said lower surface, wherein said at least one prong is oriented such that when two of said expansion members are immediately adjacent and substantially co-extensive, at least a portion of said at least one
5 prong of one expansion member is disposed within said at least one cavity of the other expansion member.

13. The expansion member of claim 12, wherein:
said at least one cavity extends through said elongated body between
10 said upper and lower surfaces; and
each of said at least one resilient prong is disposed within a corresponding one of said at least one cavity.

14. The expansion member of claim 12, wherein said at least one
15 cavity includes five cavities and said at least one resilient prong includes five prongs.

15. The expansion member of claim 12, wherein:
said elongated body includes an insertion end that is first introduced in
20 an insertion direction into the space between opposing tissue surfaces and an opposite trailing end;
each of said at least one cavity defines a stop surface facing said insertion end; and
each of said at least one prong defines a cantilevered face opposing
25 said stop surface, whereby said cantilevered face abuts said stop face to prevent movement of one of said two immediately adjacent and substantially co-extensive expansion members relative to the other in a direction opposite said insertion direction.

30 16. The expansion member of claim 15, wherein:
said at least one cavity extends through said elongated body between said upper and lower surfaces; and
each of said at least one resilient prong is disposed within a corresponding one of said at least one cavity.

17. The expansion member of claim 16, wherein:

said at least one cavity includes a ledge oriented between said one of
said upper and lower surfaces and said at least one resilient prong, said ledge
5 including said stop surface.

18. The expansion member of claim 12, wherein:

said elongated body includes an insertion end that is first introduced in
an insertion direction into the space between opposing tissue surfaces and an
10 opposite trailing end; and

said upper surface and said lower surface of said elongated body
define mutually engaging features that prevent further movement of one of
said two immediately adjacent and substantially co-extensive expansion
members relative to the other in said insertion direction.

15

19. The expansion member of claim 18, wherein said mutually
engaging features includes:

a keyway defined in one of said upper surface and said lower surface;
and

20 a mating tab defined in the other of said upper and lower surfaces and
configured to engage said keyway between said two adjacent and
coextensive expansion member.

20. The expansion member of claim 12, wherein:

25 said elongated body includes opposite side walls, an insertion end that
is first introduced in an insertion direction into the space between opposing
tissue surfaces and an opposite trailing end;;

one of said upper surface and said lower surface includes a groove
offset inboard from each of said opposite side walls defining a T-slot
30 configuration; and

the other of said upper and lower surfaces includes a flange offset
inboard from each of said opposite side walls defining a T-bar configuration
and correspondingly shaped to slidably engage a corresponding T-bar
configuration along said insertion direction.

21. An expandable interbody fusion device (IBFD) for implantation into the intradiscal space between two opposing vertebral bodies of a spine, comprising:

5 a first endplate member having an outer surface for contacting one vertebral body in a spine;

a second endplate member having an outer surface for contacting an opposing vertebral body in said spine, said second endplate member being movable in an expansion direction relative to said first endplate member

10 toward the opposing vertebral body;

an expansion member configured to be introduced between said first endplate member and said second endplate member in an insertion direction that is substantially perpendicular to said expansion direction, to thereby move said first and second endplate members relatively apart in said

15 expansion direction upon introduction; and

an interlocking prong and cavity engagement defined between said expansion member and said second endplate member to prevent relative movement of said expansion member relative to said second endplate member in a direction opposite said insertion direction when said expansion

20 member is substantially co-extensive with said second endplate member,

wherein said expansion member includes a surface facing said second endplate member and said second endplate member has a surface facing said expansion member; and

said cavity is defined in said facing surface of said second endplate member and said prong projects beyond said facing surface of said expansion member into said recess when said expansion member is substantially co-extensive with said second endplate member.

22. The expandable IBFD of claim 21, wherein said prong is resiliently deflectable as said expansion member is inserted into said cavity into engagement with said second endplate member.

23. The expandable IBFD of claim 21, wherein:

said expansion member includes a surface opposite said surface facing said second endplate member, said opposite surface defining a cavity; and

5 said IBFD includes at least one additional like-configured expansion member, wherein as each like-configured expansion member is successively inserted, said prong of each expansion member is configured to project into the recess of a prior inserted expansion member.

10 24. The expandable IBFD of claim 23, wherein each like-configured expansion member includes:

a plurality of said cavities extending through said elongated body; and
a corresponding plurality of said prongs disposed within a corresponding cavity.

15

25. The expandable IBFD of claim 23, wherein:

said cavity in each of said like-configured expansion members defines a stop surface facing said insertion direction; and

20 said prong defines a cantilevered face opposing said stop surface, whereby said cantilevered face abuts said stop face to prevent movement of one of two immediately adjacent and substantially co-extensive expansion members relative to the other in a direction opposite said insertion direction.

25 26. The expandable IBFD of claim 23, wherein each of said like configured expansion members includes an upper surface and an opposite lower surface that define mutually engaging features that prevent further movement of one of two immediately adjacent and substantially co-extensive expansion members relative to the other in said insertion direction.

30 27. The expandable IBFD of claim 26, wherein said mutually engaging features includes:

a keyway defined in one of said upper surface and said lower surface; and

a mating tab defined in the other of said upper and lower surfaces and configured to engage said keyway between said two adjacent and coextensive expansion member.

5 28. An expandable interbody fusion device (IBFD) for implantation into the intradiscal space between two opposing vertebral bodies of a spine, comprising:

 a first endplate member having an outer surface for contacting one vertebral body in a spine;

10 a second endplate member having an outer surface for contacting an opposing vertebral body in said spine, said second endplate member being movable in an expansion direction relative to said first endplate member toward the opposing vertebral body;

 at least one expansion member configured to be introduced between
15 said first endplate member and said second endplate member in an insertion direction that is substantially perpendicular to said expansion direction, to thereby move said first and second endplate members relatively apart in said expansion direction upon introduction; and

 cooperating locking structure between said expansion member and
20 said first endplate member and said second endplate member to restrict relative movement in multiple degrees of freedom, including at least one interlocking element that is resiliently deflectable in the expansion direction.

