

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Matthew Curran et al. Art Unit : 3733
Serial No. : 13/079,645 Examiner : STUART SAMUEL BRAY
Filed : April 4, 2011 Conf. No. : 1151
Title : SYSTEMS AND METHODS FOR SPINAL FUSION

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

In response to the restriction requirement made in the action mailed March 21, 2012, Applicant notes that the Preliminary Amendment filed on March 20, 2012 cancels all of the identified claim groups (claims 1-13 and claims 14-26). As such, none of the identified claim groups can be elected for examination on the merits. As shown in the March 20, 2012 Preliminary Amendment, the single claim group of claims 27-54 is currently pending.

Regarding the species restriction, Applicant elects identified Species A (Figures 1-9 and 18-21) is elected for examination. The election is made without traverse. Currently, all pending claims 27-54 read on the elected Species A.

The Applicant respectfully requests prompt consideration and a Notice of Allowance. **In the event that no Notice of Allowance will be provided in the next communication, Applicant requests that the Examiner telephone the undersigned attorney (612-337-2569) prior to the next communication so that prosecution on the merits may be expedited.**

Please apply any necessary charges or credits to Deposit Account No. 06-1050, referencing the above attorney docket number.

Respectfully submitted,

Date: March 22, 2012

/Michael T. Hawkins/
Michael T. Hawkins
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Electronic Acknowledgement Receipt

EFS ID:	12364795
Application Number:	13079645
International Application Number:	
Confirmation Number:	1151
Title of Invention:	System and Methods for Spinal Fusion
First Named Inventor/Applicant Name:	Matthew Curran
Customer Number:	30328
Filer:	Michael T. Hawkins/Jodi Budge
Filer Authorized By:	Michael T. Hawkins
Attorney Docket Number:	104US2
Receipt Date:	22-MAR-2012
Filing Date:	04-APR-2011
Time Stamp:	10:20:40
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Response to Election / Restriction Filed	ResponseRR.pdf	71218 <small>bda2017cf19373e0d2c1c0028969a23cca931d89</small>	no	1

Warnings:

Information:

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/079,645	04/04/2011	Matthew Curran	104US2	1151
30328	7590	03/23/2012	EXAMINER	
NuVasive c/o CPA Global P.O. Box 52050 Minneapolis, MN 55402			BRAY, STUART SAMUEL	
			ART UNIT	PAPER NUMBER
			3733	
			MAIL DATE	DELIVERY MODE
			03/23/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Applicant-Initiated Interview Summary	Application No. 13/079,645	Applicant(s) CURRAN ET AL.	
	Examiner STUART S. BRAY	Art Unit 3733	

All participants (applicant, applicant's representative, PTO personnel):

- (1) STUART S. BRAY. (3) Michael Hawkins.
(2) _____. (4) _____.

Date of Interview: 21 March 2012.

Type: Telephonic Video Conference
 Personal [copy given to: applicant applicant's representative]

Exhibit shown or demonstration conducted: Yes No.
If Yes, brief description: _____.

Issues Discussed 101 112 102 103 Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: _____.

Identification of prior art discussed: N/A.

Substance of Interview

(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Atty Hawkins called to discuss the preliminary amendment replacing a prior claim set, which was filed around the time a restriction on the prior set of claims was mailed. The examiner suggested to respond to the pending restriction noting that the new claim set has only one independent claim. The Examiner also suggested that the Applicant respond to the species election and whether all the new claims are readable on the elected species. .

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

Attachment

/STUART S BRAY/
Examiner, Art Unit 3733

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO					
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				<i>Complete if Known</i>	
				Application Number	13/079,645
				Filing Date	April 4, 2011
				First Named Inventor	Matthew Curran
				Art Unit	3733
				Examiner Name	Stuart Samuel Bray
<i>(Use as many sheets as necessary)</i>					
Sheet	1	of	8	Attorney Docket No: 104US2	

US PATENT DOCUMENTS

Examiner Initial *	Cite No	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		2002/0058950	May 16, 2002	Winterbottom, et al.	
		2003/0105528	Jun 5, 2003	Shimp, et al.	
		3,486,505	Dec 30, 1969	Morrison, Gordon M.	
		3,518,993	Jul 7, 1970	Blake, Lawrence W.	
		3,604,487	Sep 14, 1971	Gilbert, Richard S.	
		3,745,995	Jul 17, 1973	Kraus	
		3,848,601	Nov 19, 1974	Ma, et al.	
		3,867,728	Feb 25, 1975	Stubstad, et al.	
		4,026,304	May 31, 1971	Levy	
		4,026,305	May 31, 1971	Brownlee, et al.	
		4,454,374	Oct 8, 1985	Jacobson	
		4,501,269	Feb 26, 1985	Bagby	
		4,646,738	Mar 3, 1987	Trott, Arthur F.	
		4,657,550	Apr 14, 1987	Daher	
		4,743,256	May 10, 1988	Brantigan	
		4,781,591	Nov 1, 1988	Allen	
		4,834,757	May 30, 1989	Brantigan	
		4,877,020	Oct 31, 1989	Vich	
		4,878,915	Nov 7, 1989	Brantigan	
		4,932,975	Jun 12, 1990	Main, et al.	
		4,950,296	Aug 21, 1990	McIntyre, J. L.	
		4,961,740	Oct 9, 1990	Ray, et al.	
		4,962,766	Oct 16, 1990	Herzon, G.D.	
		5,015,247	May 14, 1991	Michelson	
		5,026,373	Jun 25, 1991	Ray, et al.	
		5,047,055	Sep 10, 1991	Bao et al.	
		5,055,104	Oct 8, 1991	Ray	
		5,062,845	Nov 5, 1991	Kuslich, et al.	
		5,071,437	Dec 10, 1991	Steffee	
		5,092,572	Mar 3, 1992	Litwak, et al.	
		5,133,717	Jul 28, 1992	Chopin	
		5,133,755	Jul 28, 1992	Brekke	
		5,171,278	Dec 15, 1992	Pisharodi	
		5,192,327	Mar 9, 1993	Brantigan, John W.	
		5,217,497	Jun 8, 1993	Mehdian	
		5,263,953	Nov 23, 1993	Bagby	
		5,269,785	Dec 14, 1993	Bonutti	

EXAMINER

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. † Applicant's unique citation designation number (optional) ‡ Applicant is to place a check mark here if English language Translation is attached

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<i>(Use as many sheets as necessary)</i>					
Sheet	2	of	8	Attorney Docket No: 104US2	

US PATENT DOCUMENTS

Examiner Initial *	Cite No	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		5,284,153	Feb 8, 1994	Raymond, S.A., et al.	
		5,290,494	Mar 1, 1994	Coombes, et al.	
		5,300,076	May 5, 1994	Lerich	
		5,304,210	Apr 19, 1994	Crook	
		5,306,307	Apr 26, 1994	Senter, et al.	
		5,306,309	Apr 26, 1994	Wagner, et al.	
		5,322,505	Jun 21, 1994	Krause, Kenneth W., et al.	
		5,334,205	Aug 2, 1994	Cain	
		5,336,223	Aug 9, 1994	Rogers	
		5,364,400	Nov 15, 1994	Rego, Jr., et al.	
		5,395,372	Mar 7, 1995	Holt, et al.	
		5,397,363	Mar 14, 1995	Gelbard	
		5,397,364	Mar 14, 1995	Kozak	
		5,405,391	Apr 11, 1995	Henderson, et al.	
		5,413,602	May 9, 1995	Metz-Stavenhagen	
		5,425,772	Jun 20, 1995	Brantigan	
		5,431,658	Jul 11, 1995	Moskovich	
		5,443,514	Aug 22, 1995	Steffee	
		5,443,515	Aug 22, 1995	Cohen, et al.	
		5,445,639	Aug 29, 1995	Kuslich, et al.	
		5,454,811	Oct 3, 1995	Huebner	
		5,458,638	Oct 17, 1995	Kuslich, et al.	
		5,484,403	Jan 16, 1996	Yoakum, et al.	
		5,484,437	Jan 16, 1996	Michelson, Gary K.	
		5,489,307	Feb 6, 1996	Kuslich, et al.	
		5,489,308	Feb 6, 1996	Kuslich, et al.	
		5,514,180	May 7, 1996	Heggeness, M.H., et al.	
		5,522,879	Jun 4, 1996	Scopelianos	
		5,522,899	Jun 4, 1996	Michelson	
		5,524,624	Jun 11, 1996	Tepper, et al.	
		5,527,312	Jun 18, 1996	Ray	
		5,534,030	Jul 9, 1996	Navarro, et al.	
		5,540,688	Jul 30, 1996	Navas, Fernand	
		5,545,222	Aug 13, 1996	Bonutti	
		5,562,736	Oct 8, 1996	Ray, et al.	
		5,565,005	Oct. 15, 1996	Erickson, et al.	
		5,571,190	Nov 5, 1996	Ulrich	

EXAMINER

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				Examiner Name	Stuart Samuel Bray
<i>(Use as many sheets as necessary)</i>					
Sheet	3	of	8	Attorney Docket No: 104US2	

US PATENT DOCUMENTS

Examiner Initial *	Cite No	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		5,571,192	Nov 5, 1996	Schonhoffer	
		5,593,409	Jan 14, 1997	Michelson, G. K.	
		5,609,636	Mar 11, 1997	Kohrs, et al.	
		5,611,800	Mar 18, 1997	Davis, et al.	
		5,611,810	Mar 18, 1997	Arnold, et al.	
		5,632,747	May 27, 1997	Scarborough, et al.	
		5,645,598	Jul 8, 1997	Brosnahan, et al.	
		5,653,761	Aug 5, 1997	Pisharodi	
		5,653,762	Aug 5, 1997	Pisharodi	
		5,658,336	Aug 19, 1997	Pisdharodi	
		5,658,337	Aug 19, 1997	Kohrs, et al.	
		5,662,710	Sep 2, 1997	Bonutti	
		5,665,122	Sep 9, 1997	Kambin, Parviz	
		5,669,909	Sep 23, 1997	Zdeblick, et al.	
		5,676,703	Oct 14, 1997	Gelbard	
		5,683,394	Nov 4, 1997	Rinner	
		5,683,400	Nov 4, 1997	McGuire, David A.	
		5,683,464	Nov 4, 1997	Wagner, et al.	
		5,690,629	Nov 25, 1997	Asher, et al.	
		5,700,264	Dec 23, 1997	Zucherman, et al.	
		5,700,291	Dec 23, 1997	Kuslich, et al.	
		5,700,292	Dec 23, 1997	Marguiles	
		5,702,449	Dec 30, 1997	McKay, W. F.	
		5,702,451	Dec 30, 1997	Biedermann, et al.	
		5,702,453	Dec 30, 1997	Rabbe, et al.	
		5,702,454	Dec 30, 1997	Baumgartner	
		5,702,455	Dec 30, 1997	Saggar, R.	
		5,703,451	Dec 30, 1997	Yamamichi, et al.	
		5,707,373	Jan 13, 1998	Sevrain, et al.	
		5,711,957	Jan 27, 1998	Patat, et al.	
		5,716,415	Feb 10, 1998	Steffee	
		5,720,748	Feb 24, 1998	Kuslich, et al.	
		5,720,751	Feb 24, 1998	Jackson	
		5,728,159	Mar 17, 1998	Stroeve, B. W., et al.	
		5,741,253	Apr 21, 1998	Michelson, Gary K.	
		5,741,261	Apr 21, 1998	Moskovitz, et al.	
		5,755,797	May 26, 1998	Baumgartner	

EXAMINER

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)

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<i>(Use as many sheets as necessary)</i>				Examiner Name	Stuart Samuel Bray
Sheet	4	of	8	Attorney Docket No: 104US2	

