(19) World Intellectual Property Organization

International Bureau



(43) International Publication Date 22 February 2007 (22.02.2007)

PCT

(10) International Publication Number WO 2007/021659 A3

- (51) International Patent Classification: *A61F 2/44* (2006.01)
- (21) International Application Number:

PCT/US2006/030785

- (22) International Filing Date: 8 August 2006 (08.08.2006)
- (25) Filing Language: English
- (26) Publication Language: English
- (30) Priority Data:

11/201.837

10 August 2005 (10.08.2005) US

- (71) Applicant (for all designated States except US): ZIM-MER SPINE, INC. [US/US]; 7375 Bush Lake Road, Minneapolis, MN 55439-2027 (US).
- (72) Inventor; and
- (75) Inventor/Applicant (for US only): HUDGINS, Robert, Garryl [US/US]; 164 Birnamwood Drive, Burnsville, MN 55337 (US).
- (74) Agents: DAVIDSON, Kristi, L. et al.; WOOD, HERRON & EVANS, L.L.P., 441 Vine Street, 2700 Carew Tower, Cincinnati, OH 45202 (US).

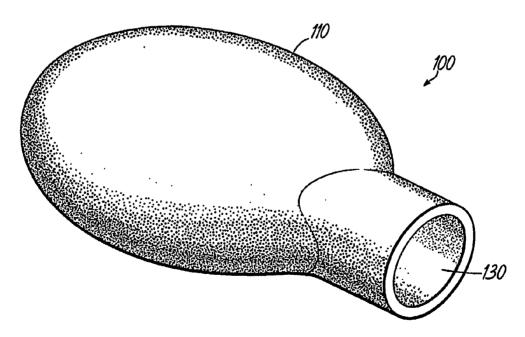
- (81) Designated States (unless otherwise indicated, for every kind of national protection available): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LV, LY, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NG, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW.
- (84) Designated States (unless otherwise indicated, for every kind of regional protection available): ARIPO (BW, GH, GM, KE, LS, MW, MZ, NA, 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, IS, IT, LT, LU, LV, 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).

Published:

- with international search report
- before the expiration of the time limit for amending the claims and to be republished in the event of receipt of amendments

[Continued on next page]

(54) Title: DEVICES AND METHODS FOR DISC NUCLEUS REPLACEMENT



(57) Abstract: The present disclosure concerns implants (300) to at least partially replace the nucleus (250) of a spinal disc (230). In one embodiment, a prosthetic structure is provided which includes a bag (100) operable to contain at least one internal implant (300) within the bag (100). In another embodiment, a sinusoidal-shaped structure (305) made of a flexible material is provided with various unique configurations to act as the internal implant (300) and once released from a stretched or compressed configuration resumes nearly its original shape. In one embodiment, for delivery, a sinusoidal-shaped structure (305) may be in a reduced amplitude state. In another embodiment, a sinusoidal-shaped structure (305) is alternately woven from one end to the other with a second sinusoidal-shaped structure (305).



(88) Date of publication of the international search report:

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.

INTERNATIONAL SEARCH REPORT

International application No PCT/US2006/030785

A. CLASSIFICATION OF SUBJECT MATTER INV. A61F2/44

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

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, WPI Data

European Patent Office, P.B. 5818 Patentlaan 2 NL – 2280 HV Rijswijk Tel. (+31–70) 340–2040, Tx. 31 651 epo nl, Fax: (+31–70) 340–3016

Name and mailing address of the ISA/

LI O-III	ternar, wit bata				
C. DOCUM	ENTS CONSIDERED TO BE RELEVANT				
Category*	Citation of document, with indication, where appropriate, of the rele	vant passages	Relevant to claim No.		
X	WO 02/17825 A2 (DISC DYNAMICS INC BAO QI BIN [US]; HUDGINS ROBERT G [US]; F) 7 March 2002 (2002-03-07	1-3, 14-17			
Υ	page 9, line 26 - page 18, line 2 figures 3-5	7;	14		
X	DE 39 22 203 C1 (NOLDE, MARTIN, D 8000 MUENCHEN, DE; MARKWALDER, TH DR.MED.) 25 October 1990 (1990-10	1-5,9, 15,16			
Y	the whole document	14,39			
X	US 2004/083002 A1 (BELEF WILLIAM [US] ET AL) 29 April 2004 (2004-0 paragraph [0013] paragraph [0044] - paragraph [006 figures 1-5 paragraph [0089]	4–29)	1-3, 14-16		
	_	/			
X Fur	ther documents are listed in the continuation of Box C.	X See patent family annex.			
"A" docum consi "E" earlier filling "L" docum which citatic "O" docum other	nent defining the general state of the art which is not dered to be of particular relevance document but published on or after the international date ent which may throw doubts on priority claim(s) or is cited to establish the publication date of another on or other special reason (as specified) the perior of the referring to an oral disclosure, use, exhibition or means sent published prior to the international filling date but	 *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art. *&* document member of the same patent family 			
Date of the	actual completion of the international search	Date of mailing of the international sea	rch report		
	29 March 2007	05/04/2007			