 29. The expandable IBFD of claim 28, wherein said expansion
25 member comprises an upper surface and a lower surface and wherein said interlocking element comprises a resiliently deflectable prong projecting outwardly from one of said upper surface and said lower surface.

 30. The expandable IBFD of claim 29, wherein said cooperating
30 locking structure comprises a cavity extending into said second endplate member and a locking surface communicating with said cavity, said resiliently deflectable prong projecting into said cavity and engaging said locking surface.

31. The expandable IBFD of claim 30, including at least two expansion members of substantially identical configuration.

5 32. The expandable IBFD of claim 31, wherein each expansion member further includes a cavity and a locking surface extending into the other of said upper surface and said lower surface from which said prong projects, a prong on one expansion member extending into the cavity and engaging the locking surface of the other expansion member.

10 33. The expandable IBFD of claim 32, wherein each expansion member includes a plurality of prongs and cavities and locking surfaces extending generally centrally along the length of each said expansion member.

15 34. The expandable IBFD of claim 33, wherein each prong and cavity is spaced along each expansion member so that upon sliding contact of one expansion member lengthwise relative to the other expansion member, said prongs on one expansion member progressively engage the locking surfaces on the other expansion member.

20 35. The expandable IBFD of claim 34, wherein said cooperating locking structure further includes a T-bar configuration on one expansion member and a T-slot configuration on the other expansion member shaped to slidably receive said T-bar configuration upon said sliding contact of said
25 expansion members.

