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Inventor(s)	Spann; Scott

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### Spinal surgery methods and devices

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#### Abstract

Disclosed methods, devices and systems are suitable for performing a minimally-invasive procedure for accessing the intervertebral space along an oblique pathway with an insertion instrument that holds a disc implant, and reorienting the angular relationship between instrument and implant while the implant is inside the body (for example at or within the disc space).

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## References Cited

### U.S. PATENT DOCUMENTS

Patent No.	Issued Date	Patentee Name	U.S. Cl.	CPC
1706500	12/1928	Smith	N/A	N/A
D245789	12/1976	Shea et al.	N/A	N/A
4512351	12/1984	Pohndorf	N/A	N/A
4515168	12/1984	Chester et al.	N/A	N/A
4519403	12/1984	Dickhudt	N/A	N/A
4545374	12/1984	Jacobson	N/A	N/A
4561445	12/1984	Berke et al.	N/A	N/A
4562832	12/1985	Wilder et al.	N/A	N/A
4573448	12/1985	Kambin	N/A	N/A
4592369	12/1985	Davis et al.	N/A	N/A
4595013	12/1985	Jones et al.	N/A	N/A
4595018	12/1985	Rantala	N/A	N/A
4611597	12/1985	Kraus	N/A	N/A
4616635	12/1985	Caspar et al.	N/A	N/A
4633889	12/1986	Talalla	N/A	N/A
4658835	12/1986	Pohndorf	N/A	N/A
D295445	12/1987	Freeman	N/A	N/A
4744371	12/1987	Harris	N/A	N/A
4753223	12/1987	Bremer	N/A	N/A
4759377	12/1987	Dykstra	N/A	N/A
4784150	12/1987	Voorhies et al.	N/A	N/A
4807642	12/1988	Brown	N/A	N/A
D300561	12/1988	Asa et al.	N/A	N/A
4892105	12/1989	Prass	N/A	N/A
4913134	12/1989	Luque	N/A	N/A
4917274	12/1989	Asa et al.	N/A	N/A
4917704	12/1989	Frey et al.	N/A	N/A

4926865	12/1989	Oman	N/A	N/A
4934352	12/1989	Sullivan	N/A	N/A
4950257	12/1989	Hibbs et al.	N/A	N/A
4962766	12/1989	Herzon	N/A	N/A
4964411	12/1989	Johnson et al.	N/A	N/A
5007902	12/1990	Witt	N/A	N/A
5015247	12/1990	Michelson	N/A	N/A
5045054	12/1990	Hood et al.	N/A	N/A
5052373	12/1990	Michelson	N/A	N/A
5058602	12/1990	Brody	N/A	N/A
5081990	12/1991	Deletis	N/A	N/A
5092344	12/1991	Lee	N/A	N/A
5127403	12/1991	Brownlee	N/A	N/A
5161533	12/1991	Prass et al.	N/A	N/A
5171279	12/1991	Mathews	N/A	N/A
5192327	12/1992	Brantigan	N/A	N/A
5195541	12/1992	Obenchain	N/A	N/A
5196015	12/1992	Neubardt	N/A	N/A
5215100	12/1992	Spitz et al.	N/A	N/A
RE34390	12/1992	Culver	N/A	N/A
D340521	12/1992	Heinzelman et al.	N/A	N/A
5255691	12/1992	Otten	N/A	N/A
5282468	12/1993	Klepinski	N/A	N/A
5284153	12/1993	Raymond et al.	N/A	N/A
5284154	12/1993	Raymond et al.	N/A	N/A
5295994	12/1993	Bonutti	N/A	N/A
5297538	12/1993	Daniel	N/A	N/A
5299563	12/1993	Seton	N/A	N/A
5312417	12/1993	Wilk	N/A	N/A
5313956	12/1993	Knutsson et al.	N/A	N/A
5313962	12/1993	Obenchain	N/A	N/A
5327902	12/1993	Lemmen	N/A	N/A
5331975	12/1993	Bonutti	N/A	N/A
5333618	12/1993	Lekhtman et al.	N/A	N/A
5337736	12/1993	Reddy	N/A	N/A
5342384	12/1993	Sugarbaker	N/A	N/A
5352219	12/1993	Reddy	N/A	N/A
5357983	12/1993	Mathews	N/A	N/A
5375067	12/1993	Berchin	N/A	N/A
5375594	12/1993	Cueva	N/A	N/A
5383876	12/1994	Nardella	N/A	N/A
5395317	12/1994	Kambin	N/A	N/A
5450845	12/1994	Alexgaard	N/A	N/A
5472426	12/1994	Bonati et al.	N/A	N/A
5474057	12/1994	Makower et al.	N/A	N/A
5474558	12/1994	Neubardt	N/A	N/A
5480440	12/1995	Kambin	N/A	N/A
5482038	12/1995	Ruff	N/A	N/A
5484437	12/1995	Michelson	N/A	N/A
5487739	12/1995	Aebischer et al.	N/A	N/A

