UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NUVASIVE, INC.
Petitioner

v.

WARSAW ORTHOPEDIC, INC.
Patent Owner

Patent Number: 8,251,997 B2
Issue Date: August 28, 2012
Title: METHOD FOR INSERTING AN ARTIFICIAL IMPLANT BETWEEN TWO ADJACENT VERTEBRAE ALONG A CORONAL PLANE

Case IPR2013-00206
Case IPR2013-00208

PATENT OWNER'S PRESENTATION

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Patent Owner's Presentation
U.S. Patent No. 8,251,997

Case Nos.
IPR2013-00206 and IPR2013-00208

June 5, 2014

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Overview Of The Claims

- Direct lateral path
- Introduction of three surgical instruments in said path, one over the next
- Insertion of an implant that spans the full or substantially the full transverse width of adjacent vertebral bodies

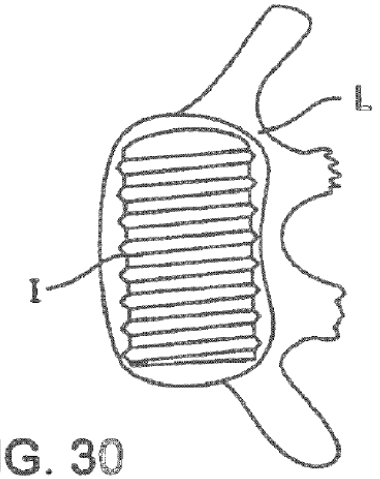

FIG. 30

'997 patent, Figs. 26 and 30
Ex. 1002 at 19-20 (IPR2013-00206) (IPR2013-00208)
Paper 32 at 3, 6-7, 9, 11, 19 (IPR2013-00206)
Paper 29 at 3, 6-7, 9, 11, 19 (IPR2013-00208)

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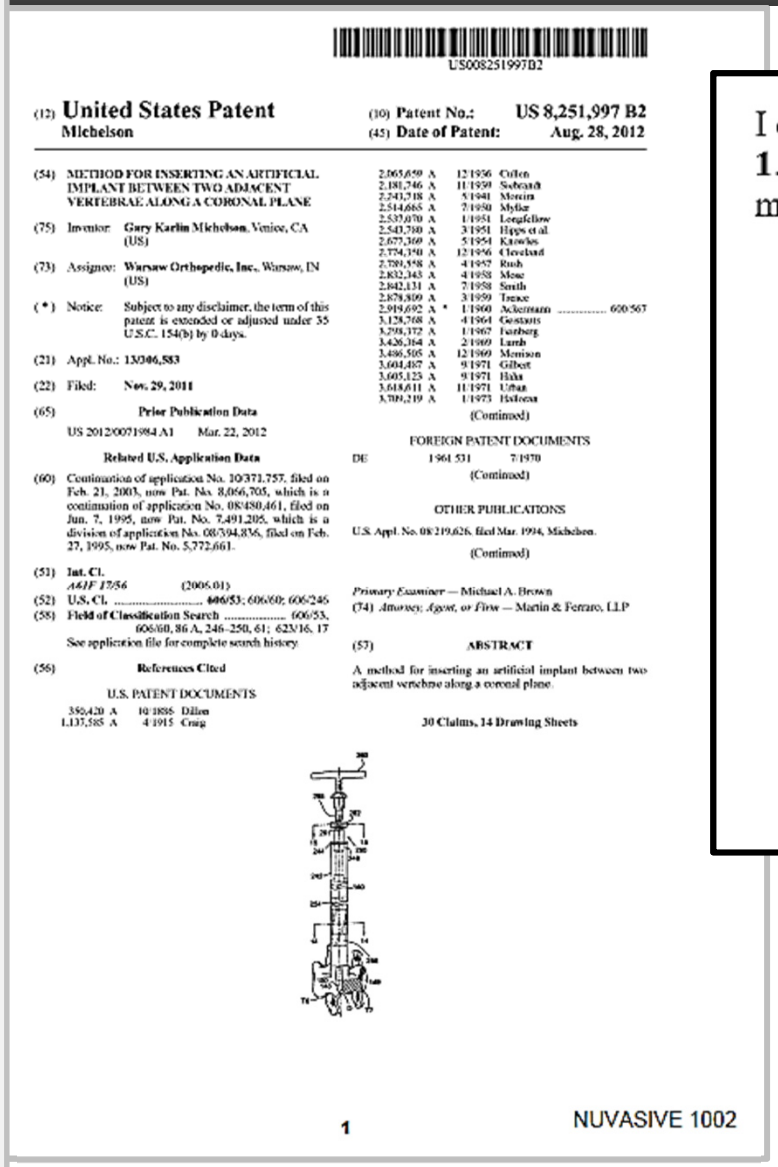
"a path having an axis lying in a coronal plane passing through a lateral aspect … to the transverse processes"



