

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	16689073
Filing Date	2019-11-19
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

60	20200315811		2020-10-08	Cryder	
61	20200390566		2020-12-17	Murray	
62	20210015502		2021-01-21	Sharifi-Mehr	
63	20200029979		2020-01-30	Donner et al.	
64	20200337856		2020-10-29	Moore et al.	
65	20040133279		2004-07-08	Krueger et al.	
66	20110106261		2011-05-05	Chin et al.	
67	20120259365		2012-10-11	Richelsoph	
68	20170209155		2017-07-27	Petersen	
69	20190254840		2019-08-22	Gray et al.	
70	20010000532		2001-04-26	Michelson	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		16689073	
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	Art Unit			
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	Attorney Docket Number		13079.02.USU05	

	71	20050165420		2005-07-28	Cha	
	72	20140277460		2014-09-18	Schifano	

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FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1	110123436	CN		2019-08-16	李勇 et al.		☐
	2	2727004	FR		1996-05-24	Tisserand		☐
	3	2017066443	WO		2017-04-20	Moore et al.		☐
	4	2018195406	WO		2018-10-25	Harshman et al.		☐
	5	2019137626	WO		2019-07-18	Bake et al.		☐
	6	1328216	EP		2009-09-02	White et al.		☐
	7	1290985	EP		2008-04-09	Casquero et al.		☐

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	8	2877128	EP		2018-06-27	ULLRICH et al.		☐
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NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	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, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1	Giannikas, K. A., Khan, A. M., Karski, M. T., & Maxwell, H. A. (2004). Sacroiliac joint fusion for chronic pain: a simple technique avoiding the use of metalwork. European Spine Journal, 13(3), 253–256 accessed from "https://doi.org/10.1007/s00586-003-0620-1"	☐
	2	Captiva Spine, TransFasten Posterior Sacroiloc (SI) Joint Fusion System, accessed on November 3 from "https://transfasten.captivaspine.com/si-joint-surgeon-providers/"	☐
	3	Cohen, S. P., Chen, Y., & Neufeld, N. J. (2013), Sacroiliac joint pain: a comprehensive review of epidemiology, diagnosis and treatment, Expert Review of Neurotherapeutics, 13(1), 99–116, accessed from "https://doi.org/10.1586/ern.12.148"	☐
	4	English Abstract of CN110123436 - Retrieved from Espacenet at https://worldwide.espacenet.com/patent/search/family/067578913/publication/CN110123436A?q=pn%3DCN110123436A	☐
	5	English Abstract of FR2727004A - Retrieved from Espacenet at https://worldwide.espacenet.com/patent/search/family/009469098/publication/FR2727004A1?q=pn%3DFR2727004A1	☐

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EXAMINER SIGNATURE

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

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First Named Inventor	
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Examiner Name	
Attorney Docket Number	13079.02.USU05

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/William K. Nelson/	Date (YYYY-MM-DD)	2021-11-03
Name/Print	William K. Nelson	Registration Number	63501

This collection of information is required by 37 CFR 1.97 and 1.98. 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 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: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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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:

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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.
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Electronic Acknowledgement Receipt

EFS ID:	44200019
Application Number:	16689073
International Application Number:	
Confirmation Number:	8990
Title of Invention:	METHOD AND IMPLANT SYSTEM FOR SACROILIAC JOINT FIXATION AND FUSION
First Named Inventor/Applicant Name:	Troy Schifano
Customer Number:	13442
Filer:	William Kenneth Nelson
Filer Authorized By:	
Attorney Docket Number:	13079.02.USU05
Receipt Date:	04-NOV-2021
Filing Date:	19-NOV-2019
Time Stamp:	01:06:34
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)	20211103_IDS_flatteneed.pdf	1769653	no	19
			8659d39bea60e9c765e328d0490ebfe65301570d		

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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.

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	Attorney Docket Number		13079.02.USU05

U.S.PATENTS						Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	6436098		2002-08-20	Michelson	
	2	6770074		2004-08-03	Michelson	
	3	6652533		2003-11-25	O'Neil	
	4	6648917		2003-11-18	Gerbec et al.	
	5	6846327		2005-01-25	Khandkar et al.	
	6	7018416		2006-03-28	Hanson et al.	
	7	7125425		2006-10-24	Foley et al.	
	8	7229477		2007-06-12	Biscup	

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First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

9	7648509		2010-01-19	Stark	
10	8740912		2014-06-03	Stark	
11	9668781		2017-06-06	Stark	
12	9808346		2017-11-07	Stark	
13	10149764		2018-12-11	Stark	
14	1068215			Stark/Not found on google patents	
15	8021392		2011-09-20	Petersen	
16	9241798		2016-01-26	Petersen	
17	10245044		2019-04-02	Petersen	
18	8025684		2011-09-27	Garcia-Bengochea et al.	
19	8128700		2012-03-06	Delurio et al.	

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Filing Date	2019-11-19
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

20	8157865		2012-04-17	Hochschuler et al.	
21	8162981		2012-04-24	Vestgaarden	
22	8623053		2014-01-07	Vestgaarden	
23	8882818		2014-11-11	Vestgaarden	
24	9375243		2016-06-28	Vestgaarden	
25	9883874		2018-02-06	Vestgaarden	
26	9895176		2018-02-20	Vestgaarden	
27	8197513		2012-06-12	Fisher et al.	
28	8221503		2012-07-17	Garcia et al.	
29	8348950		2013-01-08	Assell et al.	
30	9101371		2015-08-11	Assell et al.	

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First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

31	8403991		2013-03-26	Ullrich, Jr. et al.	
32	8551171		2013-10-08	Johnson et al.	
33	8579912		2013-11-12	Isaza et al.	
34	8945224		2015-02-03	Trieu	
35	8961571		2015-02-24	Lee et al.	
36	8979928		2015-03-17	Donner	
37	9017407		2015-04-28	Donner	
38	9421109		2016-08-23	Donner	
39	9700356		2017-07-11	Donner et al.	
40	9757154		2017-09-12	Donner et al.	
41	9795396		2017-10-24	Donner	

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	16689073
Filing Date	2019-11-19
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

42	10265176		2019-04-23	Donner et al.	
43	10292720		2019-05-21	Donner	
44	10314710		2019-06-11	Donner et al.	
45	1049280			Donner et al./Not on google patents	
46	1064625			Donner et al./Not on google patents	
47	9119732		2015-09-01	Schifano et al.	
48	10321945		2019-06-18	Schifano et al.	
49	10426539		2019-10-01	Schifano et al.	
50	10736752		2020-08-11	Schifano et al.	
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52	9186155		2015-11-17	Katzman et al.	

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Filing Date	2019-11-19
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

53	9247943		2016-02-02	Kleiner	
54	9451986		2016-09-27	Stoffman	
55	9492284		2016-11-15	Ginn et al.	
56	9662128		2017-05-30	Reiley	
57	9949843		2018-04-24	Reiley et al.	
58	10004547		2018-06-26	Reiley	
59	10166033		2019-01-01	Reiley et al.	
60	9801732		2017-10-31	Chin et al.	
61	9833321		2017-12-05	Rindal	
62	10070970		2018-09-11	Lynn et al.	
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Application Number	16689073
Filing Date	2019-11-19
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

64	10194962	2019-02-05	Schneider et al.
65	10201427	2019-02-12	Mauldin
66	10363140	2019-07-30	Mauldin et al.
67	10206739	2019-02-19	Godara et al.
68	10219841	2019-03-05	Compton
69	10219912	2019-03-05	Suh et al.
70	10245158	2019-04-02	Song
71	10357368	2019-07-23	Aksu
72	10555818	2020-02-11	McConnell et al.
73	10744003	2020-08-18	Ryan et al.
74	10765532	2020-09-08	Ashleigh et al.

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75	10779958		2020-09-22	Lins	
76	10820917		2020-11-03	Sharifi-Mehr et al.	
77	D905232		2020-12-15	Schifano et al.	
78	10492802		2019-12-03	Donner et al.	
79	10646258		2020-05-12	Donner et al.	
80	9498349		2016-11-22	Patterson et al.	
81	10254044		2019-04-09	Schindler et al.	
82	10660763		2020-05-26	Wilson et al.	
83	10849764		2020-12-01	Moore et al.	
84	5722978		1998-03-03	Jenkins, Jr.	
85	6080155		2000-06-27	Michelson	

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Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

86	6371988		2002-04-16	Pafford et al.	
87	10682150		2020-06-16	Stark	
88	10492802		2019-12-03	Donner et al.	
89	10646258		2020-05-12	Donner et al.	
90	6053916		2000-04-25	Moore	

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	1	20010031967		2001-10-18	Nicholson et al.	
	2	20020143400		2007-06-12	Biscup	
	3	20050080422		2005-04-14	Otte et al.	
	4	20050240195		2010-02-23	Axelson, Jr. et al.	