5509893	12/1995	Pracas	N/A	N/A
5514153	12/1995	Bonutti	N/A	N/A
5514180	12/1995	Heggeness et al.	N/A	N/A
5540235	12/1995	Wilson	N/A	N/A
5549656	12/1995	Reiss	N/A	N/A
5560372	12/1995	Cory	N/A	N/A
5566678	12/1995	Cadwell	N/A	N/A
5569290	12/1995	McAfee	N/A	N/A
5571149	12/1995	Liss et al.	N/A	N/A
5579781	12/1995	Cooke	N/A	N/A
5593429	12/1996	Ruff	N/A	N/A
5599279	12/1996	Slotman et al.	N/A	N/A
5609635	12/1996	Michelson	N/A	N/A
5630813	12/1996	Kieturakis	N/A	N/A
5667508	12/1996	Errico et al.	N/A	N/A
5671752	12/1996	Sinderby et al.	N/A	N/A
5681265	12/1996	Maeda et al.	N/A	N/A
5688223	12/1996	Rosendahl	N/A	N/A
5707359	12/1997	Bufalini	N/A	N/A
5711307	12/1997	Smits	N/A	N/A
5728046	12/1997	Mayer et al.	N/A	N/A
5741253	12/1997	Michelson	N/A	N/A
5741261	12/1997	Moskovitz et al.	N/A	N/A
5759159	12/1997	Masreliez	N/A	N/A
5762629	12/1997	Kambin	N/A	N/A
5772661	12/1997	Michelson	N/A	N/A
5775331	12/1997	Raymond et al.	N/A	N/A
5776144	12/1997	Leysieffer et al.	N/A	N/A
5776199	12/1997	Michelson	N/A	N/A
5779642	12/1997	Nightengale	N/A	N/A
5785658	12/1997	Benaron	N/A	N/A
5792044	12/1997	Foley et al.	N/A	N/A
5797854	12/1997	Hedgecock	N/A	N/A
5797909	12/1997	Michelson	N/A	N/A
5814073	12/1997	Bonutti	N/A	N/A
5830151	12/1997	Hadzic et al.	N/A	N/A
5851191	12/1997	Gozani	N/A	N/A
5853373	12/1997	Griffith et al.	N/A	N/A
5860973	12/1998	Michelson	N/A	N/A
5862314	12/1998	Jeddeloh	N/A	N/A
5872314	12/1998	Clinton	N/A	N/A
5885210	12/1998	Cox	N/A	N/A
5885219	12/1998	Nightengale	N/A	N/A
5888196	12/1998	Bonutti	N/A	N/A
5888227	12/1998	Cottle	623/17.16	A61F 2/4455
5891147	12/1998	Moskovitz et al.	N/A	N/A
5895352	12/1998	Kleiner	N/A	N/A
5902231	12/1998	Foley et al.	N/A	N/A
5928139	12/1998	Koros et al.	N/A	N/A