US PATENT DOCUMENTS

Examiner Initial *	Cite No	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		5,766,252	Jun 16, 1998	Henry, et al.	
		5,772,661	Jun 30, 1998	Michelson	
		5,775,331	Jul 7, 1998	Raymond, S. A., et al.	
		5,779,642	Jul 14, 1998	Nightengale, Christopher	
		5,782,830	Jul 21, 1998	Farris, Robert A.	
		5,782,919	Jul 21, 1998	Zdeblick, et al.	
		5,785,710	Jul 28, 1998	Michelson	
		5,797,909	Aug 25, 1998	Michelson	
		5,800,549	Sep 1, 1998	Bao, et al.	
		5,800,550	Sep 1, 1998	Sertich	
		5,814,084	Sep 29, 1998	Grivas, et al.	
		5,851,208	Dec 22, 1998	Trott	
		5,860,973	Oct 30, 1996	Michelson, Gary K.	
		5,865,845	Feb 2, 1999	Thalgott, John S.	
		5,865,848	Feb 2, 1999	Baker	
		5,885,299	Mar 23, 1999	Winslow, et al.	
		5,888,219	Mar 30, 1999	Bonutti	
		5,888,224	Mar 30, 1999	Beckers et al.	
		5,893,890	Apr 13, 1999	Pisharodi	
		5,904,719	May 18, 1999	Errico, et al.	
		5,910,315	Jun 8, 1999	Stevenson, et al.	
		5,954,769	Sep 21, 1999	Rosenlicht	
		5,968,098	Oct 19, 1999	Winslow	
		5,993,474	Nov 30, 1999	Ouchi, Teruo	
		6,004,326	Dec 21, 1999	Castro, et al.	
		6,008,433	Dec 28, 1999	Stone, K. R.	
		6,015,436	Jan 18, 2000	Schunhuffer	
		6,033,405	Mar 7, 2000	Winslow, et al.	
		6,039,761	Mar 21, 2000	Li, et al.	
		6,042,582	Mar 28, 2000	Ray	
		6,045,580	Apr 4, 2000	Scarborough, et al.	
		6,048,342	Apr 11, 2000	Zucherman, et al.	
		6,059,829	May 9, 2000	Schlapfer, F., et al.	
		6,063,088	May 16, 2000	Winslow	
		6,083,225	Jul 4, 2000	Winslow, et al.	
		6,096,080	Aug 1, 2000	Nicholson, et al.	
		6,102,948	Aug 15, 2000	Brosnahan, III	

EXAMINER

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)

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<i>(Use as many sheets as necessary)</i>					
Sheet	5	of	8	Attorney Docket No: 104US2	

US PATENT DOCUMENTS

Examiner Initial *	Cite No	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		6,120,503	Sep 19, 2000	Michelson, Gary K.	
		6,120,506	Sep 19, 2000	Kohrs, et al.	
		6,132,472	Oct 17, 2000	Bonutti	
		6,159,211	Dec 12, 2000	Boriani, Stefano, et al.	
		6,159,215	Dec 12, 2000	Urbahns, et al.	
		6,193,756	Feb 27, 2001	Studer, et al.	
		6,200,347	Mar 13, 2001	Anderson	
		6,224,607	May 1, 2001	Michelson, Gary K.	
		6,224,631	May 1, 2001	Kohrs	
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		6,761,739	Jul 13, 2004	Shepard, Y. D.	

EXAMINER

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. † Applicant's unique citation designation number (optional) ‡ Applicant is to place a check mark here if English language Translation is attached

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO					
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				<i>Complete if Known</i>	
				Application Number	13/079,645
				Filing Date	April 4, 2011
				First Named Inventor	Matthew Curran
				Art Unit	3733
				Examiner Name	Stuart Samuel Bray
<i>(Use as many sheets as necessary)</i>					
Sheet	6	of	8	Attorney Docket No: 104US2	

US PATENT DOCUMENTS

Examiner Initial *	Cite No	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		6,824,564	Nov 30, 2004	Crozet, Y.	
		6,942,698	Sep 13, 2005	Jackson, R. P.	
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		D472,634	Apr 1, 2003	Anderson, B. G.	
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ²
		CA 2015507	Jan 5, 1999	Kuslich, et al.		
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EXAMINER

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)

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Substitute for form 1449A/PTO					
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				<i>Complete if Known</i>	
				Application Number	13/079,645
				Filing Date	April 4, 2011
				First Named Inventor	Matthew Curran
				Art Unit	3733
				Examiner Name	Stuart Samuel Bray
<i>(Use as many sheets as necessary)</i>					
Sheet	7	of	8	Attorney Docket No: 104US2	

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OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
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EXAMINER**DATE CONSIDERED**

Substitute Disclosure Statement Form (PTO-1449)

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional) ² Applicant is to place a check mark here if English language Translation is attached

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Substitute for form 1449A/PTO					
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				<i>Complete if Known</i>	
				Application Number	13/079,645
				Filing Date	April 4, 2011
				First Named Inventor	Matthew Curran
				Art Unit	3733
				Examiner Name	Stuart Samuel Bray
<i>(Use as many sheets as necessary)</i>					
Sheet	8	of	8	Attorney Docket No: 104US2	

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS			
		KEMP, H. B. S., "Anterior fusion of the spine for infective lesions in adults", <u>Journal of Bone & Joint Surgery</u> , 55B(4):715-734 (1973)	
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EXAMINER**DATE CONSIDERED**

Substitute Disclosure Statement Form (PTO-1449)

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. † Applicant's unique citation designation number (optional) ‡ Applicant is to place a check mark here if English language Translation is attached

Electronic Acknowledgement Receipt

EFS ID:	12385629
Application Number:	13079645
International Application Number:	
Confirmation Number:	1151
Title of Invention:	System and Methods for Spinal Fusion
First Named Inventor/Applicant Name:	Matthew Curran
Customer Number:	30328
Filer:	Rory A. Schermerhorn/Marjorie Jarvis
Filer Authorized By:	Rory A. Schermerhorn
Attorney Docket Number:	104US2
Receipt Date:	23-MAR-2012
Filing Date:	04-APR-2011
Time Stamp:	19:46:25
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	2012-03-23_IDS_Letter_140US 2.pdf	14637 c30377142dba8e19e43e043819e9186e96c8b4ff	no	1

Warnings:

Information:

2	Information Disclosure Statement (IDS) Form (SB08)	2012-03-23_IDS_Form1449_10 4US2.pdf	98285 7d45d92d75bce2af3c089155aa48f0ed45b5bbc4	no	8
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Warnings:

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Total Files Size (in bytes):	112922
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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Matthew Curran et al. Art Unit: 3733
Serial No.: 13/079,645 Examiner: Stuart Samuel Bray
Filing Date: April 4, 2011 Conf. No: 1151
Title: SYSTEMS AND METHODS FOR SPINAL FUSION

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Please consider the references listed on the enclosed PTO-1449 form. All other non-patent literature documents and foreign references cited herein were previously submitted to the USPTO in an information disclosure statement complying with paragraphs (a)-(c) of 37 CFR 1.98 in connection with US Patent Application 11/093,409 which this application relies on for an earlier filing date under 35 USC 120. As such, submission of copies of these non-patent literature and foreign references is not believed necessary, pursuant to 37 CFR 1.98(d). Cited U.S. patents, patent application publications, and the above referenced non-patent literature and foreign references will be provided upon request.

This statement is being filed before a first Office Action on the merits; accordingly, no fee or separate requirements are believed required. However, please apply any other charges or credits to Deposit Account 50-2040, referencing Attorney Docket No. 140US2.

Respectfully submitted,

Date: March 23, 2012

/Rory Schermerhorn/
Rory Schermerhorn, Esq.
Registration No. 58,148

Customer Number 30,328
NuVasive
c/o CPA Global
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UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/079,645	04/04/2011	Matthew Curran	104US2

26191
FISH & RICHARDSON P.C. (TC)
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

CONFIRMATION NO. 1151
POA ACCEPTANCE LETTER



Date Mailed: 03/28/2012

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/21/2012.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/hgray/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Matthew Curran et al. Art Unit : 3733
Serial No. : 13/079,645 Examiner : STUART SAMUEL BRAY
Filed : April 4, 2011 Conf. No. : 1151
Title : SYSTEMS AND METHODS FOR SPINAL FUSION

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Please consider the references listed on the enclosed PTO-1449 form. Non-patent literature is enclosed; cited U.S. patents and patent application publications will be provided on request.

This statement is being filed within three months of the filing date of the application or before the receipt of a first Office Action on the merits. Please apply any necessary charges or credits to Deposit Account 06-1050, referencing the above attorney docket number.

Respectfully submitted,

Date: March 29, 2012

/Michael T. Hawkins/
Michael T. Hawkins
Reg. No. 57,867

Customer Number 26191
Fish & Richardson P.C.
Telephone: (612) 335-5070
Facsimile: (877) 769-7945

60761381.doc

Substitute Form PTO-1449 (Modified) Information Disclosure Statement by Applicant (Use several sheets if necessary) (37 CFR §1.98(b))	U.S. Department of Commerce Patent and Trademark Office	Attorney Docket No. 13958-0099001	Application No. 13/079,645
	Applicant Matthew Curran et al.		
	Filing Date April 4, 2011		Group Art Unit 3733

U.S. Patent Documents							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	1	5,775,797	7/7/1998	Henstra			
	2	5,942,698	8/24/1999	Stevens			
	3	6,003,426	12/21/1999	Kobayashi et al.			
	4	6,143,033	11/7/2000	Paul et al.			
	5	6,425,772	7/30/2002	Bernier et al.			
	6	6,447,547	9/10/2002	Michelson			
	7	6,923,814	8/2/2005	Hildebrand et al.			
	8	2003/0139812	7/24/2003	Garcia et al.			
	9	2004/0153155	8/5/2004	Chung et al.			
	10	2005/0197702	9/8/2005	Coppes et al.			
	11	2007/0191945	8/16/2007	Yu et al.			

Foreign Patent Documents or Published Foreign Patent Applications								
Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No

Other Documents (include Author, Title, Date, and Place of Publication)		
Examiner Initial	Desig. ID	Document
	12	CoRoent™ Marketing Brochure (9004001 A.0), <u>NuVasive, Inc.</u> , 2004, 2 pages
	13	CoRoent™ Marketing Brochure (9004001 C.0), <u>NuVasive, Inc.</u> , 2005, 2 pages
	14	CoRoent™ XL & XLR Marketing Brochure (9004225 A.0), <u>NuVasive, Inc.</u> , 2005, 2 pages
	15	CoRoent® XL & XLR Marketing Brochure (9004225 B.0), <u>NuVasive, Inc.</u> , 2006, 2 pages
	16	CoRoent® XL & XLR Marketing Brochure (9004225 C.0), <u>NuVasive, Inc.</u> , 2007, 2 pages
	17	CoRoent® XL Marketing Brochure (9500039 A.0), <u>NuVasive, Inc.</u> , 2006, 8 pages

Examiner Signature	Date Considered
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EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Electronic Acknowledgement Receipt

EFS ID:	12423102
Application Number:	13079645
International Application Number:	
Confirmation Number:	1151
Title of Invention:	System and Methods for Spinal Fusion
First Named Inventor/Applicant Name:	Matthew Curran
Customer Number:	26191
Filer:	Michael T. Hawkins/Beth Bauer
Filer Authorized By:	Michael T. Hawkins
Attorney Docket Number:	104US2
Receipt Date:	29-MAR-2012
Filing Date:	04-APR-2011
Time Stamp:	13:56:16
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	099ids.pdf	158717 <small>b1d4611fd8ccb6a4d6a113bacf76e25db15590a6</small>	no	2

Warnings:

Information:

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2	Non Patent Literature	BR1.pdf	174434 6b46ba8d96b86b5e93c2c01fb90d561a53fba4d1	no	2
Warnings:					
Information:					
3	Non Patent Literature	BR2.pdf	229290 861f0c65a5a0f38dc5538176305161d45e811589	no	2
Warnings:					
Information:					
4	Non Patent Literature	BR3.pdf	442694 e78ba2264a3af54101f3b8749a5f539d5810f35f	no	2
Warnings:					
Information:					
5	Non Patent Literature	BR4.pdf	349916 f3462467c8efbf4c1f74dc4898eb6aaff07830e1	no	2
Warnings:					
Information:					
6	Non Patent Literature	BR5.pdf	2617599 68899ba4b7826795ad283bdee02067c91ffe12ad	no	2
Warnings:					
Information:					
7	Non Patent Literature	BR6.pdf	2195450 da8868d1130c5a0f7c322ce28adaf4c041dcbe72	no	8
Warnings:					
Information:					
Total Files Size (in bytes):				6168100	

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New Applications Under 35 U.S.C. 111

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If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Matthew Curran et al. Art Unit : 3733
Serial No. : 13/079,645 Examiner : STUART SAMUEL BRAY
Filed : April 4, 2011 Conf. No. : 1151
Title : SYSTEMS AND METHODS FOR SPINAL FUSION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT

Prior to examination, please amend the application as indicated on the following pages.

CERTIFICATE OF (A) MAILING BY FIRST CLASS MAIL OR (B) TRANSMISSION

I hereby certify under 37 CFR §1.8(a) that this correspondence is either (A) addressed as set out in 37 CFR §1.1(a) and being deposited with the United States Postal Service as first class mail with sufficient postage, or (B) being transmitted by facsimile in accordance with 37 CFR § 1.6(d) or via the Office electronic filing system in accordance with 37 CFR § 1.6(a)(4), on the date indicated below.

April 4, 2012

Date of Deposit or Transmission

/Anne Roy?