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Examiner Name	
Attorney Docket Number	13079.02.USU05

5	20060054171		2006-03-16	Dall	
6	20060089633		2011-04-05	Bleich et al.	
7	20060178673		2006-08-10	Curran	
8	20070156241		2007-07-05	Reiley et al.	
9	20090259261		2017-05-30	Reiley	
10	20190133613		2019-05-09	Reiley et al.	
11	20080009861		2008-01-10	Stark	
12	20090024174		2009-01-22	Stark	
13	20090216238		2009-08-27	Stark	
14	20080154374		2008-06-26	Labrom	
15	20080249569		2008-10-09	Waugh et al.	

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17	20090099610	2009-04-16	Johnson et al.
18	20090312763	2009-12-17	McCormack
19	20110098817	2011-04-28	Eckhardt
20	20110184518	2011-07-28	Trieu
21	20110238181	2011-09-29	Trieu
22	20110264229	2011-10-27	Donner
23	20140031935	2014-01-30	Donner et al.
24	20180036017	2018-02-08	Donner et al.
25	20180092748	2018-04-05	Donner et al.
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27	20190343640	2020-03-24	Donner et al.
28	20120083883	2012-04-05	Ginn
29	20130218215	2013-08-22	Ginn et al.
30	20170245999	2017-08-31	Ginn et al.
31	20120259365	2012-10-11	Richelsoph
32	20120277801	2012-11-01	Marik
33	20130006368	2013-01-03	Walsh et al.
34	20130173004	2013-07-04	Greenhalgh et al.
35	20140081279	2014-03-20	Kleiner
36	20140088711	2014-03-27	Chin
37	20140207191	2014-07-24	Kornel

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38	20140277204	2014-09-18	Sandhu
39	20150012097	2015-01-08	Ibarra
40	20150025534	2015-01-22	Gordon et al.
41	20150073552	2015-03-12	To
42	20150112444	2015-04-23	Aksu
43	20190336292	2019-11-07	Aksu
44	20150230937	2015-08-20	Voellmicke
45	20150250611	2015-09-10	Schifano et al.
46	20150250612	2015-09-10	Schifano et al.
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Examiner Name	
Attorney Docket Number	13079.02.USU05

49	20160175113	2016-06-23	Lins
50	20160310197	2016-10-27	Black et al
51	20180303624	2018-10-25	Shoshtaev
52	20190021868	2019-01-24	Ludwig
53	20190090888	2019-03-28	Sand et al.
54	20190262010	2019-08-29	Cerundolo et al.
55	20200093612	2020-03-26	Blain
56	20200138452	2020-05-07	Gatrell et al.
57	20200138589	2020-05-07	Abbasi
58	20200179135	2020-06-11	Castro
59	20200253619	2020-08-13	Gregory

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(Not for submission under 37 CFR 1.99)

Application Number	16689073
Filing Date	2019-11-19
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

60	20200315811		2020-10-08	Cryder	
61	20200390566		2020-12-17	Murray	
62	20210015502		2021-01-21	Sharifi-Mehr	
63	20200029979		2020-01-30	Donner et al.	
64	20200337856		2020-10-29	Moore et al.	
65	20040133279		2004-07-08	Krueger et al.	
66	20110106261		2011-05-05	Chin et al.	
67	20120259365		2012-10-11	Richelsoph	
68	20170209155		2017-07-27	Petersen	
69	20190254840		2019-08-22	Gray et al.	
70	20010000532		2001-04-26	Michelson	

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Application Number	16689073
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Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

71	20050165420	2005-07-28	Cha
72	20140277460	2014-09-18	Schifano

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FOREIGN PATENT DOCUMENTS

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Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² i	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1	110123436	CN		2019-08-16	李勇 et al.		
	2	2727004	FR		1996-05-24	Tisserand		
	3	2017066443	WO		2017-04-20	Moore et al.		
	4	2018195406	WO		2018-10-25	Harshman et al.		
	5	2019137626	WO		2019-07-18	Bake et al.		
	6	1328216	EP		2009-09-02	White et al.		
	7	1290985	EP		2008-04-09	Casquero et al.		

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Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

8	2877128	EP	2018-06-27	JLLRICH et al.
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NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	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, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1	Giannikas, K. A., Khan, A. M., Karski, M. T., & Maxwell, H. A. (2004). Sacroiliac joint fusion for chronic pain: a simple technique avoiding the use of metalwork. European Spine Journal, 13(3), 253–256 accessed from "https://doi.org/10.1007/s00586-003-0620-1"	
	2	Captiva Spine, TransFasten Posterior Sacroiloc (SI) Joint Fusion System, accessed on November 3 from "https://transfasten.captivaspine.com/si-joint-surgeon-providers/"	
	3	Cohen, S. P., Chen, Y., & Neufeld, N. J. (2013), Sacroiliac joint pain: a comprehensive review of epidemiology, diagnosis and treatment, Expert Review of Neurotherapeutics, 13(1), 99–116, accessed from "https://doi.org/10.1586/ern.12.148"	
	4	English Abstract of CN110123436 - Retrieved from Espacenet at https://worldwide.espacenet.com/patent/search/family/067578913/publication/CN110123436A?q=pn%3DCN110123436A	
	5	English Abstract of FR2727004A - Retrieved from Espacenet at https://worldwide.espacenet.com/patent/search/family/009469098/publication/FR2727004A1?q=pn%3DFR2727004A1	

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Examiner Signature		Date Considered	
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¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

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(Not for submission under 37 CFR 1.99)

Application Number	16689073
Filing Date	2019-11-19
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/William K. Nelson/	Date (YYYY-MM-DD)	2021-11-03
Name/Print	William K. Nelson	Registration Number	63501

This collection of information is required by 37 CFR 1.97 and 1.98. 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 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: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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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.
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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 inspections 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.

Electronic Acknowledgement Receipt

EFS ID:	44199982
Application Number:	16689073
International Application Number:	
Confirmation Number:	8990
Title of Invention:	METHOD AND IMPLANT SYSTEM FOR SACROILIAC JOINT FIXATION AND FUSION
First Named Inventor/Applicant Name:	Troy Schifano
Customer Number:	13442
Filer:	William Kenneth Nelson
Filer Authorized By:	
Attorney Docket Number:	13079.02.USU05
Receipt Date:	04-NOV-2021
Filing Date:	19-NOV-2019
Time Stamp:	00:24:31
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)	20211103_IDS.pdf	619813	no	19
			54aa685f5ef5f83f004b1a1cd1e3bc5791a8b248		

Warnings:

Petitioner's Ex. 1013

Information:					
2	Foreign Reference	CN110123436A_flat.pdf	5832120	no	11
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Warnings:					
Information:					
3	Foreign Reference	EP1290985B1_flat.pdf	7084069	no	10
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Warnings:					
Information:					
4	Foreign Reference	EP1328216_flat.pdf	633143	no	1
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Warnings:					
Information:					
5	Foreign Reference	FR2727004A1_flat.pdf	4435482	no	10
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Warnings:					
Information:					
6	Foreign Reference	WO2017066443A1_flat.pdf	17545412	no	38
			10e8f08a5b0d71d30ce816f10212469c7067e942		
Warnings:					
Information:					
7	Non Patent Literature	NPL_01_Glannikas.pdf	482358	no	1
			9efc6ecf00cdc963a4a7b95886c641b81f5616f2		
Warnings:					
Information:					
8	Non Patent Literature	NPL_02_CAPTIVA_SPINE.pdf	3147386	no	13
			147d6b1c7ffaf7f90335e9d293504007abe68120		
Warnings:					
Information:					

9	Non Patent Literature	NPL_03_Cohen.pdf	552239	no	1
			017a82bb3dfe432d5b360ccee7088cc2f3dbfd85		
Warnings:					
Information:					
10	Non Patent Literature	NPL04_English_Abstract_CN110123436_flat.pdf	144621	no	1
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Warnings:					
Information:					
11	Non Patent Literature	NPL05_English_Abstract_FR2727004_flat.pdf	132368	no	1
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Warnings:					
Information:					
12	Foreign Reference	WO2018195406A1_01_flat.pdf	17403779	no	35
			f4ce210f7a0900f4ca666382e49ea95bd9315ac2		
Warnings:					
Information:					
13	Foreign Reference	WO2018195406A1_02_flat.pdf	12937489	no	35
			5393c638bbb1d20cb884b04be8bd54536418cf71		
Warnings:					
Information:					
14	Foreign Reference	WO2019137626A1_01_flat.pdf	22707200	no	40
			3485537f8a7d1eb45866ffba29b58c083f718233		
Warnings:					
Information:					
15	Foreign Reference	WO2019137626A1_02_flat.pdf	18946519	no	40
			304beb3506dda62ea4602a8d35f96d7dcb019a9a		
Warnings:					
Information:					

16	Foreign Reference	EP2877128B1_01_flat.pdf	24832509	no	30
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Information:					
17	Foreign Reference	EP2877128B1_02_flat.pdf	16352277	no	49
			4d9649d95179c53e954e248a71ee4e5fda6c57ac		
Warnings:					
Information:					
Total Files Size (in bytes):			153788784		
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		16689073
	Filing Date		2019-11-19
	First Named Inventor	Schifano, Troy	
	Art Unit		
	Examiner Name	MATTHEWS, TESSA M	
	Attorney Docket Number	13709.02.USU05	

U.S.PATENTS						Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	10492802		2019-12-03	Donner et al.	
	2	6991656		2006-01-31	Mears	
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Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	20060129238		2006-06-00	Paltzer	
	2	20090024174		2009-01-00	Stark	
	3	20090131986		2009-05-00	Lee	
	4	20210100662		2021-04-00	LaNeve	

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Application Number	16689073
Filing Date	2019-11-19
First Named Inventor	Schifano,Troy
Art Unit	
Examiner Name	MATTHEWS, TESSA M
Attorney Docket Number	13709.02.USU05

5	20210100658	2021-04-00	LaNeve
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Examiner Signature		Date Considered	
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¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

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Examiner Name	MATTHEWS, TESSA M
Attorney Docket Number	13709.02.USU05

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☒ A certification statement is not submitted herewith.

