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(71) Applicant (for all designated States except US): WAR-SAW ORTHOPEDIC, INC. [US/US]; 2500 Silveus Crossing, Warsaw, Indiana 46581 (US).

(72) Inventors; and

(75) Inventors/Applicants (for US only): ANDERSON, Kent M. [US/US]; 1310 Bocage Cove, Number 201, Memphis, Tennessee 38103 (US). STOKLUND, Ole [US/US]; 3360 Golden Chance Cove, Germantown, t 38138 (US).

(74) Agents: HAINES, Warren, M. et al.; 710 Medtronic Parkway MS LC340, Minneapolis, Minnesota 55432 (US).

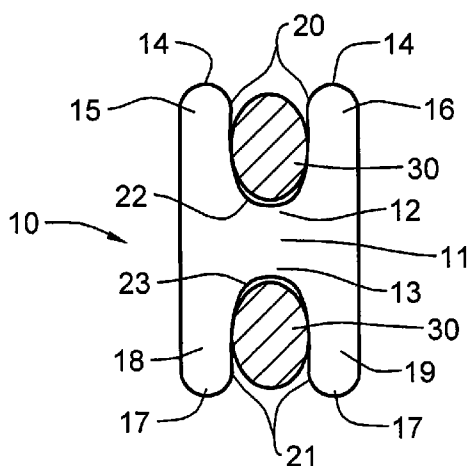
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(54) Title: INTERCOSTAL SPACER DEVICE AND METHOD FOR USE IN CORRECTING A SPINAL DEFORMITY



(57) Abstract: An intercostal spacer device for placement between two adjacent ribs, includes a spacer member and at least one pair of arms that extend from a first end of the spacer member and at least one pair of arms that extend from a second end of the spacer member. The intercostal spacer device may also include a flexible, fillable container for containing an injectable material that is compressible following implantation. The container is impermeable to the material it will be filled with. A structural mesh, for example, made of PET fabric and interwoven shape-memory alloy wire, provides structure for and containment of the container, as well as shape control of the intercostal spacer device. The material can be injected into the container through a conduit. The intercostal spacer device is sized and configured to allow for placement into the intercostal space to produce force for correcting a spinal deformity.

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INTERNATIONAL SEARCH REPORT

International application No
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A. CLASSIFICATION OF SUBJECT MATTER INV. A61B17/80 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) 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	FR 2 623 085 A (BREARD FRANCIS [FR]) 19 May 1989 (1989-05-19) page 3, line 31 - page 4, line 21; figures 2,5	1-4,9,10		
X	US 5 261 908 A (CAMPBELL JR ROBERT M [US]) 16 November 1993 (1993-11-16) column 2, line 46 - line 49 column 6, line 9 - line 14; figure 2b	1,2		
X	FR 2 775 183 A (TAYLOR JEAN [FR]) 27 August 1999 (1999-08-27) page 4, line 34 - line 36; figure 1 page 5, line 5 - line 13; figures 3,5	1-4		
X	FR 2 799 640 A (SPINE NEXT [FR]) 20 April 2001 (2001-04-20) abstract; figure 2	1-4		
	-/--			
<input checked="" type="checkbox"/> Further documents are listed in the continuation of Box C. <input checked="" type="checkbox"/> See patent family annex.				
* Special categories of cited documents :				
<table style="width:100%; border:none;"> <tr> <td style="width:50%; vertical-align: top;"> *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 </td> <td style="width:50%; vertical-align: top;"> *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 </td> </tr> </table>			*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
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 <p align="center">17 January 2008</p>		Date of mailing of the international search report <p align="center">26/05/2008</p>		
Name and mailing address of the ISA/ 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		Authorized officer <p align="center">Ducreau, Francis</p>		

INTERNATIONAL SEARCH REPORT

International application No
PCT/US2007/077726

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 1 138 268 A (COUSIN BIOTECH S A S [FR]; TAYLOR JEAN [FR]) 4 October 2001 (2001-10-04) figure 6 -----	1,2

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2007/077726

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.:
because they relate to subject matter not required to be searched by this Authority, namely:

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 all searchable 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.:

see annex

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: 1-4,9,10

Intercostal spacer device with a spacer member and two pairs of arms

2. claims: 5-8

Intercostal spacer device with a flexible container, a conduit and a structure

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/US2007/077726

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