Signature

Anne ROy

Typed or Printed Name of Person Signing Certificate

Amendments to the Specification:

Please replace the paragraph beginning at page 4, line 13 with the following amended paragraph:

The spinal fusion implant of the present invention may be provided in any number of suitable shapes and sizes depending upon the particular surgical procedure or need. The spinal fusion implant of the present invention may be dimensioned for use in the cervical and/or lumbar spine without departing from the scope of the present invention. For lumbar fusion, the spinal fusion implant of the present invention may be dimensioned, by way of example only, having a width ~~length~~ ranging between 9 and 18 mm, a height ranging between 8 and 16 mm, and a length ~~width~~ ranging between 25 and 45 mm. For cervical fusion, the spinal fusion implant of the present invention may be dimensioned, by way of example only, having a width ~~length~~ about 11 mm, a height ranging between 5 and 12 mm, and a length ~~width~~ about 14 mm.

Please replace the paragraph beginning at page 5, line 1 with the following amended paragraph:

The spinal fusion implant of the present invention may be provided with any number of additional features for promoting fusion, such as apertures extending between the upper and lower vertebral bodies which allow a boney bridge to form through the spinal fusion implant of the present invention. Such fusion-promoting apertures may be dimensioned to receive any number of suitable osteoinductive agents, including but not limited to bone morphogenic protein (BMP) and bio-resorbable polymers, including but not limited to any of a variety of poly (D,L-lactide-co-glycolide) based polymers, ~~such as disclosed in U.S. Patent No. 6,013,853~~. The spinal fusion implant of the present invention is preferably equipped with one or more lateral openings which aid it provides in visualization at the time of implantation and at subsequent clinical evaluations.

Please add the following new paragraph after the paragraph ending at page 5, line 19:

The spinal fusion implant of the present invention may be provided with any number of features for enhancing the visualization of the implant during and/or after implantation into a

spinal target site. According to one aspect of the present invention, such visualization enhancement features may take the form of the spike elements used for anti-migration, which may be manufactured from any of a variety of suitable materials, including but not limited to a metal, ceramic, and/or polymer material, preferably having radiopaque characteristics. The spike elements may also take any of a variety of suitable shapes, including but not limited to a generally elongated element disposed within the implant such that the ends thereof extend generally perpendicularly from the upper and/or lower surfaces of the implant. The spike elements may each comprise a unitary element extending through upper and lower surfaces or, alternatively, each spike element may comprise a shorter element which only extends through a single surface (that is, does not extend through the entire height of the implant). In any event, when the spike elements are provided having radiodense characteristics and the implant is manufactured from a radiolucent material (such as, by way of example only, PEEK and/or PEKK), the spike elements will be readily observable under X-ray or fluoroscopy such that a surgeon may track the progress of the implant during implantation and/or the placement of the implant after implantation.

Please add the following new paragraphs after the paragraph ending at page 9, line 13:

Figures 18 and 19 are perspective and side views, respectively, illustrating the “enhanced visualization” feature of the present invention as employed within a lumbar fusion implant according to one embodiment of the present invention;

Figures 20 and 21 are perspective and side views, respectively, illustrating the “enhanced visualization” feature of the present invention as employed within a lumbar fusion implant according to one embodiment of the present invention; and

Figures 22 and 23 are perspective and side views, respectively, illustrating the “enhanced visualization” feature of the present invention as employed within a cervical fusion implant according to one embodiment of the present invention.

Please replace the paragraph beginning at page 10, line 4 with the following amended paragraph:

FIG. 1 illustrates, by way of example only, a spinal fusion system 5 for performing spinal fusion between adjacent lumbar vertebrae, including an exemplary spinal fusion implant 10 and an exemplary insertion instrument 20 provided in accordance with the present invention. The spinal fusion implant 10 may be comprised of any suitable non-bone composition having suitable radiolucent characteristics, including but not limited to polymer compositions (e.g. poly-ether-ether-ketone (PEEK) and/or poly-ether-ketone-ketone (PEKK)) or any combination of PEEK and PEKK. The spinal fusion implant 10 of the present invention may be dimensioned, by way of example only, having a ~~width~~ length-ranging between 9 and 18 mm, a height ranging between 8 and 16 mm, and a ~~length~~ width-ranging between 25 and 45 mm.

Please replace the paragraph beginning at page 10, line 14 with the following amended paragraph:

As will be described in detail below, the insertion instrument 20 is configured to releasably maintain the exemplary spinal fusion implant 10 in the proper orientation during insertion into a lumbar disc space and thereafter release to deposit the implant 10. The exemplary spinal fusion implant 10, having been deposited in the disc space, facilitates spinal fusion over time by maintaining a restored disc height as natural bone growth occurs through and/or past the implant 10, resulting in the formation of a boney bridge extending between the adjacent vertebral bodies. The implant 10 is particularly suited for introduction into the disc space via a lateral (trans-psoas) approach to the spine, but may be introduced in any of a variety of approaches, such as posterior, anterior, antero-lateral, and postero-lateral, without departing from the scope of the present invention (depending upon the sizing of the implant 10).

Please replace the paragraph beginning at page 10, line 22 with the following amended paragraph:

The spinal fusion implant 10 of the present invention may be provided with any number of additional features for promoting fusion, such as apertures 2 extending between the upper and

lower vertebral bodies which allow a boney bridge to form through the spinal fusion implant 10. According to a still further aspect of the present invention, this fusion may be facilitated or augmented by introducing or positioning various osteoinductive materials within the apertures 2 and/or adjacent to the spinal fusion implant 10. Such osteoinductive materials may be introduced before, during, or after the insertion of the exemplary spinal fusion implant 10, and may include (but are not necessarily limited to) autologous bone harvested from the patient receiving the spinal fusion implant 10, bone allograft, bone xenograft, any number of non-bone implants (e.g. ceramic, metallic, polymer), bone morphogenic protein, and bio-resorbable compositions, including but not limited to any of a variety of poly (D,L-lactide-co-glycolide) based polymers, ~~such as disclosed in U.S. Patent No. 6,013,853.~~

Please replace the paragraph beginning at page 12, line 1 with the following amended paragraph:

FIGS. 2-5 depict various embodiments of the exemplary spinal fusion implant 10. Some common attributes are shared among the various embodiments. More specifically, each spinal fusion implant 10 has a top surface 31, a bottom surface 33, lateral sides 14, a proximal side 22, and a distal side 16. In one embodiment, the top and bottom surfaces 31, 33 are generally parallel. It can be appreciated by one skilled in the art that although the surfaces 31, 33 are generally parallel to one another, they may be provided in any number of suitable shapes, including but not limited to concave and/or convex. When provided as convex shapes, the top and bottom surfaces 31, 33 may better match the natural contours of the vertebral end plates. Although not shown, it will be appreciated that the top and bottom surfaces 31, 33 may be angled relative to one another to better match the natural lordosis of the lumbar and cervical spine or the natural kyphosis of the thoracic spine

Please replace the paragraph beginning at page 12, line 10 with the following amended paragraph:

The exemplary spinal fusion implant 10 also preferably includes anti-migration features designed to increase the friction between the spinal fusion implant 10 and the adjacent contacting

surfaces of the vertebral bodies so as to prohibit migration of the spinal fusion implant 10 after implantation. Such anti-migration features may include ridges 6 provided along the top surface 31 and/or bottom surface 33. Additional anti-migration features may also include a pair of spike elements 7 disposed within the proximal region of the implant 10, a pair of spike elements 8 disposed within the distal region of the implant 10, and a pair of spike elements 9 disposed within the central region of the implant 10. Spike elements 7, 8, 9 may extend from the top surface 31 and/or bottom surface 33 within the respective proximal, distal and central regions of the implant 10. The spike elements 7, 8, 9 may be manufactured from any of a variety of suitable materials, including but not limited to a metal, ceramic, and/or polymer material, preferably having radiopaque characteristics. The spike elements 7, 8, 9 may also take any of a variety of suitable shapes, including but not limited to a generally elongated element disposed within the implant 10 such that the ends thereof extend generally perpendicularly from the upper and/or lower surfaces 31, 33 of the implant 10. As best appreciated in FIG. 4, the spike elements 7, 8, 9 may each comprise a unitary element extending through upper and lower surfaces 31, 33. Alternatively, each spike element 7, 8, 9 may comprise a shorter element which only extends through a single surface 31, 33 (that is, does not extend through the entire height of the implant 10). In any event, when the spike elements 7, 8, 9 are provided having radiodense characteristics and the implant 10 is manufactured from a radiolucent material (such as, by way of example only, PEEK and/or PEKK), the spike elements 7, 8, 9 will be readily observable under X-ray or fluoroscopy such that a surgeon may track the progress of the implant 10 during implantation and/or the placement of the implant 10 after implantation.

Please replace the paragraph beginning at page 14, line 13 with the following amended paragraph:

FIGS. 6-9 detail the exemplary insertion instrument 20 according to one embodiment of the invention. The exemplary insertion instrument 20 includes an elongate tubular element 28 and an inserter shaft 44. The elongate tubular element 28 is constructed with a distal head 26 at its distal end, ~~a distal head~~ ridges 62, 63 slot 62 at its on the distal end of the distal head 26, a thumbwheel housing 38 at its proximal end and a handle 42 at its proximal end. The elongate

tubular element 28 is generally cylindrical and of a length sufficient to allow the device to span from the surgical target site to a location sufficiently outside the patient's body so the handle 42 and thumbwheel housing 38 can be easily accessed by a clinician or a complimentary controlling device.

Please replace the paragraph beginning at page 15, line 18 with the following amended paragraph:

FIG. 6 details the distal head ~~ridge slot~~ of the exemplary insertion instrument 20 coupled to the spinal fusion implant 10 through the purchase regions 60, 61. The distal head slots 62, 63 are dimensioned to fit slidably into the purchase regions 60, 61 with low friction to allow accurate engagement of the threaded connector 24 to the receiving aperture 12 of the spinal fusion implant 10. In the presented embodiment, the outer dimension of the threaded connector 24 is smaller than the largest outer dimension of the distal head 26 and elongate tubular element 28. Alternatively, other methods of creating a gripping surface are contemplated including but not limited to knurling or facets.

Please replace the paragraph beginning at page 16, line 16 with the following amended paragraph:

A clinician can utilize the secured system in either an open or minimally invasive spinal fusion procedure. In either type of procedure, a working channel ~~would be~~ is created in a patient that reaches the targeted spinal level. After the creation of that channel, the intervertebral space ~~would~~ may be prepared via any number of well known preparation tools, including but not limited to kerrisons, rongeurs, pituitaries, and rasps. After preparation, the insertion instrument 20 ~~the secured device~~ is used to place a spinal fusion implant 10 into the prepared intervertebral space. Once the implant 10 is inserted into the prepared space, the implant 10 is released from the insertion instrument 20 by rotating the thumbwheel 34 to disengage the threaded connector 24 from the receiving aperture 12. That motion removes the compressive force on the purchase regions 60, 61 between the distal head 26 and the distal head ~~ridges slots~~ ridges slots 62, 63 of the spinal fusion implant 10 and allows the insertion instrument to be slidably removed from the implant

10. After the threaded connector 24 is disengaged from the implant 10, the insertion instrument 20 is removed from the working channel and the channel is closed. As previously mentioned, additional materials may be included in the procedure before, during or after the insertion of the spinal fusion implant 10 to aid the natural fusion of the targeted spinal level.

Please replace the paragraph beginning at page 19, line 8 with the following amended paragraph:

The exemplary cervical fusion implant 110 also preferably includes anti-migration features such as anti-migration teeth 6 along the top surface 31 and bottom surface 33. Additional anti-migration features may include a plurality of proximal anti-migration spikes 68 and/or distal anti-migration spikes 70 integrated vertically through the cervical fusion implant 110. The anti-migration features increase the friction between the cervical fusion implant 110 and the adjacent contacting surfaces of the vertebral bodies. That friction prohibits migration of the cervical fusion implant 110 during the propagation of natural bony fusion. It should be appreciated by one skilled in the art that such anti-migration teeth 6 can be oriented in a any manner other than generally vertically (as shown) without departing from the scope of the present invention. Moreover, as described above, the spikes 68, 70 may be constructed from any of a variety of radiopaque materials, including but not limited to a metal, ceramic, and/or polymer material. When the spike elements 68, 70 are provided having such radiodense characteristics, and the implant 110 is manufactured from a radiolucent material (such as, by way of example only, PEEK and/or PEKK), the spike elements 68, 70 will be readily observable under X-ray or fluoroscopy such that a surgeon may track the progress of the implant 110 during implantation and/or the placement of the implant 110 after implantation-particular direction which will stabilize the cervical fusion implant 110 in several degrees of rotation during placement.