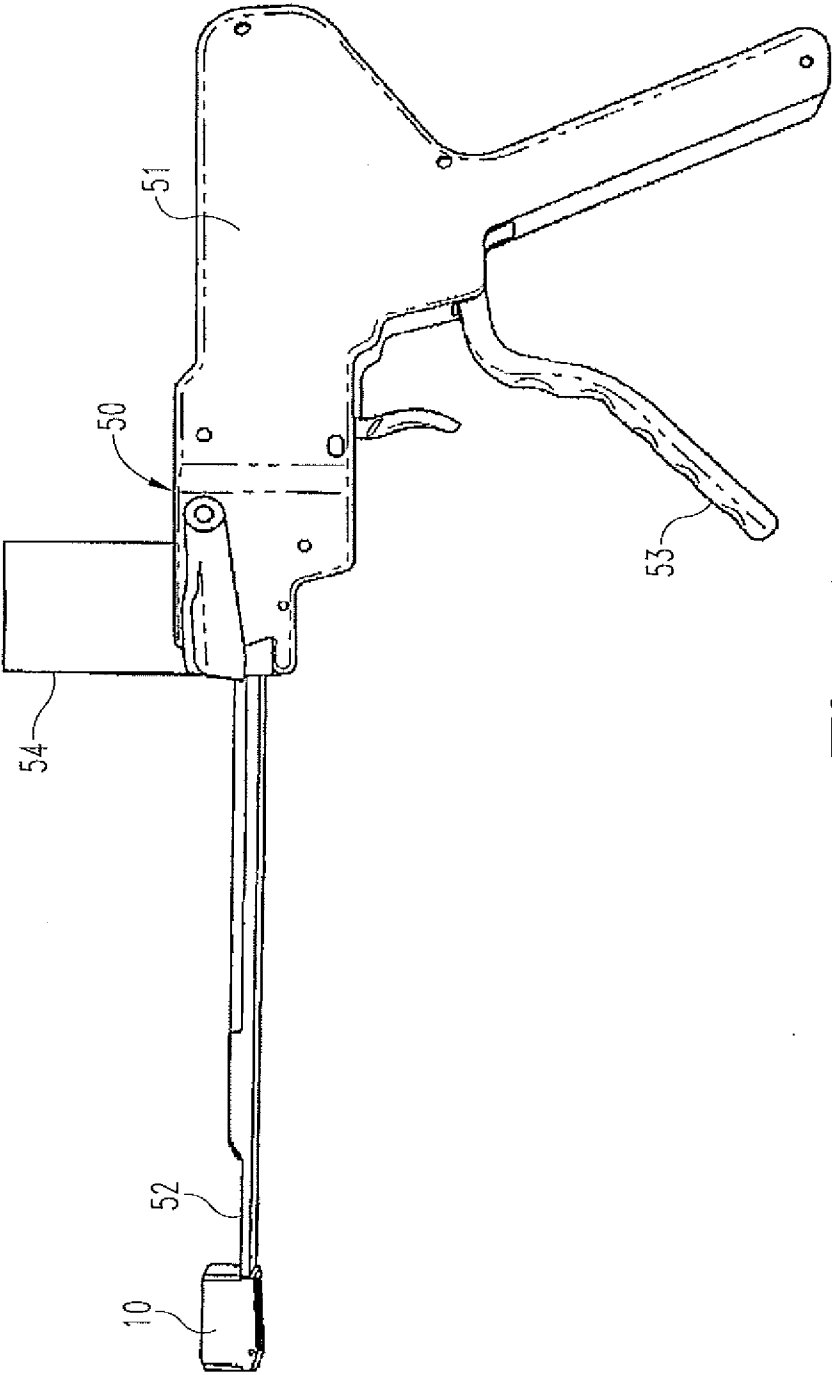
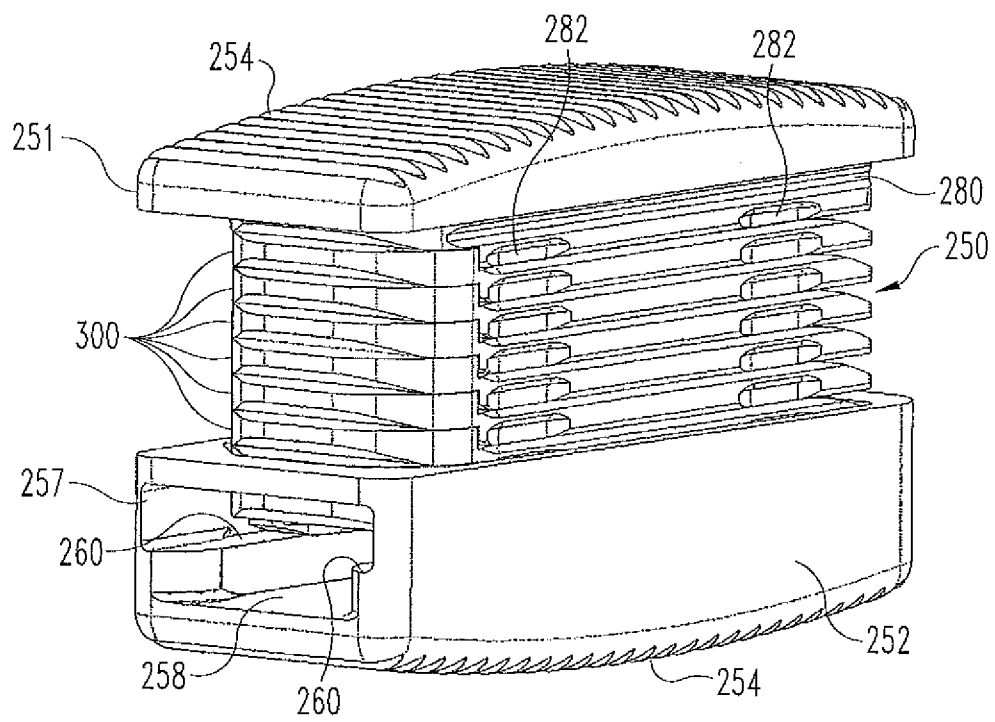
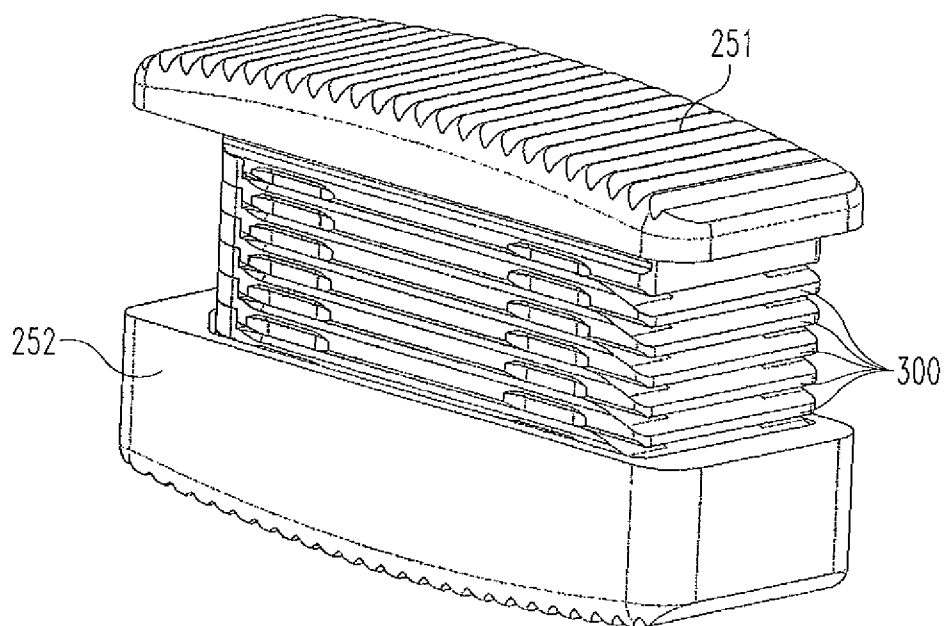
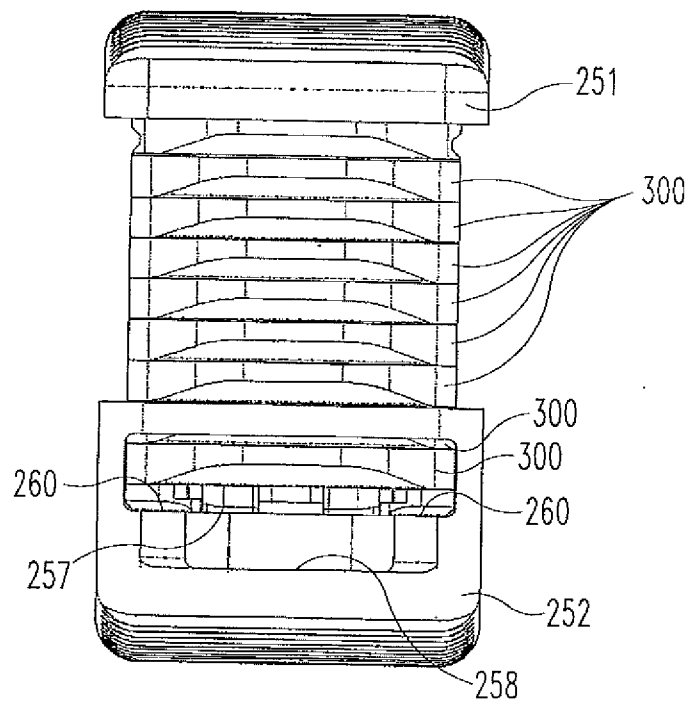
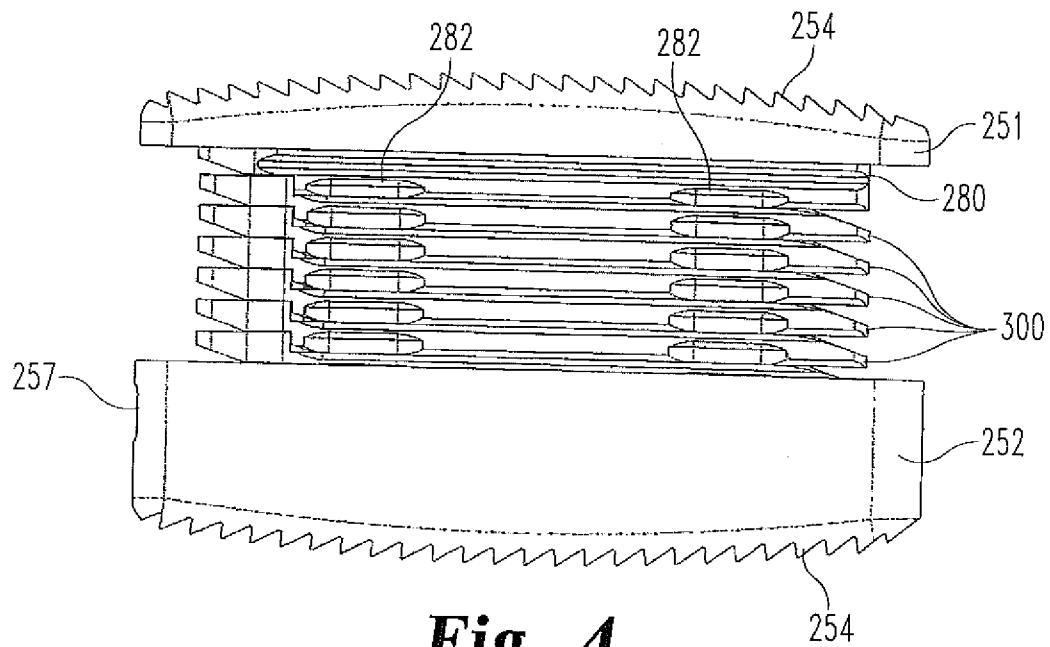