Authorized officer

Lickel, Andreas

INTERNATIONAL SEARCH REPORT

International application No
PCT/US2006/030785

		PC1/US2006/030785
C(Continua	tion). DOCUMENTS CONSIDERED TO BE RELEVANT	
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 2004/052248 A (SDGI HOLDINGS INC [US]; TRIEU HAI H [US]) 24 June 2004 (2004-06-24) the whole document	1,3,13, 14
X	WO 03/047472 A (MATHYS MEDIZINALTECHNIK AG [CH]; STUDER ARMIN [CH]) 12 June 2003 (2003-06-12) page 7 - page 9; figures 1,2	1,14-16
X	WO 00/44319 A (DISC O TECH MEDICAL TECHNOLOGI [IL]; GLOBERMAN OREN [IL]; SHENHAV BOAZ) 3 August 2000 (2000-08-03) page 14, line 28 - page 15, line 13 page 20, line 7 - page 22, line 24 page 46, line 7 - line 20; figures 1,2a-d,2o	37,38, 40,42-44
Υ	1,24 4,25	39,41
Υ	WO 2004/026190 A (MCKAY WILLIAM F [US]; SDGI HOLDINGS INC [US] SDGI HOLDINGS INC [US]; M) 1 April 2004 (2004-04-01)	41
A	page 10, line 29 - page 13, line 6; figures 4-10	37
A	WO 2005/009299 A (IMPLIANT LTD [IL]; ARNIN URI [IL]; SUDIN YURI [IL]; TAUBER MICHAEL [IL) 3 February 2005 (2005-02-03)	37

INTERNATIONAL SEARCH REPORT PCT/US

International application No. PCT/US2006/030785

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. X Claims Nos.: 45-51 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
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
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. X 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.: 1-17,37-44
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. X No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

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

1. claims: 1-17

Intervertebral prosthetic structure for replacement of at least a portion of an intervertebral disc nucleus, comprising a bag structure made of flexible material and comprising an opening to allow an interior implant structure to be placed into a cavity of the bag.

2. claims: 18-36

A prosthetic implant structure comprising a device formed of a plurality of periodic portions of flexible material, each periodic portion intersecting a longitudinal axis at two points.

3. claims: 37-44

Intervertebral prosthetic structure comprising a bag having a cavity and an opening providing access to the cavity, and an interior implant structure located in the cavity and comprising a plurality of periodic portions each intersecting a longitudinal axis at two points, wherein an amplitude of a periodic portion in an unstretched position has a size which prevents the structure from exiting the opening in the bag.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No
PCT/US2006/030785

Pat	tent document	T	Publication		Patent family		Publication
	in search report		date		member(s)		date
WO	0217825	A2	07-03-2002	AU CN EP JP	8548601 1340330 1313411 2004507319	A A2	13-03-2002 20-03-2002 28-05-2003 11-03-2004
DE	3922203	C1	25-10-1990	WO EP	9100713 0480954		24-01-1991 22-04-1992
US	2004083002	A1	29-04-2004	NON	E		
WO	2004052248	Α	24-06-2004	AU CA EP JP US	2003293455 2508435 1575458 2006508771 2004186471	A1 A1 T	30-06-2004 24-06-2004 21-09-2005 16-03-2006 23-09-2004
WO	03047472	А	12-06-2003	AU BR CA CN CZ EP HU JP MX US	2002223365 0117187 2468908 1561185 20040681 1450735 0402274 2005511143 PA04005138 2005090901	A A1 A3 A1 A2 T A	17-06-2003 09-11-2004 12-06-2003 05-01-2005 16-02-2005 01-09-2004 28-02-2005 28-04-2005 28-04-2005
WO	0044319	Α	03-08-2000	AT AU AU DE EP EP EP WO JP JP US US	293412 2126800 2316600 2316700 60019558 1153147 1148851 1148850 1552797 2242595 0044946 0044321 2002535080 2002535081 2002535109 2005143827 2004167625	A A A D1 A1 A2 A1 A2 T3 A2 T T T	15-05-2005 18-08-2000 18-08-2000 18-08-2000 25-05-2005 14-11-2001 31-10-2001 13-07-2005 16-11-2005 03-08-2000 03-08-2000 22-10-2002 22-10-2002 22-10-2002 30-06-2005 26-08-2004
WO	2004026190	A	01-04-2004	AU CA CN EP JP KR	2003276926 2499116 1697634 1549261 2005538810 20050042825	A1 A A2 T	08-04-2004 01-04-2004 16-11-2005 06-07-2005 22-12-2005 10-05-2005
WO	2005009299	Α	03-02-2005	DE GB US	112004001370 2420502 2006190083	Α	20-07-2006 31-05-2006 24-08-2006