Please replace the paragraph beginning at page 21, line 1 with the following amended paragraph:

A clinician can utilize the secured system in either an open or minimally invasive spinal fusion procedure. In either type of procedure, a working channel ~~is would be~~ created in a patient that reaches the targeted spinal level. After the creation of that channel, the intervertebral space would be prepared (via known instruments as described above). After preparation, the insertion instrument 120 ~~the secured device~~ is used to place a cervical fusion implant 110 into the prepared intervertebral space. Once the cervical fusion implant 110 is inserted into the prepared space, the implant 110 is released from the cervical insertion instrument 120 by retracting the tubular lock member 21 from the elongate fork member 11 by rotating the tubular lock member 21 with respect to the elongate fork member 11 in the opposite direction from that used to initially secure the implant 110. That motion removes the compressive force on the purchase region 39 between the apertures 12 of the cervical fusion implant 110 and allows the engagement features 17 to be slidably removed from the apertures 12. After the engagement features 17 are disengaged from the cervical fusion implant 110, the cervical inserter instrument 120 is removed from the working channel and the channel is closed. As previously mentioned, additional materials may be included in the procedure before, during or after the insertion of the cervical fusion implant 110 to aid the natural fusion of the targeted spinal level.

Please add the following new paragraph after the paragraph ending at page 22, line 22:

The enhanced visualization features of the implants 10, 110 are explained in greater detail with reference to FIGS. 18-23. FIG. 18 illustrates an implant 10 dimensioned particularly for use in a posterior approach (PLIF) having (by way of example only) a width ranging between 9 and 11 mm, a height ranging between 8 and 14 mm, and a length ranging between 25 and 30 mm. FIG. 19 illustrates the implant 10 of FIG. 18 from a side perspective via as taken via X-ray or fluoroscopy techniques, clearly showing the location of the spike elements 7 and 8 (there is no central spike element 9 as with FIG. 1) relative to the implant 10 and visualization apertures 4. FIG. 20 illustrates an implant 10 dimensioned particularly for use in a lateral approach (XLIF™ by NuVasive) having (by way of example only) a width of approximately 18 mm, a height ranging between 8 and 16 mm, and a length ranging between 40 and 45 mm. FIG. 21 illustrates the implant 10 of FIG. 20 from a side perspective via as taken via X-ray or fluoroscopy

techniques, clearly showing the location of the spike elements 7, 8, 9 relative to the implant 10 and visualization apertures 4. FIG. 22 illustrates an implant 110 dimensioned particularly for use in the cervical spine having (by way of example only) a width of approximately 11 mm, a height ranging between 5 and 12 mm, and a length of approximately 14 mm. FIG. 23 illustrates the implant 110 of FIG. 22 from a side perspective via as taken via X-ray or fluoroscopy techniques, clearly showing the location of the spike elements 66 relative to the implant 110 and visualization apertures 4. In this fashion, a surgeon may easily track the progress of the implant 10, 110 during implantation and/or after implantation by visualizing the spike elements 7,8,9 and 66, respectively, under X-ray and/or fluoroscopy according to the present invention.

Amendments to the Claims:

This listing of claims replaces all prior versions and listings of claims in the application:

Listing of Claims:

1.-26. (Cancelled)

27. (Currently Amended) A spinal fusion implant of non-bone construction positionable ~~via a lateral trans psoas surgical approach to the spine into a position~~ within an interbody space between a first vertebra and a second vertebra, ~~said interbody space being at least partially defined by a posterior aspect, an anterior aspect, and opposing lateral aspects,~~ said implant comprising:

an upper surface including anti-migration elements to contact said first vertebra when said implant is positioned within the interbody space, a lower surface including anti-migration elements to contact said second vertebra when said implant is positioned within the interbody space, a distal wall, a proximal wall, a first sidewall ~~to face said anterior aspect of said disc space when said implant is positioned within the interbody space~~ and a second sidewall ~~to face said posterior aspect of said disc space when said implant is positioned within the interbody space,~~ said distal wall, proximal wall, first sidewall, and second sidewall comprising a radiolucent material;

wherein said implant has a longitudinal length extending from a proximal end of said proximal wall to a distal end of said distal wall;

wherein a central region of said implant includes portions of the first and second sidewalls positioned generally centrally between the proximal wall and the distal wall, at least a portion of the central region defining a maximum lateral width of said implant extending from said first sidewall to said second sidewall, wherein said longitudinal length is at least two and half times greater than said maximum lateral width;

at least a first fusion aperture extending through said upper surface and lower surface and configured to permit bone growth between the first vertebra and the second vertebra when said implant is positioned within the interbody space, said first fusion aperture having: a longitudinal aperture length extending generally parallel to the longitudinal length of said implant, and a lateral aperture width extending between said first sidewall to said second sidewall, wherein the longitudinal aperture length is greater than the lateral aperture width; and

at least three radiopaque markers; wherein a first of the at least three radiopaque markers is at least partially positioned in said distal wall, a second of said at least three radiopaque markers is at least partially positioned in said proximal wall, and a third of said at least three radiopaque markers is at least partially positioned in said central region.

28. (Previously Presented) The spinal fusion implant of claim 27, further comprising a fourth radiopaque marker situated within said implant, said fourth radiopaque marker positioned in said central region at a position spaced apart from said third radiopaque marker.

29. (Previously Presented) The spinal fusion implant of claim 27, wherein said first radiopaque marker has an elongate body oriented generally perpendicular to said longitudinal length and extending entirely through a height of said distal wall, and wherein said second radiopaque marker has an elongate body oriented generally perpendicular to said longitudinal length and extending entirely through a height of said proximal wall.

30. (Previously Presented) The spinal fusion implant of claim 27, further including at least one receiving aperture positioned in said proximal wall.

31. (Previously Presented) The spinal fusion implant of claim 30, wherein said receiving aperture is configured to releasably mate with an inserter tool.

32. (Previously Presented) The spinal fusion implant of claim 31, wherein said receiving aperture comprises a threaded receiving aperture extending into said proximal wall and having a central axis generally parallel to said longitudinal length of said implant.

33. (Previously Presented) The spinal fusion implant of claim 32, further comprising a pair of lateral grooves positioned in said proximal wall and extending laterally of said threaded receiving aperture.

34. (Previously Presented) The spinal fusion implant of claim 27, wherein said maximum lateral width of said implant is approximately 18 mm.

35. (Previously Presented) The spinal fusion implant of claim 27, wherein said radiolucent material comprises PEEK.

36. (Previously Presented) The spinal fusion implant of claim 27, wherein said implant includes at least one visualization aperture extending through at least one of said first sidewall and said second sidewall.

37. (Previously Presented) The spinal fusion implant of claim 27, wherein said upper and lower surfaces are generally parallel to one another.

38. (Previously Presented) The spinal fusion implant of claim 27, wherein said upper and lower surfaces are generally angled relative to one another to approximately correspond to lordosis of a lumbar spine when said implant is positioned within the interbody space.

39. (Previously Presented) The spinal fusion implant of claim 27, wherein said first fusion aperture is one of generally rectangular and generally oblong in shape.

40. (Previously Presented) The spinal fusion implant of claim 27, further comprising a medial support extending between the first and second sidewalls

41. (Previously Presented) The spinal fusion implant of claim 40, wherein said medial support is positioned along said central region.

42. (Previously Presented) The spinal fusion implant of claim 27, further including a second fusion aperture extending through said upper surface and lower surface and configured to permit bone growth between the first vertebra and the second vertebra when said implant is positioned within the interbody space.

43. (Previously Presented) The spinal fusion implant of claim 42, wherein said second fusion aperture is separated from said first fusion aperture by a medial support.

44. (Previously Presented) The spinal fusion implant of claim 27, wherein said anti-migration elements of said upper surface comprise a plurality of ridges.

45. (Previously Presented) The spinal fusion implant of claim 44, wherein said plurality of ridges extend generally perpendicular to said longitudinal length.

46. (Previously Presented) The spinal fusion implant of claim 27, wherein said anti-migration elements of said upper surface comprise spike elements.

47. (Previously Presented) The spinal fusion implant of claim 46, wherein said spike elements protrude to pointed tips configured to engage said first vertebra.

48. (Previously Presented) The spinal fusion implant of claim 27, wherein said maximum lateral width of said implant is greater than a lateral width of the distal end of said distal wall and is greater than a lateral width of the proximal end of said proximal wall.

49. (Previously Presented) The spinal fusion implant of claim 27, wherein said implant has a height extending from said upper surface to said lower surface, wherein said maximum lateral width is greater than said height.

50. (Previously Presented) The spinal fusion implant of claim 27, wherein said central region includes a maximum height of said implant extending from said upper surface to said lower surface, wherein said maximum height is greater than a height of said distal wall and is greater than a height of said proximal wall.

51. (Previously Presented) The spinal fusion implant of claim 27, wherein the lateral aperture width of said first fusion aperture is more than two time greater than a lateral thickness of said first sidewall and is more than two time greater than a lateral thickness of said second sidewall.

52. (Previously Presented) The spinal fusion implant of claim 27, wherein at least one of said three radiopaque markers comprises an elongate body extending generally perpendicular to said longitudinal length.

53. (Previously Presented) The spinal fusion implant of claim 52, wherein said elongate body of at least one of said three radiopaque markers is shorter than a height extending from said upper surface to said lower surface.

54. (Previously Presented) The spinal fusion implant of claim 54, further comprising an osteoinductive material positioned with said first fusion aperture.

Applicant : Matthew Curran et al.
Serial No. : 13/079,645
Filed : April 4, 2011
Page : 16 of 16

Attorney's Docket No.: 13958-0099001 / 104US2

REMARKS

The specification has been amended so as to bring the present specification into conformity with that of related application no. 11/093,409 (now patent no. 7,918,891), which was expressly incorporated by reference into the present application as indicated on page 2, lines 4-8 of the original specification. Accordingly, no new matter has been added.

Also, independent claim 27 has been amended to remove a number of functional recitations. No new matter has been added.

Applicant asks that all claims be examined in view of the amendment to the claims.

No fee is believed to be due at this time. If necessary, please apply any charges or credits to Deposit Account 06-1050, referencing the above attorney docket number.

Respectfully submitted,

Date: April 4, 2012

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Electronic Acknowledgement Receipt

EFS ID:	12471514
Application Number:	13079645
International Application Number:	
Confirmation Number:	1151
Title of Invention:	System and Methods for Spinal Fusion
First Named Inventor/Applicant Name:	Matthew Curran
Customer Number:	26191
Filer:	Michael T. Hawkins/Anne Roy
Filer Authorized By:	Michael T. Hawkins
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Time Stamp:	18:08:12
Application Type:	Utility under 35 USC 111(a)

Payment information:

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		139580099001pa.pdf	110719 <small>180547cd47662ede102a50014578811bcd762501</small>	yes	16

Multipart Description/PDF files in .zip description			
Document Description		Start	End
Preliminary Amendment		1	1
Specification		2	10
Claims		11	15
Applicant Arguments/Remarks Made in an Amendment		16	16

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If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 13/079,645	Filing Date 04/04/2011	<input type="checkbox"/> To be Mailed
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APPLICATION AS FILED – PART I			OTHER THAN SMALL ENTITY			
	(Column 1)	(Column 2)	SMALL ENTITY <input type="checkbox"/>	OR	SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	RATE (\$)	FEE (\$)
<input type="checkbox"/> BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small>	N/A	N/A	N/A		N/A	
<input type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (j), or (m))</small>	N/A	N/A	N/A		N/A	
<input type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>	N/A	N/A	N/A		N/A	
TOTAL CLAIMS <small>(37 CFR 1.16(j))</small>	minus 20 =	*	X \$ =		X \$ =	
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>	minus 3 =	*	X \$ =		X \$ =	
<input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small>	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).					
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small>						
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL		TOTAL	

APPLICATION AS AMENDED – PART II					OTHER THAN SMALL ENTITY				
	(Column 1)	(Column 2)	(Column 3)		SMALL ENTITY	OR	SMALL ENTITY		
AMENDMENT	04/04/2012	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)	
	Total <small>(37 CFR 1.16(i))</small>	* 28	Minus ** 28	= 0	X \$ =		OR	X \$60=	0
	Independent <small>(37 CFR 1.16(h))</small>	* 1	Minus ***3	= 0	X \$ =		OR	X \$250=	0
<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>							OR		
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	0

APPLICATION AS AMENDED – PART II					OTHER THAN SMALL ENTITY			
	(Column 1)	(Column 2)	(Column 3)		SMALL ENTITY	OR	SMALL ENTITY	
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)
	Total <small>(37 CFR 1.16(i))</small>	*	Minus **	=	X \$ =		OR	X \$ =
	Independent <small>(37 CFR 1.16(h))</small>	*	Minus ***	=	X \$ =		OR	X \$ =
<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>							OR	
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>							OR	
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
 /NICOLLE L. SCRIVNER/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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NOTICE OF ALLOWANCE AND FEE(S) DUE

26191 7590 04/17/2012
FISH & RICHARDSON P.C. (TC)
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

Table with 2 columns: EXAMINER (BRAY, STUART SAMUEL), ART UNIT (3733), PAPER NUMBER

DATE MAILED: 04/17/2012

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.