SIGNATURE

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Signature	/William K. Nelson/	Date (YYYY-MM-DD)	2021-11-10
Name/Print	William K. Nelson	Registration Number	63501

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Electronic Acknowledgement Receipt

EFS ID:	44252087
Application Number:	16689073
International Application Number:	
Confirmation Number:	8990
Title of Invention:	METHOD AND IMPLANT SYSTEM FOR SACROILIAC JOINT FIXATION AND FUSION
First Named Inventor/Applicant Name:	Troy Schifano
Customer Number:	13442
Filer:	William Kenneth Nelson
Filer Authorized By:	
Attorney Docket Number:	13079.02.USU05
Receipt Date:	10-NOV-2021
Filing Date:	19-NOV-2019
Time Stamp:	15:55:25
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	Information Disclosure Statement (IDS) Form (SB08)	20211110_IDS.pdf	612153	no	4
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/689,073	11/19/2019	Troy Schifano	13079.02.USU05	8990
13442	7590	11/23/2021		
Sierra IP Law, PC P.O. Box 5637 Fresno, CA 93755-5637			EXAMINER MATTHEWS, TESSA M	
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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.

Office Action Summary	Application No. 16/689,073	Applicant(s) Schifano et al.	
	Examiner TESSA M MATTHEWS	Art Unit 3773	AIA (FITF) Status No

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 10/19/2021.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.

2a) ☐ This action is **FINAL**.

2b) ☒ This action is non-final.

3) ☐ 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.

4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5) ☒ Claim(s) 32,35,41,43-44,47,49,51,59-60,67,69 and 77-86 is/are pending in the application.

5a) Of the above claim(s) ____ is/are withdrawn from consideration.

6) ☐ Claim(s) ____ is/are allowed.

7) ☒ Claim(s) 32,35,41,43-44,47,49,51,59-60,67,69 and 77-86 is/are rejected.

8) ☐ Claim(s) ____ is/are objected to.

9) ☐ Claim(s) ____ are subject to restriction and/or election requirement

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

10) ☐ The specification is objected to by the Examiner.

11) ☒ The drawing(s) filed on 05/18/2021 & 11/19/2019 & 05/06/2020 & 02/04/2020 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

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)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

3) ☐ Interview Summary (PTO-413)

Paper No(s)/Mail Date ____.

2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)

4) ☐ Other: ____.

Paper No(s)/Mail Date Enclosed.

Notice of Pre-AIA or AIA Status

1. The present application is being examined under the pre-AIA first to invent provisions.

Election/Restrictions

2. Applicant's election with traverse of Species XX and H in the reply filed on 10/19/2021 is acknowledged. The traversal is on the ground(s) that 1) a showing that the species are independent or distinct and 2) failure to provide reasons why the species are considered to be independent and distinct. This is not found persuasive because the claims recite the mutually exclusive characteristics of such species, e.g. "a tapered distal end" of the fusion implant and "two opposite lateral sides, each opposite side comprising a groove" as recited in independent claim 32. In addition, the description given to each species in the restriction highlights the distinct features. For example, the species each recite a distinct characteristic of the implant which renders those species both independent and distinct, e.g. the implant cannot have both a single helical anchor and a box-like body with detachable blades. It is noted that if a generic claim were to be allowable, all of the claims drawn to species in addition to the elected species which require all the limitation of the generic claim will ordinarily be allowable. Please see MPEP 806.04(d).

The requirement is still deemed proper and is therefore made FINAL.

Double Patenting

3. An comparison of the claims in related patents and pending applications having at least one common inventor, applicant and/or are commonly assigned/owned or non-commonly assigned/owned but subject to a joint research agreement as set forth in 35 U.S.C. 102(c) was conducted and no double patenting rejections were applicable.

Claim Interpretation

4. The following is a quotation of 35 U.S.C. 112(f):

(f) Element in Claim for a Combination. – An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.

The following is a quotation of pre-AIA 35 U.S.C. 112, sixth paragraph:

An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.

5. The claims in this application are given their broadest reasonable interpretation using the plain meaning of the claim language in light of the specification as it would be understood by one of ordinary skill in the art. The broadest reasonable interpretation of a claim element (also commonly referred to as a claim limitation) is limited by the description in the specification when 35 U.S.C. 112(f) or pre-AIA 35 U.S.C. 112, sixth paragraph, is invoked.

As explained in MPEP § 2181, subsection I, claim limitations that meet the following three-prong test will be interpreted under 35 U.S.C. 112(f) or pre-AIA 35 U.S.C. 112, sixth paragraph:

- (A) the claim limitation uses the term “means” or “step” or a term used as a substitute for “means” that is a generic placeholder (also called a nonce term or a non-structural term having no specific structural meaning) for performing the claimed function;
- (B) the term “means” or “step” or the generic placeholder is modified by functional language, typically, but not always linked by the transition word “for” (e.g., “means for”) or another linking word or phrase, such as “configured to” or “so that”; and
- (C) the term “means” or “step” or the generic placeholder is not modified by sufficient structure, material, or acts for performing the claimed function.

Use of the word “means” (or “step”) in a claim with functional language creates a rebuttable presumption that the claim limitation is to be treated in accordance with 35 U.S.C. 112(f) or pre-AIA 35 U.S.C. 112, sixth paragraph. The presumption that the claim limitation is interpreted under 35 U.S.C. 112(f) or pre-AIA 35 U.S.C. 112, sixth paragraph, is rebutted when the claim limitation recites sufficient structure, material, or acts to entirely perform the recited function.

Absence of the word “means” (or “step”) in a claim creates a rebuttable presumption that the claim limitation is not to be treated in accordance with 35 U.S.C. 112(f) or pre-AIA 35 U.S.C. 112, sixth paragraph. The presumption that the claim limitation is not interpreted under 35 U.S.C. 112(f) or pre-AIA 35 U.S.C. 112, sixth paragraph, is rebutted when the claim limitation recites function without reciting sufficient structure, material or acts to entirely perform the recited function.

Claim limitations in this application that use the word “means” (or “step”) are being interpreted under 35 U.S.C. 112(f) or pre-AIA 35 U.S.C. 112, sixth paragraph, except as otherwise indicated in an Office action. Conversely, claim limitations in this application that do not use the word “means” (or “step”) are not being interpreted under 35 U.S.C. 112(f) or pre-AIA 35 U.S.C. 112, sixth paragraph, except as otherwise indicated in an Office action.

6. This application includes one or more claim limitations that do not use the word “means,” but are nonetheless being interpreted under 35 U.S.C. 112(f) or pre-AIA 35 U.S.C. 112, sixth paragraph, because the claim limitation(s) uses a generic placeholder that is coupled with functional language without reciting sufficient structure to perform the recited function and the generic placeholder is not preceded by a structural modifier. Such claim limitation(s) is/are: “an insertion control mechanism” in claims 49 and 77.

Because this/these claim limitation(s) is/are being interpreted under 35 U.S.C. 112(f) or pre-AIA 35 U.S.C. 112, sixth paragraph, it/they is/are being interpreted to cover the corresponding structure described in the specification as performing the claimed function, and equivalents thereof.

Paragraph [0163] discloses a slot (ref. 146) inside the hollow barrel of the working channel to control advancement of tools. Therefore the structure determined sufficient to perform the function of controlling the advancement of surgical tools is a slot or functional equivalent thereof.

