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Michelson

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(45) **Date of Patent:** ***Jan. 23, 2007**

(54) **METHOD FOR FORMING A SPINAL IMPLANT SURFACE CONFIGURATION**

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(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

This patent is subject to a terminal disclaimer.

(Continued)

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Primary Examiner—Bruce Snow

(74) *Attorney, Agent, or Firm*—Martin & Ferraro, LLP

(65) **Prior Publication Data**

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(57) **ABSTRACT**

Related U.S. Application Data

(62) Division of application No. 09/457,228, filed on Dec. 8, 1999, now Pat. No. 6,827,740.

(51) **Int. Cl.**
A61F 2/02 (2006.01)

(52) **U.S. Cl.** **623/17.11**

(58) **Field of Classification Search** 623/17.11,
623/17.15, 22.32, 23.26, 23.29, 23.31, 23.5,
623/20.17

See application file for complete search history.

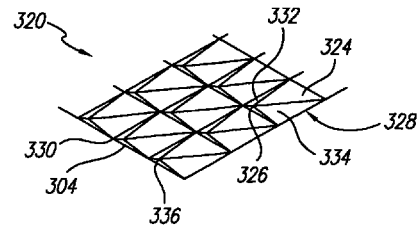
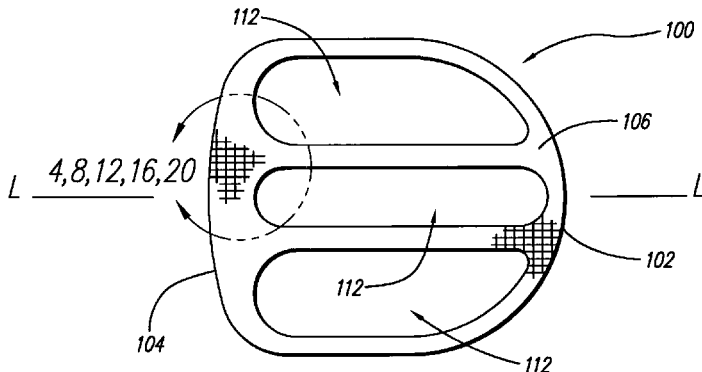
The present invention is a specialized implant having opposed surfaces for engaging each of the vertebral bodies adjacent a disc space into which the implant is implanted. The surface comprises arrayed projections having at least one forward facing facet directed at least in part toward the leading end of the implant and at least one rearward portion directed at least in part toward the opposite trailing end of the implant. Each of the forward facet and rearward portion has a length and a slope. The length of the forward facet is longer than the length of the rearward facet. The slope of the rearward facet is steeper than the slope of the forward facet. The surface projections also have opposed side facets directed generally toward the sides of the implant. The side facets are located between the forward facet and rearward facet and converge toward each other in a direction away from the base of the surface projections. The surface may also include projections having left and right forward side facets and a rearward facet. The surface further may include projections having left and right rearward side facets and a forward facet.

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57 Claims, 7 Drawing Sheets



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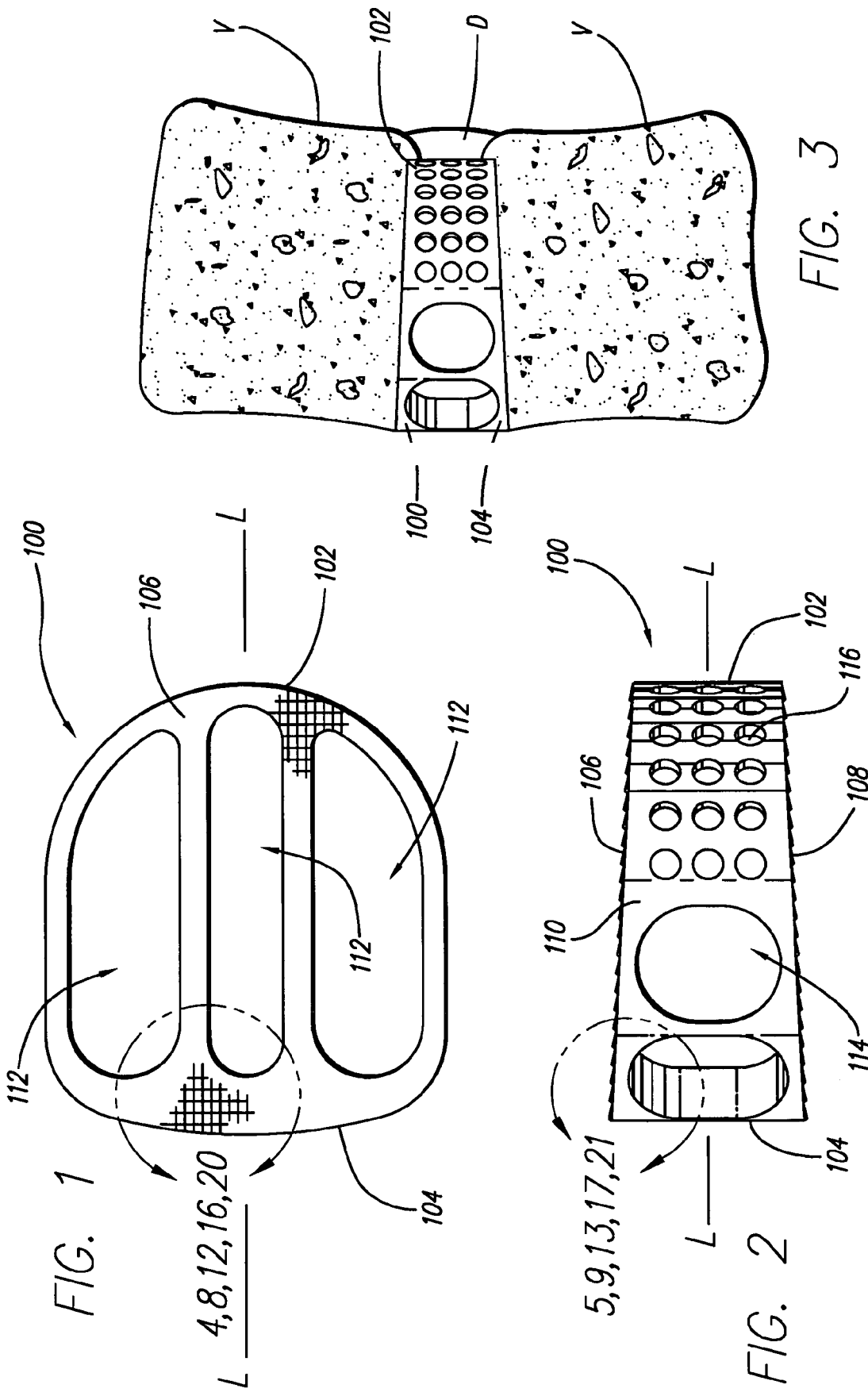
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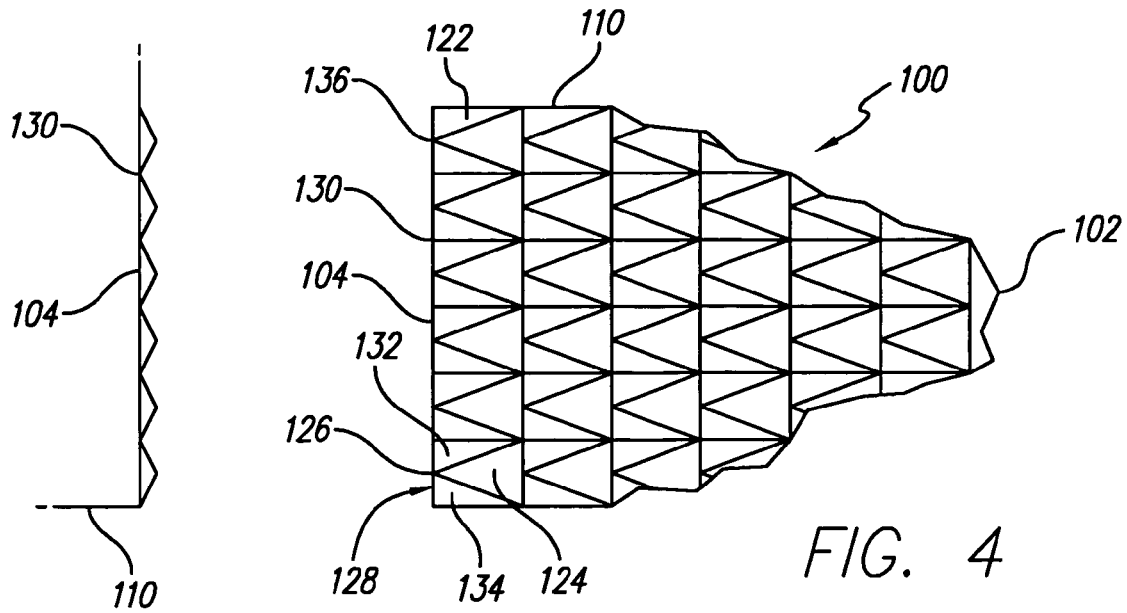


FIG. 4

FIG. 6

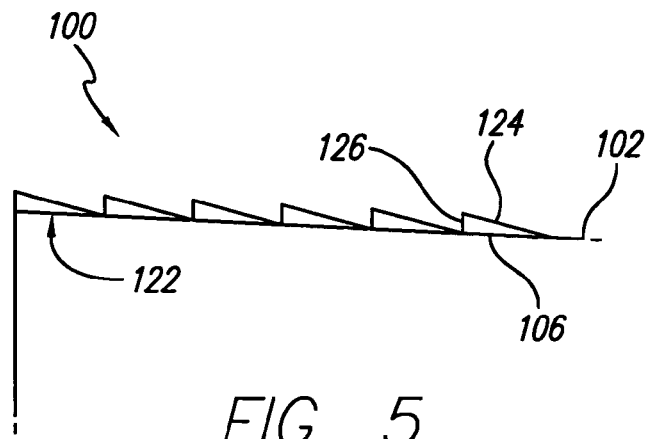
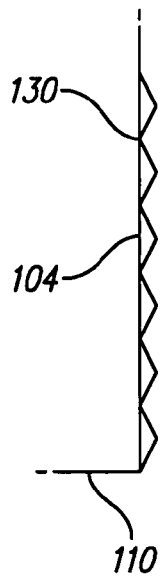