TITLE OF INVENTION: SYSTEM AND METHODS FOR SPINAL FUSION

Table with 7 columns: APPLN. TYPE, SMALL ENTITY, ISSUE FEE DUE, PUBLICATION FEE DUE, PREV. PAID ISSUE FEE, TOTAL FEE(S) DUE, DATE DUE

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

26191 7590 04/17/2012
FISH & RICHARDSON P.C. (TC)
 PO BOX 1022
 MINNEAPOLIS, MN 55440-1022

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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13/079,645 04/04/2011 Matthew Curran 104US2 1151

TITLE OF INVENTION: SYSTEM AND METHODS FOR SPINAL FUSION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional NO \$1740 \$300 \$0 \$2040 07/17/2012

EXAMINER	ART UNIT	CLASS-SUBCLASS
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BRAY, STUART SAMUEL 3733 623-017160

<p>1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).</p> <p><input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.</p> <p><input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.</p>	<p>2. For printing on the patent front page, list</p> <p>(1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____</p> <p>(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____</p> <p>3 _____</p>
---	---

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : Individual Corporation or other private group entity Government

<p>4a. The following fee(s) are submitted:</p> <p><input type="checkbox"/> Issue Fee</p> <p><input type="checkbox"/> Publication Fee (No small entity discount permitted)</p> <p><input type="checkbox"/> Advance Order - # of Copies _____</p>	<p>4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)</p> <p><input type="checkbox"/> A check is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).</p>
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5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Values: 13/079,645, 04/04/2011, Matthew Curran, 104US2, 1151

26191 7590 04/17/2012
FISH & RICHARDSON P.C. (TC)
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER

BRAY, STUART SAMUEL

ART UNIT PAPER NUMBER

3733

DATE MAILED: 04/17/2012

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability

Application No.

13/079,645

Examiner

STUART S. BRAY

Applicant(s)

CURRAN ET AL.

Art Unit

3733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to Amendment 4/4/2012.
2. An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
3. The allowed claim(s) is/are 27-54.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____ .
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has **THREE MONTHS FROM THE "MAILING DATE"** of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date ____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 3/23/2012 3/29/2012
4. Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. Notice of Informal Patent Application
6. Interview Summary (PTO-413), Paper No./Mail Date 20120405 .
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other ____.

/STUART S BRAY/
Examiner, Art Unit 3733

/EDUARDO C. ROBERT/
Supervisory Patent Examiner, Art Unit 3733

Examiner-Initiated Interview Summary	Application No. 13/079,645	Applicant(s) CURRAN ET AL.	
	Examiner STUART S. BRAY	Art Unit 3733	

All participants (applicant, applicant's representative, PTO personnel):

- (1) STUART S. BRAY. (3) Michael Hawkins.
(2) _____. (4) _____.

Date of Interview: 05 April 2012.

Type: Telephonic Video Conference
 Personal [copy given to: applicant applicant's representative]

Exhibit shown or demonstration conducted: Yes No.
If Yes, brief description: _____.

Issues Discussed 101 112 102 103 Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: 54.

Identification of prior art discussed: parent application 11/093409 now patent 7,918,891.

Substance of Interview

(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Examiner contacted Applicant's representative to discuss differences between the present claims and the allowed claims in the parent application. Atty Hawkins identified several structural differences in claim 27, regarding the length and width of the central portion and the longitudinal length of the aperture that are not claimed in the parent application. Examiner also pointed out a dependency problem with claim 54. Atty Hawkins agreed to an Examiner's Amendment changing the dependency of claim 54 in order to place the application in condition for allowance.

Applicant recordation instructions: It is not necessary for applicant to provide a separate record of the substance of interview.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

Attachment

/STUART S BRAY/
Examiner, Art Unit 3733

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Hawkins on 4/5/2012.

In claim 27,

Line 14, - - greater than 40mm - - is **inserted** between "a longitudinal length" and "extending from a proximal end".

In claim 54,

Line 1, "claim 54" is **replaced with** - - claim 27 - -.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: the claims in the instant application have not been rejected using prior art because no reference or reasonable combination thereof could be found which disclose or suggest a spinal fusion implant comprising upper and lower surfaces with anti-migration elements, distal, proximal, and side walls comprising radiolucent materials, a first fusion aperture with a longitudinal length extending parallel to the longitudinal length of the implant, the central

Art Unit: 3733

portion defines a maximum lateral width between first and second sidewall, and at least three radiopaque markers, as set forth in claim 27.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STUART S. BRAY whose telephone number is (571)270-7648. The examiner can normally be reached on Mon-Thurs 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, ***please contact the examiner's supervisor, Eduardo C. Robert, at 571-272-4719.*** The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If there are any inquiries that are not being addressed by first contacting the Examiner or the Supervisor, you may send an email inquiry to

TC3700_Workgroup_D_Inquiries@uspto.gov.

Art Unit: 3733

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/STUART S BRAY/
Examiner, Art Unit 3733

/EDUARDO C. ROBERT/
Supervisory Patent Examiner, Art Unit 3733

Notice of References Cited	Application/Control No. 13/079,645	Applicant(s)/Patent Under Reexamination CURRAN ET AL.	
	Examiner STUART S. BRAY	Art Unit 3733	Page 1 of 1

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A US-2002/0116008	08-2002	Lin et al.	606/99
*	B US-4,349,921	09-1982	Kuntz, J. David	623/17.16
*	C US-5,797,917	08-1998	Boyd et al.	606/99
*	D US-6,830,570	12-2004	Frey et al.	623/17.16
	E US-			
	F US-			
	G US-			
	H US-			
	I US-			
	J US-			
	K US-			
	L US-			
	M US-			

FOREIGN PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N				
	O				
	P				
	Q				
	R				
	S				
	T				

NON-PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)				
	U				
	V				
	W				
	X				

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO					
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				<i>Complete if Known</i>	
				Application Number	13/079,645
				Filing Date	April 4, 2011
				First Named Inventor	Matthew Curran
				Art Unit	3733
				Examiner Name	Stuart Samuel Bray
<i>(Use as many sheets as necessary)</i>					
Sheet	1	of	8	Attorney Docket No: 104US2	

US PATENT DOCUMENTS					
Examiner Initial *	Cite No	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		2002/0058950	May 16, 2002	Winterbottom, et al.	
		2003/0105528	Jun 5, 2003	Shimp, et al.	
		3,486,505	Dec 30, 1969	Morrison, Gordon M.	
		3,518,993	Jul 7, 1970	Blake, Lawrence W.	
		3,604,487	Sep 14, 1971	Gilbert, Richard S.	
		3,745,995	Jul 17, 1973	Kraus	
		3,848,601	Nov 19, 1974	Ma, et al.	
		3,867,728	Feb 25, 1975	Stubstad, et al.	
		4,026,304	May 31, 1971	Levy	
		4,026,305	May 31, 1971	Brownlee, et al.	
		4,454,374	Oct 8, 1985	Jacobson	
		4,501,269	Feb 26, 1985	Bagby	
		4,646,738	Mar 3, 1987	Trott, Arthur F.	
		4,657,550	Apr 14, 1987	Daher	
		4,743,256	May 10, 1988	Brantigan	
		4,781,591	Nov 1, 1988	Allen	
		4,834,757	May 30, 1989	Brantigan	
		4,877,020	Oct 31, 1989	Vich	
		4,878,915	Nov 7, 1989	Brantigan	
		4,932,975	Jun 12, 1990	Main, et al.	
		4,950,296	Aug 21, 1990	McIntyre, J. L.	
		4,961,740	Oct 9, 1990	Ray, et al.	
		4,962,766	Oct 16, 1990	Herzon, G.D.	
		5,015,247	May 14, 1991	Michelson	
		5,026,373	Jun 25, 1991	Ray, et al.	
		5,047,055	Sep 10, 1991	Bao et al.	
		5,055,104	Oct 8, 1991	Ray	
		5,062,845	Nov 5, 1991	Kuslich, et al.	
		5,071,437	Dec 10, 1991	Steffee	
		5,092,572	Mar 3, 1992	Litwak, et al.	
		5,133,717	Jul 28, 1992	Chopin	
		5,133,755	Jul 28, 1992	Brekke	
		5,171,278	Dec 15, 1992	Pisharodi	
		5,192,327	Mar 9, 1993	Brantigan, John W.	
		5,217,497	Jun 8, 1993	Mehdian	
		5,263,953	Nov 23, 1993	Bagby	
		5,269,785	Dec 14, 1993	Bonutti	

EXAMINER

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)
* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. † Applicant's unique citation designation number (optional) ‡ Applicant is to place a check mark here if English language Translation is attached

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /S.B./

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				<i>Complete if Known</i>		
				Application Number	13/079,645	
				Filing Date	April 4, 2011	
				First Named Inventor	Matthew Curran	
				Art Unit	3733	
				Examiner Name	Stuart Samuel Bray	
Sheet	2	of	8	Attorney Docket No: 104US2		

US PATENT DOCUMENTS					
Examiner Initial *	Cite No	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		5,284,153	Feb 8, 1994	Raymond, S.A., et al.	
		5,290,494	Mar 1, 1994	Coombes, et al.	
		5,300,076	May 5, 1994	Lerich	
		5,304,210	Apr 19, 1994	Crook	
		5,306,307	Apr 26, 1994	Senter, et al.	
		5,306,309	Apr 26, 1994	Wagner, et al.	
		5,322,505	Jun 21, 1994	Krause, Kenneth W., et al.	
		5,334,205	Aug 2, 1994	Cain	
		5,336,223	Aug 9, 1994	Rogers	
		5,364,400	Nov 15, 1994	Rego, Jr., et al.	
		5,395,372	Mar 7, 1995	Holt, et al.	
		5,397,363	Mar 14, 1995	Gelbard	
		5,397,364	Mar 14, 1995	Kozak	
		5,405,391	Apr 11, 1995	Henderson, et al.	
		5,413,602	May 9, 1995	Metz-Stavenhagen	
		5,425,772	Jun 20, 1995	Brantigan	
		5,431,658	Jul 11, 1995	Moskovich	
		5,443,514	Aug 22, 1995	Steffee	
		5,443,515	Aug 22, 1995	Cohen, et al.	
		5,445,639	Aug 29, 1995	Kuslich, et al.	
		5,454,811	Oct 3, 1995	Huebner	
		5,458,638	Oct 17, 1995	Kuslich, et al.	
		5,484,403	Jan 16, 1996	Yoakum, et al.	
		5,484,437	Jan 16, 1996	Michelson, Gary K.	
		5,489,307	Feb 6, 1996	Kuslich, et al.	
		5,489,308	Feb 6, 1996	Kuslich, et al.	
		5,514,180	May 7, 1996	Heggeness, M.H., et al.	
		5,522,879	Jun 4, 1996	Scopelianos	
		5,522,899	Jun 4, 1996	Michelson	
		5,524,624	Jun 11, 1996	Tepper, et al.	
		5,527,312	Jun 18, 1996	Ray	
		5,534,030	Jul 9, 1996	Navarro, et al.	
		5,540,688	Jul 30, 1996	Navas, Fernand	
		5,545,222	Aug 13, 1996	Bonutti	
		5,562,736	Oct 8, 1996	Ray, et al.	
		5,565,005	Oct. 15, 1996	Erickson, et al.	
		5,571,190	Nov 5, 1996	Ulrich	

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* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. † Applicant's unique citation designation number (optional) ‡ Applicant is to place a check mark here if English language Translation is attached

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				<i>Complete if Known</i>		
				Application Number	13/079,645	
				Filing Date	April 4, 2011	
				First Named Inventor	Matthew Curran	
				Art Unit	3733	
				Examiner Name	Stuart Samuel Bray	
Sheet	3	of	8	Attorney Docket No: 104US2		

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Examiner Initial *	Cite No	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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		5,593,409	Jan 14, 1997	Michelson, G. K.	
		5,609,636	Mar 11, 1997	Kohrs, et al.	
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				Application Number	13/079,645
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				First Named Inventor	Matthew Curran
				Art Unit	3733
<i>(Use as many sheets as necessary)</i>				Examiner Name	Stuart Samuel Bray
Sheet	4	of	8	Attorney Docket No: 104US2	

US PATENT DOCUMENTS					
Examiner Initial *	Cite No	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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				Application Number	13/079,645
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				First Named Inventor	Matthew Curran
				Art Unit	3733
				Examiner Name	Stuart Samuel Bray
Sheet	5	of	8	Attorney Docket No: 104US2	

US PATENT DOCUMENTS					
Examiner Initial *	Cite No	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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				Application Number	13/079,645
				Filing Date	April 4, 2011
				First Named Inventor	Matthew Curran
				Art Unit	3733
				Examiner Name	Stuart Samuel Bray
<i>(Use as many sheets as necessary)</i>					
Sheet	6	of	8	Attorney Docket No: 104US2	

US PATENT DOCUMENTS					
Examiner Initial *	Cite No	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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Examiner Initials*	Cite No	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ²
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				Art Unit	3733
				Examiner Name	Stuart Samuel Bray
<i>(Use as many sheets as necessary)</i>					
Sheet	7	of	8	Attorney Docket No: 104US2	