If applicant does not intend to have this/these limitation(s) interpreted under 35 U.S.C. 112(f) or pre-AIA 35 U.S.C. 112, sixth paragraph, applicant may: (1) amend the claim limitation(s) to avoid it/them being interpreted under 35 U.S.C. 112(f) or pre-AIA

35 U.S.C. 112, sixth paragraph (e.g., by reciting sufficient structure to perform the claimed function); or (2) present a sufficient showing that the claim limitation(s) recite(s) sufficient structure to perform the claimed function so as to avoid it/them being interpreted under 35 U.S.C. 112(f) or pre-AIA 35 U.S.C. 112, sixth paragraph.

Claim Objections

7. Claim 32 is objected to because of the following informalities:

Claim 32, line 14, “beginning at the proximal end” should read “beginning at a proximal end”.

Claim 32, lines 14 - 15, “of the body and continuing” should read “of the central body and continuing”.

Claim 32, line 15, “each of the two opposite sides” should read “each of the first two opposite lateral sides”.

Claim 32, line 16, “part of the length, the distance” should read “part of a length, a distance”.

Claim 32, lines 16 - 17, “between the two sides” should read “between the opposite lateral sides”.

Claim 32, lines 18 - 19, “the first two opposite sides, each of said two opposite sides” should read “the first two opposite lateral sides, each of said second two opposite sides”.

Claim 59, lines 5 - 6, “of the two opposite sides” should read “of the second two opposite lateral sides”.

Claim 59, line 6, "part of the length, the distance" should read "part of a length, a distance".

Claim 59, line 7, "a width of the first lateral face and the second lateral face" should read "a width of a first lateral face and a second lateral face".

Claim 67, line 7, "said insertion control protrusion" should read "an insertion control protrusion".

Claim 77, line 19, "until said insertion" should read "until an insertion".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of 35 U.S.C. 112(b):
(b) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 47, 77, 80 - 84 and 86 are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor (or for applications subject to pre-AIA 35 U.S.C. 112, the applicant), regards as the invention.

Claim 47 recites "said slot-engagement arms". It is unclear if these arms are the same as or different than the groove-engagement arms. For purposes of examination they are assumed to be the same.

Claim 77 recites the limitation "in the hollow barrel". There is no antecedent basis for the hollow barrel and it is unclear if the hollow barrel is the same as, different

or a part of the working channel. Based upon preceding claims and the Specification, the hollo barrel is assume to be part of the working channel for purposes of examination.

Claim 84 recites the limitation "said inserter has an insertion control protrusion". However preceding claim 77 recites "the inserter tool until said insertion control protrusion". It is unclear if these are the same or different. For purposes of examination they are assumed to be the same.

Claim 86 recites the limitation "attaching the fusion implant to an inserter". It is unclear if the inserter of claim 86 is the same as or different than the inserter tool of claim 49. For purposes of examination they are assumed to be the same. In addition, claim 86 recites both a slot-engagement element and a slot-engagement protrusion. It is unclear if these are the same or different. For purposes of examination they are assumed to be the same.

Claim Rejections - 35 USC § 103

10. In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

11. The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the

time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 32, 35, 40, 41, 43, 44, 47, 49, 51, 59, 60, 67, 69, and 77 - 86 is/are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Petersen (US 2010/0268228 A1) in view of Paltzer (US 2006/0129238 A1).

Regarding claim 32, Petersen discloses a method for repairing a sacroiliac joint of a patient (Abstract), comprising:

a. creating a first incision in the patient's skin proximal to the patient's sacroiliac joint (paragraph [0083], ref. 940, Fig. 13A);

b. inserting a working channel (paragraph [0086], ref. 90, Fig. 16A-C) having at least one tang on a distal end thereof (paragraph [0087] discloses pins ref. 908 which are considered to be the tangs, Figs. 17A-C) into said first incision and spreading said sacroiliac joint with an inserted end of said first working channel (the distal end of the working channel is tapered, thus when the larger diameter portion of the working channel is inserted it will spread the targeted joint space);

c. creating a void in said sacroiliac joint (paragraph [0092], Figs. 20A-C); and

d. inserting a fusion implant into said void (paragraph [0096] discloses inserting an implant ref. 40 into said void).

Peterson discloses a fusion implant (ref. 40) and further discloses that the implant may be of a variety of configurations (e.g. rectangular, cylindrical, triangular or any suitable configuration) (paragraph [0101]) and may be made from a variety of

materials (e.g. bone, metals or alloys) (paragraph [0102]). Peterson is silent regarding that the fusion implant has

- i. a tapered distal end configured to be inserted between an ilium and a sacrum of said sacroiliac joint, and
- ii. a central body comprising
 - 1. first two opposite lateral sides, each opposite side comprising a groove beginning at the proximal end of the body and continuing along each of the two opposite sides for at least part of the length, the distance between the two sides defining a width of the body, and
 - 2. a second two opposite sides located between the first two opposite sides, each of said two opposite sides having a plurality of protrusions for engagement with bone tissue in an articular surface of at least one of the sacrum and the ilium of said sacroiliac joint to prevent pullout of said fusion implant.

Paltzer teaches a spinal fusion implant (paragraph [0002]) comprising;

- i. a tapered distal end configured (Fig. 4, ref. 66) to be inserted between two spinal bodies (Fig. 1), and
- ii. a central body (paragraph [0055], ref. 38) comprising
 - 1. first two opposite lateral sides (paragraph [0059], ref. 60), each opposite side comprising a groove beginning at the proximal end of the body and continuing along each of the two opposite sides for at least part of the length, the distance between the two sides defining a width of the body (paragraph [0083])

discloses grooves ref. 240 extending along a portion of the lateral sides, Fig. 4, and defining a width of the body, Fig. 5), and

2. a second two opposite sides located between the first two opposite sides (paragraph [0067], refs. 41, 43, 90, 92), each of said two opposite sides having a plurality of protrusions for engagement with bone tissue in an articular surface of the spinal joint to prevent pullout of said fusion implant (paragraph [0067], ref. 40, Fig. 4). In addition Paltzer discloses an inserter (Fig. 9, ref. 260) for inserting said fusion implant having a distal end configured to engage with said fusion implant (paragraph [0084]).

Paltzer teaches that the spinal fusion implant is beneficial because the plurality of protrusions maximize gripping strength and resist counter-rotation once seated and therefor resist unwanted movement (paragraph [0067]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the spinal fusion implant of Petersen for the spinal fusion implant of Paltzer and to modify the distal end of the inserter of Petersen for the distal end of the inserter of Paltzer such that the inserter and implant may engage one another and for the beneficial purpose maximized gripping strength of the implant with the joint.

It is noted that Petersen in view Paltzer does not alter the method of Petersen, which discloses that the fusion implant is placed between the articular surfaces of the sacroiliac joint (Fig. 25A) and the gripping surfaces or plurality of protrusions (as taught by Paltzer) are configured to engaged the articular surfaces of the spinal joint and thus the articular surfaces of the sacrum and ilium.

Regarding claim 35, Petersen in view of Paltzer discloses the method of claim 32, further comprising driving said fusion implant into said void with an impactor (Petersen, paragraph [0007]), wherein driving said fusion implant engages said pluralities of protrusions with said bone tissue (as taught by Paltzer, the protrusions are configured to engage with the bone tissue of the targeted joint, thus the bone tissue of the sacrum and ilium in the method of Peterson).

Regarding claim 41, Petersen in view of Paltzer discloses the method of claim 32, wherein said fusion implant is fixed and fuses the patient's ilium to the patient's sacrum, thereby substantially immobilizes the patient's sacroiliac joint (Petersen, paragraph [0045]).

Regarding claim 43, Petersen in view of Paltzer discloses the method of claim 41, wherein said fusion implant comprises at least one passage therethrough for holding a fusion-promoting material and allowing growth of bone through the said at least one passage (Paltzer, paragraph [0059], ref. 52, Figs. 7 - 8).

Regarding claim 44, Petersen in view of Paltzer discloses the method of claim 43, wherein said at least one passage comprises a plurality of passages through said fusion implant (Paltzer, Figs. 7 - 8 shows two passages on the top and bottom surfaces along with side passages ref. 54 shown in Fig. 4).

Regarding claim 47 (as best understood), Petersen in view of Paltzer discloses the method of claim 32, wherein the inserting said fusion implant comprises:

a. attaching said fusion implant to an inserter having groove- engagement arms that nest in said grooves (Paltzer, paragraph [0083], Fig. 9, ref. 202); and

b. inserting said inserter into a hollow barrel of said working channel (Petersen, Figs. 23A-C) with said groove-engagement arms aligned with a guidance slot within said hollow barrel (Petersen as modified by Paltzer discloses a method in which the inserter is engagement with the fusion implant during insertion, thus the arms will be engaged with the grooves) and advancing said inserter until a guidance slot arrests the penetration of said inserter and said fusion implant into said sacroiliac joint at a pre-determined depth (Petersen discloses a guidance stop ref. 760 on said inserter configured to engaged guidance slot ref. 380 of the hollow barrel and that the difference between the two arrests forward motion, paragraph [0073]).