Fig. 1

**Fig. 2****Fig. 3**



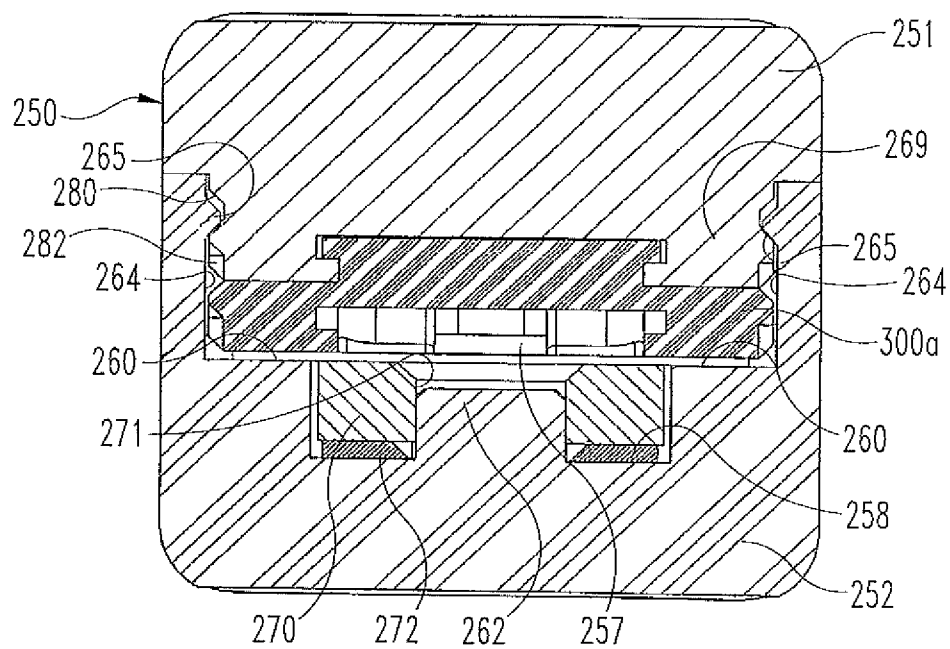


Fig. 6

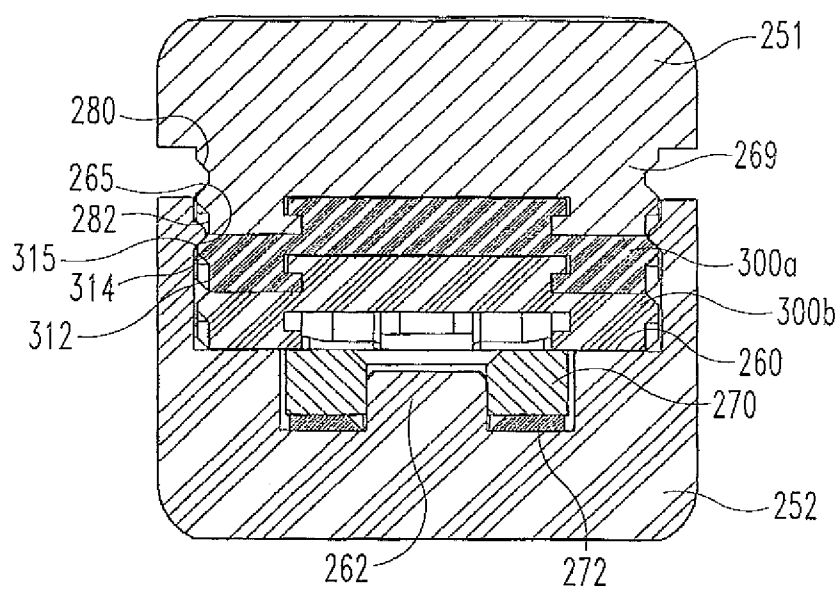


Fig. 7

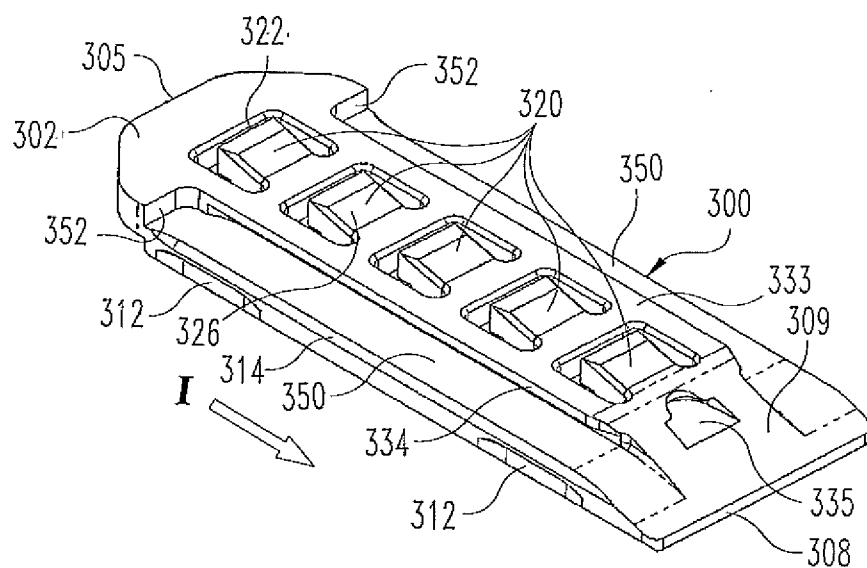


Fig. 8