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OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		ALLEYNE, CARGILL, H., et al., "Current and future approaches to lumbar disc surgery: A literature review", <u>Medscape Orthopedics & Sports Medicine</u> , 1, [www.medscape.com/Medscape/OrthoSportsMed/1997/v01.n11/.../mos3057], (1997)	
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				First Named Inventor	Matthew Curran
				Art Unit	3733
				Examiner Name	Stuart Samuel Bray
Sheet	8	of	8	Attorney Docket No: 104US2	

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/Stuart Bray/

DATE CONSIDERED

04/05/2012

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BIB DATA SHEET
CONFIRMATION NO. 1151

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.	
13/079,645	04/04/2011	623	3733	104US2	
APPLICANTS Matthew Curran, Carlsbad, CA; Mark Peterson, Medford, OR;					
** CONTINUING DATA ***** This application is a CON of 11/093,409 03/29/2005 PAT 7,918,891 which claims benefit of 60/557,536 03/29/2004					
** FOREIGN APPLICATIONS *****					
** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 04/13/2011					
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input type="checkbox"/> No Verified and /STUART SAMUEL BRAY/ Acknowledged Examiner's Signature	<input type="checkbox"/> Met after Allowance Initials	STATE OR COUNTRY CA	SHEETS DRAWINGS 20	TOTAL CLAIMS 26	INDEPENDENT CLAIMS 2
ADDRESS FISH & RICHARDSON P.C. (TC) PO BOX 1022 MINNEAPOLIS, MN 55440-1022 UNITED STATES					
TITLE System and Methods for Spinal Fusion					
FILING FEE RECEIVED 1700	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Matthew Curran et al.	Art Unit : 3733
Serial No. : 13/079,645	Examiner : STUART SAMUEL BRAY
Filed : April 4, 2011	Conf. No. : 1151
Title : SYSTEMS AND METHODS FOR SPINAL FUSION	

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Please consider the references listed on the enclosed PTO-1449 form. Non-patent literature is enclosed; cited U.S. patents and patent application publications will be provided on request.

This statement is being filed within three months of the filing date of the application or before the receipt of a first Office Action on the merits. Please apply any necessary charges or credits to Deposit Account 06-1050, referencing the above attorney docket number.

Respectfully submitted,

Date: March 29, 2012

/Michael T. Hawkins/
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Facsimile: (877) 769-7945

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Substitute Form PTO-1449 (Modified) Information Disclosure Statement by Applicant (Use several sheets if necessary) (37 CFR §1.98(b))	U.S. Department of Commerce Patent and Trademark Office	Attorney Docket No. 13958-0099001	Application No. 13/079,645
	Applicant Matthew Curran et al.		
	Filing Date April 4, 2011		Group Art Unit 3733


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Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
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Foreign Patent Documents or Published Foreign Patent Applications								
Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No

Other Documents (include Author, Title, Date, and Place of Publication)		
Examiner Initial	Desig. ID	Document
	12	CoRoent™ Marketing Brochure (9004001 A.0), NuVasive, Inc., 2004, 2 pages
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Examiner Signature <div style="text-align: center;">/Stuart Bray/</div>	Date Considered <div style="text-align: center;">04/05/2012</div>
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EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Issue Classification 	Application/Control No. 13079645	Applicant(s)/Patent Under Reexamination CURRAN ET AL.
	Examiner STUART S BRAY	Art Unit 3733

ORIGINAL						INTERNATIONAL CLASSIFICATION														
CLASS			SUBCLASS			CLAIMED					NON-CLAIMED									
623			17.16			A	6	1	F	2 / 44 (2006.01.01)										
CROSS REFERENCE(S)																				
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)																			

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant <input type="checkbox"/> CPA <input type="checkbox"/> T.D. <input type="checkbox"/> R.1.47															
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/STUART S BRAY/ Examiner.Art Unit 3733 (Assistant Examiner)	04/05/2012 (Date)	Total Claims Allowed: 28	
/EDUARDO C ROBERT/ Supervisory Patent Examiner.Art Unit 3733 (Primary Examiner)	04/06/2012 (Date)	O.G. Print Claim(s) 27	O.G. Print Figure 2

<i>Index of Claims</i> 	Application/Control No. 13079645	Applicant(s)/Patent Under Reexamination CURRAN ET AL.
	Examiner STUART S BRAY	Art Unit 3733

✓	Rejected
=	Allowed


-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE							
Final	Original	03/13/2012	04/05/2012						
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Search Notes 	Application/Control No. 13079645	Applicant(s)/Patent Under Reexamination CURRAN ET AL.
	Examiner STUART S BRAY	Art Unit 3733

SEARCHED			
Class	Subclass	Date	Examiner
623	17.11-17.16	4/5/2012	SSB

SEARCH NOTES		
Search Notes	Date	Examiner
reviewed office actions of allowed parent case 11/093409	4/5/2012	SSB
reviewed allowed claims for double patenting	4/5/2012	SSB

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner
	Interference search printout	4/5/2012	SSB

/STUART S BRAY/ Examiner.Art Unit 3733	
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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
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L3	2626	(623/17.16).CCLS.	US- PGPUB; USPAT; USOCR	OR	OFF	2012/04/05 12:41
L4	1	("20020116008").PN.	US- PGPUB; USPAT; USOCR	OR	OFF	2012/04/05 13:36
L5	1	(11/093409).APP.	US- PGPUB; USPAT; USOCR	OR	OFF	2012/04/05 13:39
L6	5706	(623/17.11-17.16).CCLS.	US- PGPUB; USPAT; USOCR	OR	OFF	2012/04/05 13:39

EAST Search History (Interference)

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4/ 5/ 2012 1:55:26 PM

C:\Users\sbray1\Documents\EAST\Workspaces\13079645.wsp

PART B – FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**
or **Fax** **(571) 273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

26191 7590 04/17/2012

**FISH & RICHARDSON P.C.
P.O. Box 1022
Minneapolis, MN 55440-1022**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

_____ (Depositor's name)
_____ (Signature)
_____ (Date)

APPLICATION NO. 13/079,645	FILING DATE 04/04/2011	FIRST NAMED INVENTOR Matthew Curran	ATTORNEY DOCKET NO. 13958-0099001	CONFIRMATION NO. 1151
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TITLE OF INVENTION: **SYSTEMS AND METHODS FOR SPINAL FUSION**

APPLN. TYPE nonprovisional	SMALL ENTITY NO	ISSUE FEE \$1740	PUBLICATION FEE \$300	TOTAL FEE(S) DUE \$2040	DATE DUE 07/17/2012
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EXAMINER BRAY, STUART SAMUEL	ART UNIT 3733	CLASS-SUBCLASS 623-017160
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|---|--|--|
| <p>1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).</p> <p><input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.</p> <p><input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.</p> | <p>2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.</p> | <p>1. <u>Fish & Richardson P.C.</u></p> <p>2. _____</p> <p>3. _____</p> |
|---|--|--|

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)
PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.
- | | |
|---|---|
| (A) NAME OF ASSIGNEE
NuVasive, Inc. | (B) RESIDENCE (CITY and STATE OR COUNTRY)
San Diego, CA |
|---|---|

Please check the appropriate assignee category or categories (will not be printed on the patent): individual corporation or other private group entity government

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| <p>4a. The following fee(s) are enclosed:</p> <p><input checked="" type="checkbox"/> Issue Fee</p> <p><input checked="" type="checkbox"/> Publication Fee (No small entity discount permitted)</p> <p><input type="checkbox"/> Advance Order - # of Copies _____</p> | <p>4b. Payment of Fee(s):</p> <p><input type="checkbox"/> A check in the amount of the fee(s) is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number <u>06-1050</u> (enclose an extra copy of this form).</p> |
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5. Change in Entity Status (from status indicated above)
- .a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. .b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.
NOTE: The issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered agent or; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

(Authorized Signature) <u>/Michael T. Hawkins/</u>	(Date) <u>April 18, 2012</u>
Typed or Printed Name <u>Michael T. Hawkins</u>	Registration No. <u>57,867</u>

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)

Electronic Patent Application Fee Transmittal

Application Number:	13079645
Filing Date:	04-Apr-2011
Title of Invention:	SYSTEM AND METHODS FOR SPINAL FUSION
First Named Inventor/Applicant Name:	Matthew Curran
Filer:	Michael T. Hawkins/Kayla Olson
Attorney Docket Number:	104US2

Filed as Large Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl issue fee	1501	1	1740	1740
Publ. Fee- early, voluntary, or normal	1504	1	300	300

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				2040

Electronic Acknowledgement Receipt

EFS ID:	12567528
Application Number:	13079645
International Application Number:	
Confirmation Number:	1151
Title of Invention:	SYSTEM AND METHODS FOR SPINAL FUSION
First Named Inventor/Applicant Name:	Matthew Curran
Customer Number:	26191
Filer:	Michael T. Hawkins/Elizabeth Doherty
Filer Authorized By:	Michael T. Hawkins
Attorney Docket Number:	104US2
Receipt Date:	18-APR-2012
Filing Date:	04-APR-2011
Time Stamp:	12:30:02
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$2040
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Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Matthew Curran et al.	Art Unit :	3733
Serial No. :	13/079,645	Examiner :	STUART SAMUEL BRAY
Filed :	April 4, 2011	Confirmation No.:	1151
		Notice of Allowance Date:	April 17, 2012
Title :	SYSTEMS AND METHODS FOR SPINAL FUSION		

MAIL STOP ISSUE FEE

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF ALLOWANCE

In response to the Notice of Allowance mailed April 17, 2012, enclosed is a completed issue fee transmittal form PTOL-85b. Applicant recognizes that in accordance with M.P.E.P. § 1302.14, the Examiner's reasons for allowance need not set forth all of the details as to why the claims are allowed. In the above-referenced application, Applicant does not concede that the Examiner's stated reasons for allowance are the only reasons for which the claims are allowable. Applicant agrees that the particular combination of claim elements identified in the Examiner's reasons for allowance are not disclosed or suggested by the prior art of record, yet the claims are patentable for other reasons—including the inventive combination of all of the recited claim elements.


The issue fee and publication fees in the amount of \$2040 are being paid concurrently herewith. In addition, please apply any other necessary charges or credits to Deposit Account 06-1050, referencing the above attorney docket number.

Respectfully submitted,

Date: April 18, 2012

/Michael T. Hawkins/
 Michael T. Hawkins
 Reg. No. 57,867


Customer Number 26191
 Fish & Richardson P.C.
 Telephone: (612) 335-5070
 Facsimile: (877) 769-7945

Issue Classification 	Application/Control No. 13079645	Applicant(s)/Patent Under Reexamination CURRAN ET AL.
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	Examiner STUART S BRAY	Art Unit 3733

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	16	4	32	24	48																

/STUART S BRAY/ Examiner. Art Unit 3733 (Assistant Examiner)	04/05/2012 (Date)	Total Claims Allowed: 28	
/EDUARDO C ROBERT/ Supervisory Patent Examiner. Art Unit 3733 (Primary Examiner)	04/06/2012 (Date)	O.G. Print Claim(s) 27	O.G. Print Figure 2

<i>Index of Claims</i> 	Application/Control No. 13079645	Applicant(s)/Patent Under Reexamination CURRAN ET AL.
	Examiner STUART S BRAY	Art Unit 3733

✓	Rejected
=	Allowed


-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE							
Final	Original	03/13/2012	04/05/2012						
	1	÷	-						
	2	÷	-						
	3	÷	-						
	4	÷	-						
	5	÷	-						
	6	÷	-						
	7	÷	-						
	8	÷	-						
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	10	÷	-						
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	26	÷	-						
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3	31		=						
4	32		=						
5	33		=						
18	34		=						
19	35		=						
20	36		=						

<i>Index of Claims</i> 	Application/Control No. 13079645	Applicant(s)/Patent Under Reexamination CURRAN ET AL.
	Examiner STUART S BRAY	Art Unit 3733

✓	Rejected
=	Allowed

-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE							
Final	Original	03/13/2012	04/05/2012						
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22	38		=						
23	39		=						
6	40		=						
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9	43		=						
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12	46		=						
13	47		=						
24	48		=						
25	49		=						
26	50		=						
27	51		=						
14	52		=						
15	53		=						
28	54		=						

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO					
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				<i>Complete if Known</i>	
				Application Number	13/079,645
				Filing Date	April 4, 2011
				First Named Inventor	Matthew Curran
				Art Unit	3733
<i>(Use as many sheets as necessary)</i>				Examiner Name	Stuart Samuel Bray
Sheet	2	of	8	Attorney Docket No: 104US2	