Regarding claim 49, Petersen discloses a method for repairing a sacroiliac joint of a patient using an intra-articular joint fusion device for connecting the sacrum and ilium (Abstract), comprising:

a. creating a first incision in the patient's skin proximal to the patient's sacroiliac joint (paragraph [0083], ref. 940, Fig. 13A);

b. inserting a working channel of a surgical channel tool into said incision from the posterior of the patient (paragraph [0086], ref. 90, Fig. 16A-C), wherein said working channel includes an insertion control mechanism for controlling the advancement of surgical tools into said working channel (the substantially planar top and opening

dimension ref. 380 are considered to be the insertion control mechanism because they work with corresponding insertion control elements, refs. 460, 590, 720, of various surgical instruments to control the depth of advancement, this is considered to be functionally equivalent to the disclosed insertion control mechanism of the present application);

c. creating a void in said sacroiliac joint (paragraph [0092], Figs. 20A-C);

d. inserting a fusion implant into said void using an inserter tool (paragraph [0096] discloses inserting an implant ref. 40 into said void via an inserter tool ref. 130).

Peterson discloses a fusion implant (ref. 40) and further discloses that the implant may be of a variety of configurations (e.g. rectangular, cylindrical, triangular or any suitable configuration) (paragraph [0101]) and may be made from a variety of materials (e.g. bone, metals or alloys) (paragraph [0102]). Peterson is silent regarding that the fusion implant has a plurality of protrusions for engagement with bone tissue in an articular surface of at least one of the sacrum and the ilium of said sacroiliac joint to prevent pullout of said fusion implant; and e. driving said fusion implant into said void such that said plurality of protrusions engages with said bone tissue.

Paltzer teaches a spinal fusion implant (paragraph [0002]) comprising;

a plurality of protrusions for engagement with bone tissue in an articular surface of a spinal joint to prevent pullout of said fusion implant (paragraph [0067], ref. 40, Fig. 4). In addition Paltzer discloses an inserter (Fig. 9, ref. 260) for inserting said fusion

implant having a distal end configured to engage with said fusion implant (paragraph [0084]).

Paltzer teaches that the spinal fusion implant is beneficial because the plurality of protrusions maximize gripping strength and resist counter-rotation once seated and therefor resist unwanted movement (paragraph [0067]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the spinal fusion implant of Petersen for the spinal fusion implant of Paltzer and to modify the distal end of the inserter of Petersen for the distal end of the inserter of Paltzer such that the inserter and implant may engage one another and for the beneficial purpose of resistance to unwanted movement once placed.

It is noted that Petersen in view Paltzer does not alter the method of Petersen, which discloses that the fusion implant is placed between the articular surfaces of the sacroiliac joint (Fig. 25A) and the gripping surfaces or plurality of protrusions (as taught by Paltzer) are configured to engaged the articular surfaces of the spinal joint and thus the articular surfaces of the sacrum and ilium thus fulling the limitation of section "e".

Regarding claim 51, Petersen in view of Paltzer discloses the method of claim 49, wherein said plurality of protrusions comprises two sets of pluralities of protrusions, a first plurality of protrusions on a first lateral face of said fusion implant and a second plurality of protrusions on a second lateral face of said fusion implant (Paltzer, Fig. 3 shows a first lateral face on the top and a second lateral face on the bottom, each with a set of protrusions, Fig. 3)

Regarding claim 59, Petersen in view of Paltzer discloses the method of claim 49, wherein said fusion implant comprises a body having a passage therethrough for holding a fusion-promoting material and allowing growth of bone through the said passage (Paltzer, paragraph[0059], refs. 52, 54) and a second two opposite lateral sides, each opposite side comprising a groove beginning at the proximal end of the body and continuing along each of the two opposite sides for at least part of the length, the distance between the second two opposite sides defining a width of the first lateral face and the second lateral face (Paltzer, paragraph [0065], ref. 240, Figs. 4 - 5).

Regarding claim 60, Petersen in view of Paltzer discloses the method of claim 51, wherein said fusion implant is operable to connect said sacrum to said ilium in fixed relative positions in the sacroiliac joint (Petersen as modified by Paltzer discloses a fusion implant configured to fuse two spinal bodies and more specifically the sacroiliac joint, thus discloses the step of connecting said sacrum to said ilium in a fixed position).

Regarding claim 67, Petersen in view of Paltzer discloses the method of claim 59, wherein the inserting the fusion implant comprises:

a. attaching said fusion implant to said inserter tool to said grooves of said fusion implant, wherein said inserter tool has a groove-engagement arms that nest in said grooves (Paltzer, paragraph [0082], ref. 202, Fig. 9); and

b. inserting the inserter tool into a hollow barrel of said working channel and engaging said insertion control protrusion with said insertion control mechanism and advancing the inserter tool until said insertion control protrusion is arrested by the insertion control mechanism at a pre- determined point in the hollow barrel, and said inserter tool is prevented from moving the fusion implant further into said sacroiliac joint (Petersen, paragraph [0069], Figs. 22C - 23C).

Regarding claim 69, Petersen in view of Paltzer discloses the method of claim 49, wherein driving said fusion implant into said void comprises pushing said fusion implant into said void such that the plurality of protrusions contacts said bone tissue (Petersen, Figs. 25A shows implant placement within said sacroiliac joint, and thus Petersen as modified by Paltzer results in the protrusions contacting the bone tissue of the sacroiliac joint).

Regarding claim 77, Petersen discloses a method for repairing a sacroiliac joint of a patient using an intra-articular joint fusion device for connecting the sacrum and ilium (Abstract), comprising:

a. creating an incision in the patient's skin in a position proximal to the patient's sacroiliac joint to allow access to the posterior portion of the sacroiliac joint (paragraph [0083], ref. 940, Fig. 13A);

b. inserting a working channel of a surgical channel tool into said incision from the posterior of the patient (paragraph [0086], ref. 90, Fig. 16A-C), said working channel including at least one tang protruding from a distal end of the working channel

(paragraph [0087] discloses pins ref. 908 which are considered to be the tangs, Figs. 17A-C) and an insertion control mechanism for controlling the advancement of surgical tools into said working channel (the substantially planar top surface and dimension of ref. 380 is considered to be the insertion control mechanism because it is configured to engage stops, e.g. 760, of various surgical tools to control their depth of advancement);

c. creating a void in said sacroiliac joint (paragraph [0092], Figs. 20A-C);

d. inserting a fusion implant using an inserter into said void on a path that is substantially parallel to articular surfaces of the sacroiliac joint (paragraph [0096] discloses inserting an implant ref. 40 into said void via an inserter tool ref. 130 and Fig. 23B shows the path of insertion is substantially parallel to the articular surfaces of the joint);

e. advancing the inserter tool until said insertion control protrusion to a pre-determined point in the hollow barrel and placing said fusion implant into said sacroiliac joint (Figs. 23B-C); and

f. driving said fusion implant into said void such that said fusion implant engages with said bone tissue (Figs. 23B - 25A).

Peterson discloses a fusion implant (ref. 40) and further discloses that the implant may be of a variety of configurations (e.g. rectangular, cylindrical, triangular or any suitable configuration) (paragraph [0101]) and may be made from a variety of materials (e.g. bone, metals or alloys) (paragraph [0102]). Peterson is silent regarding the limitations that the fusion implant includes two opposing articular engagement faces, each of said faces having a plurality of protrusions for engagement with bone tissue in

articular surfaces of each of said sacroiliac joint to prevent pullout of said fusion implant from said sacroiliac joint.

Paltzer teaches a spinal fusion implant (paragraph [0002]) comprising;
two opposing articular engagement faces (top and bottom surfaces, Fig. 3), each of said faces having a plurality of protrusions for engagement with bone tissue of a spinal joint (paragraph [0067], ref. 40, Fig. 4). In addition Paltzer discloses an inserter (Fig. 9, ref. 260) for inserting said fusion implant having a distal end configured to engage with said fusion implant (paragraph [0084]).

Paltzer teaches that the spinal fusion implant is beneficial because the plurality of protrusions maximize gripping strength and resist counter-rotation once seated and therefor resist unwanted movement (paragraph [0067]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the spinal fusion implant of Petersen for the spinal fusion implant of Paltzer and to modify the distal end of the inserter of Petersen for the distal end of the inserter of Paltzer such that the inserter and implant may engage one another and for the beneficial purpose of resistance to unwanted movement once placed.

It is noted that Petersen in view Paltzer does not alter the method of Petersen, which discloses that the fusion implant is placed between the articular surfaces of the sacroiliac joint (Fig. 25A) and the gripping surfaces or plurality of protrusions (as taught by Paltzer) are configured to engaged the articular surfaces of the spinal joint and prevent pull out.

Regarding claim 80, Petersen in view of Paltzer discloses the method of claim 77, wherein said fusion implant comprises at least one passage through said two opposing articular engagement faces for holding a fusion-promoting material (Paltzer, Figs. 7 - 8, ref. 52).