FIG. 5

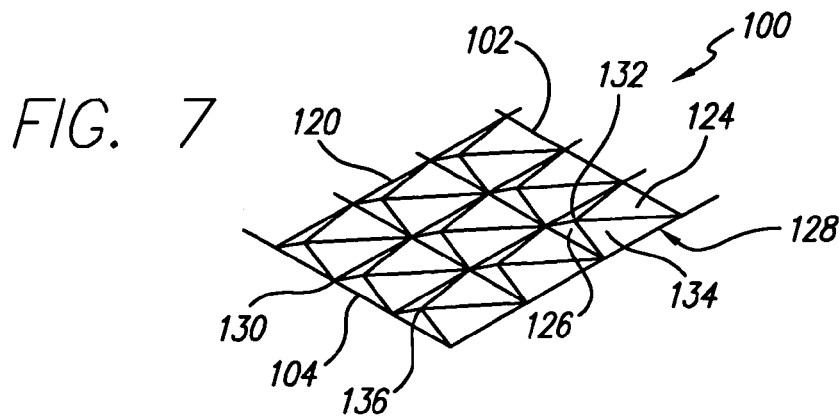
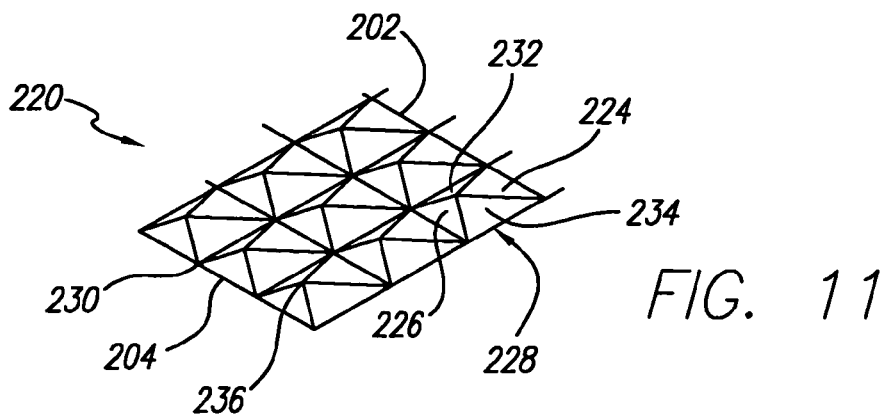
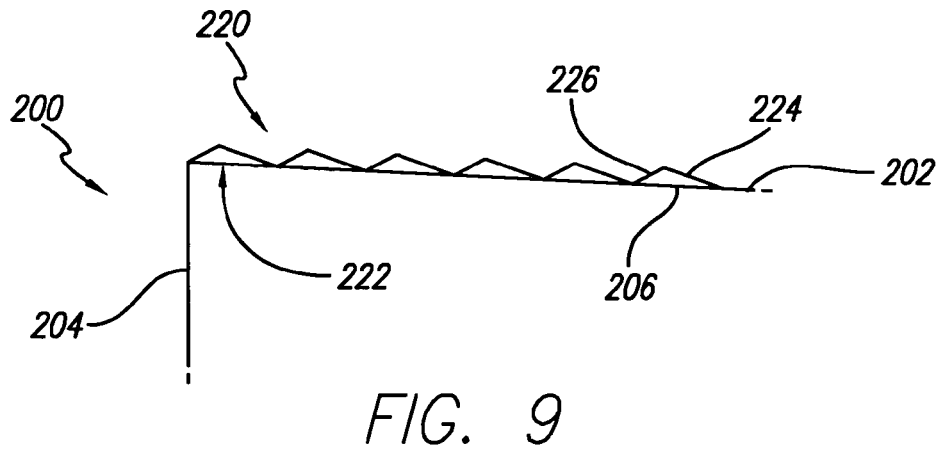
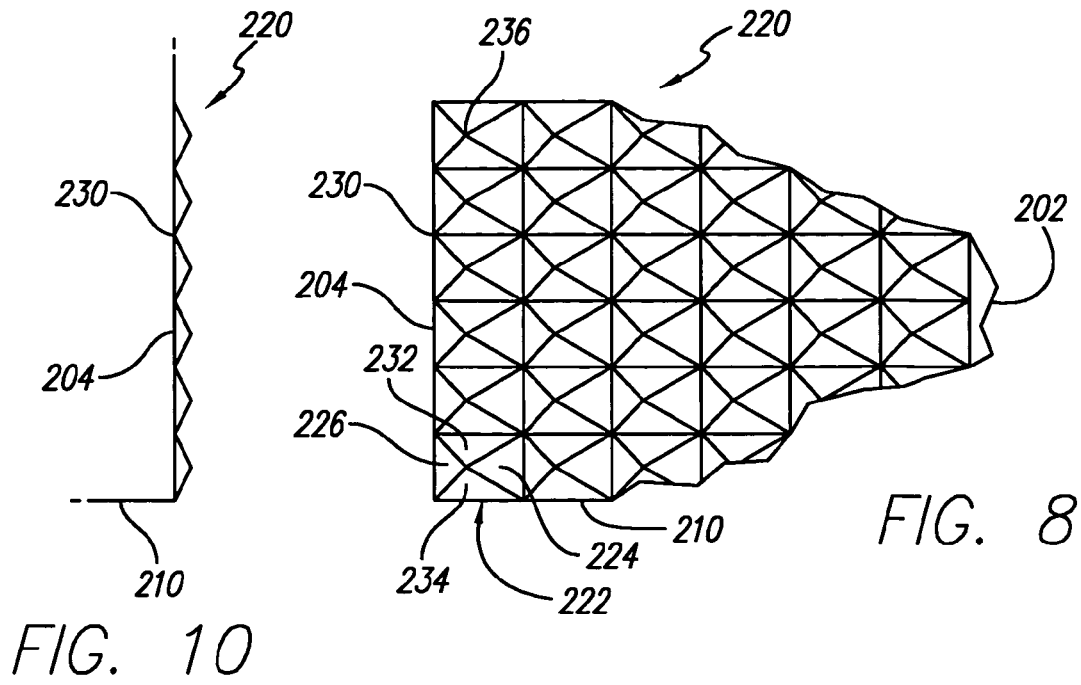