US008251997B2

(12) **United States Patent**
Michelson

(10) **Patent No.: US 8,251,997 B2**
(45) **Date of Patent: Aug. 28, 2012**

(54) METHOD FOR INSERTING AN ARTIFICIAL IMPLANT BETWEEN TWO ADJACENT VERTEBRAE ALONG A CORONAL PLANE

(75) Inventor: **Gary Karlin Michelson**, Venice, CA (US)

(73) Assignee: **Warsaw Orthopedic, Inc.**, Warsaw, IN (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: **13/306,583**

(22) Filed: **Nov. 29, 2011**

(65) **Prior Publication Data**

US 2012/0071984 A1 Mar. 22, 2012

Related U.S. Application Data

(60) Continuation of application No. 10/371,757, filed on Feb. 21, 2003, now Pat. No. 8,066,705, which is a continuation of application No. 08/480,461, filed on Jun. 7, 1995, now Pat. No. 7,491,205, which is a division of application No. 08/394,836, filed on Feb. 27, 1995, now Pat. No. 5,772,661.

(51) **Int. Cl.**
A61F 17/56 (2006.01)

(52) **U.S. Cl.** **606/53**; 606/60; 606/246

(58) **Field of Classification Search** ..... 606/53, 606/60, 86 A, 246–250, 61; 623/16, 17
See application file for complete search history.

(56) **References Cited**

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Primary Examiner — Michael A. Brown
(74) *Attorney, Agent, or Firm* — Martin & Ferraro, LLP

(57) **ABSTRACT**

A method for inserting an artificial implant between two adjacent vertebrae along a coronal plane.

30 Claims, 14 Drawing Sheets

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NUVASIVE 1002

I claim:

1. A method comprising:

making an incision in skin of a patient's body to gain access to a disc space between two adjacent vertebrae located within a portion of one of a human thoracic or lumbar spine, said portion of one of the human thoracic or lumbar spine defined by the two adjacent vertebrae having an anterior aspect and a posterior aspect being divided by a first plane through transverse processes of the two adjacent vertebrae, the disc space having a depth measured from an anterior aspect to a posterior aspect of the disc space, each of the two adjacent vertebrae having a vertebral body having a transverse width perpendicular to the depth of the disc space, said incision being proximate an intersection of the skin and a path having an axis lying in a coronal plane passing through a lateral aspect and a medial aspect of the two adjacent vertebrae and anterior to the transverse processes;

'997 Patent at 22:47-23:30
NUVASIVE 1002 at 32-33 (IPR2013-00206) (IPR2013-00208)
Paper 32 at 10, 38 (IPR2013-00206)
Paper 29 at 7-8 (IPR2013-00208)