Regarding claim 81, Petersen in view of Paltzer discloses the method of claim 80, wherein said at least one passage allows for the growth of bone tissue through said at least one passage (Paltzer, paragraph [0059]).

Regarding claim 82, Petersen in view of Paltzer discloses the method of claim 80, wherein no further fusion implants are introduced into said sacroiliac joint and said fusion implant is sufficient to fuse the sacroiliac joint (Petersen, Fig. 25A shows on a single implant).

Regarding claim 83, Petersen in view of Paltzer discloses the method of Claim 77, wherein said at least one tang secures a position of said working channel in said sacroiliac joint to avoid movement of said working channel during insertion of said fusion implant (the tanks on the distal end of the working channel are configured to penetrate tissue, thus they would secure the position of the working channel and prevent unwanted movement).

Regarding claim 84, Petersen in view of Paltzer discloses the method of Claim 77, wherein said inserter has an insertion control protrusion for engagement with said insertion control mechanism (Petersen, paragraph [0069], ref. 760) and engagement of said insertion control protrusion with said insertion control mechanism maintains said inserter and said fusion implant in proper orientation for insertion of the fusion implant into said sacroiliac joint (Petersen, paragraph [0073]).

Regarding claim 85 (as best understood), Petersen in view of Paltzer discloses the method of claim 32, wherein the inserting said fusion implant comprises:

- a. attaching said fusion implant to an inserter having a slot-engagement protrusion (Petersen, paragraph [0073], ref. 760); and
- b. inserting said inserter into a hollow barrel of said working channel (Petersen, Figs. 23A-C) with said slot-engagement protrusion aligned with a guidance slot within said hollow barrel, (ref. 380 is considered to be the guidance slot) wherein engagement of said slot-engagement protrusion with said guidance slot maintains said inserter and said fusion implant in proper orientation for insertion of the fusion implant into said sacroiliac joint (because the slot-engagement protrusion and guidance slot limit advancement of the inserter and thus the implant, it is disclosed that the implant will be in proper axial orientation).

Regarding claim 86, Petersen in view of Paltzer discloses the method of claim 49, wherein the inserting said fusion implant comprises:

- a. attaching said fusion implant to an inserter having a slot-engagement element (Petersen, paragraph [0073], ref. 760); and
- b. inserting said inserter into a hollow barrel of said working channel with said slot-engagement protrusion aligned with said insertion control mechanism within said hollow barrel (Petersen, Fig. 23C shows the slot-engagement element ref. 760 engaged with said insertion control mechanism ref. 380), wherein engagement of said slot-engagement element with said insertion control mechanism maintains said inserter and said fusion implant in proper orientation for insertion of the fusion implant into said sacroiliac joint (Petersen, paragraph [0073]).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see PTO-892 for art relating to sacroiliac fusion methods and spinal implants with similar structures to that of the elected species.
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TESSA M MATTHEWS whose telephone number is (571)272-8817. The examiner can normally be reached M - F 8am - 1pm.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached on (571) 272-4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/TESSA M MATTHEWS/
Examiner, Art Unit 3773

Notice of References Cited	Application/Control No. 16/689,073		Applicant(s)/Patent Under Reexamination Schifano et al.	
	Examiner TESSA M MATTHEWS		Art Unit 3773	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
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*	B	US-20100268228-A1	10-2010	Petersen; David A.	A61B17/1671	606/60
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
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<i>Search Notes</i> 	Application/Control No. 16/689,073	Applicant(s)/Patent Under Reexamination Schifano et al.
	Examiner TESSA M MATTHEWS	Art Unit 3773

CPC - Searched*		
Symbol	Date	Examiner
A61B17/8872,1757,7055 - modified with text	11/20/2021	T. Matthews
A61F2/4455,447,4611 - modified with text	11/20/2021	T. Matthews

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	Date	Examiner
Inventor and applicant name search in EAST	11/20/2021	T. Matthews
See attached EAST search history	11/20/2021	T. Matthews

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner

/TESSA M MATTHEWS/ Examiner, Art Unit 3773	
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<i>Index of Claims</i> 	Application/Control No. 16/689,073	Applicant(s)/Patent Under Reexamination Schifano et al.
	Examiner TESSA M MATTHEWS	Art Unit 3773

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
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CLAIMS										
☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47										
CLAIM		DATE								
Final	Original	08/28/2021	11/20/2021							
	32	÷	✓							
	33	-	-							
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	41	÷	✓							
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	43	÷	✓							
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	73	-	-							

<i>Index of Claims</i> 	Application/Control No. 16/689,073	Applicant(s)/Patent Under Reexamination Schifano et al.
	Examiner TESSA M MATTHEWS	Art Unit 3773

CLAIM		DATE								
Final	Original	08/28/2021	11/20/2021							
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	76	-	-							
	77	÷	✓							
	78	÷	✓							
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	84	÷	✓							
	85	÷	✓							
	86	÷	✓							

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)

Application Number	16718189
Filing Date	2019-12-18
First Named Inventor	Schifano, Troy
Art Unit	
Examiner Name	
Attorney Docket Number	13709.02.USU06

U.S.PATENTS						Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
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	2	9662128		2017-05-30	Reiley	
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Examiner Name		
Attorney Docket Number	13709.02.USU06	

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Examiner Name	
Attorney Docket Number	13709.02.USU06

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	1	1290985	EP		2008-09-04	Lopez		
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	1	Google machine English translation of CN110123436 accessed on May 17, 2021 from https://patents.google.com/patent/CN110123436A/en?q=CN110123436	
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Application Number	16718189		
Filing Date	2019-12-18		
First Named Inventor	Schifano,Troy		
Art Unit			
Examiner Name			
Attorney Docket Number	13709.02.USU06		

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See attached certification statement.

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☒ A certification statement is not submitted herewith.

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A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/William K. Nelson/	Date (YYYY-MM-DD)	2021-05-17
Name/Print	William K. Nelson	Registration Number	63501

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Doc code: IDS

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Doc description: Information Disclosure Statement (IDS) Filed

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)

Application Number	16689073
Filing Date	2019-11-19
First Named Inventor	Schifano, Troy
Art Unit	
Examiner Name	
Attorney Docket Number	13709.02.USU05

U.S. PATENTS

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Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	4481020		1984-11-06	Lee et al.	
	2	D847994		2019-05-07	Asfora et al.	
	3	D857897		2019-08-27	Loftus	
	4	3579830		1971-05-25	Morel	

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First Named Inventor	Schifano,Troy	
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Examiner Name		
Attorney Docket Number	13709.02.USU05	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)

Application Number	16689073		
Filing Date	2019-11-19		
First Named Inventor	Schifano,Troy		
Art Unit			
Examiner Name			
Attorney Docket Number	13709.02.USU05		

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

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See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

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A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/William K. Nelson/	Date (YYYY-MM-DD)	2020-04-09
Name/Print	William K. Nelson	Registration Number	63501

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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)).
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Doc code: IDS

PTO/SB/08a (01-10)

Doc description: Information Disclosure Statement (IDS) Filed

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Filing Date	2019-11-19
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Examiner Name	
Attorney Docket Number	13709.02.USU05

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	1	8882818		2014-11-11	Vestgaarden	
	2	8740912		2014-06-03	Stark	
	3	9451986		2016-09-27	Stoffman et al.	
	4	9381045		2016-07-05	Donner et al.	

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	1	20100106200		2010-04-29	Stark	
	2	20110184518		2011-07-28	Trieu	

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Filing Date	2019-11-19
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Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

U.S.PATENTS						Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	6436098		2002-08-20	Michelson	
	2	6770074		2004-08-03	Michelson	
	3	6652533		2003-11-25	O'Neil	
	4	6648917		2003-11-18	Gerbec et al.	
	5	6846327		2005-01-25	Khandkar et al.	
	6	7018416		2006-03-28	Hanson et al.	
	7	7125425		2006-10-24	Foley et al.	
	8	7229477		2007-06-12	Biscup	

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Application Number	16689073
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Attorney Docket Number	13079.02.USU05

9	7648509		2010-01-19	Stark	
10	8740912		2014-06-03	Stark	
11	9668781		2017-06-06	Stark	
12	9808346		2017-11-07	Stark	
13	10149764		2018-12-11	Stark	
14	1068215			Stark/Not found on google patents	
15	8021392		2011-09-20	Petersen	
16	9241798		2016-01-26	Petersen	
17	10245044		2019-04-02	Petersen	
18	8025684		2011-09-27	Garcia-Bengochea et al.	
19	8128700		2012-03-06	Delurio et al.	