US PATENT DOCUMENTS

Examiner Initial *	Cite No	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		5,284,153	Feb 8, 1994	Raymond, S.A., et al.	
		5,290,494	Mar 1, 1994	Coombes, et al.	
		5,300,076	Apr. May 5, 1994	Lerich	
		5,304,210	Apr 19, 1994	Crook	
		5,306,307	Apr 26, 1994	Senter, et al.	
		5,306,309	Apr 26, 1994	Wagner, et al.	
		5,322,505	Jun 21, 1994	Krause, Kenneth W., et al.	
		5,334,205	Aug 2, 1994	Cain	
		5,336,223	Aug 9, 1994	Rogers	
		5,364,400	Nov 15, 1994	Rego, Jr., et al.	
		5,395,372	Mar 7, 1995	Holt, et al.	
		5,397,363	Mar 14, 1995	Gelbard	
		5,397,364	Mar 14, 1995	Kozak	
		5,405,391	Apr 11, 1995	Henderson, et al.	
		5,413,602	May 9, 1995	Metz-Stavenhagen	
		5,425,772	Jun 20, 1995	Brantigan	
		5,431,658	Jul 11, 1995	Moskovich	
		5,443,514	Aug 22, 1995	Steffee	
		5,443,515	Aug 22, 1995	Cohen, et al.	
		5,445,639	Aug 29, 1995	Kuslich, et al.	
		5,454,811	Oct 3, 1995	Huebner	
		5,458,638	Oct 17, 1995	Kuslich, et al.	
		5,484,403	Jan 16, 1996	Yoakum, et al.	
		5,484,437	Jan 16, 1996	Michelson, Gary K.	
		5,489,307	Feb 6, 1996	Kuslich, et al.	
		5,489,308	Feb 6, 1996	Kuslich, et al.	
		5,514,180	May 7, 1996	Heggeness, M.H., et al.	
		5,522,879	Jun 4, 1996	Scopelianos	
		5,522,899	Jun 4, 1996	Michelson	
		5,524,624	Jun 11, 1996	Tepper, et al.	
		5,527,312	Jun 18, 1996	Ray	
		5,534,030	Jul 9, 1996	Navarro, et al.	
		5,540,688	Jul 30, 1996	Navas, Fernand	
		5,545,222	Aug 13, 1996	Bonutti	
		5,562,736	Oct 8, 1996	Ray, et al.	
		5,565,005	Oct. 15, 1996	Erickson, et al.	
		5,571,190	Nov 5, 1996	Ulrich	

Change(s) applied to document, /C.M.V./ 4/26/2012

EXAMINER

DATE CONSIDERED

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. † Applicant's unique citation designation number (optional) ‡ Applicant is to place a check mark here if English language Translation is attached

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /S.B./

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				<i>Complete if Known</i>	
				Application Number	13/079,645
				Filing Date	April 4, 2011
				First Named Inventor	Matthew Curran
				Art Unit	3733
				Examiner Name	Stuart Samuel Bray
Sheet	1	of	8	Attorney Docket No: 104US2	

US PATENT DOCUMENTS

Examiner Initial *	Cite No	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		2002/0058950	May 16, 2002	Winterbottom, et al.	
		2003/0105528	Jun 5, 2003	Shimp, et al.	
		3,486,505	Dec 30, 1969	Morrison, Gordon M.	
		3,518,993	Jul 7, 1970	Blake, Lawrence W.	
		3,604,487	Sep 14, 1971	Gilbert, Richard S.	
		3,745,995	Jul 17, 1973	Kraus	
		3,848,601	Nov 19, 1974	Ma, et al.	
		3,867,728	Feb 25, 1975	Stubstad, et al.	
		4,026,304	May 31, 1977	Levy	
		4,026,305	May 31, 1977	Brownlee, et al.	
		4,454,374	Oct 8, 1985	Jacobson	4545374
		4,501,269	Feb 26, 1985	Bagby	
		4,646,738	Mar 3, 1987	Trott, Arthur F.	
		4,657,550	Apr 14, 1987	Daher	
		4,743,256	May 10, 1988	Brantigan	
		4,781,591	Nov 1, 1988	Allen	
		4,834,757	May 30, 1989	Brantigan	
		4,877,020	Oct 31, 1989	Vich	
		4,878,915	Nov 7, 1989	Brantigan	
		4,932,975	Jun 12, 1990	Main, et al.	
		4,950,296	Aug 21, 1990	McIntyre, J. L.	
		4,961,740	Oct 9, 1990	Ray, et al.	
		4,962,766	Oct 16, 1990	Herzon, G.D.	
		5,015,247	May 14, 1991	Michelson	
		5,026,373	Jun 25, 1991	Ray, et al.	
		5,047,055	Sep 10, 1991	Bao et al.	
		5,055,104	Oct 8, 1991	Ray	
		5,062,845	Nov 5, 1991	Kuslich, et al.	
		5,071,437	Dec 10, 1991	Steffee	
		5,092,572	Mar 3, 1992	Litwak, et al.	
		5,133,717	Jul 28, 1992	Chopin	
		5,133,755	Jul 28, 1992	Brekke	
		5,171,278	Dec 15, 1992	Pisharodi	
		5,192,327	Mar 9, 1993	Brantigan, John W.	
		5,217,497	Jun 8, 1993	Mehdian	
		5,263,953	Nov 23, 1993	Bagby	
		5,269,785	Dec 14, 1993	Bonutti	

Change(s) applied to document, /C.M.V./ 4/26/2012

EXAMINER

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)
* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. † Applicant's unique citation designation number (optional) ‡ Applicant is to place a check mark here if English language Translation is attached

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /S.B./



APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/079,645	05/29/2012	8187334	104US2	1151

26191 7590 05/09/2012
FISH & RICHARDSON P.C. (TC)
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Matthew Curran, Carlsbad, CA;
Mark Peterson, Medford, OR;

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Matthew Curran et al. Art Unit : 3733
Patent No. : 8,187,334 Examiner : STUART SAMUEL BRAY
Issue Date : May 29, 2012 Conf. No. : 1151
Serial No. : 13/079,645
Filed : April 4, 2011

Title : SYSTEMS AND METHODS FOR SPINAL FUSION

Attn.: Certificate of Corrections Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REQUEST FOR CERTIFICATE OF CORRECTION

Applicant hereby requests that a certificate of correction be issued for the above patent in accordance with the attached request.

One or more of the errors sought to be corrected were made by applicant. The fees in the amount of \$100 are being paid concurrently herewith.

Please apply any other necessary charges or credits to Deposit Account 06- 1050, referencing the above attorney docket number.

Respectfully submitted,

Date: June 18, 2012

/Michael T. Hawkins/
Michael T. Hawkins
Reg. No. 57,867

Customer Number 26191
Fish & Richardson P.C.
Telephone: (612) 335-5070
Facsimile: (877) 769-7945

60776921.doc

Staple
Here
Only

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT No. .: 8,187,334
APPLICATION NO .: 13/079,645
DATED .: MAY 29, 2012
INVENTOR(S) .: MATTHEW CURRAN AND MARK PETERSON

It is certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 13, Line 46 (Claim 15), delete “aid” and insert - - said - -, therefor.

MAILING ADDRESS OF SENDER:

Michael T. Hawkins
Fish & Richardson P.C.
P.O. Box 1022
Minneapolis, Minnesota 55440-1022

Electronic Patent Application Fee Transmittal

Application Number:	13079645
Filing Date:	04-Apr-2011
Title of Invention:	SYSTEM AND METHODS FOR SPINAL FUSION
First Named Inventor/Applicant Name:	Matthew Curran
Filer:	Michael T. Hawkins/Kayla Olson
Attorney Docket Number:	104US2

Filed as Large Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Certificate of correction	1811	1	100	100

Extension-of-Time:

202

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				100

Electronic Acknowledgement Receipt

EFS ID:	13037898
Application Number:	13079645
International Application Number:	
Confirmation Number:	1151
Title of Invention:	SYSTEM AND METHODS FOR SPINAL FUSION
First Named Inventor/Applicant Name:	Matthew Curran
Customer Number:	26191
Filer:	Michael T. Hawkins/Kayla Olson
Filer Authorized By:	Michael T. Hawkins
Attorney Docket Number:	104US2
Receipt Date:	18-JUN-2012
Filing Date:	04-APR-2011
Time Stamp:	14:09:19
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$100
RAM confirmation Number	365
Deposit Account	061050
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
		204			

1	Request for Certificate of Correction	TransCOC.pdf	109283	no	2
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Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	30180	no	2
			03a5eb4bb425207b4e731a74adea344b4692e103		

Warnings:

Information:

Total Files Size (in bytes):			139463		
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

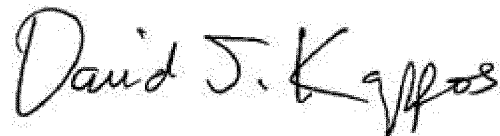
PATENT NO. : 8,187,334 B2
APPLICATION NO. : 13/079645
DATED : May 29, 2012
INVENTOR(S) : Matthew Curran and Mark Peterson

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 13, Line 46 (Claim 15), delete "aid" and insert -- said --, therefor.

Signed and Sealed this
Seventh Day of August, 2012

A handwritten signature in black ink that reads "David J. Kappos". The signature is written in a cursive style with a large initial "D" and "K".

David J. Kappos
Director of the United States Patent and Trademark Office

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Matthew Curran et al. Art Unit : 3733
Patent No. : 8,187,334 Examiner : Stuart Samuel Bray
Issue Date : May 29, 2012 Conf. No. : 1151
Serial No. : 13/079,645
Filed : April 4, 2011
Title : SYSTEMS AND METHODS FOR SPINAL FUSION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO CORRECT INVENTORSHIP
UNDER 37 C.F.R. § 1.324(a)

Applicant requests correction of inventorship for the above-captioned issued patent by the addition of the following inventor:

LUIZ PIMENTA

Applicant submits herewith the following:

- 1) Inventor's Declaration to Correct Inventorship by LUIZ PIMENTA;
- 2) Declarations by current named Inventors: MATTHEW CURRAN and MARK PETERSON;
- 3) Consent of Assignee to Correct Inventorship;
- 4) Certificate Under 37 C.F.R. §3.73(b); and
- 5) Certificate of Correction.

Please apply the \$230 (\$130 in payment for the petition fee of §1.20(b), \$100 in payment for the Certificate of Correction fee of §1.20(a)) and any other charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 13958-0099001.

Date: April 17, 2013

/Michael T. Hawkins/
Michael T. Hawkins
Reg. No. 57,867

Customer Number 26191
Fish & Richardson P.C.
Telephone: (612) 335-5070
Facsimile: (877) 769-7945

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : NuVasive, Inc.	Art Unit : 3733
Patent No. : 8,187,334	Examiner : Stuart Samuel Bray
Issue Date : May 29, 2012	Conf. No. : 1151
Serial No. : 13/079,645	
Filed : April 4, 2011	
Title : SYSTEMS AND METHODS FOR SPINAL FUSION	

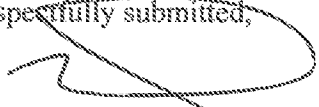
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CONSENT OF ASSIGNEE TO CORRECT INVENTORSHIP

As an officer of the concern to which the noted application has been assigned, I hereby consent to the correction of inventorship of this issued patent from the naming of MATTHEW CURRAN and MARK PETERSON to the naming of MATTHEW CURRAN, MARK PETERSON, and LUIZ PIMENTA.

Date: 4/16/13

Respectfully submitted,



Jonathan Spangler, Esq.
Vice President and Chief Patent Counsel
NuVasive, Inc.
7475 Lusk Boulevard
San Diego, CA 92121

Customer Number 26191
Fish & Richardson P.C.
Telephone: (612) 335-5070
Facsimile: (877) 769-7945

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Matthew Curran et al.	Art Unit : 3733
Patent No. : 8,187,334	Examiner : STUART SAMUEL BRAY
Issue Date : May 29, 2012	Conf. No. : 1151
Serial No. : 13/079,645	
Filed : April 4, 2011	
Title : SYSTEMS AND METHODS FOR SPINAL FUSION	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE UNDER 37 CFR §3.73(b)

Under 37 CFR §3.73(b) NUVASIVE, INC., a corporation, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of assignments from the inventors of the patent application identified above. The assignments were recorded in the Patent and Trademark Office at

Reel 028056, Frame 0268 on April 17, 2012; and

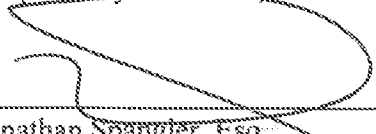
Reel 030212, Frame 0928 on April 15, 2013.

The undersigned, whose title is supplied below, is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief and believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Date: 4/16/13

Respectfully submitted,



Jonathan Spangler, Esq.
Vice President and Chief Patent Counsel of
NuVasive, Inc.