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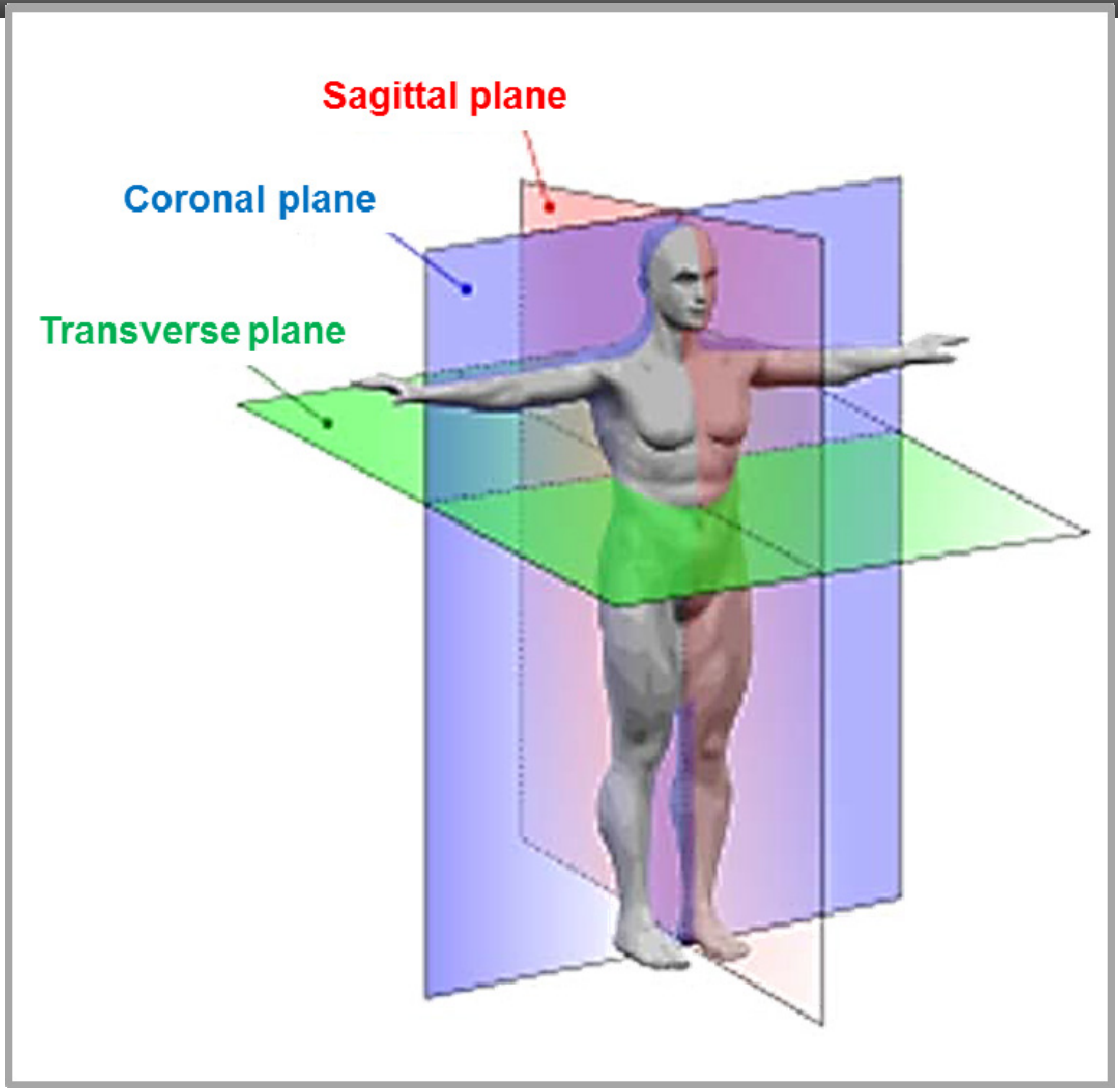

WARSAW 2038 ¶ 55 (IPR2013-00206) (IPR2013-00208)
Paper 32 at 11 (IPR2013-00206); Paper 29 at 11 (IPR2013-00208)

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