FIG. 7



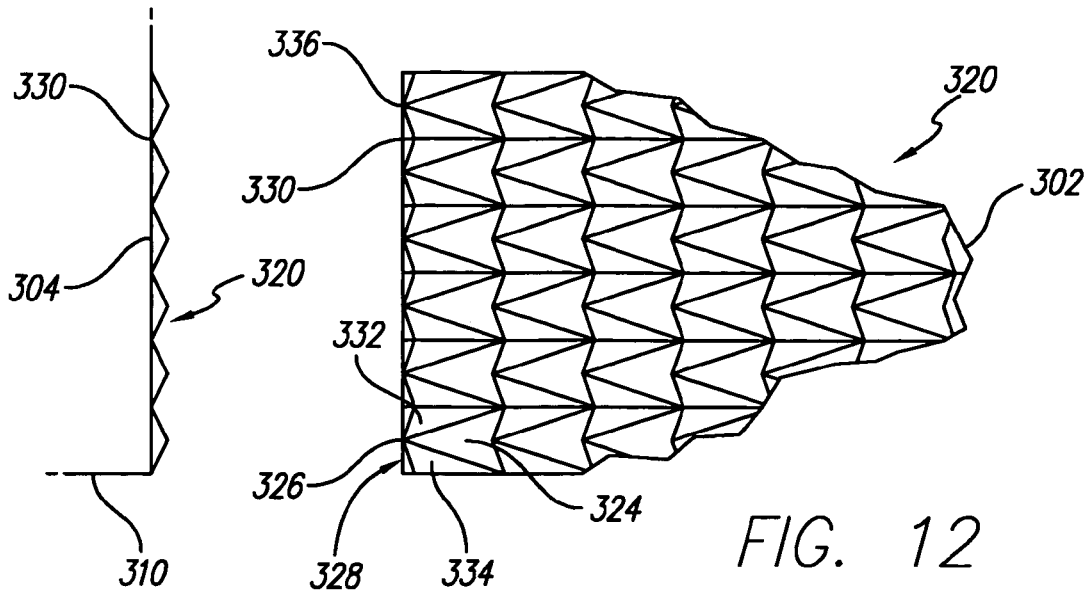


FIG. 12

FIG. 14

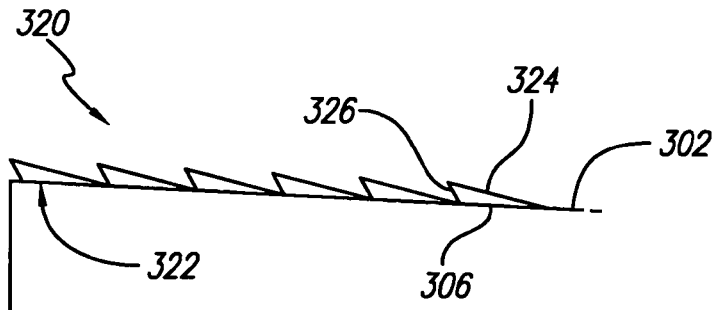


FIG. 13

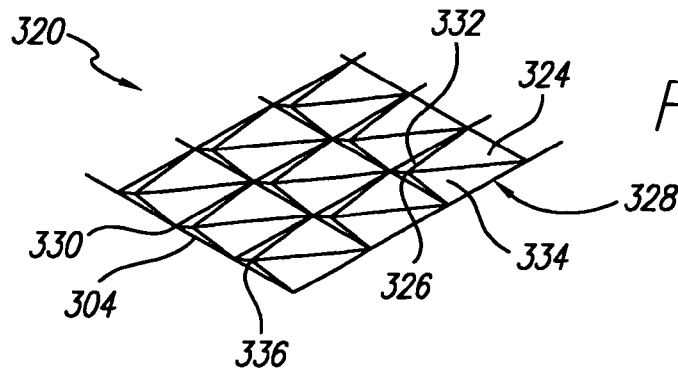
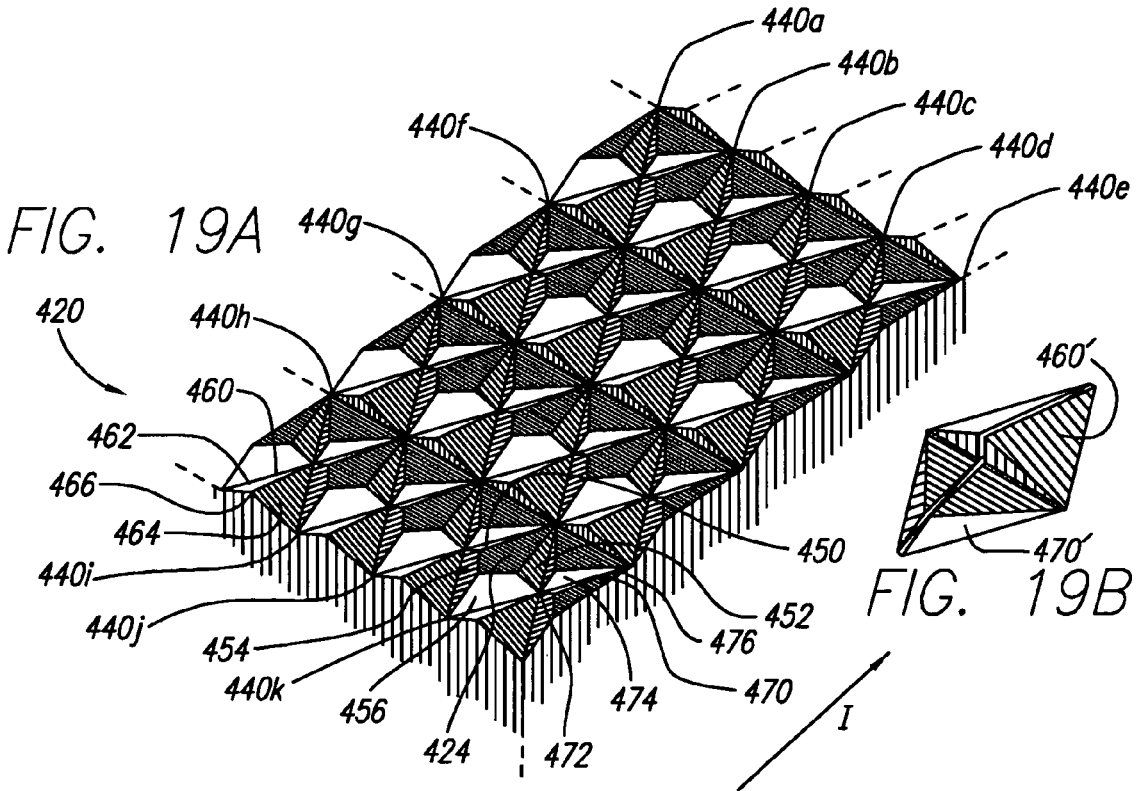
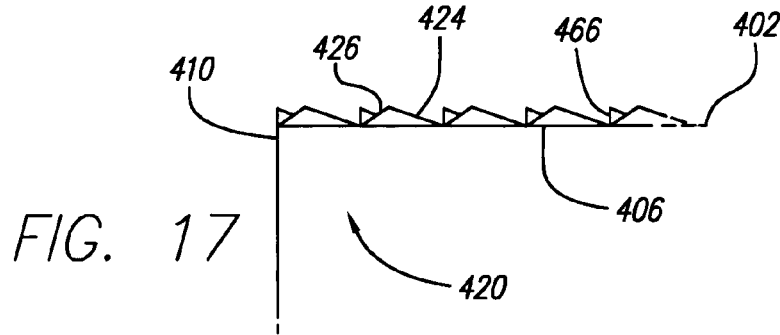
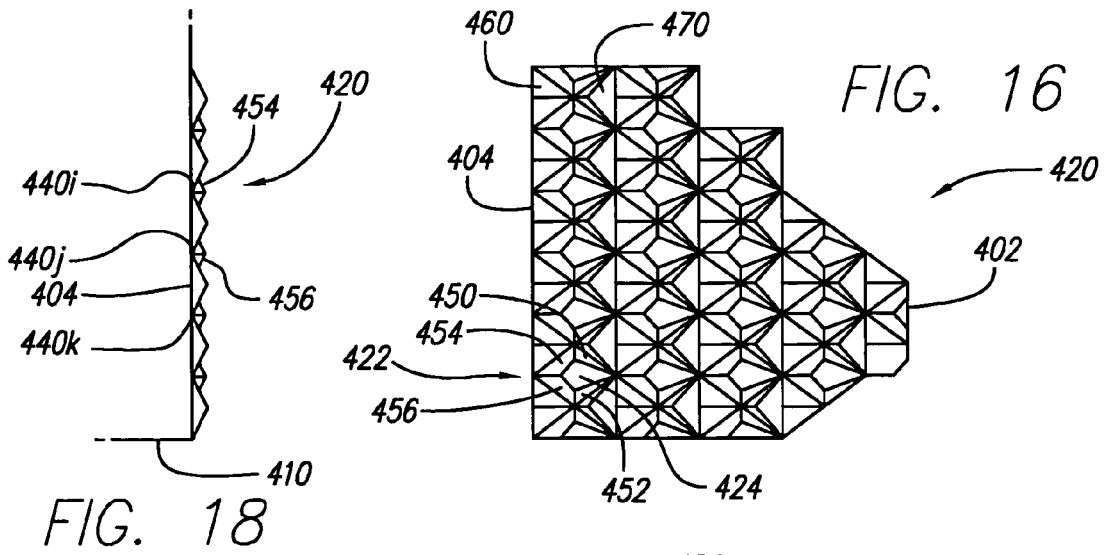


FIG. 15



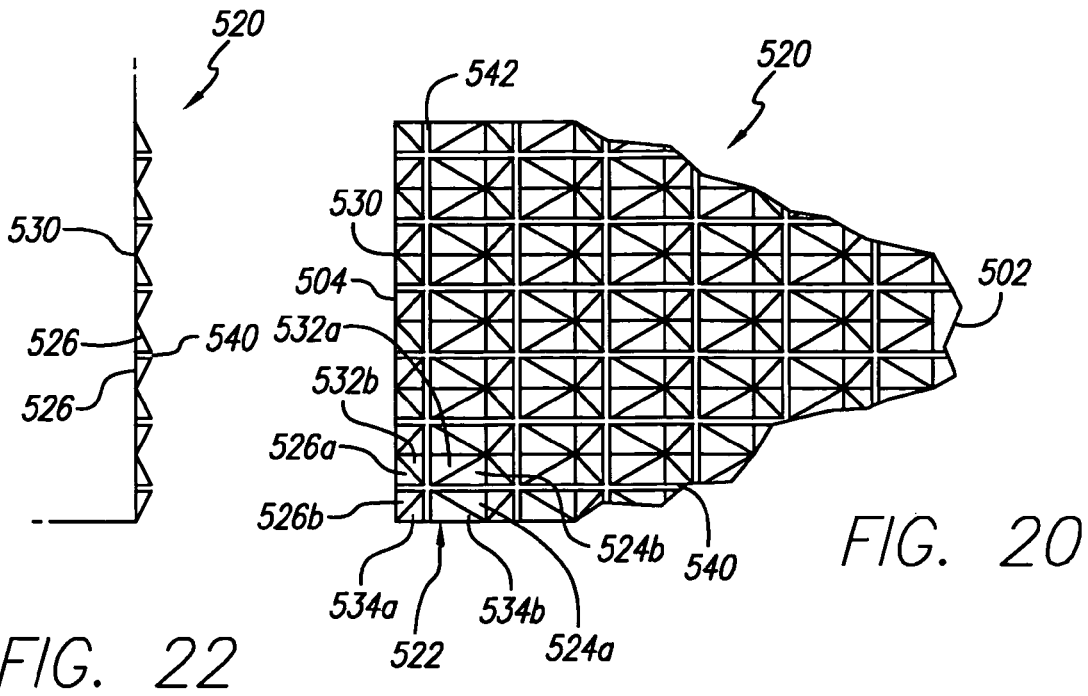
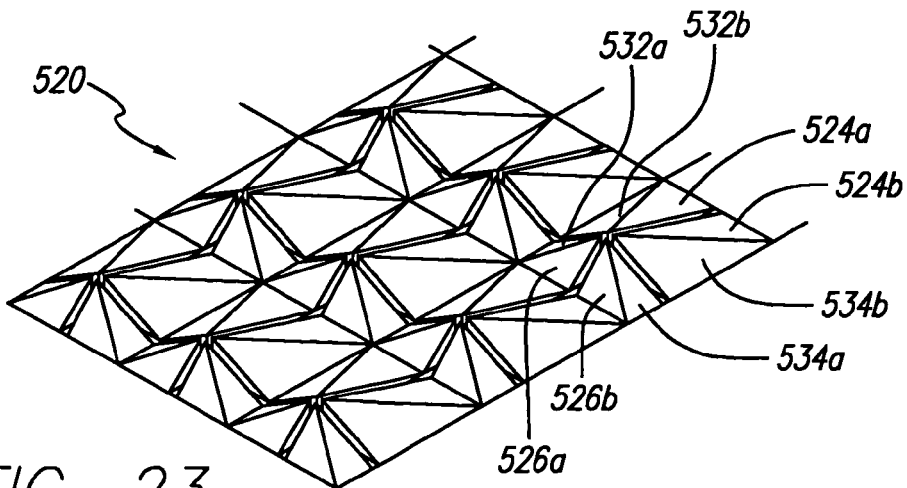
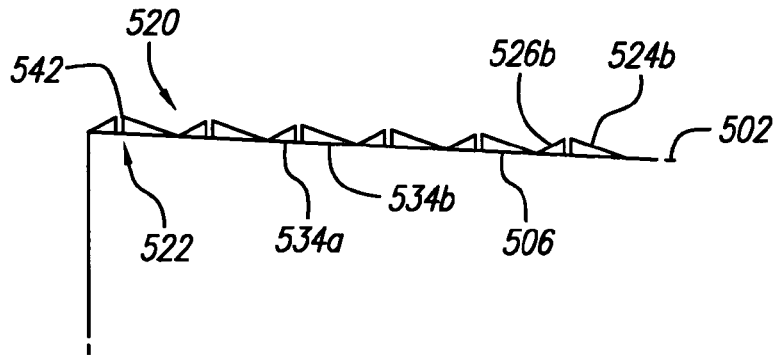