5928158	12/1998	Aristides	N/A	N/A
5931777	12/1998	Sava	N/A	N/A
5935131	12/1998	Bonutti et al.	N/A	N/A
5938688	12/1998	Schiff	N/A	N/A
5944658	12/1998	Koros et al.	N/A	N/A
5976094	12/1998	Gozani et al.	N/A	N/A
5984922	12/1998	McKay	N/A	N/A
6004262	12/1998	Putz et al.	N/A	N/A
6004312	12/1998	Finneran	N/A	N/A
6007487	12/1998	Foley et al.	N/A	N/A
6010520	12/1999	Pattison	N/A	N/A
6024696	12/1999	Hoftman et al.	N/A	N/A
6024697	12/1999	Pisarik	N/A	N/A
6027456	12/1999	Feler et al.	N/A	N/A
6030401	12/1999	Marino	N/A	N/A
6038469	12/1999	Karlsson et al.	N/A	N/A
6038477	12/1999	Kayyali	N/A	N/A
6042540	12/1999	Johnson et al.	N/A	N/A
6050992	12/1999	Nichols	N/A	N/A
6074343	12/1999	Nathanson et al.	N/A	N/A
6080105	12/1999	Spears	N/A	N/A
6080155	12/1999	Michelson	N/A	N/A
6083154	12/1999	Liu et al.	N/A	N/A
6095987	12/1999	Schmulewitz	N/A	N/A
6096026	12/1999	Schultz	N/A	N/A
6104957	12/1999	Alo et al.	N/A	N/A
6104960	12/1999	Duysens et al.	N/A	N/A
6120503	12/1999	Michelson	N/A	N/A
6126660	12/1999	Dietz	N/A	N/A
6132386	12/1999	Gozani et al.	N/A	N/A
6132387	12/1999	Gozani et al.	N/A	N/A
6135965	12/1999	Tumer et al.	N/A	N/A
6139493	12/1999	Koros et al.	N/A	N/A
6142931	12/1999	Kaji	N/A	N/A
6143032	12/1999	Schafer et al.	N/A	N/A
6146335	12/1999	Gozani	N/A	N/A
6152871	12/1999	Foley et al.	N/A	N/A
6159179	12/1999	Simonson	N/A	N/A
6159215	12/1999	Urbahns et al.	N/A	N/A
6161047	12/1999	King et al.	N/A	N/A
6174311	12/2000	Branch et al.	N/A	N/A
6181961	12/2000	Prass	N/A	N/A
6183517	12/2000	Suddaby	N/A	N/A
6196969	12/2000	Bester et al.	N/A	N/A
6206826	12/2000	Mathews et al.	N/A	N/A
6217509	12/2000	Foley et al.	N/A	N/A
6221082	12/2000	Marino et al.	N/A	N/A
6224545	12/2000	Cocchia et al.	N/A	N/A
6224549	12/2000	Drongelen	N/A	N/A
6224603	12/2000	Marino	N/A	N/A