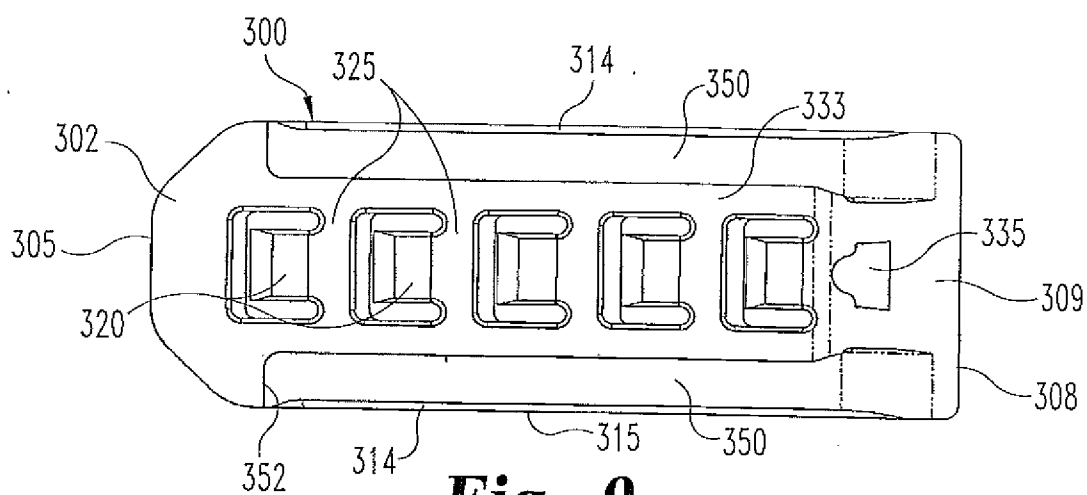


Fig. 9

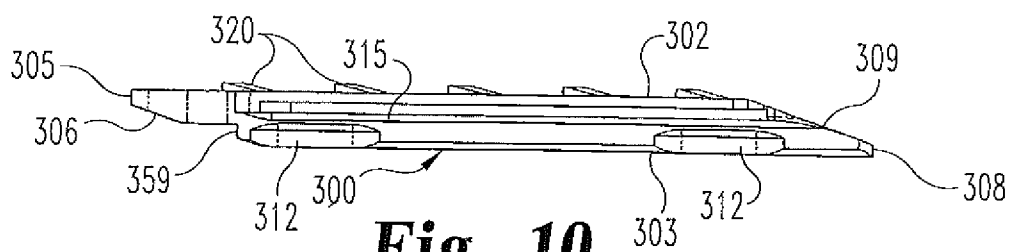


Fig. 10

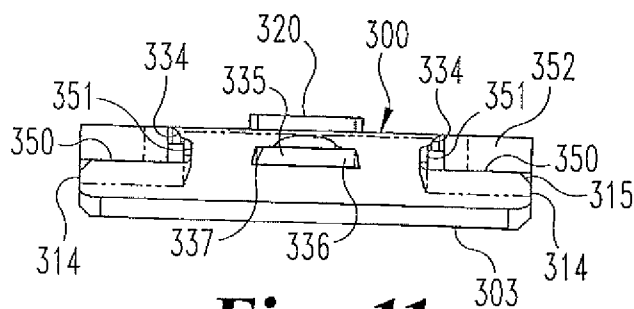


Fig. 11

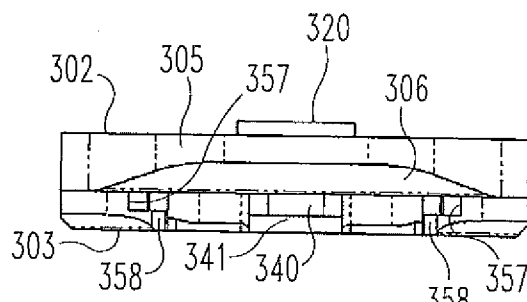


Fig. 12