FIG. 22



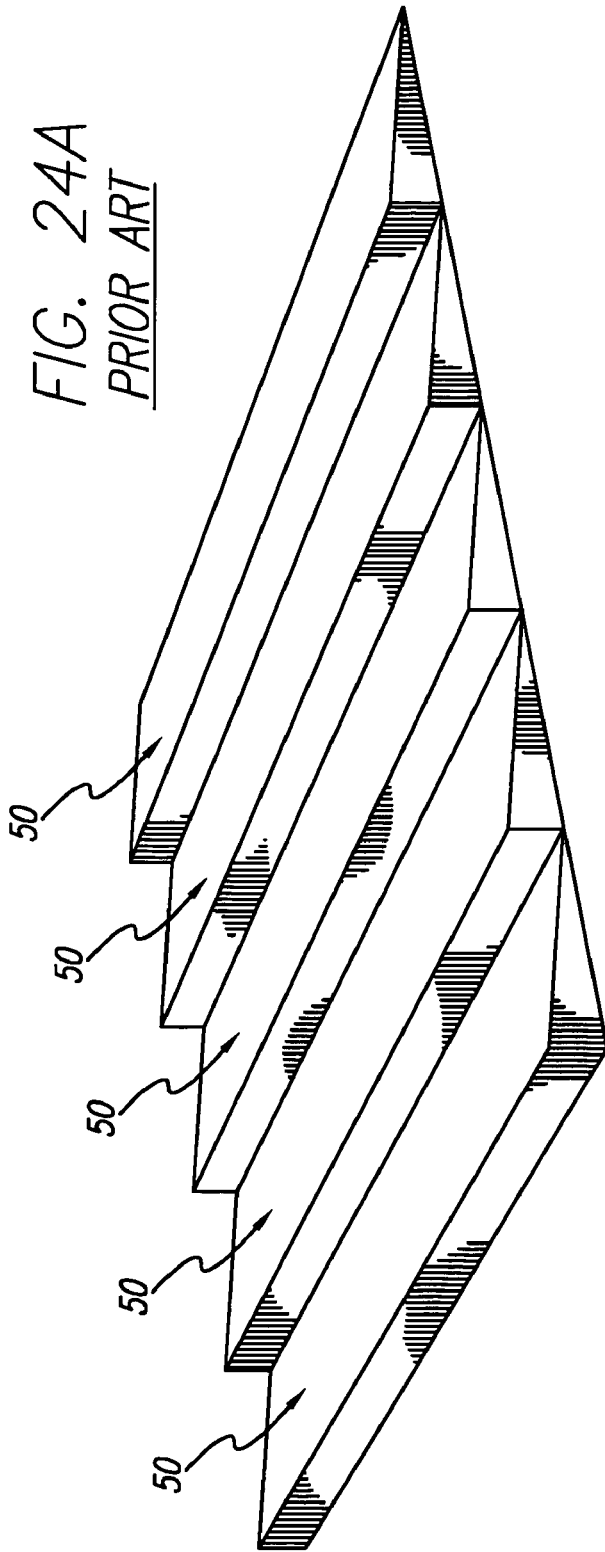


FIG. 24A
PRIOR ART

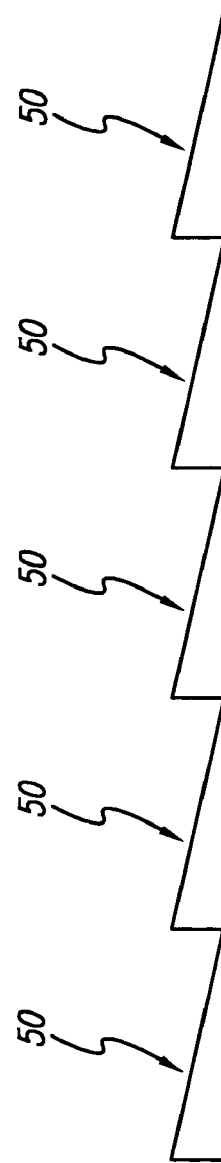


FIG. 24B
PRIOR ART

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METHOD FOR FORMING A SPINAL IMPLANT SURFACE CONFIGURATION

BACKGROUND OF THE INVENTION

This application is a divisional of application 09/457,228, filed Dec. 8, 1999, now U.S. Pat. No. 6,827,740.

DESCRIPTION OF THE RELATED ART

The present invention relates to interbody spinal implants for placement between adjacent vertebral bodies of a human spine, and more specifically to a specialized surface for such interbody implants, for engaging the adjacent vertebral bodies. Vital to the functioning of all interbody spinal implants is their ability to remain properly located within the spine after installation. In U.S. Pat. Nos. 5,593,409 and 5,609,635 Michelson described the use of surface roughenings, such as knurling or ratcheting on the opposed upper and lower vertebral body engaging surfaces of interbody spinal fusion implants. Knurling has been particularly beneficial for increasing the grip of the implant surface to the adjacent vertebral bodies in a rather uniform manner without a directional bias. Spinal implants have a propensity to move in a particular direction, which is opposite to their path of insertion, because this is the path of least resistance. Such propensity to move is further increased when the opposed upper and lower vertebral body engaging surfaces are in angular relationship to each other, such that they are spaced further apart at the implant's trailing end than at the implant's leading end. In such circumstances where it is desirable then to gain stability in resistance to a particular direction of movement of the interbody spinal implant, the use of a plurality of forward facing ratchetings on the implant's vertebral body engaging surfaces has been preferable to the previously described knurling for that purpose.

The term "ratcheting" as used herein is defined as a plurality of angular teeth or ridges or protrusions projecting from the surface of an implant to resist motion of the implant at least in one direction. The phrase "forward facing ratchetings" as used herein is defined as a ratcheting having at least one forward facing facet having a length greater than a rearward facing facet and an angle from the implant surface from which the forward facing facet arises that is less steep than the angle of the rearward facet. On an implant surface, forward facing ratchetings facilitate the insertion of the implant in one direction and after insertion, resisting movement of the implant in a direction opposite to the direction of insertion. An example of forward facing ratchetings of the prior art is shown in partial fragmentary view in FIGS. 24A and 24B, generally referred to by the reference numeral 50.

Knurled surfaces of the related art provide some stability in all directions, but lack the ability to resist a particular direction of motion preferentially. The above-described ratcheted surface best resists motion in a particular direction. There exists a need for an improved interbody spinal implant surface configuration, wherein the opposed upper and lower vertebral body engaging surfaces of the implant are configured to be resistant to implant movement in all directions, and preferentially or in particularly in one direction.

SUMMARY OF THE INVENTION

The present invention relates to interbody spinal implants having a specialized surface configuration on the opposed exterior surfaces adapted for engaging the vertebral bodies

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adjacent a disc space into which the interbody implant is to be implanted. Such an implant surface configuration has utility with a wide variety of shapes of interbody spinal implants where enhanced skeletal fixation is desired. Such an implant surface configuration can provide for enhanced stability, increased surface area, and a surface for the delivery of fusion promoting substances other than bone. In a preferred embodiment, the implant surface can provide for resisting motion in all directions, and particularly in at least one direction, such as counter to the direction of insertion of the implant.

While various embodiments of the present invention are presented by way of example only and not limitation, common to each of them is that the surface configuration incorporates a plurality of spatially integrated surface projections having at least one forward facing facet directed at least in part toward the leading end of the implant and at least one rearward portion directed at least in part toward the opposite trailing end of the implant. By way of example and not limitation, the rearward portion may be a facet, a line, or an edge of the rearward aspect of the surface projection formed where two facets come together. Each of the forward and rearward facets have a length and a slope. The length of the forward facet is longer than the length of the rearward facet. The slope of the rearward facet is steeper than the slope of the forward facet. In various embodiments, the surface projections also have opposed side facets directed generally toward the sides of the implant. The side facets are located between the forward facet and rearward facet and may converge toward each other in a direction away from the base of the surface projections. The surface comprises multifaceted ratcheted projections that are organized in geometrically disposed fields or arrays which are at a minimum located on at least a portion of the opposed vertebral body engaging surfaces of the implant. From the teachings disclosed herein, it is appreciated that the surface projections can be geometrically arranged in a pattern wherein at least a portion of the projection is aligned along a longitudinal, horizontal, diagonal, or curved line. The upper and lower surfaces of the implant can be at least in part arcuate or planar and can converge along a portion or all of the length of the implant.

In various preferred embodiments of the present invention, the rearward facets of the surface projections can be perpendicular or at angles greater or less than 90 degrees to at least one of the upper or lower surfaces of the implant from which the projections arise. The opposed side facets of the surface projections can have at least a first portion in a plane at an angle to the longitudinal axis of the implant. The opposed side facets can intersect each other, and can converge to form a peak at the top of each of the surface projections. The peaks can be aligned along lines that are perpendicular, parallel, or diagonal to the longitudinal axis of the implant. The surface projections can be cleaved such as by longitudinal and/or horizontal cuts to increase the number of exposed sides of the projections and thus increase the available surface area to contact and engage the bone of the adjacent vertebral bodies and increase the number of recessed areas to contain fusion promoting substances. Alternatively, the peaks of each surface projection can be cleaved, truncated, or flattened at least in part.

The surface projections can include a left forward side facet and a right forward side facet directed toward the leading end and sides, respectively, of the implant. Similarly, the surface projections can include a left rearward side facet and a right rearward side facet directed toward the trailing end and sides, respectively, of the implant. The side facets of

adjacent surface projections can be spaced apart to define a groove therebetween. A plurality of adjacent surface projections can be spaced apart to form a plurality of grooves that can be parallel or at an angle to the longitudinal axis of the implant, wherein the angle can be less than 90 degrees. The grooves can have a horizontal cross section that is a V-shape, U-shape, or a box-like shape, for example.