6245082	12/2000	Gellman et al.	N/A	N/A
6245108	12/2000	Biscup	N/A	N/A
6251140	12/2000	Marino et al.	N/A	N/A
6259945	12/2000	Epstein et al.	N/A	N/A
6264651	12/2000	Underwood et al.	N/A	N/A
6266394	12/2000	Marino	N/A	N/A
6266558	12/2000	Gozani et al.	N/A	N/A
6273905	12/2000	Streeter	N/A	N/A
6280447	12/2000	Marino et al.	N/A	N/A
6290724	12/2000	Marino	N/A	N/A
6292701	12/2000	Prass et al.	N/A	N/A
6306100	12/2000	Prass	N/A	N/A
6308712	12/2000	Shaw	N/A	N/A
6312392	12/2000	Herzon	N/A	N/A
6312443	12/2000	Stone	N/A	N/A
6325764	12/2000	Griffith et al.	N/A	N/A
6334068	12/2000	Hacker	N/A	N/A
6348058	12/2001	Melkent et al.	N/A	N/A
6360750	12/2001	Gerber et al.	N/A	N/A
6368325	12/2001	Mckinley et al.	N/A	N/A
6371968	12/2001	Kogasaka et al.	N/A	N/A
6387070	12/2001	Marino et al.	N/A	N/A
6387130	12/2001	Stone et al.	N/A	N/A
6395007	12/2001	Bhatnagar et al.	N/A	N/A
6416465	12/2001	Brau	N/A	N/A
6425859	12/2001	Foley et al.	N/A	N/A
6425887	12/2001	McGuckin et al.	N/A	N/A
6425901	12/2001	Zhu et al.	N/A	N/A
6450952	12/2001	Rioux et al.	N/A	N/A
6451015	12/2001	Rittman, III et al.	N/A	N/A
6466817	12/2001	Kaula et al.	N/A	N/A
6468205	12/2001	Mollenauer et al.	N/A	N/A
6468207	12/2001	Fowler, Jr.	N/A	N/A
6478805	12/2001	Marino et al.	N/A	N/A
6485518	12/2001	Cornwall et al.	N/A	N/A
6491626	12/2001	Stone et al.	N/A	N/A
6500116	12/2001	Knapp	N/A	N/A
6500128	12/2001	Marino	N/A	N/A
6519319	12/2002	Marino et al.	N/A	N/A
6520907	12/2002	Foley et al.	N/A	N/A
6524320	12/2002	DiPoto	N/A	N/A
6533797	12/2002	Stone et al.	N/A	N/A
6535759	12/2002	Epstein et al.	N/A	N/A
6540747	12/2002	Marino	N/A	N/A
6564078	12/2002	Marino et al.	N/A	N/A
6579244	12/2002	Goodwin	N/A	N/A
6599294	12/2002	Fuss et al.	N/A	N/A
6620157	12/2002	Dabney et al.	N/A	N/A
6645194	12/2002	Briscoe et al.	N/A	N/A
6679833	12/2003	Smith et al.	N/A	N/A

6719692	12/2003	Kleffner et al.	N/A	N/A
6723043	12/2003	Kleeman et al.	N/A	N/A
6760616	12/2003	Hoey et al.	N/A	N/A
6764452	12/2003	Gillespie et al.	N/A	N/A
6770074	12/2003	Michelson	N/A	N/A
6796985	12/2003	Bolger et al.	N/A	N/A
6802844	12/2003	Ferree	N/A	N/A
6810281	12/2003	Brock et al.	N/A	N/A
6819956	12/2003	DiLorenzo	N/A	N/A
6829508	12/2003	Schulman et al.	N/A	N/A
6847849	12/2004	Mamo et al.	N/A	N/A
6849047	12/2004	Goodwin	N/A	N/A
6852126	12/2004	Ahlgren	N/A	N/A
6855105	12/2004	Jackson, III et al.	N/A	N/A
6902569	12/2004	Parmer et al.	N/A	N/A
6869398	12/2004	Obenchain	N/A	N/A
6871099	12/2004	Whitehurst et al.	N/A	N/A
6887248	12/2004	McKinley et al.	N/A	N/A
6916330	12/2004	Simonson	N/A	N/A
6923814	12/2004	Hildebrand et al.	N/A	N/A
6926728	12/2004	Zucherman et al.	N/A	N/A
6929606	12/2004	Ritland	N/A	N/A
6945933	12/2004	Branch	N/A	N/A
6945973	12/2004	Bray	N/A	N/A
6951538	12/2004	Ritland	N/A	N/A
6964674	12/2004	Matsuura et al.	N/A	N/A
7025769	12/2005	Ferree	N/A	N/A
7047082	12/2005	Schrom et al.	N/A	N/A
7050848	12/2005	Hoey et al.	N/A	N/A
7079883	12/2005	Marino et al.	N/A	N/A
7089059	12/2005	Pless	N/A	N/A
7115132	12/2005	Errico et al.	N/A	N/A
7125380	12/2005	Yager	N/A	N/A
7156875	12/2006	Michelson	N/A	N/A
7162850	12/2006	Marino et al.	N/A	N/A
7166113	12/2006	Arambula et al.	N/A	N/A
7169182	12/2006	Errico et al.	N/A	N/A
7177677	12/2006	Kaula et al.	N/A	N/A
7198598	12/2006	Smith et al.	N/A	N/A
7207949	12/2006	Miles et al.	N/A	N/A
7207991	12/2006	Michelson	N/A	N/A
7226451	12/2006	Shluzas et al.	N/A	N/A
7235081	12/2006	Errico et al.	N/A	N/A
7235082	12/2006	Bartish et al.	N/A	N/A
7261688	12/2006	Smith et al.	N/A	N/A
7288093	12/2006	Michelson	N/A	N/A
7320688	12/2007	Foley et al.	N/A	N/A
7326216	12/2007	Bertagnoli et al.	N/A	N/A
7341587	12/2007	Molz et al.	N/A	N/A
7341590	12/2007	Ferree	N/A	N/A