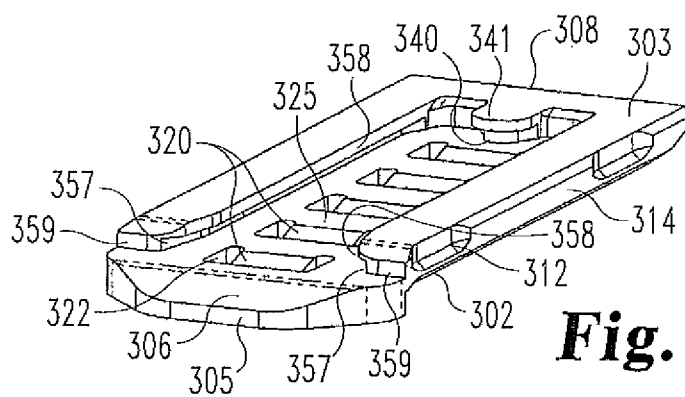


Fig. 13

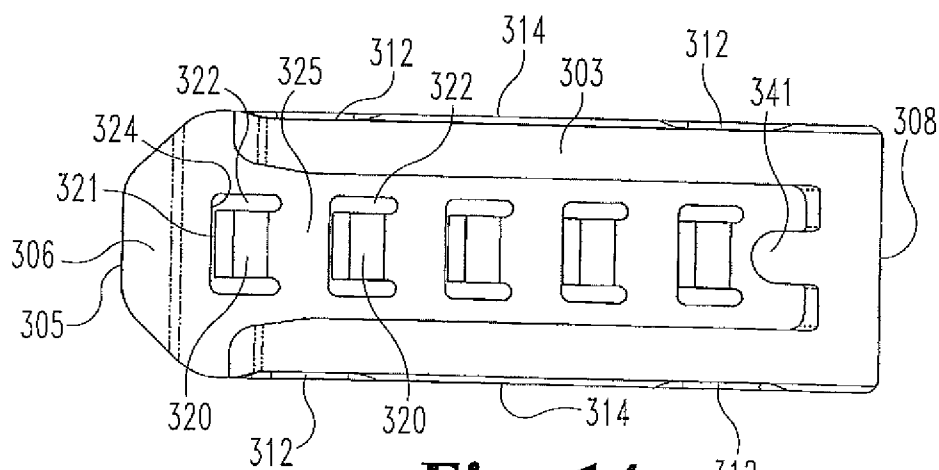


Fig. 14

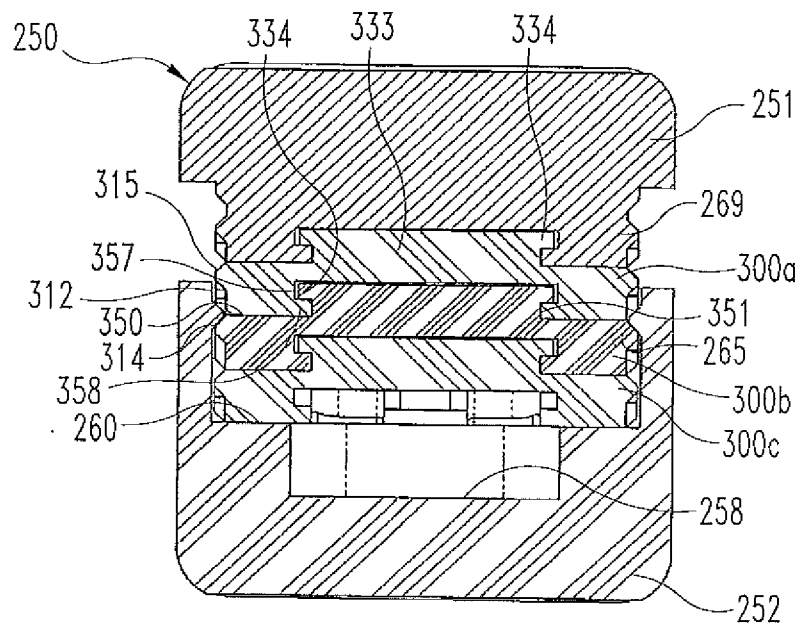


Fig. 16

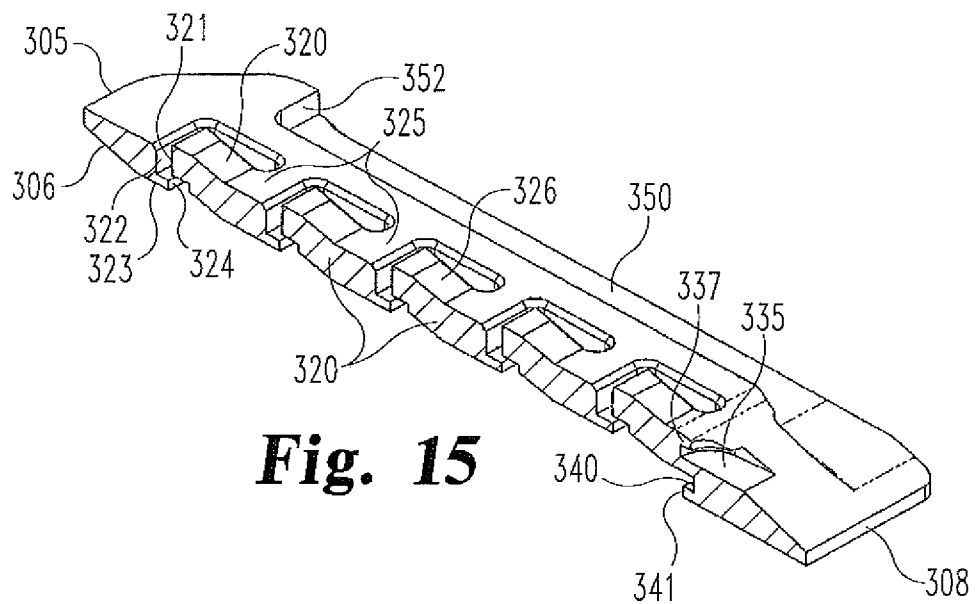