Sequential projections can be positioned on an implant wherein each surface projection has forward facing facets facing the same direction, such that consecutive projections are oriented forward facing facet to rearward facing facet. The lower most portion of the slope of the forward facing facet of a first surface projection in a sequence can be coincident with the rearward facet of the next surface projection in the sequence. Alternatively, the forward facet of a first surface projection and the rearward facet of the next surface projection in a sequence can be spaced apart and the space can be at least in part flat, curved, or any other surface contour suitable for the intended use. The surface projections can be oriented relative to one another to form fields or arrays that further can be geometrically disposed relative to one another, preferably in a pattern wherein at least a portion of the projection is aligned along a longitudinal, horizontal, diagonal, or curved line.

The surface configuration of the present invention can be formed by casting, machining, or any other techniques known to one of ordinary skill in the art. The present surface configuration may readily be machined by milling the implant surface from side to side, across the upper and lower vertebral body engaging surfaces, to form ratchetings generally disposed perpendicular to the long axis of the implant and generally formed facing to the insertion end of the implant. The ratchetings may be cross machined with an angled cutting face to form grooves passing through the ratchetings. For example, a milling machine having a cutting tool, with a V-shaped profile, can be run through the plurality of ratchetings parallel to the longitudinal axis of the implant to form the above-described surface. In a preferred embodiment, the V-shaped cutting tool of the milling machine has opposed cutting faces with an angle of approximately 90 degrees to each other, which faces are each at a 45-degree angle to the plane of the surfaces being machined. Without departing from the scope of the present invention, the angle of the cutting faces can be more or less than 90 degrees, and the angle of the cutting face to the surface to be cut can be more or less than 45 degrees. It is appreciated that rather than the cutting element being run parallel to the longitudinal axis of the implant, the cutting element could be run at some other angle. By way of example only and not limitation, this angle could be at 45 degrees to the longitudinal axis of the implant and to the projections. Each surface projection could then be formed by a cutter crossing in two passes to form two grooves at a 90 degree angle to each other.

The surface of the present invention for engaging each of the adjacent vertebral bodies may be incorporated into various types of spinal implants. Such spinal implants may be for the purpose of achieving interbody spinal fusion, or for stabilizing a device to space apart and allow motion between the adjacent vertebral bodies. Such spinal implants may comprise any artificial or naturally occurring material appropriate for the intended purpose. Such materials would include, but are not limited to, implant quality metals, including, but not limited to, titanium and its alloys, surgical grade plastics and plastic composites which may or may not be bioresorbable, ceramics, and cortical bone. Some examples of interbody spinal implants that may benefit from the present teaching, include but are not limited to the

following patents and applications by Michelson which are incorporated by reference herein: U.S. Pat. Nos. 5,015,247; 5,522,899; 5,593,409; 5,609,635; 5,860,973; and application Ser. No. 08/480,904.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a top plan view of an interbody spinal implant having a surface configuration in accordance with the present invention.

FIG. 2 is a side elevation view of the spinal implant of FIG. 1.

FIG. 3 is a side elevation view of the interbody spinal implant of FIG. 1 installed in an implantation site formed across the disc space between two adjacent vertebral bodies of the spine shown in partial cross-section.

FIG. 4 is an enlarged fragmentary top plan view of an implant surface of one embodiment of the present invention from a view taken along area 4 of FIG. 1.

FIG. 5 is a fragmentary side elevation view of the implant surface of FIG. 4 from a view taken along area 5 of FIG. 2.

FIG. 6 is a fragmentary end elevation view of FIG. 4.

FIG. 7 is a fragmentary perspective view of the implant surface of FIG. 4.

FIG. 8 is an enlarged fragmentary top plan view of a second embodiment of the implant surface of the present invention from a view taken along area 8 of FIG. 1.

FIG. 9 is a fragmentary side elevation view of the implant surface of FIG. 8 from a view taken along area 9 of FIG. 2.

FIG. 10 is a fragmentary end view of the implant surface of FIG. 8.

FIG. 11 is a fragmentary perspective view of the implant surface of FIG. 8.

FIG. 12 is an enlarged fragmentary top plan view of a third embodiment of the implant surface of the present invention from a view taken along area 12 of FIG. 1.

FIG. 13 is a fragmentary side elevation view of the implant surface of FIG. 12 from a view taken along area 13 of FIG. 2.

FIG. 14 is a fragmentary end view of FIG. 12.

FIG. 15 is a fragmentary perspective view of the implant surface of FIG. 12.

FIG. 16 is an enlarged fragmentary top plan view of a fourth embodiment of the implant surface of the present invention from a view taken along area 16 of FIG. 1.

FIG. 17 is a fragmentary side elevation view of the implant surface of FIG. 16 from a view taken along area 17 of FIG. 2.

FIG. 18 is a fragmentary end view of FIG. 16.

FIG. 19A is an enlarged fragmentary perspective view of the implant surface of FIG. 16.

FIG. 19B is an enlarged fragmentary perspective view of a variation on the second and third surface projections of the fourth embodiment of the implant surface of the present invention with a cleave therethrough.

FIG. 20 is an enlarged fragmentary top plan view of a fifth embodiment of the implant surface of the present invention from a view taken along area 20 of FIG. 1.

FIG. 21 is a fragmentary side elevation view of the implant surface of FIG. 20 from a view taken along line 21 of FIG. 2.

FIG. 22 is a fragmentary end view of FIG. 20.

FIG. 23 is an enlarged fragmentary perspective view of the implant surface of FIG. 20.

FIGS. 24A and 24B are perspective and side elevation views, respectively, of a prior art implant surface having forward facing ratchetings.

DETAILED DESCRIPTION OF THE DRAWINGS

As shown in FIGS. 1–7, an interbody spinal implant **100** has a leading end **102**, a trailing end **104**, an upper surface **106**, a lower surface **108**, and a side wall **110** between upper and lower surfaces **106**, **108**. Upper and lower surfaces **106**, **108** may converge from trailing end **104** to leading end **102** along a longitudinal axis L of implant **100** as shown, or may diverge, be parallel, or any combination thereof. Upper and lower surfaces **106**, **108** are configured to be placed against and in contact or engagement with the bone of vertebral bodies V of two adjacent vertebrae adjacent disc D of the human spine. Upper and lower surfaces **106**, **108** and side wall **110** may include large and/or small openings **112**, **114**, and **116**, respectively, to permit bone growth into and through implant **100**. Upper and lower surfaces **106**, **108** of implant **100** can be generally planar as shown in the figures, or can be opposed arcuate surfaces as shown and described in U.S. Pat. No. 5,593,409, incorporated herein by reference, or any other configuration suitable for the desired use.

As shown in detail in FIGS. 4–7, at least a portion of upper and lower surfaces **106**, **108** of implant **100** have a surface configuration generally referred to by the numeral **120**. In accordance with a first embodiment of the present invention, surface configuration **120** includes surface projections **122** configured to facilitate insertion of implant **100** into an implantation site while resisting expulsion of implant **100** in a direction opposite to the direction of insertion. Each of surface projections **122** has an angled forward facet **124** directed at least in part toward leading end **102** of implant **100** and a rearward facet **126** directed at least in part toward trailing end **104** of implant **100**. Forward facet **124** has a length greater than the length of rearward facet **126**. Rearward facet **126** has a slope that is steeper than the slope of forward facet **124**. In this embodiment, the base of rearward facet **126** forms an angle of approximately 90 degrees with respect to upper and/or lower surfaces **106**, **108** of implant **100**. It is appreciated that the angle of the base of rearward facet **126** with respect to upper and/or lower surfaces **106**, **108** of implant **100** may be perpendicular to, greater than perpendicular to, or less than perpendicular to the base of the surface where the facet arises. Forward facet **124** forms an angle in the range of approximately 10 to 60 degrees, with 25–45 degrees being preferred, with respect to upper and/or lower surfaces **106**, **108**. Each one of surface projections **122** also has a left side facet **132** and a right side facet **134** directed toward the sides of implant **100**.

In this embodiment of surface configuration **120**, a plurality of surface projections **122** are spaced apart laterally (side to side) by longitudinal grooves **130** formed along the longitudinal axis L of implant **100**. In one embodiment, longitudinal grooves **130** have a V-shaped horizontal cross-section. The lower most portions of left and right side facets **132**, **134** of consecutive side-by-side projections **122** can be coincident with each other or may be spaced apart, any space therebetween can be at least in part flat, curved, sloped or otherwise configured. Each surface projection **122** has left and right side facets **132**, **134** that converge to form a high point or peak **136** at the top of each surface projection **122**. Each peak **136** can be aligned along lines that are perpendicular, parallel, and/or diagonally oriented to longitudinal axis L of implant **100**. The left and right side facets **132**, **134** resist side-to-side motion of implant **100** after it is inserted into the implantation space. Peaks **136** engage the bone of vertebral bodies V adjacent to implant **100** in the implantation site. It is appreciated that in a variation of the present invention, the peaks may be modified such as to be truncated

or cut off to have a broader rather than shaper upper most surface. Moreover, the peaks can be cleaved in one or more directions so as to increase the surface area useful for engaging the bone of the vertebral bodies. The relieved areas of the cleaved projections are useful for containing and carrying fusion promoting substances other than bone such as bone morphogenetic proteins and genetic materials coding for the production of bone, or bone itself which could by way of example be in the form of a paste. It is further appreciated that for all the various embodiments of the surface configuration of the present invention, longitudinal grooves **130** can have horizontal cross-sections in a variety of configurations such as, without limitation, square-shaped or U-shaped configurations.