7361193	12/2007	Frey et al.	N/A	N/A
7452359	12/2007	Michelson	N/A	N/A
7455692	12/2007	Michelson	N/A	N/A
7462195	12/2007	Michelson	N/A	N/A
7470236	12/2007	Kelleher et al.	N/A	N/A
7473222	12/2008	Dewey et al.	N/A	N/A
7476252	12/2008	Foley	N/A	N/A
7481766	12/2008	Lee et al.	N/A	N/A
7481812	12/2008	Frey et al.	N/A	N/A
7485146	12/2008	Crook et al.	N/A	N/A
7491205	12/2008	Michelson	N/A	N/A
7503933	12/2008	Michelson	N/A	N/A
7513869	12/2008	Branch et al.	N/A	N/A
7522953	12/2008	Kaula et al.	N/A	N/A
7524285	12/2008	Branch et al.	N/A	N/A
7527649	12/2008	Blain	N/A	N/A
7556601	12/2008	Branch et al.	N/A	N/A
7582058	12/2008	Miles et al.	N/A	N/A
7643884	12/2009	Pond et al.	N/A	N/A
7691057	12/2009	Miles et al.	N/A	N/A
7693562	12/2009	Marino et al.	N/A	N/A
7717959	12/2009	William et al.	N/A	N/A
7819801	12/2009	Miles et al.	N/A	N/A
7935051	12/2010	Miles et al.	N/A	N/A
8000782	12/2010	Gharib et al.	N/A	N/A
8005535	12/2010	Gharib et al.	N/A	N/A
8021430	12/2010	Michelson	N/A	N/A
8133173	12/2011	Miles et al.	N/A	N/A
8182423	12/2011	Miles et al.	N/A	N/A
8192356	12/2011	Miles et al.	N/A	N/A
8251997	12/2011	Michelson	N/A	N/A
8303458	12/2011	Fukano et al.	N/A	N/A
8343046	12/2012	Miles et al.	N/A	N/A
8343224	12/2012	Lynn et al.	N/A	N/A
8388527	12/2012	Miles	N/A	N/A
8394144	12/2012	Zehavi et al.	N/A	N/A
8409290	12/2012	Zamani et al.	N/A	N/A
8506629	12/2012	Weiland	N/A	N/A
8562521	12/2012	Miles	N/A	N/A
8602982	12/2012	Miles	N/A	N/A
8740783	12/2013	Gharib et al.	N/A	N/A
9028553	12/2014	Lindenmann	623/17.11	A61F 2/4684
9345587	12/2015	Mitchell	N/A	N/A
9451940	12/2015	Spann	N/A	N/A
10478313	12/2018	Sweeney, III	N/A	N/A
2001/0034535	12/2000	Schultz	N/A	N/A
2001/0039949	12/2000	Loubser	N/A	N/A
2001/0056280	12/2000	Underwood et al.	N/A	N/A
2002/0007129	12/2001	Marino	N/A	N/A