Customer Number 26191
Fish & Richardson P.C.
Telephone: (612) 335-5070
Facsimile: (877) 769-7945

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : NuVasive, Inc.	Art Unit : 3733
Patent No. : 8,187,334	Examiner : Stuart Samuel Bray
Issue Date : May 29, 2012	Conf. No. : 1151
Serial No. : 13/079,645	
Filed : April 4, 2011	
Title : SYSTEMS AND METHODS FOR SPINAL FUSION	

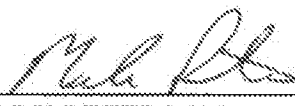
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INVENTOR'S DECLARATION TO CORRECT INVENTORSHIP

I, MARK PETERSON declare:

1. That I am an original named inventor of the noted patent application.
2. That through error, without any deceptive intention on my part or that of any actual inventor, the above-captioned application was filed naming MATTHEW CURRAN and MARK PETERSON, rather than MATTHEW CURRAN, MARK PETERSON and LUIZ PIMENTA. This error was discovered after the application was filed.
3. That I hereby consent to the correction of inventorship to include LUIZ PIMENTA, as described in paragraph 2, hereinabove.
4. That all statements made herein of my own knowledge and true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 4/7/13



 MARK PETERSON
 840 Royal Avenue, Suite #1
 Medford, OR 97504
 United States

Fish & Richardson P.C.
3200 RBC Plaza
60 South Sixth Street
Minneapolis, Minnesota 55402
Telephone: (612) 335-5070
Facsimile: (612) 288-9696

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : NuVasive, Inc.	Art Unit : 3733
Patent No. : 8,187,334	Examiner : Stuart Samuel Bray
Issue Date : May 29, 2012	Conf. No. : 1151
Serial No. : 13/079,645	
Filed : April 4, 2011	
Title : SYSTEMS AND METHODS FOR SPINAL FUSION	


Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INVENTOR'S DECLARATION TO CORRECT INVENTORSHIP

I, MATTHEW CURRAN hereby declare:

1. That I am an original named inventor of the noted patent application.
2. That through error, without any deceptive intention on my part or that of any actual inventor, the above-captioned application was filed naming MATTHEW CURRAN and MARK PETERSON, rather than MATTHEW CURRAN, MARK PETERSON and LUIZ PIMENTA. This error was discovered after the application was filed.
3. That I hereby consent to the correction of inventorship to include LUIZ PIMENTA, as described in paragraph 2, hereinabove.
4. That all statements made herein of my own knowledge and true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 7/27/13



MATTHEW CURRAN
3218 Rancho Quartillo
Carlsbad, CA 92009
United States

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3200 RBC Plaza
60 South Sixth Street
Minneapolis, Minnesota 55402
Telephone: (612) 335-5070
Facsimile: (612) 288-9696

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : NuVasive, Inc. Art Unit : 3733
Patent No. : 8,187,334 Examiner : Stuart Samuel Bray
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Title : SYSTEMS AND METHODS FOR SPINAL FUSION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INVENTOR'S DECLARATION TO CORRECT INVENTORSHIP

I, LUIZ PIMENTA hereby declare:

1. That I am an original named inventor of the noted patent application.
2. That through error, without any deceptive intention on my part or that of any actual inventor, the above-captioned application was filed naming MATTHEW CURRAN and MARK PETERSON, rather than MATTHEW CURRAN, MARK PETERSON and LUIZ PIMENTA. This error was discovered after the application was filed.

3. That all statements made herein of my own knowledge and true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 03/05/13

[Handwritten signature of Luiz Pimenta]
LUIZ PIMENTA
Rua Vergueiro,1.421 - Top Towers Offices
Torre Sul - Sala 305 | Paraíso, 04101-000
São Paulo/Brasil

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Facsimile: (612) 288-9696

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Matthew Curran et al. Art Unit : 3733
Patent No. : 8,187,334 Examiner : STUART SAMUEL BRAY
Issue Date : May 29, 2012 Conf. No. : 1151
Serial No. : 13/079,645
Filed : April 4, 2011

Title : SYSTEMS AND METHODS FOR SPINAL FUSION

Attn.: Certificate of Corrections Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REQUEST FOR CERTIFICATE OF CORRECTION

Applicant hereby requests that a certificate of correction be issued for the above patent in accordance with the attached request.

One or more of the errors sought to be corrected were made by Applicants, therefore please apply the \$100 required fee of 37 CFR §1.20(a) together with any other charges or credits to Deposit Account 06-1050, referencing the above attorney docket number.

Respectfully submitted,

Date: April 17, 2013

/Michael T. Hawkins/
Michael T. Hawkins
Reg. No. 57,867

Customer Number 26191
Fish & Richardson P.C.
Telephone: (612) 335-5070
Facsimile: (877) 769-7945

60825542.doc

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**Page 1 of 1

PATENT NO. : 8,187,334
APPLICATION NO.: 13/079,645
ISSUE DATE: : May 29, 2012
INVENTOR(S) : Matthew Curran

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title Page, Inventors, please insert -- Luiz Pimenta, Sao Paulo, Brasil --

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Minneapolis Minneapolis, Minnesota 55402

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Electronic Patent Application Fee Transmittal

Application Number:	13079645
Filing Date:	04-Apr-2011
Title of Invention:	SYSTEM AND METHODS FOR SPINAL FUSION
First Named Inventor/Applicant Name:	Matthew Curran
Filer:	Michael T. Hawkins/Beth Bauer
Attorney Docket Number:	104US2

Filed as Large Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Certificate of Correction	1811	1	100	100
Processing Fee Correcting Inventorship	1816	1	130	130

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				230

Electronic Acknowledgement Receipt

EFS ID:	15543814
Application Number:	13079645
International Application Number:	
Confirmation Number:	1151
Title of Invention:	SYSTEM AND METHODS FOR SPINAL FUSION
First Named Inventor/Applicant Name:	Matthew Curran
Customer Number:	26191
Filer:	Michael T. Hawkins/Beth Bauer
Filer Authorized By:	Michael T. Hawkins
Attorney Docket Number:	104US2
Receipt Date:	17-APR-2013
Filing Date:	04-APR-2011
Time Stamp:	16:06:27
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$230
RAM confirmation Number	3050
Deposit Account	061050
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
		217			

1	Request under Rule 48 correcting inventorship	099001pet.pdf	62456 5430c9e2f630888b8205bdaca405e102d2b10b45	no	1
Warnings:					
Information:					
2	Oath or Declaration filed	0099001Pimentadec2.pdf	79436 2cb2c9bc7c654a24b18173fcb0f233da56285d6d	no	1
Warnings:					
Information:					
3	Oath or Declaration filed	0099001Currandec2.pdf	102893 2efed795c3283d78508f0c202cf87a27cd1d3b64	no	1
Warnings:					
Information:					
4	Oath or Declaration filed	0099001Peterson2.pdf	122123 ebcf2bfd02cf1f4f686fd654a237367ea9452e6	no	1
Warnings:					
Information:					
5	Request under Rule 48 correcting inventorship	099001Assignee2.pdf	62748 b2e8686f7ac3c00a544ce8a5c100cd1c26377c8b	no	1
Warnings:					
Information:					
6	Assignee showing of ownership per 37 CFR 3.73.	099001cert2.pdf	76028 03953fcb8dbdbccdf6c9f1ba2c0ad11435beb3024	no	1
Warnings:					
Information:					
7	Request for Certificate of Correction	reqcoc.pdf	126004 d105148f9c52d8d8fb70e99f532d82f64196f21b	no	2
Warnings:					
Information:					
8	Fee Worksheet (SB06)	fee-info.pdf	31815 0e48199664d9df89e31b1ca378eac9ebdf82976	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			663503		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 05/22/2013

ABALINAN	SALE	#00000020	Mailroom Dt:	04/17/2013	061050	13079645
		01	FC : 1053		140.00	DA

Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 05/22/2013

ABALINAN ADJ #00000016 Mailroom Dt: 04/17/2013
Seq No: 3050 Sales Acctg Dt: 04/18/2013 061050 13079645
02 FC : 1816 130.00 CR



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DATE: May 23, 2013
TO: Certificates of Correction Branch
FROM: EDUARDO C. ROBERT
SPE, Art Unit 3733
SUBJECT: REQUEST FOR CERTIFICATE OF CORRECTION

Please issue a Certificate of Correction in U. S. Letters Patent No. 8,187,334 as specified on the attached Certificate.

/Eduardo C. Robert/

EDUARDO C. ROBERT, SPE
Art Unit 3733

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE

Patent No. 8,187,334

Patented: May 29, 2012

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without deceptive intent, improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

Matthew Curran, Carlsbad, CA; Mark Peterson, Medford, OR; Luiz Pimenta, Sao Paulo, Brasil

/Eduardo C. Robert/

EDUARDO C. ROBERT
Supervisory Patent Examiner
Art Unit 3733



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 8,187,334 CURRAN ET AL. :
Issue Date: May 29, 2012 :
Appl No.: 13/079,645 : **DECISION GRANTING**
Filed: April 04, 2011 : **PETITION**
For: SYSTEM AND METHODS FOR SPINAL FUSION : *37 CFR 1.324*
: :
: :
: :

This is a decision on the petition filed April 17, 2013 to correct inventorship under 37 CFR 1.324.

The petition is granted.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

/Eduardo C. Robert/

EDUARDO C. ROBERT
Supervisory Patent Examiner
Art Unit 3733
Technology Center ***

FISH & RICHARDSON P.C. (TC)
PO BOX 1022
MINNEAPOLIS, MN 55440-1022



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes application details for Matthew Curran and examiner information for BRAY, STUART SAMUEL.

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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<i>In re</i> Patent No. 8,187,334 CURRAN ET AL.	:	
Issue Date: May 29, 2012	:	DECISION GRANTING
Appl No.: 13/079,645	:	PETITION
Filed: April 04, 2011	:	<i>37 CFR 1.324</i>
For: SYSTEM AND METHODS FOR SPINAL FUSION	:	
	:	
	:	
	:	

This is a decision on the petition filed April 17, 2013 to correct inventorship under 37 CFR 1.324.

The petition is granted.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

/Eduardo C. Robert/

EDUARDO C. ROBERT
Supervisory Patent Examiner
Art Unit 3733
Technology Center ***

FISH & RICHARDSON P.C. (TC)
PO BOX 1022
MINNEAPOLIS, MN 55440-1022



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DATE: May 22, 2013
TO: Certificates of Correction Branch
FROM: EDUARDO C. ROBERT
SPE, Art Unit 3733
SUBJECT: REQUEST FOR CERTIFICATE OF CORRECTION

Please issue a Certificate of Correction in U. S. Letters Patent No. 8,187,334 as specified on the attached Certificate.

/Eduardo C. Robert/

EDUARDO C. ROBERT, SPE
Art Unit 3733

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE

Patent No. 8,187,334
Patented: May 29, 2012

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without deceptive intent, improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

Matthew Curran, Carlsbad, CA; Mark Peterson, Medford, OR; Luiz Pimenta, Sao Paulo, Brasil

/Eduardo C. Robert/

EDUARDO C. ROBERT
Supervisory Patent Examiner
Art Unit 3733



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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 13/079,645, 04/04/2011, 3733, 2140, 104US2, 26, 2

CONFIRMATION NO. 1151

CORRECTED FILING RECEIPT

26191
FISH & RICHARDSON P.C. (TC)
PO BOX 1022
MINNEAPOLIS, MN 55440-1022



Date Mailed: 06/03/2013

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Inventor(s)

Matthew Curran, Carlsbad, CA;
Mark Peterson, Medford, OR;
Luiz Pimenta, Sao Paulo, BRAZIL;

Applicant(s)

Matthew Curran, Carlsbad, CA;
Mark Peterson, Medford, OR;
Luiz Pimenta, Sao Paulo, BRAZIL;

Power of Attorney: The patent practitioners associated with Customer Number 26191

Domestic Priority data as claimed by applicant

This application is a CON of 11/093,409 03/29/2005 PAT 7918891
which claims benefit of 60/557,536 03/29/2004

Foreign Applications for which priority is claimed (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see http://www.uspto.gov for more information.) - None.

Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

If Required, Foreign Filing License Granted: 04/13/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 13/079,645

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

SYSTEM AND METHODS FOR SPINAL FUSION

Preliminary Class

623

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications:

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop technology, manufacture products, deliver services, and grow your business, visit <http://www.SelectUSA.gov> or call +1-202-482-6800.

UNITED STATES PATENT AND TRADEMARK OFFICE
Certificate

Patent No. 8,187,334 B2

Patented: May 29, 2012

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without any deceptive intent, improperly sets forth the inventorship.

Accordingly, it is hereby certified that the correct inventorship of this patent is: Matthew Curran, Carlsbad, CA (US); Mark Peterson, Medford, OR (US); and Luiz Pimenta, Sao Paulo (BR).

Signed and Sealed this Eighteenth Day of June 2013.

EDUARDO C. ROBERT
Supervisory Patent Examiner
Art Unit 3733
Technology Center 3700