

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 7115/94465	<b>FOR FURTHER ACTION</b>	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/US 09/42882	International filing date ( <i>day/month/year</i> ) 05 May 2009 (05.05.2009)	(Earliest) Priority Date ( <i>day/month/year</i> ) 05 May 2008 (05.05.2008)
Applicant PIONEER SURGICAL TECHNOLOGY, INC		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 2 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of:

the international application in the language in which it was filed.

a translation of the international application into \_\_\_\_\_ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

b.  This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c.  With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2.  **Certain claims were found unsearchable** (see Box No. II).

3.  **Unity of invention is lacking** (see Box No. III).

4. With regard to the **title**,

the text is approved as submitted by the applicant.

the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

the text is approved as submitted by the applicant.

the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 7

as suggested by the applicant.

as selected by this Authority, because the applicant failed to suggest a figure.

as selected by this Authority, because this figure better characterizes the invention.

b.  none of the figures is to be published with the abstract.

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/US 09/42882

<b>A. CLASSIFICATION OF SUBJECT MATTER</b> IPC(8) - A61F 2/44 (2009.01) USPC - 623/17.16 According to International Patent Classification (IPC) or to both national classification and IPC																			
<b>B. FIELDS SEARCHED</b> Minimum documentation searched (classification system followed by classification symbols) USPC: 623/17.16 Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched A61F 2/30 (2009.01), 623/17.11, 17.15 Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) PubWest, Google Search Terms Used: Spinal, implant, bearing, spring, articulation, curvature, polyaxial, convex, concave, motion preservation																			
<b>C. DOCUMENTS CONSIDERED TO BE RELEVANT</b>																			
<table border="1"> <thead> <tr> <th>Category*</th> <th>Citation of document, with indication, where appropriate, of the relevant passages</th> <th>Relevant to claim No.</th> </tr> </thead> <tbody> <tr> <td>Y</td> <td>US 2008/0103598 A1 (Trudeau et al.) 1 May 2008 (1.05.2008), abstract, para [0189] .Fig. 72 :1518 and 1522, para [0140]-[0141], [0165] .Fig. 41 : 1316. and .Fig. 42.</td> <td>1-23</td> </tr> <tr> <td>Y</td> <td>US 2006/0195191 A1 (Sweeney II, et al.) 31 August 2006 (31.08.2006), para [0037]-[0038], Fig.7</td> <td>1-23</td> </tr> <tr> <td>Y</td> <td>US 2006/0116767 A1 (Magerl et al.) 1 June 2006 (1.06.2006), para [0090]-[0091].</td> <td>2-3, 13-14</td> </tr> <tr> <td>Y</td> <td>US 2004/0006394 A1 (Lipman et al.) 8 January 2004 (8.01.2004), para [0032]-[0034] .Fig 2B. and 3A.</td> <td>19-21</td> </tr> <tr> <td>Y</td> <td>US 6,146,421 A (Gordon et al) 14 November 2000 (14.11.2000), Col 6, ln 40-47</td> <td>23</td> </tr> </tbody> </table>	Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.	Y	US 2008/0103598 A1 (Trudeau et al.) 1 May 2008 (1.05.2008), abstract, para [0189] .Fig. 72 :1518 and 1522, para [0140]-[0141], [0165] .Fig. 41 : 1316. and .Fig. 42.	1-23	Y	US 2006/0195191 A1 (Sweeney II, et al.) 31 August 2006 (31.08.2006), para [0037]-[0038], Fig.7	1-23	Y	US 2006/0116767 A1 (Magerl et al.) 1 June 2006 (1.06.2006), para [0090]-[0091].	2-3, 13-14	Y	US 2004/0006394 A1 (Lipman et al.) 8 January 2004 (8.01.2004), para [0032]-[0034] .Fig 2B. and 3A.	19-21	Y	US 6,146,421 A (Gordon et al) 14 November 2000 (14.11.2000), Col 6, ln 40-47	23	
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.																	
Y	US 2008/0103598 A1 (Trudeau et al.) 1 May 2008 (1.05.2008), abstract, para [0189] .Fig. 72 :1518 and 1522, para [0140]-[0141], [0165] .Fig. 41 : 1316. and .Fig. 42.	1-23																	
Y	US 2006/0195191 A1 (Sweeney II, et al.) 31 August 2006 (31.08.2006), para [0037]-[0038], Fig.7	1-23																	
Y	US 2006/0116767 A1 (Magerl et al.) 1 June 2006 (1.06.2006), para [0090]-[0091].	2-3, 13-14																	
Y	US 2004/0006394 A1 (Lipman et al.) 8 January 2004 (8.01.2004), para [0032]-[0034] .Fig 2B. and 3A.	19-21																	
Y	US 6,146,421 A (Gordon et al) 14 November 2000 (14.11.2000), Col 6, ln 40-47	23																	
<input type="checkbox"/> Further documents are listed in the continuation of Box C. <input type="checkbox"/>																			
<table border="0"> <tr> <td>* Special categories of cited documents:</td> <td></td> </tr> <tr> <td>"A" document defining the general state of the art which is not considered to be of particular relevance</td> <td>"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</td> </tr> <tr> <td>"E" earlier application or patent but published on or after the international filing date</td> <td>"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</td> </tr> <tr> <td>"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</td> <td>"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</td> </tr> <tr> <td>"O" document referring to an oral disclosure, use, exhibition or other means</td> <td>"&amp;" document member of the same patent family</td> </tr> <tr> <td>"P" document published prior to the international filing date but later than the priority date claimed</td> <td></td> </tr> </table>		* Special categories of cited documents:		"A" document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention	"E" earlier application or patent but published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone	"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art	"O" document referring to an oral disclosure, use, exhibition or other means	"&" document member of the same patent family	"P" document published prior to the international filing date but later than the priority date claimed							
* Special categories of cited documents:																			
"A" document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention																		
"E" earlier application or patent but published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone																		
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art																		
"O" document referring to an oral disclosure, use, exhibition or other means	"&" document member of the same patent family																		
"P" document published prior to the international filing date but later than the priority date claimed																			
Date of the actual completion of the international search 08 June 2009 (08. 06. 2009)	Date of mailing of the international search report <b>22 JUN 2009</b>																		
Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US, Commissioner for Patents P.O. Box 1450, Alexandria, Virginia 22313-1450 Facsimile No. 571-273-3201	Authorized officer: Lee W. Young PCT Helpdesk: 571-272-4300 PCT OSP: 571-272-7774																		