Sequential projections can be positioned on an implant wherein each surface projection has forward facing facets facing the same direction such that consecutive projections are oriented forward facing facet to rearward facing facet. The lower most portion of the slope of the forward facing facet of a first surface projection in a sequence can be coincident with the rearward facet of the next surface projection in the sequence. Alternatively, the forward facet of a first surface projection and the rearward facet of the next surface projection in a sequence can be spaced apart and the space can be at least in part flat, curved, or any other surface configuration suitable for the intended use. The surface projections can be oriented relative to one another to form an array and are preferably geometrically disposed relative to one another in a pattern wherein at least a portion of the projection is aligned along a longitudinal, horizontal, diagonal, or curved line. Further, it is appreciated that the surface of the present invention can be useful with spinal implants of various configurations, including configurations wherein at least one of leading end, trailing end, and sides of the spinal implant is curved. By way of example and not limitation, the leading end, trailing end, and sides of the spinal implant can form an oval, an oblong, or a circle. As shown in FIGS. 8–11, a second embodiment of the surface configuration of the present invention is generally referred to by the numeral **220**. Surface configuration **220** includes surface projections **222** to facilitate insertion of implant **100** into an implantation site while resisting expulsion of implant **100** in a direction opposite to the direction of insertion. Each of surface projections **222** has an angled forward facet **224** directed at least in part toward leading end **202** of implant **100** and a rearward facet **226** directed at least in part toward trailing end **204** of implant **100**. Forward facet **224** has a length greater than the length of rearward facet **226**. Rearward facet **226** has a slope that is steeper than the slope of forward facet **224**. In this embodiment, the base of rearward facet **226** forms an angle of approximately 45 degrees with respect to upper and/or lower surfaces **206**, **208** of implant **100**. Each one of surface projections **222** has a left side facet **232** and a right side facet **234** directed toward the sides of implant **100**, and forward facet **224** and rearward facet **226**.

In this embodiment of surface configuration **220**, longitudinal grooves **230** have a V-shaped horizontal cross-section. The lower most portions of left and right side facets **232**, **234** of consecutive side-by-side projections **222** can be coincident with each other or may be spaced apart, any space therebetween can be at least in part flat, curved, sloped or otherwise configured. Each surface projection has left and right side facets **232**, **234** that converge to form a high point or peak **236** at the top of each surface projections **222**. Each peak **236** can be aligned along lines that are perpendicular, parallel, and/or diagonally oriented to the longitudinal axis L of implant **100**. The left and right side facets **232**, **234**

resist side-to-side motion of implant **100** after it is inserted into the implantation space. Peaks **236** engage the bone of the vertebral bodies adjacent to implant **100** in the implantation site.

As shown in FIGS. **12–15**, a third embodiment of the surface configuration of the present invention is generally referred to by the numeral **320** is shown. Surface configuration **320** includes surface projections **322** to facilitate insertion of implant **100** into an implantation site while resisting expulsion of implant **100** in a direction opposite to the direction of insertion. Each of surface projections **322** has an angled forward facet **324** directed at least in part toward leading end **302** of implant **100** and a rearward facet **326** directed at least in part toward trailing end **304** of implant **100**. Forward facet **324** has a length greater than the length of rearward facet **326**. Rearward facet **326** has a slope that is steeper than the slope of forward facet **324**. In this embodiment, the base of rearward facet **326** is “back cut” to form an angle greater than 90 degrees with respect to upper and/or lower surfaces **306**, **308** of implant **100**. The configuration of rearward facet **326** further enhances resistance of motion of the implant in a direction opposite to the direction of insertion. It is appreciated that the angle of the base of rearward facet **326** with respect to upper and/or lower surfaces **306**, **308** of implant **100** can be any other angle suitable for the intended purpose of the present invention. Each one of surface projections **322** has a left side facet **332** and a right side facet **334** directed toward the sides of implant **100**, and a forward facet **324** and a rearward facet **326**.

In this embodiment of surface configuration **320**, longitudinal grooves **330** have a V-shaped horizontal cross section. The lower most portions of left and right side facets **332**, **334** of consecutive side-by-side projections **322** can be coincident with each other or may be spaced apart, and any space therebetween can be at least in part flat, curved, sloped or otherwise configured. Each surface projection **322** has left and right side facets **332**, **334** that converge to form a high point or peak **336** at the top of each surface projection **322**. Each peak **336** can be aligned along lines that are perpendicular, parallel, and/or diagonally oriented to the longitudinal axis **L** of implant **100**. The left and right side facets **332**, **334** resist side-to-side motion of implant **100** after it is inserted into the implantation space. Peaks **336** engage the bone of vertebral bodies **V** adjacent to implant **100** in the implantation site.

As shown in FIGS. **16–19B**, a fourth embodiment of the surface configuration of the present invention is generally referred to by the numeral **420**. Surface configuration **420** includes surface projections **422** configured to facilitate insertion of implant **100** in the direction of insertion into an implantation site while resisting expulsion of implant **100** in a direction opposite to the direction of insertion. Each of surface projections **422** has an angled forward facet **424** directed toward leading end **402** of implant **100** and a rearward portion **426** directed toward trailing end **404** of implant **100**. Forward facet **424** has a length greater than the length of rearward portion **426**. Rearward portion **426** has a slope that is steeper than the slope of forward facet **424**. In this embodiment, the base of rearward portion **426** forms an angle of approximately 90 degrees with respect to upper and/or lower surfaces **406**, **408** of implant **100**. Rearward portion **426** can be a portion of surface projection **422**, such as a facet, an edge, or a line for example. Each one of surface projections **422** has a left side forward facet **450**, a right side forward facet **452**, a left side rearward facet **454**, and a right side rearward facet **456** directed toward the front and sides,

and directed toward the rear and sides of implant **100**, respectively, and forward facet **424** and rearward portion **426**.

Surface configuration **420** can further include a second plurality of surface projections **460** having at least a left forward side facet **462** and a right forward side facet **464** directed at least in part toward leading end **402** and sides of implant **100**, respectively, and at least one rearward facet **466** directed at least in part toward trailing end **400**. Left and right forward side facets **462**, **464** have at least a first portion in a plane at an angle to the longitudinal axis of implant **100**. Second surface projections **460** can be interspersed with surface projections **422**.

Surface configuration **420** can further comprise a third plurality of surface projections **470** having at least a left rearward side facet **472** and a right rearward side facet **474** directed at least in part toward trailing end **404** and sides of implant **100**, respectively, and at least one forward facet **476** directed at least in part toward leading end **402**. Left and right rearward side facets **472**, **474** have at least a first portion in a plane at an angle to the longitudinal axis of implant **100**. Third surface projections **470** can be interspersed with surface projections **422** and/or second surface projections **460**. Surface projections **422** may have a length approximating the combined length of second surface projections **460** and third surface projections **470**.

In this embodiment, surface configuration **420** has angled grooves **440a–k** that form a plurality of surface projections **422**. In this example, angled grooves **440a–k** are formed at an angle that is approximately 45 degrees to longitudinal axis **L** of spinal implant **100** and in this example, angled grooves **440a–k** are approximately 90 degrees to one another. The angled grooves **440a–k** can be formed, if machined, by first passing a cutting element at a 45 degree angle to the longitudinal axis **L** of implant **100** and then passing the cutting element at a 90 degree angle to the path of the first pass of the cutting element, or otherwise formed by casting, molding, and other methods for forming a surface configuration. It is appreciated that angled grooves **440a–k** can be formed at various angles to the longitudinal axis **L** of implant **100** and to each other. For example, such angles can be less than 180 degrees.

In this embodiment of surface configuration **420**, angled grooves **440a–k** have a V-shaped horizontal cross-section. Each surface projection **422** has left and right side facets **432** and **434** that are convergent and form a high point or peak **436** at the top of each surface projections **422**. Each peak **436** can be aligned along lines that are horizontally, longitudinally, and/or diagonally oriented along implant **100**. The left and right side forward and rearward facets **450**, **452**, **454**, **456** function to prevent side-to-side motion of implant **100** after it is inserted into the implantation space. Peaks **436** may also function like teeth to engage the bone of vertebral bodies **V** adjacent to the implant in the implantation site.

FIG. **19B** shows a variation of second and third surface projections **460'**, **470'** that can be cleaved in one or more directions to increase the number of exposed sides of each projection and thus increase the surface area of the implant bone engaging surface available to contact the bone of the vertebral bodies. A preferred embodiment of this variation of the second and third surface projections **460'**, **470'** are cleaved by a longitudinal groove.

As shown in FIGS. **20–23**, a fifth embodiment of the surface configuration of the present invention is generally referred to by the numeral **520**. Surface configuration **520** includes surface projections **522** to facilitate insertion of implant **100** into an implantation site while resisting expul-

sion of implant **100** in a direction opposite to the direction of insertion. Surface projections **522** can be cleaved in one or more directions to increase the number of exposed sides of each projection and thus increase the surface area of the implant bone engaging surface available to contact the bone of the vertebral bodies. For example, the surface projections can be cleaved by a longitudinal cut **540** generally parallel to the longitudinal axis L of implant **100** to form a surface projection having nine exposed sides. The surface projections may further be cleaved by a horizontal cut **542** generally perpendicular to the longitudinal axis L of implant **100** to form a surface projection having eighteen exposed sides. The cuts can penetrate the surface projection at a depth substantially equal to that of the height of the surface projections as measured from the upper or lower surfaces of the implant. The cuts can be oriented along at least one of the longitudinal axis of the implant, an axis perpendicular to the longitudinal axis of said implant, and an axis at an angle between the longitudinal axis and the axis perpendicular to the longitudinal axis of the implant. It is appreciated that cuts **540** and **542** may be formed as part of the molding process for forming the surface projections.

When cleaved by longitudinal cut **540** and horizontal cut **542**, each of surface projections **522** has angled forward facet **524a**, **524b** directed at least in part toward leading end **502** of implant **100** and rearward facets **526a**, **526b** directed at least in part toward trailing end **504** of implant **100**. Forward facet **524** has a length greater than the length of rearward facet **526**. Rearward facets **526a**, **526b** have a slope that is steeper than the slope of forward facets **524a**, **524b**. The cleaved portion of surface projection **522** can be spaced apart by a predetermined distance and the space can be at least in part flat, curved, or any other surface configuration suitable for the intended use. In this embodiment, the base of rearward facets **526a**, **526b** forms an angle of approximately 45 degrees with respect to upper and/or lower surfaces **506**, **508** of implant **100**. Each one of surface projections **522** has left side facets **532a**, **532b** and right side facets **534a**, **534b** directed toward the sides of implant **100**, and forward facets **524a**, **524b** and rearward facet **526a**, **526b**. In this embodiment of surface configuration **520**, longitudinal grooves **530** have a V-shaped horizontal cross-section and each surface projection **522** has left and right side facets **532a**, **532b**, **534a**, **534b** that converge toward one another. The left and right side facets **532a**, **532b**, **534a**, **534b** resist side-to-side motion of implant **100** after it is inserted into the implantation space. The surface configuration of the present invention can be formed by molding, machining or otherwise. A preferred surface configuration of the present invention may readily be machined by milling from side to side, across the upper and lower vertebral body engaging surfaces, surface projections. A milling machine with a cutting tool having an angled cutting face such as a V-shaped profile can then be run through the plurality of surface projections parallel to the longitudinal axis of the implant to form the above-described surface. In a preferred embodiment, the V-shaped cutting tool of the milling machine has faces with an angle of approximately 90 degrees, which faces are at a 45 degree angle to the plane of the surfaces being so machined. Without departing from the present invention, the angle of the cutting faces can be more or less than 90 degrees, the angle of the cutting face to the surface to be cut can be more or less than 45 degrees, and rather than running the cutter element parallel to the longitudinal axis of the implant, the cutting element may be run at an angle. By way of example only and not limitation, this angle may be at 45 degrees to the longitudinal axis of the

implant and each surface projection can be formed by two grooves crossing the projections at a 90 degree angle to each other.