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20	8157865		2012-04-17	Hochschuler et al.	
21	8162981		2012-04-24	Vestgaarden	
22	8623053		2014-01-07	Vestgaarden	
23	8882818		2014-11-11	Vestgaarden	
24	9375243		2016-06-28	Vestgaarden	
25	9883874		2018-02-06	Vestgaarden	
26	9895176		2018-02-20	Vestgaarden	
27	8197513		2012-06-12	Fisher et al.	
28	8221503		2012-07-17	Garcia et al.	
29	8348950		2013-01-08	Assell et al.	
30	9101371		2015-08-11	Assell et al.	

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31	8403991		2013-03-26	Ullrich, Jr. et al.	
32	8551171		2013-10-08	Johnson et al.	
33	8579912		2013-11-12	Isaza et al.	
34	8945224		2015-02-03	Trieu	
35	8961571		2015-02-24	Lee et al.	
36	8979928		2015-03-17	Donner	
37	9017407		2015-04-28	Donner	
38	9421109		2016-08-23	Donner	
39	9700356		2017-07-11	Donner et al.	
40	9757154		2017-09-12	Donner et al.	
41	9795396		2017-10-24	Donner	

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42	10265176		2019-04-23	Donner et al.	
43	10292720		2019-05-21	Donner	
44	10314710		2019-06-11	Donner et al.	
45	1049280			Donner et al./Not on google patents	
46	1064625			Donner et al./Not on google patents	
47	9119732		2015-09-01	Schifano et al.	
48	10321945		2019-06-18	Schifano et al.	
49	10426539		2019-10-01	Schifano et al.	
50	10736752		2020-08-11	Schifano et al.	
51	10751196		2020-08-25	Schifano et al.	
52	9186155		2015-11-17	Katzman et al.	

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53	9247943		2016-02-02	Kleiner	
54	9451986		2016-09-27	Stoffman	
55	9492284		2016-11-15	Ginn et al.	
56	9662128		2017-05-30	Reiley	
57	9949843		2018-04-24	Reiley et al.	
58	10004547		2018-06-26	Reiley	
59	10166033		2019-01-01	Reiley et al.	
60	9801732		2017-10-31	Chin et al.	
61	9833321		2017-12-05	Rindal	
62	10070970		2018-09-11	Lynn et al.	
63	10136932		2018-11-27	Freese	

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64	10194962	2019-02-05	Schneider et al.
65	10201427	2019-02-12	Mauldin
66	10363140	2019-07-30	Mauldin et al.
67	10206739	2019-02-19	Godara et al.
68	10219841	2019-03-05	Compton
69	10219912	2019-03-05	Suh et al.
70	10245158	2019-04-02	Song
71	10357368	2019-07-23	Aksu
72	10555818	2020-02-11	McConnell et al.
73	10744003	2020-08-18	Ryan et al.
74	10765532	2020-09-08	Ashleigh et al.

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75	10779958		2020-09-22	Lins	
76	10820917		2020-11-03	Sharifi-Mehr et al.	
77	D905232		2020-12-15	Schifano et al.	
78	10492802		2019-12-03	Donner et al.	
79	10646258		2020-05-12	Donner et al.	
80	9498349		2016-11-22	Patterson et al.	
81	10254044		2019-04-09	Schindler et al.	
82	10660763		2020-05-26	Wilson et al.	
83	10849764		2020-12-01	Moore et al.	
84	5722978		1998-03-03	Jenkins, Jr.	
85	6080155		2000-06-27	Michelson	

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86	6371988	2002-04-16	Pafford et al.
87	10682150	2020-06-16	Stark
88	10492802	2019-12-03	Donner et al.
89	10646258	2020-05-12	Donner et al.
90	6053916	2000-04-25	Moore

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	1	20010031967		2001-10-18	Nicholson et al.	
	2	20020143400		2007-06-12	Biscup	
	3	20050080422		2005-04-14	Otte et al.	
	4	20050240195		2010-02-23	Axelson, Jr. et al.	

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5	20060054171	2006-03-16	Dall
6	20060089633	2011-04-05	Bleich et al.
7	20060178673	2006-08-10	Curran
8	20070156241	2007-07-05	Reiley et al.
9	20090259261	2017-05-30	Reiley
10	20190133613	2019-05-09	Reiley et al.
11	20080009861	2008-01-10	Stark
12	20090024174	2009-01-22	Stark
13	20090216238	2009-08-27	Stark
14	20080154374	2008-06-26	Labrom
15	20080249569	2008-10-09	Waugh et al.

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16	20090076551	2009-03-19	Petersen
17	20090099610	2009-04-16	Johnson et al.
18	20090312763	2009-12-17	McCormack
19	20110098817	2011-04-28	Eckhardt
20	20110184518	2011-07-28	Trieu
21	20110238181	2011-09-29	Trieu
22	20110264229	2011-10-27	Donner
23	20140031935	2014-01-30	Donner et al.
24	20180036017	2018-02-08	Donner et al.
25	20180092748	2018-04-05	Donner et al.
26	20190083271	2019-03-21	Donner et al.

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27	20190343640	2020-03-24	Donner et al.
28	20120083883	2012-04-05	Ginn
29	20130218215	2013-08-22	Ginn et al.
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32	20120277801	2012-11-01	Marik
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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	16689073
Filing Date	2019-11-19
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

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STATEMENT BY APPLICANT**
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Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

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**INFORMATION DISCLOSURE
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Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

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**INFORMATION DISCLOSURE
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Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

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Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

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NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	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, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1	Giannikas, K. A., Khan, A. M., Karski, M. T., & Maxwell, H. A. (2004). Sacroiliac joint fusion for chronic pain: a simple technique avoiding the use of metalwork. European Spine Journal, 13(3), 253-256 accessed from "https://doi.org/10.1007/s00586-003-0620-1"	
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Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/William K. Nelson/	Date (YYYY-MM-DD)	2021-11-03
Name/Print	William K. Nelson	Registration Number	63501

This collection of information is required by 37 CFR 1.97 and 1.98. 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 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: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
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S2	33,496	A61F2/4455,447,4611.cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2021/11/17 15:46
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S5	2,035	S4 and (fusion)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2021/11/17 15:48
S6	1,328	S5 and ((passage hole opening cavity)with(bone graft tissue))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2021/11/17 15:48

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S9	23	((("Schifano") near3 ("Troy"))).INV.	US-PGPUB; USPAT; USOCR	OR	OFF	2021/11/18 08:46
S10	178	((("Anderson") near3 ("Steve"))).INV.	US-PGPUB; USPAT; USOCR	OR	OFF	2021/11/18 08:46
S11	9	((("Soo") near3 ("Tedk-Mun"))).INV.	US-PGPUB; USPAT; USOCR	OR	OFF	2021/11/18 08:46
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		16689073
	Filing Date		2019-11-19
	First Named Inventor		
	Art Unit		
	Examiner Name		
	Attorney Docket Number	13079.02.USU05	

U.S.PATENTS						
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	6436098		2002-08-20	Michelson	
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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	16689073
Filing Date	2019-11-19
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	16689073
Filing Date	2019-11-19
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	16689073
Filing Date	2019-11-19
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	16689073
Filing Date	2019-11-19
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	16689073
Filing Date	2019-11-19
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	16689073
Filing Date	2019-11-19
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

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Application Number	16689073
Filing Date	2019-11-19
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

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STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	16689073
Filing Date	2019-11-19
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

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STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	16689073
Filing Date	2019-11-19
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

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**INFORMATION DISCLOSURE
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(Not for submission under 37 CFR 1.99)

Application Number	16689073
Filing Date	2019-11-19
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	16689073
Filing Date	2019-11-19
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

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(Not for submission under 37 CFR 1.99)

Application Number	16689073
Filing Date	2019-11-19
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

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(Not for submission under 37 CFR 1.99)

Application Number	16689073
Filing Date	2019-11-19
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

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**INFORMATION DISCLOSURE
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(Not for submission under 37 CFR 1.99)

Application Number	16689073
Filing Date	2019-11-19
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number		16689073
Filing Date		2019-11-19
First Named Inventor		
Art Unit		
Examiner Name		
Attorney Docket Number	13079.02.USU05	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		16689073	
	Filing Date		2019-11-19	
	First Named Inventor			
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	Examiner Name			
	Attorney Docket Number		13079.02.USU05	

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	1	Giannikas, K. A., Khan, A. M., Karski, M. T., & Maxwell, H. A. (2004). Sacroiliac joint fusion for chronic pain: a simple technique avoiding the use of metalwork. European Spine Journal, 13(3), 253–256 accessed from "https://doi.org/10.1007/s00586-003-0620-1"	☐
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Filing Date	2019-11-19
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Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

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☒ A certification statement is not submitted herewith.