Fig. 15

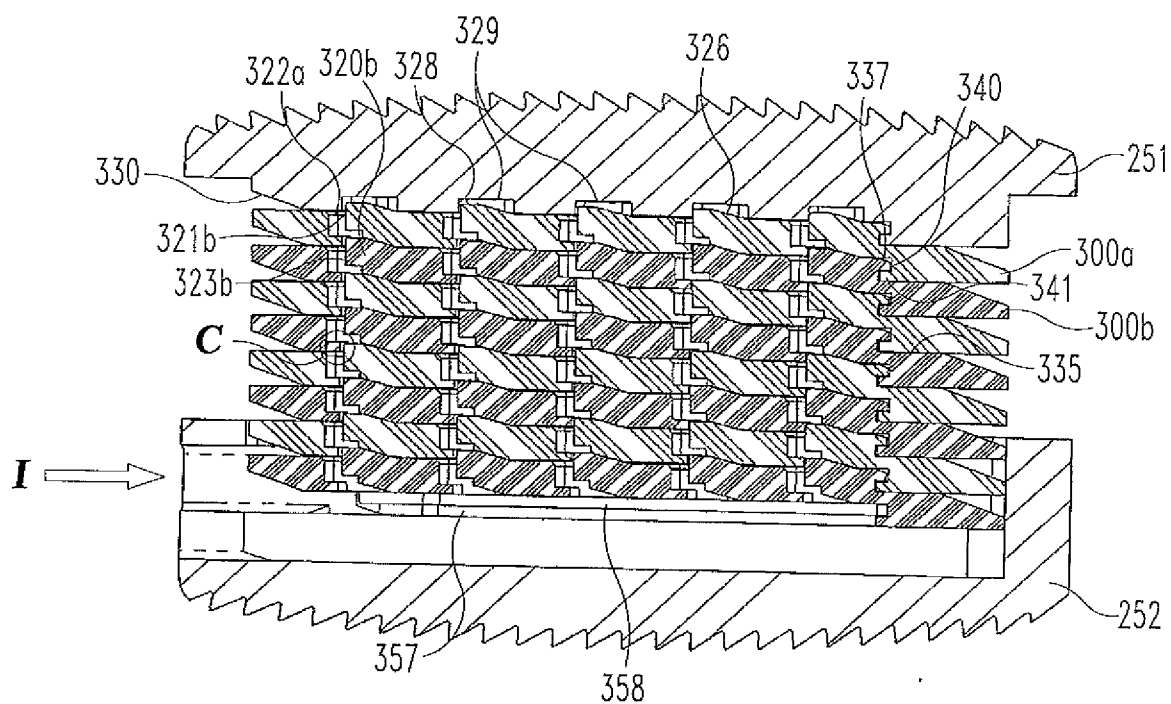


Fig. 17

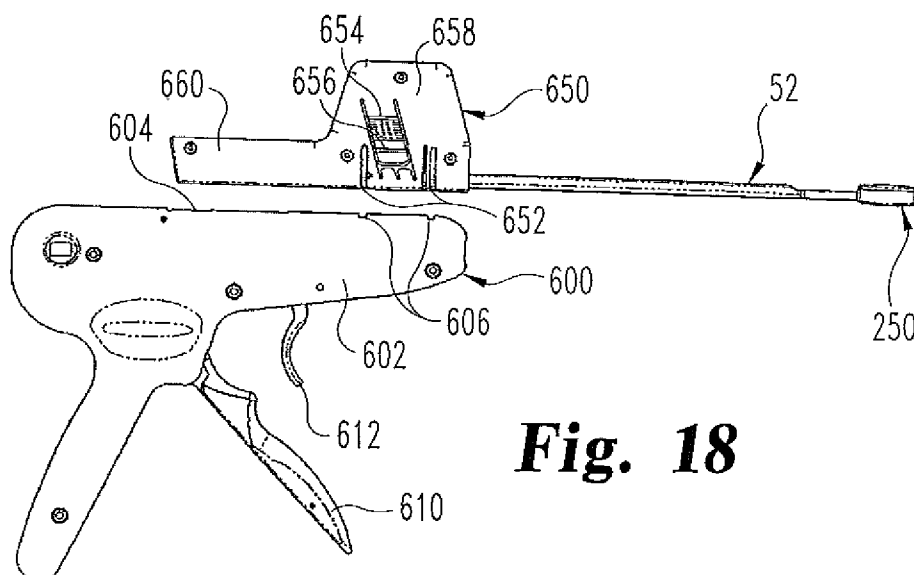
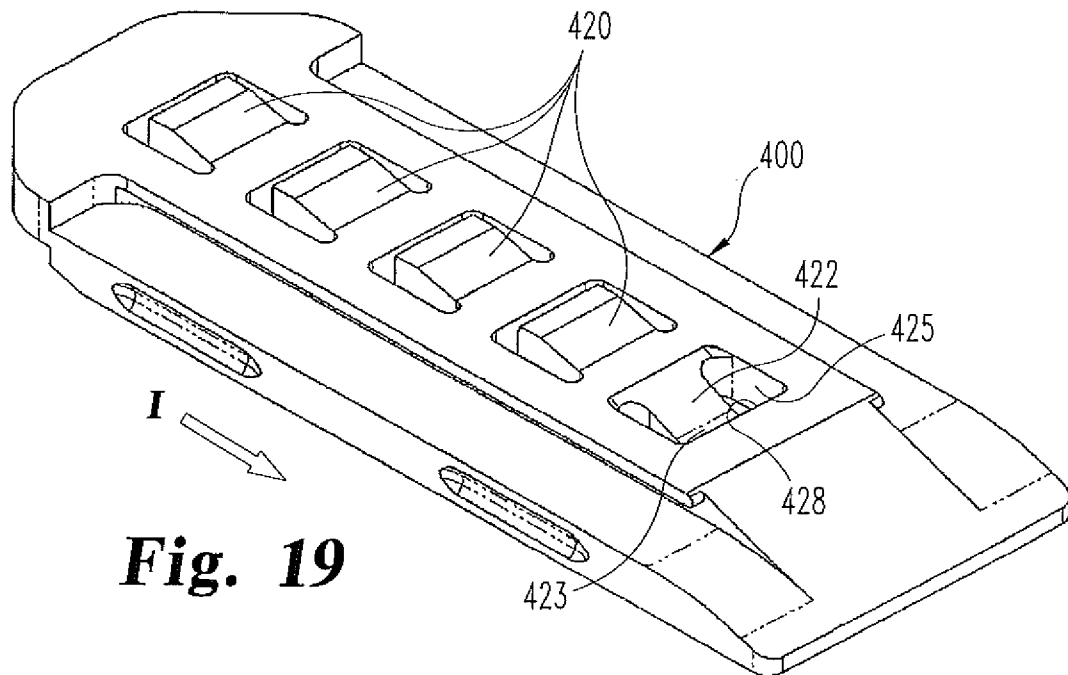
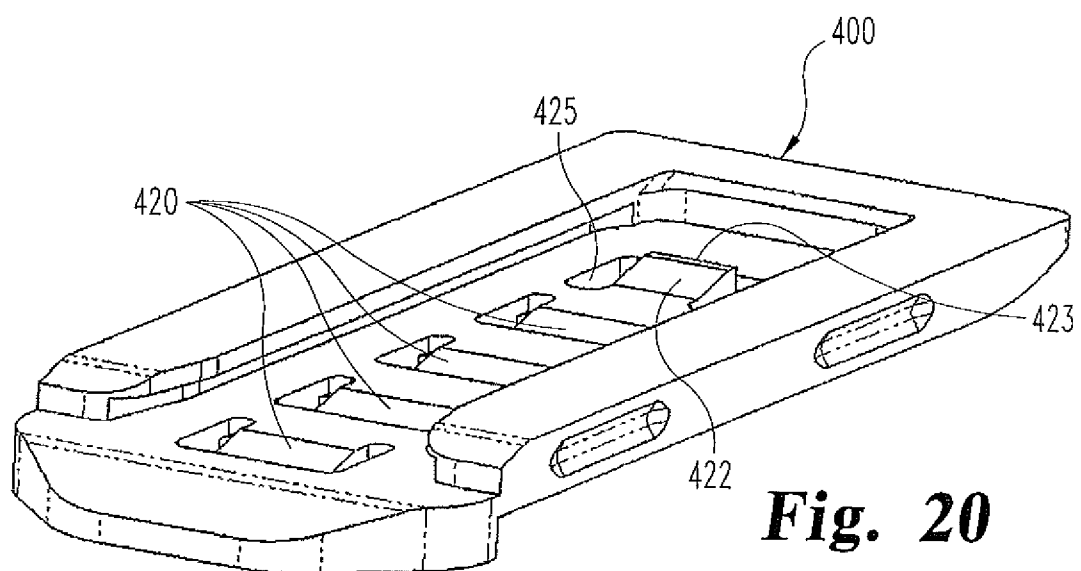


