



- (51) International Patent Classification:
A61B 1/018 (2006.01) A61B 18/20 (2006.01)
A61B 1/04 (2006.01) A61B 5/00 (2006.01)
A61B 18/26 (2006.01)
- (21) International Application Number:
PCT/US2008/086550
- (22) International Filing Date:
12 December 2008 (12.12.2008)
- (25) Filing Language: English
- (26) Publication Language: English
- (30) Priority Data:
61/013,469 13 December 2007 (13.12.2007) US
12/332,825 11 December 2008 (11.12.2008) US
- (63) Related by continuation (CON) or continuation-in-part (CIP) to earlier application:
US 12/332,825 (CON)
Filed on 11 December 2008 (11.12.2008)
- (71) Applicant (for all designated States except US):
BOSTON SCIENTIFIC SCIMED, INC. [US/US]; One Scimed Place, Maple Grove, Minnesota 55311-1566 (US).
- (72) Inventor; and
- (75) Inventor/Applicant (for US only): ROBERTSON, David W. [US/US]; 5 Goodnow Lane, Framingham, Massachusetts 01702 (US).

- (74) Agents: VASHAW, Nancy A. et al.; Cooley Godward Kronish LLP, Attn: Patent Group, 777 6th St., NW, Suite 1100, Washington, District Of Columbia 20001 (US).
- (81) Designated States (unless otherwise indicated, for every kind of national protection available): AE, AG, AL, AM, AO, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, ST, SV, 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, HR, HU, IE, IS, IT, LT, LU, LV, MC, MT, NL, NO, PL, PT, RO, SE, SI, SK, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

Declarations under Rule 4.17:

- as to applicant's entitlement to apply for and be granted a patent (Rule 4.17(ii))

[Continued on next page]

(54) Title: EXTENDED SPECTRAL SENSITIVITY ENDOSCOPE SYSTEM AND METHOD OF USING THE SAME

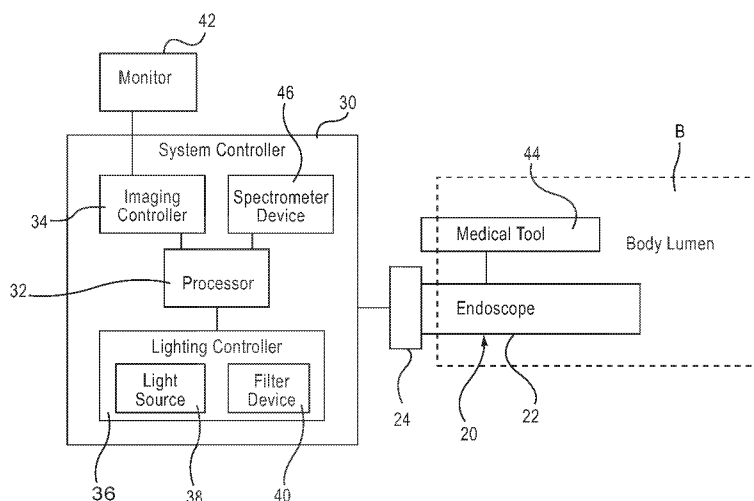


Fig. 1

(57) Abstract: A method according to an embodiment of the invention includes inserting an endoscope at least partially into a body lumen. At least a portion of the body lumen is illuminated at a first wavelength. The portion of the body lumen is illuminated at a second wavelength different than the first wavelength. A characteristic of an area of interest when the portion of the body lumen is illuminated at the first wavelength is compared with the characteristic of the area of interest when the portion of the body lumen is illuminated at the second wavelength. A medical device or treatment parameter is selected to treat the area of interest based on the comparing. In some embodiments, the body lumen is a ureter. In such an embodiment, a composition of a kidney stone within the ureter can be identified.

WO 2009/076590 A3



Published:

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

11 September 2009

- *with international search report (Art. 21(3))*
- *before the expiration of the time limit for amending the claims and to be republished in the event of receipt of amendments (Rule 48.2(h))*

INTERNATIONAL SEARCH REPORT

International application No
PCT/US2008/086550

A. CLASSIFICATION OF SUBJECT MATTER

INV. A61B1/018 A61B1/04 A61B18/26 A61B18/20 A61B5/00

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

B. FIELDS SEARCHED

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

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

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

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 1 526 355 A (AGILENT TECHNOLOGIES INC [US]) 27 April 2005 (2005-04-27) paragraphs [0045] - [0048], [0065]	34, 35
X	US 5 647 368 A (ZENG HAISHAN [CA] ET AL) 15 July 1997 (1997-07-15) column 5, lines 27,66,67 column 6, lines 1,2,27,33,57,65 column 7, lines 13-16,25,26,35 column 8, line 55	34, 35

Further documents are listed in the continuation of Box C.