2002/0010392	12/2001	Desai	N/A	N/A
2002/0013514	12/2001	Brau	N/A	N/A
2002/0065481	12/2001	Cory	N/A	N/A
2002/0072686	12/2001	Hoey et al.	N/A	N/A
2002/0077632	12/2001	Tsou	N/A	N/A
2002/0120336	12/2001	Santilli	N/A	N/A
2002/0123744	12/2001	Reynard	N/A	N/A
2002/0123780	12/2001	Grill et al.	N/A	N/A
2002/0143400	12/2001	Biscup	623/17.11	A61F 2/4455
2002/0161415	12/2001	Cohen et al.	N/A	N/A
2002/0165612	12/2001	Gerber et al.	N/A	N/A
2002/0193843	12/2001	Hill et al.	N/A	N/A
2003/0032966	12/2002	Foley et al.	N/A	N/A
2003/0060687	12/2002	Kleeman et al.	N/A	N/A
2003/0070682	12/2002	Wilson et al.	N/A	N/A
2003/0083688	12/2002	Simonson	N/A	N/A
2003/0105503	12/2002	Marino	N/A	N/A
2003/0139648	12/2002	Foley et al.	N/A	N/A
2003/0149341	12/2002	Clifton	N/A	N/A
2003/0225405	12/2002	Weiner	N/A	N/A
2003/0233147	12/2002	Nicholson et al.	N/A	N/A
2003/0236544	12/2002	Lunsford et al.	N/A	N/A
2004/0024291	12/2003	Zinkel	N/A	N/A
2004/0106927	12/2003	Ruffner et al.	N/A	N/A
2004/0117020	12/2003	Frey et al.	N/A	N/A
2004/0176665	12/2003	Branch et al.	N/A	N/A
2004/0199084	12/2003	Kelleher et al.	N/A	N/A
2004/0225228	12/2003	Ferree	N/A	N/A
2005/0004593	12/2004	Simonson	N/A	N/A
2005/0004623	12/2004	Miles et al.	N/A	N/A
2005/0033380	12/2004	Tanner et al.	N/A	N/A
2005/0043796	12/2004	Grant et al.	N/A	N/A
2005/0071009	12/2004	Muhanna et al.	N/A	N/A
2005/0075578	12/2004	Gharib et al.	N/A	N/A
2005/0080320	12/2004	Lee et al.	N/A	N/A
2005/0096745	12/2004	Andre	623/17.11	A61F 2/4611
2005/0149035	12/2004	Pimenta et al.	N/A	N/A
2005/0182454	12/2004	Gharib et al.	N/A	N/A
2005/0192575	12/2004	Pacheco	N/A	N/A
2006/0025703	12/2005	Miles et al.	N/A	N/A
2006/0052828	12/2005	Kim et al.	N/A	N/A
2006/0069315	12/2005	Miles et al.	N/A	N/A
2006/0195017	12/2005	Shluzas et al.	N/A	N/A
2006/0224044	12/2005	Marchek et al.	N/A	N/A
2006/0224078	12/2005	Hoey et al.	N/A	N/A
2006/0229627	12/2005	Hunt et al.	N/A	N/A
2006/0235426	12/2005	Lim et al.	N/A	N/A
2007/0016097	12/2006	Farquhar et al.	N/A	N/A