The spinal implants of the present invention are made of artificial or naturally occurring materials suitable for implantation in the human spine. The implants can comprise bone including, but not limited to, cortical bone, materials other than bone, such as metals including, but not limited to, titanium and its alloys or ASTM material, surgical grade plastics, plastic composites, ceramics, or other materials suitable for use as a spinal implant. The implants of the present invention can further comprise or be combined with bone growth promoting materials, including but not limited to, bone, bone morphogenetic proteins, hydroxyapatite, and genes coding for the production of bone. The implants can be treated with a bone growth promoting substance, can be a source of osteogenesis, or can be bioabsorbable at least in part. The implants of the present invention can be formed of a porous material.

The spinal implants of the present invention can be for the purpose of achieving fusion. The upper and lower surfaces of the fusion implants can include at least one opening, each in communication with the other, to permit for the growth of bone from vertebral body to adjacent vertebral body through the implant. The implant can have an internal chamber and may also have an access opening for accessing the internal chamber, in which case the implant can further have a cover such as a cap to close the access opening at least in part. Openings in the upper and lower surfaces of the implant can communicate with the internal chamber to permit further growth of bone from vertebral body to adjacent vertebral body through the implant. The internal chamber can contain bone growth promoting materials, including but not limited to, bone, bone morphogenetic proteins, hydroxyapatite, and genes coding for the production of bone. The implants of the present invention can be formed of a material that intrinsically participates in the growth of bone from one of the adjacent vertebral bodies to the other of the adjacent vertebral bodies.

While various embodiments of the present invention are presented by way of example only and not limitation, common to each of them, is that the configuration of the surface is based on a plurality of surface projections disposed in arrays, each surface projection comprising at least one leading facet and at least one opposing trailing facet, in which the leading facet has a length greater than the trailing facet and the trailing facet has a steeper slope than the slope of the leading facet. The surface configuration is located on at least a portion of one of the opposed vertebral body engaging surfaces of the spinal implant.

While the implant shown in FIGS. **1**, **2**, and **3** is an interbody spinal fusion implant, it is appreciated that the surface configuration of the present invention is applicable to any interbody spinal fusion implants, including but not limited to, an artificial disc or motion preserving device having opposed surfaces incorporating the present inventive teachings for engaging each of the adjacent vertebral bodies.

It is believed that the operation and construction of the present invention will be apparent from the foregoing description and, while the invention shown and described herein has been characterized as particular embodiments, changes and modifications may be made therein without departing from the spirit and scope of the invention as defined in the following claims.

What is claimed is:

1. A method for forming an interbody spinal implant having a plurality of bone engaging structures for insertion

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between adjacent vertebral bodies of a human spine, the method comprising the steps of:

providing the implant comprising a leading end for introduction of the spinal implant into the spine, an opposite trailing end, spaced apart sides therebetween, a mid-longitudinal axis through the leading and trailing ends, and opposite upper and lower surfaces between said leading and trailing ends and said spaced apart sides, said upper surface adapted for placement toward the bone of one of the vertebral bodies and said opposite lower surface adapted for placement toward the bone of the other of the vertebral bodies when said implant is placed between the adjacent vertebral bodies; and

forming a plurality of surface projections as part of the upper and lower surfaces of the implant, each of the surface projections having a base with a length and a width, each of the surface projections having a height perpendicular to the length and the width, at least two of the surface projections each having at least one forward facet directed at least in part toward the leading end and at least one rearward facet directed at least in part toward the trailing end, said rearward facet terminating at a first location proximate the base, said rearward facet terminating at a second location proximate said forward facing facet, the first location being closer than the second location to a vertical plane transverse to the mid-longitudinal axis representing the furthest distal extent of the leading end of the implant, each of said at least two surface projections being formed to have opposed side facets extending from the base and being directed generally toward said spaced apart sides of the implant, respectively, said side facets converging toward one another between said forward facet and said rearward facet of each of said at least two surface projections, the width of the base of each of said at least two surface projections being greater than the respective height of each of said at least two surface projections.

2. The method of claim 1, wherein the step of forming includes one of the sub-steps of grinding, milling, burning, laser, burnishing, electric discharge machining, and broaching to form said surface projections.

3. The method of claim 1, wherein the steps of providing and forming include the sub-step of casting to form said implant with said surface projections.

4. The method of claim 1, wherein said forming step includes the sub-step of orienting said projections relative to one another to form an array.

5. The method of claim 1, wherein said forming step includes the sub-step of orienting said projections to be geometrically disposed relative to one another.

6. The method of claim 1, wherein the step of forming includes forming the forward facets of at least two of said at least two surface projections to face the same direction.

7. The method of claim 1, wherein the step of forming includes forming said at least two surface projections to have substantially the same maximum height from the surface of said implant.

8. The method of claim 1, wherein the step of providing the implant includes providing an implant having at least one opening in each of the upper and lower surfaces in communication with one another, the openings being configured to permit for the growth of bone from vertebral body to adjacent vertebral body through the implant.

9. The method of claim 8, further comprising the step of combining the implant with at least one of harvested bone,

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bone morphogenetic proteins, hydroxyapatite, and genes coding for the production of bone.

10. The method of claim 8, wherein the step of providing the implant includes providing an implant having an internal chamber between the upper and lower surfaces and in communication with the at least one opening in each of the upper and lower surfaces, the internal chamber being adapted to contain bone growth promoting materials.

11. The method of claim 10, further comprising the step of combining the implant with at least one of harvested bone, bone morphogenetic proteins, hydroxyapatite, and genes coding for the production of bone.

12. The method of claim 1, wherein the step of forming the plurality of surface projections includes using a milling instrument.

13. The method of claim 12, wherein the milling instrument includes a cutting tool with a V-shaped profile.

14. The method of claim 1, wherein said forward facet and said rearward facet have a length and a slope, the step of forming including forming the length of said forward facet to be longer than the length of said rearward facet, and forming the slope of said rearward facet to be steeper than the slope of said forward facet.

15. The method of claim 1, wherein the step of providing includes providing the implant with a width and a height, the width being greater than the height.

16. The method of claim 1, wherein the step of forming includes forming each of the forward facet, the rearward facet, and the opposed side facets to be in the shape of a triangle.

17. The method of claim 1, wherein the step of forming includes forming the forward facet to be in the shape of an isosceles triangle.

18. The method of claim 1, wherein the step of providing includes providing the implant so that the upper and lower surfaces each include a plurality of openings to permit bone growth from adjacent vertebral body to adjacent vertebral body through the implant.

19. A method for forming an interbody spinal implant having an exterior surface with a plurality of bone engaging structures for insertion between adjacent vertebral bodies of a human spine, the method comprising the steps of:

providing the implant comprising a leading end for introduction of the spinal implant into the spine, an opposite trailing end, spaced apart sides therebetween, and a mid-longitudinal axis passing through the leading and trailing ends, opposite upper and lower surfaces between said leading and trailing ends and said spaced apart sides, said upper surface adapted for placement toward the bone of one of the vertebral bodies and said opposite lower surface adapted for placement toward the bone of the other of the vertebral bodies when the implant is placed between the adjacent vertebral bodies; and

forming surface projections as part of the upper and lower surfaces of the implant:

at least a first and second of said surface projections each having a first facet configuration with at least one forward facet directed at least in part toward the leading end and at least one rearward facet directed at least in part toward the trailing end, said forward facet and said rearward facet having a length and a slope, the length of said forward facet being longer than the length of said rearward facet, the slope of said rearward facet being steeper than the slope of said forward facet, said first and second surface projections having opposed side facets between said forward facet and said rear-

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ward facet, said side facets having at least a first portion in a plane passing through and being at an angle to the mid-longitudinal axis of the implant, said first and second surface projections each having a peak along a first line that is transverse to the mid-longitudinal axis of said implant; and

at least a third and fourth of said surface projections each having a second facet configuration with at least one forward facet directed at least in part toward the leading end and at least one rearward facet directed at least in part toward the trailing end, said forward facet and said rearward facet of said second facet configuration having a length and a slope, the length of said forward facet of said second facet configuration being longer than the length of said rearward facet of said second facet configuration, the slope of said rearward facet of said second facet configuration being steeper than the slope of said forward facet of said second facet configuration, said third and fourth surface projections each having a peak along a second line that is transverse to the mid-longitudinal axis and off-set from the first line transverse to the mid-longitudinal axis, the second facet configuration of the third and fourth surface projections being different from the first facet configuration of the first and second surface projections.

20. The method of claim 19, wherein the step of forming includes one of the sub-steps of grinding, milling, burning, laser, burnishing, electric discharge machining, broaching, and machining to form said surface projections.

21. The method of claim 19, wherein the steps of providing and forming include the sub-step of casting to form said implant with said surface projections.

22. The method of claim 19, wherein said forming step includes the sub-step of orienting said projections relative to one another to form an array.

23. The method of claim 19, wherein said forming step includes the sub-step of orienting said projections to be geometrically disposed relative to one another.

24. The method of claim 19, wherein the step of providing the implant includes providing an implant having at least one opening in each of the upper and lower surfaces in communication with one another, the openings being configured to permit for the growth of bone from vertebral body to adjacent vertebral body through the implant.

25. The method of claim 24, further comprising the step of combining the implant with at least one of harvested bone, bone morphogenetic proteins, hydroxyapatite, and genes coding for the production of bone.