See patent family annex.

* Special categories of cited documents :

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

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

Date of the actual completion of the international search

2 March 2009

Date of mailing of the international search report

21/07/2009

Name and mailing address of the ISA/

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

Authorized officer

Anscombe, Marcel

INTERNATIONAL SEARCH REPORT

International application No
PCT/US2008/086550

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 02/36015 A (GEN HOSPITAL [US]; TEARNEY GUILLERMO J [US]; BOUMA BRETT E [US]) 10 May 2002 (2002-05-10) page 10, lines 11,12,20 page 14, lines 16,24 page 15, lines 7-25 page 16, line 11 page 19, lines 30,31 page 20, line 31 page 21, line 11 -----	34,35
X	WO 2006/076810 A (PERCEPTRONIX MEDICAL INC [CA]; BC CANCER AGENCY [CA]; ZENG HAISHAN [CA] 27 July 2006 (2006-07-27) page 16, lines 21,23 page 17, lines 1,17 page 29, line 25 - page 30, line 1 -----	34,35
X	US 2004/148141 A1 (TSUJITA KAZUHIRO [JP] ET AL) 29 July 2004 (2004-07-29) paragraphs [0181], [0182] -----	34,35
X	US 2007/276259 A1 (OKAWA ATSUSHI [JP] ET AL) 29 November 2007 (2007-11-29) paragraph [0074] -----	34,35
X	US 2004/225222 A1 (ZENG HAISHAN [CA] ET AL) 11 November 2004 (2004-11-11) paragraph [0046] -----	34,35

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.1

Claims Nos.: 1-33

Claims 1-33 as filed are not required to be searched (Art. 17(2)(a)(i) & Rule 39.1(iv)). The reasons for this are as follows. The step of insertion of an endoscope into a body cavity is considered to be invasive to the human body and therefore is classified as a step for surgery, noting that it is not the purpose but instead the nature of the surgical step "inserting" which is decisive in reaching this conclusion. The steps "inserting an endoscope into a body lumen/ureter" (in each of claim 1-13, claim 22-28 and claim 32-33) classify explicitly as steps for surgery. "Illuminating a ureter" (in claim 14) and "illuminating a body lumen" (claim 29) define steps comprising, in the light of the description (e.g. paragraphs [1004], [1031] etc.), and also in light of claim 19 and claim 20, the step of inserting an endoscope in the ureter or body lumen. The inclusion of a single step defining a physical activity for surgery in the subject-matter of claims is a sufficient condition to make the subject-matter of those claims, here independent claims 1, 14, 22, 29 and 32, and claims dependent thereon, fall under Rule 67.1 (iv) & Rule 39.1(iv) as being a "method of treatment of the human or animal body by surgery".

Claims 1-33 as filed are not required to be searched (Art. 17(2)(a)(i) & Rule 39.1(iv)). The reasons for this are as follows. The subject-matter of "treatment parameter", "treat" or "treating" as claimed to be comprised in claims 1, 3, 15, 22, 30 and 33 defines a physical activity for treatment and defines explicitly the presence of treatment steps in the subject-matter defined by independent claims 1, 14, 22, 29, 32, and is a sufficient condition to make the subject-matter of independent claims 1, 14, 22, 29 and 32, and claims dependent thereon, fall under Rule 67.1 (iv) & Rule 39.1(iv) as being a "method of treatment of the human or animal body by therapy".

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2008/086550

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.: 1-33
because they relate to subject matter not required to be searched by this Authority, namely:
see FURTHER INFORMATION sheet PCT/ISA/210
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:

see additional sheet

1. As all required additional search fees were timely paid by the applicant, this international search report covers allsearchable claims.
2. As all searchable claims could be searched without effort justifying an additional fees, this Authority did not invite payment of additional fees.
3. As only some of the required additional search fees were timely paid by the applicant, this international search 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.:

34, 35

Remark on Protest

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

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

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

1. claims: 34, 35

directed to a processor-readable medium storing code to identify a characteristic associated with an area of interest in a first image, and to identify a change in the characteristic in a second image, with potential special technical feature of analysis of changes in image characteristics such as defined further in claim 35, solving the problem of automating analysis of changes in image characteristics.

2. claims: 36,37

directed to a processor-readable storage medium for identifying a change in a characteristic; with corresponding potential special technical features concerning identification of changes in pulse parameters or selecting a medical device, solving the problem of ensuring the most appropriate surgical treatment (paragraphs [0147], [1039], [1040], [1035], "closed-loop feedback", [1035 & 1036], [1062]).

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/US2008/086550

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