

APPENDIX B1-B7

APPENDIX B1
JOINT CLAIM CONSTRUCTION WORKSHEET
U.S. Patent No. 7,819,801

PATENT CLAIM	AGREED PROPOSED CONSTRUCTION	PLAINTIFF'S PROPOSED CONSTRUCTION	DEFENDANTS' PROPOSED CONSTRUCTION
<p>1. A system for accessing a surgical target site, comprising:</p> <p>a dilator system comprising a plurality of sequential dilators deliverable along a lateral, trans-psoas path to a targeted spinal site to create a distraction corridor;</p> <p>a handle assembly including a first pivotable arm member, a second pivotable arm member that pivots relative to said first arm member in response to manual adjustment of a component of the handle assembly, and a translating member adapted to move longitudinally relative to said first and second arm members;</p> <p>a first retractor blade having a generally concave inner-facing surface and being rigidly coupled to said first pivotable arm member prior to introduction</p>		<p>“two or more sequential dilators”</p>	<p>The term “plurality of sequential dilators” means “three or more sequential dilators.”</p>

PATENT CLAIM	AGREED PROPOSED CONSTRUCTION	PLAINTIFF'S PROPOSED CONSTRUCTION	DEFENDANTS' PROPOSED CONSTRUCTION
<p>toward the targeted spinal site, a second retractor blade having a generally concave inner-facing surface and being rigidly coupled to said second pivotable arm member prior to introduction toward the targeted spinal site, and a third retractor blade rigidly coupled to said translating member prior to introduction toward the targeted spinal site;</p> <p>an intradiscal shim element that releasably mounts to the third retractor blade such that a maximum length of the intradiscal shim element extends generally parallel to a maximum length of the third retractor blade and a distal tip portion of the intradiscal shim element extends distally of the distal end of the third retractor blade, wherein the intradiscal shim element engages with a groove defined by the third retractor blade to penetrate into a spinal disc at the targeted spinal site when the intradiscal shim element is releasably mounted to the third retractor blade;</p>			

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<p>and said handle assembly being configured to simultaneously introduce said first, second and third retractor blades along the lateral, trans-psoas path toward the targeted spinal site in a closed position while the generally concave inner-facing surfaces of said first and second retractor blades engage with an outermost dilator of the dilator system and thereafter opened by pivoting said first and second pivotable arm members relative to one another to create an operative corridor to said surgical target site.</p>			
<p>6. The system of claim 1, wherein at least one of said plurality of sequential dilators is equipped with at least one stimulation electrode.</p>			
<p>15. The system of claim 1, wherein each of the plurality of sequential dilators includes a stimulation electrode at a distal region.</p>			
<p>16. The system of claim 15,</p>			

PATENT CLAIM	AGREED PROPOSED CONSTRUCTION	PLAINTIFF'S PROPOSED CONSTRUCTION	DEFENDANTS' PROPOSED CONSTRUCTION
<p>further comprising a K-wire configured to be advanced to the targeted spinal site and to engage an annulus of said spinal disc at the targeted spinal site, wherein at least one of the plurality of sequential dilators are deliverable over the K-wire.</p>			
<p>1. A system for accessing a surgical target site, comprising:</p> <p>a dilator system comprising a plurality of sequential dilators deliverable along a lateral, trans-psoas path to a targeted spinal site to create a distraction corridor;</p> <p>a handle assembly including a first pivotable arm member, a second pivotable arm member that pivots relative to said first arm member in response to manual adjustment of a component of the handle assembly, and a translating member adapted to move longitudinally relative to said first and second arm members; a first retractor blade having a</p>		<p>These claim terms are limiting.</p> <p>Plain and ordinary meaning as understood by a person of skill in the art.</p> <p>Alternatively, “deliverable along a lateral, trans-psoas path to a targeted spinal site” means “deliverable to a targeted spinal site along an approach to the lumbar spine that (1) approaches from the patient’s lateral aspect (or side); and (2) goes through the psoas muscle.”</p> <p>Alternatively,</p>	<p>The term “deliverable along a lateral, trans-psoas path to a targeted spinal site” is language of intended use, recites no structural limitations, and, therefore, is not limiting.</p> <p>The term “configured to simultaneously introduce said first, second and third retractor blades along the lateral, trans-psoas path toward the targeted spinal site” is language of intended</p>

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