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Signature	/William K. Nelson/	Date (YYYY-MM-DD)	2021-11-03
Name/Print	William K. Nelson	Registration Number	63501

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Filing Date	2019-11-19
First Named Inventor	Schifano, Troy
Art Unit	
Examiner Name	MATTHEWS, TESSA M
Attorney Docket Number	13709.02.USU05

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)

Application Number	16689073
Filing Date	2019-11-19
First Named Inventor	Schifano,Troy
Art Unit	
Examiner Name	MATTHEWS, TESSA M
Attorney Docket Number	13709.02.USU05

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STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	16689073
Filing Date	2019-11-19
First Named Inventor	Schifano,Troy
Art Unit	
Examiner Name	MATTHEWS, TESSA M
Attorney Docket Number	13709.02.USU05

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¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

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Application Number	16689073		
Filing Date	2019-11-19		
First Named Inventor	Schifano, Troy		
Art Unit			
Examiner Name	MATTHEWS, TESSA M		
Attorney Docket Number	13709.02.USU05		

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

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See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

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A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/William K. Nelson/	Date (YYYY-MM-DD)	2020-10-14
Name/Print	William K. Nelson	Registration Number	63501

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Examiner Name	
Attorney Docket Number	13079.02.USU05

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	1	6436098		2002-08-20	Michelson	
	2	6770074		2004-08-03	Michelson	
	3	6652533		2003-11-25	O'Neil	
	4	6648917		2003-11-18	Gerbec et al.	
	5	6846327		2005-01-25	Khandkar et al.	
	6	7018416		2006-03-28	Hanson et al.	
	7	7125425		2006-10-24	Foley et al.	
	8	7229477		2007-06-12	Biscup	

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Art Unit	
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Attorney Docket Number	13079.02.USU05

9	7648509		2010-01-19	Stark	
10	8740912		2014-06-03	Stark	
11	9668781		2017-06-06	Stark	
12	9808346		2017-11-07	Stark	
13	10149764		2018-12-11	Stark	
14	1068215			Stark/Not found on google patents	
15	8021392		2011-09-20	Petersen	
16	9241798		2016-01-26	Petersen	
17	10245044		2019-04-02	Petersen	
18	8025684		2011-09-27	Garcia-Bengochea et al.	
19	8128700		2012-03-06	Delurio et al.	

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Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

20	8157865		2012-04-17	Hochschuler et al.	
21	8162981		2012-04-24	Vestgaarden	
22	8623053		2014-01-07	Vestgaarden	
23	8882818		2014-11-11	Vestgaarden	
24	9375243		2016-06-28	Vestgaarden	
25	9883874		2018-02-06	Vestgaarden	
26	9895176		2018-02-20	Vestgaarden	
27	8197513		2012-06-12	Fisher et al.	
28	8221503		2012-07-17	Garcia et al.	
29	8348950		2013-01-08	Assell et al.	
30	9101371		2015-08-11	Assell et al.	

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First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

31	8403991		2013-03-26	Ullrich, Jr. et al.	
32	8551171		2013-10-08	Johnson et al.	
33	8579912		2013-11-12	Isaza et al.	
34	8945224		2015-02-03	Trieu	
35	8961571		2015-02-24	Lee et al.	
36	8979928		2015-03-17	Donner	
37	9017407		2015-04-28	Donner	
38	9421109		2016-08-23	Donner	
39	9700356		2017-07-11	Donner et al.	
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First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

42	10265176		2019-04-23	Donner et al.	
43	10292720		2019-05-21	Donner	
44	10314710		2019-06-11	Donner et al.	
45	1049280			Donner et al./Not on google patents	
46	1064625			Donner et al./Not on google patents	
47	9119732		2015-09-01	Schifano et al.	
48	10321945		2019-06-18	Schifano et al.	
49	10426539		2019-10-01	Schifano et al.	
50	10736752		2020-08-11	Schifano et al.	
51	10751196		2020-08-25	Schifano et al.	
52	9186155		2015-11-17	Katzman et al.	

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First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

53	9247943		2016-02-02	Kleiner	
54	9451986		2016-09-27	Stoffman	
55	9492284		2016-11-15	Ginn et al.	
56	9662128		2017-05-30	Reiley	
57	9949843		2018-04-24	Reiley et al.	
58	10004547		2018-06-26	Reiley	
59	10166033		2019-01-01	Reiley et al.	
60	9801732		2017-10-31	Chin et al.	
61	9833321		2017-12-05	Rindal	
62	10070970		2018-09-11	Lynn et al.	
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Art Unit	
Examiner Name	
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64	10194962	2019-02-05	Schneider et al.
65	10201427	2019-02-12	Mauldin
66	10363140	2019-07-30	Mauldin et al.
67	10206739	2019-02-19	Godara et al.
68	10219841	2019-03-05	Compton
69	10219912	2019-03-05	Suh et al.
70	10245158	2019-04-02	Song
71	10357368	2019-07-23	Aksu
72	10555818	2020-02-11	McConnell et al.
73	10744003	2020-08-18	Ryan et al.
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Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

75	10779958	2020-09-22	Lins
76	10820917	2020-11-03	Sharifi-Mehr et al.
77	D905232	2020-12-15	Schifano et al.
78	10492802	2019-12-03	Donner et al.
79	10646258	2020-05-12	Donner et al.
80	9498349	2016-11-22	Patterson et al.
81	10254044	2019-04-09	Schindler et al.
82	10660763	2020-05-26	Wilson et al.
83	10849764	2020-12-01	Moore et al.
84	5722978	1998-03-03	Jenkins, Jr.
85	6080155	2000-06-27	Michelson

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Attorney Docket Number	13079.02.USU05

86	6371988		2002-04-16	Pafford et al.	
87	10682150		2020-06-16	Stark	
88	10492802		2019-12-03	Donner et al.	
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90	6053916		2000-04-25	Moore	

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	2	20020143400		2007-06-12	Biscup	
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Art Unit	
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6	20060089633	2011-04-05	Bleich et al.
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Art Unit	
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17	20090099610	2009-04-16	Johnson et al.
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23	20140031935	2014-01-30	Donner et al.
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27	20190343640	2020-03-24	Donner et al.
28	20120083883	2012-04-05	Ginn
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31	20120259365	2012-10-11	Richelsoph
32	20120277801	2012-11-01	Marik
33	20130006368	2013-01-03	Walsh et al.
34	20130173004	2013-07-04	Greenhalgh et al.
35	20140081279	2014-03-20	Kleiner
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39	20150012097	2015-01-08	Ibarra
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41	20150073552	2015-03-12	To
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44	20150230937	2015-08-20	Voellmicke
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50	20160310197	2016-10-27	Black et al
51	20180303624	2018-10-25	Shoshtaev
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53	20190090888	2019-03-28	Sand et al.
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61	20200390566	2020-12-17	Murray
62	20210015502	2021-01-21	Sharifi-Mehr
63	20200029979	2020-01-30	Donner et al.
64	20200337856	2020-10-29	Moore et al.
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66	20110106261	2011-05-05	Chin et al.
67	20120259365	2012-10-11	Richelsoph
68	20170209155	2017-07-27	Petersen
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72	20140277460	2014-09-18	Schifano

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	1	110123436	CN		2019-08-16	李勇 et al.		
	2	2727004	FR		1996-05-24	Tisserand		
	3	2017066443	WO		2017-04-20	Moore et al.		
	4	2018195406	WO		2018-10-25	Harshman et al.		
	5	2019137626	WO		2019-07-18	Bake et al.		
	6	1328216	EP		2009-09-02	White et al.		
	7	1290985	EP		2008-04-09	Casquero et al.		

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8	2877128	EP	2018-06-27	ULLRICH et al.	
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	1	Giannikas, K. A., Khan, A. M., Karski, M. T., & Maxwell, H. A. (2004). Sacroiliac joint fusion for chronic pain: a simple technique avoiding the use of metalwork. European Spine Journal, 13(3), 253–256 accessed from "https://doi.org/10.1007/s00586-003-0620-1"	
	2	Captiva Spine, TransFasten Posterior Sacroiloc (SI) Joint Fusion System, accessed on November 3 from "https://transfasten.captivaspine.com/si-joint-surgeon-providers/"	
	3	Cohen, S. P., Chen, Y., & Neufeld, N. J. (2013), Sacroiliac joint pain: a comprehensive review of epidemiology, diagnosis and treatment, Expert Review of Neurotherapeutics, 13(1), 99–116, accessed from "https://doi.org/10.1586/ern.12.148"	
	4	English Abstract of CN110123436 - Retrieved from Espacenet at https://worldwide.espacenet.com/patent/search/family/067578913/publication/CN110123436A?q=prn%3DCN110123436A	
	5	English Abstract of FR2727004A - Retrieved from Espacenet at https://worldwide.espacenet.com/patent/search/family/009469098/publication/FR2727004A1?q=prn%3DFR2727004A1	

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Art Unit	
Examiner Name	
Attorney Docket Number	13079.02.USU05

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/William K. Nelson/	Date (YYYY-MM-DD)	2021-11-03
Name/Print	William K. Nelson	Registration Number	63501

This collection of information is required by 37 CFR 1.97 and 1.98. 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 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: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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 the Freedom of Information Act requires disclosure of these records.
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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).
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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 inspections 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.