Fig. 18

**Fig. 19****Fig. 20**

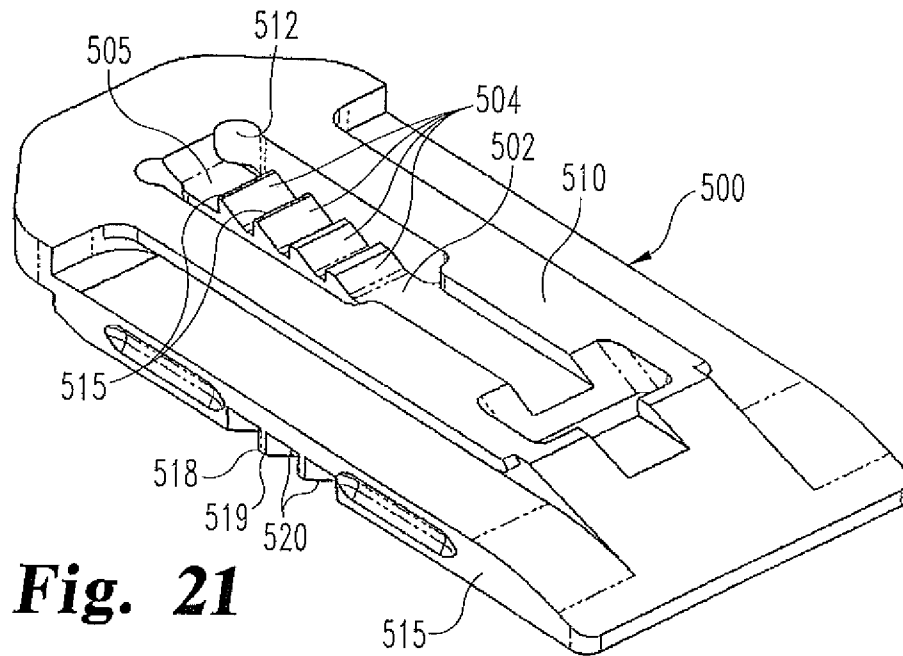


Fig. 21

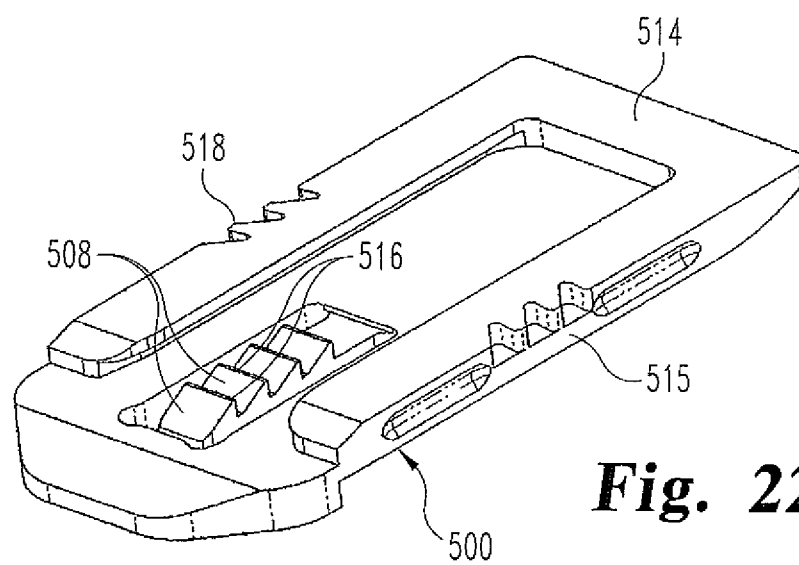


Fig. 22

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US 08/64534

A. CLASSIFICATION OF SUBJECT MATTER

IPC(8) - A61B 17/58 (2008.04)

USPC - 606/90

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(8): A61B 17/58 (2008.04)

USPC: 606/90

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

IPC(8): A61B 17/58 (2008.04) (text search)

USPC: 606/86, 90; 623/17.15 (text search)

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

PubWEST(USPT,PGPB,EPAB,JPAB); Internet search via Google Web and Google Scholar search engines. IBFD interbody inter body interbody spine spinal vertebra vertebrae shim expansion expandable fuse fusion surface recess cavity prong latch locking upper lower indentation boss wafer fusion device superior inferior

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2006/0058807 A1 (LANDRY et al.) 16 March 2006 (16.03.2006) para. [0008] through [0128], Fig. 1-48	1-35
A	US 2006/0058880 A1 (WYSOCKI et al.) 16 March 2006 (16.03.2006)	1-35
A	US 2006/0129244 A1 (ENSIGN) 15 June 2006 (15.06.2006)	1-35

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


* Special categories of cited documents:

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

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

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

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

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

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

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

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

"&" document member of the same patent family

Date of the actual completion of the international search

09 September 2008 (09.09.2008)

Date of mailing of the international search report

12 SEP 2008

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US, Commissioner for Patents
P.O. Box 1450, Alexandria, Virginia 22313-1450

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