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**DESIGN
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	104DES2
First Named Inventor	Patrick Miles
Title	Intervertebral Implant
Express Mail Label No.	

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

DESIGN V. UTILITY: A "design patent" protects an article's ornamental appearance (e.g., the way an article looks) (35 U.S.C. 171), while a "utility patent" protects the way an article is used and works (35 U.S.C. 101). The ornamental appearance of an article includes its shape/configuration or surface ornamentation upon the article, or both. Both a design and a utility patent may be obtained on an article if invention resides both in its ornamental appearance and its utility. For more information, see MPEP 1502.01.

APPLICATION ELEMENTS

See MPEP 1500 concerning design patent application contents.

- Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
- Applicant claims small entity status.
See 37 CFR 1.27.
- Specification [Total Pages 2]
(preferred arrangement set forth below, MPEP 1503.01)
 - Preamble
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Description of the figure(s) of the drawings
 - Feature description
 - Claim (only one (1) claim permitted, MPEP 1503.03)
- Drawing(s) (37 CFR 1.152) [Total Sheets 4]
- Oath or Declaration [Total Pages 4]
 - Newly executed (original or copy)
 - A copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 16 completed)
 - DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
- Application Data Sheet. See 37 CFR 1.76

ACCOMPANYING APPLICATION PARTS

- Assignment Papers (cover sheet & document(s))
- 37 CFR 3.73(b) Statement (when there is an assignee) Power of Attorney
- English Translation Document (if applicable)
- Information Disclosure Statement (IDS)
PTO/SB/08 or PTO-1449
 Copies of foreign patent documents, publications, & other information
- Preliminary Amendment
- Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
- Certified Copy of Priority Document(s)
(if foreign priority is claimed)
- Request for Expedited Examination of a Design Application
(37 CFR 1.155) (NOTE: Use "Mail Stop Expedited Design")
- Other:

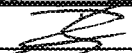
16. If a **CONTINUING APPLICATION**, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: 11/093,409

Prior application information: Examiner Jerry L. Cumberledge Art Unit: 3733

17. CORRESPONDENCE ADDRESS

The address associated with Customer Number: 30,328 OR Correspondence address below

Name			
Address			
City	State	Zip Code	
Country	Telephone	Email	
Signature			Date April 14, 2008
Name (Print/Type)	Rory Schermerhorn		Registration No. 58,148 (Attorney/Agent)

This collection of information is required by 37 CFR 1.53(b). 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 1.11 and 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.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.