26. The method of claim 24, wherein the step of providing the implant includes providing an implant having an internal chamber between the upper and lower surfaces and in communication with the at least one opening in each of the upper and lower surfaces, the internal chamber being adapted to contain bone growth promoting materials.

27. The method of claim 26, further comprising the step of combining the implant with at least one of harvested bone, bone morphogenetic proteins, hydroxyapatite, and genes coding for the production of bone.

28. The method of claim 19, wherein the step of forming the plurality of surface projections includes using a milling instrument.

29. The method of claim 19, wherein at least a fifth and sixth of said surface projections formed during the step of forming each have a third facet configuration with at least one forward facet directed at least in part toward the leading end and at least one rearward facet directed at least in part toward the trailing end, said forward facet and said rearward

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facet of said third facet configuration having a length and a slope, the length of said forward facet of said third facet configuration being longer than the length of said rearward facet of said third facet configuration, the slope of said rearward facet of said third facet configuration being steeper than the slope of said forward facet of said third facet configuration, said fifth and sixth surface projections each having a peak along a third line that is transverse to the mid-longitudinal axis and off-set from the first and second lines, the third facet configuration of the fifth and sixth surface projections being different from the first facet configuration of the first and second surface projections and the second facet configuration of the third and fourth surface projections.

30. The method of claim 19, wherein the step of forming includes forming said forward facets of said first and second surface projections to face the same direction.

31. The method of claim 19, wherein the step of forming includes forming at least one of the surface projections along the first line to have a maximum height from the surface of the implant that is substantially the same as the maximum height of one of the surface projections along the second line.

32. The method of claim 19, wherein the step of forming includes forming at least three surface projections having the first facet configuration along the first line and forming at least three surface projections having the second facet configuration along the second line.

33. The method of claim 19, wherein the step of forming includes forming at least four surface projections having the first facet configuration along the first line and forming at least four surface projections having the second facet configuration along the second line.

34. The method of claim 19, wherein the step of forming includes forming at least five surface projections having the first facet configuration along the first line and forming at least five surface projections having the second facet configuration along the second line.

35. A method for forming an interbody spinal implant having an exterior surface with a plurality of bone engaging structures for insertion between adjacent vertebral bodies of a human spine, the method comprising the steps of:

providing the implant comprising a leading end for introduction of the spinal implant into the spine, an opposite trailing end, spaced apart sides therebetween, and a mid-longitudinal axis passing through the leading and trailing ends, opposite upper and lower surfaces between said leading and trailing ends and said spaced apart sides, said upper surface adapted for placement toward the bone of one of the vertebral bodies and said opposite lower surface adapted for placement toward the bone of the other of the vertebral bodies when the implant is placed between the adjacent vertebral bodies; and

forming surface projections as part of the upper and lower surfaces of the implant with a milling instrument, at least two of said surface projections each having at least one forward facet directed at least in part toward the leading end and at least one rearward facet directed at least in part toward the trailing end, said forward facet and said rearward facet having a length and a slope, the length of said forward facet being longer than the length of said rearward facet the slope of said rearward facet being steeper than the slope of said forward facet said at least two of said surface projections having opposed side facets between said forward facet and said rearward facet, said side facets having at

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least a first portion in a plane passing through and being at an angle to the mid-longitudinal axis of the implant, said forward facets of said at least two of said surface projections facing the same direction, wherein the milling instrument includes a culling tool with a V-shaped profile.

36. The method of claim **35**, wherein the step of providing the implant includes providing an implant having at least one opening in each of the upper and lower surfaces in communication with one another, the openings being configured to permit for the growth of bone from vertebral body to adjacent vertebral body through the implant.

37. The method of claim **36**, further comprising the step of combining the implant with at least one of harvested bone, bone morphogenetic proteins, hydroxyapatite, and genes coding for the production of bone.

38. The method of claim **36**, wherein the step of providing the implant includes providing an implant having an internal chamber between the upper and lower surfaces and in communication with the at least one opening in each of the upper and lower surfaces, the internal chamber being adapted to contain bone growth promoting materials.

39. The method of claim **38**, further comprising the step of combining the implant with at least one of harvested bone, bone morphogenetic proteins, hydroxyapatite, and genes coding for the production of bone.

40. The method of claim **35**, wherein the forming step includes the sub-step of orienting said projections relative to one another to form an array.

41. The method of claim **35**, wherein the forming step includes the sub-step of orienting said projections to be geometrically disposed relative to one another.

42. A method for forming an Intervertebral spinal implant having an exterior surface with a plurality of bone engaging structures for insertion between adjacent vertebral bodies of a human spine, the method comprising the steps of:

providing the implant comprising a leading end for introduction of the spinal implant into the spine, an opposite trailing end, spaced apart sides therebetween, and a mid-longitudinal axis passing through the leading and trailing ends, opposite upper and lower surfaces between said leading and trailing ends and said spaced apart sides, said upper surface adapted for placement toward the bone of one of the vertebral bodies and said opposite lower surface adapted for placement toward the bone of the other of the vertebral bodies when the implant is placed between the adjacent vertebral bodies; and

forming surface projections as part of the upper and lower surfaces of the implant

at least a first and second of said surface projections each having a first facet configuration with at least one forward facet directed at least in part toward the leading end and at least one rearward facet directed at least in part toward the trailing end, said forward facet and said rearward facet having a length and a slope, the length of said forward facet being longer than the length of said rearward facet, the slope of said rearward facet being steeper than the slope of said forward facet, said first and second surface projections each having a peak along a first line that is transverse to the mid-longitudinal axis of said implant; and

at least a third and fourth of said surface projections each having a second facet configuration with at least one forward facet directed at least in part toward the leading end and at least one rearward facet directed at least in part toward the trailing end, said forward facet and said

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rearward facet of said second facet configuration having a length and a slope, the length of said forward facet of said second facet configuration being longer than the length of said rearward facet of said second facet configuration, the slope of said rearward facet of said second facet configuration being steeper than the slope of said forward facet of said second facet configuration, said third and fourth surface projections each having a peak along a second line that is transverse to the mid-longitudinal axis and off-set from the first line transverse to the mid-longitudinal axis, the second facet configuration of the third and fourth surface projections being different from the first facet configuration of the first and second surface projections.

43. The method of claim **42**, wherein the step of forming includes one of the sub-steps of grinding, milling, burning, laser cutting, burnishing, electric discharge machining, broaching, and machining to form said surface projections.

44. The method of claim **42**, wherein the steps of providing and forming include the sub-step of casting to form said implant with said surface projections.

45. The method of claim **42**, wherein the forming step includes the sub-step of orienting said projections relative to one another to form an array.

46. The method of claim **42**, wherein the forming step includes the sub-step of orienting said projections to be geometrically disposed relative to one another.

47. The method of claim **42**, wherein the step of providing the implant includes providing an implant having at least one opening in each of the upper and lower surfaces in communication with one another, the openings being configured to permit for the growth of bone from vertebral body to adjacent vertebral body through the implant.

48. The method of claim **47**, further comprising the step of combining the implant with at least one of harvested bone, bone morphogenetic proteins, hydroxyapatite, and genes coding for the production of bone.

49. The method of claim **47**, wherein the step of providing the implant includes providing an implant having an internal chamber between the upper and lower surfaces and in communication with the at least one opening in each of the upper and lower surfaces, the internal chamber being adapted to contain bone growth promoting materials.

50. The method of claim **49**, further comprising the step of combining the implant with at least one of harvested bone, bone morphogenetic proteins, hydroxyapatite, and genes coding for the production of bone.

51. The method of claim **42**, wherein the step of forming the plurality of surface projections includes using a milling instrument.

52. The method of claim **42**, wherein at least a fifth and sixth of said surface projections formed during the step of forming each have a third facet configuration with at least one forward facet directed at least in part toward the leading end and at least one rearward facet directed at least in part toward the trailing end, said forward facet and said rearward facet of said third facet configuration having a length and a slope, the length of said forward facet of said third facet configuration being longer than the length of said rearward facet of said third facet configuration, the slope of said rearward facet of said third facet configuration being steeper than the slope of said forward facet of said third facet configuration, said fifth and sixth surface projections each having a peak along a third line that is transverse to the mid-longitudinal axis and off-set from the first and second lines, the third facet configuration of the fifth and sixth surface projections being different from the first facet con-

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figuration of the first and second surface projections and the second facet configuration of the third and fourth surface projections.

53. The method of claim 42, wherein the step of forming includes forming said forward facets of said first and second surface projections to face the same direction.

54. The method of claim 42, wherein the step of forming includes forming at least one of the surface projections along the first line to have a maximum height from the surface of the implant that is substantially the same as the maximum height of one of the surface projections along the second line.

55. The method of claim 42, wherein the step of forming includes forming at least three surface projections having the first facet configuration along the first line and forming at

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least three surface projections having the second facet configuration along the second line.

56. The method of claim 42, wherein the step of forming includes forming at least four surface projections having the first facet configuration along the first line and forming at least four surface projections having the second facet configuration along the second line.

57. The method of claim 42, wherein the step of forming includes forming at least five surface projections having the first facet configuration along the first line and forming at least five surface projections having the second facet configuration along the second line.

* * * * *

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,166,129 B2
APPLICATION NO. : 09/921851
DATED : January 23, 2007
INVENTOR(S) : Gary K. Michelson

Page 1 of 1

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

Title Page 2:

Item (56), U.S. Patent Documents, after “6,432,106 B1 8/2002 Fraser” insert the following:

-- 6,482,233B1 11/2002 Aebi --.

Column 11, line 55:

Change “farming” to -- forming --.

Column 13, line 37:

Change “cub-step” to -- sub-step --.

Column 14:

Line 8: change “fine” to -- line --;

Line 15: change “farming” to -- forming --;

Lines 19 and 60: change “feast” to -- least --; and

Lines 63 and 65: change “facet” to -- facet, --.

Column 15:


Line 5: change “culling” to -- cutting --;

Line 33: change “Interbody” to -- Interbody --; and

Line 50: change “implant” to -- implant: --.

Signed and Sealed this

Twenty-seventh Day of March, 2007



JON W. DUDAS

Director of the United States Patent and Trademark Office