2007/0055109	12/2006	Bass et al.	N/A	N/A
2007/0093850	12/2006	Harris et al.	N/A	N/A
2007/0100212	12/2006	Pimenta et al.	N/A	N/A
2007/0156026	12/2006	Frasier et al.	N/A	N/A
2007/0173941	12/2006	Allard	N/A	N/A
2007/0179611	12/2006	DePoto et al.	N/A	N/A
2007/0198062	12/2006	Miles et al.	N/A	N/A
2007/0203580	12/2006	Yeh	N/A	N/A
2007/0208227	12/2006	Smith et al.	N/A	N/A
2007/0213826	12/2006	Smith et al.	N/A	N/A
2007/0225726	12/2006	Dye et al.	N/A	N/A
2007/0225808	12/2006	Warnick	N/A	N/A
2007/0255415	12/2006	Edie et al.	N/A	N/A
2007/0282449	12/2006	de Villiers	N/A	N/A
2007/0293782	12/2006	Marino	N/A	N/A
2008/0009880	12/2007	Warnick	623/17.16	A61F 2/4455
2008/0021285	12/2007	Drzyzga et al.	N/A	N/A
2008/0058606	12/2007	Miles et al.	N/A	N/A
2008/0058838	12/2007	Steinberg	N/A	N/A
2008/0064976	12/2007	Kelleher et al.	N/A	N/A
2008/0064977	12/2007	Kelleher et al.	N/A	N/A
2008/0065082	12/2007	Chang et al.	N/A	N/A
2008/0065144	12/2007	Marino et al.	N/A	N/A
2008/0065178	12/2007	Kelleher et al.	N/A	N/A
2008/0065219	12/2007	Dye	N/A	N/A
2008/0071191	12/2007	Kelleher et al.	N/A	N/A
2008/0077241	12/2007	Nguyen	N/A	N/A
2008/0077247	12/2007	Murillo et al.	N/A	N/A
2008/0091211	12/2007	Gately	N/A	N/A
2008/0097164	12/2007	Miles et al.	N/A	N/A
2008/0119851	12/2007	Shelokov	N/A	N/A
2008/0140085	12/2007	Gately et al.	N/A	N/A
2008/0183046	12/2007	Boucher et al.	N/A	N/A
2008/0215153	12/2007	Butterman et al.	N/A	N/A
2008/0221694	12/2007	Warnick et al.	N/A	N/A
2008/0300465	12/2007	Feigenwinter et al.	N/A	N/A
2008/0300688	12/2007	Cannon et al.	N/A	N/A
2009/0030423	12/2008	Puno	N/A	N/A
2009/0043345	12/2008	Matthews	N/A	N/A
2009/0099660	12/2008	Scifert et al.	N/A	N/A
2009/0124860	12/2008	Miles et al.	N/A	N/A
2009/0138050	12/2008	Ferree	N/A	N/A
2009/0192403	12/2008	Gharib et al.	N/A	N/A
2009/0204016	12/2008	Gharib et al.	N/A	N/A
2009/0259108	12/2008	Miles et al.	N/A	N/A
2009/0276049	12/2008	Weiland	623/17.16	A61F 2/30771
2010/0069783	12/2009	Miles et al.	N/A	N/A

2010/0094422	12/2009	Hansell et al.	N/A	N/A
2010/0130827	12/2009	Pimenta et al.	N/A	N/A
2010/0152603	12/2009	Miles et al.	N/A	N/A
2010/0160738	12/2009	Miles et al.	N/A	N/A
2010/0174146	12/2009	Miles	N/A	N/A
2010/0174148	12/2009	Miles et al.	N/A	N/A
2011/0276142	12/2010	Niemiec	623/17.16	A61F 2/4465
2011/0313530	12/2010	Gharib et al.	N/A	N/A
2012/0010472	12/2011	Spann	N/A	N/A
2012/0010715	12/2011	Spann	N/A	N/A
2012/0010716	12/2011	Spann	N/A	N/A
2012/0010717	12/2011	Spann	N/A	N/A
2012/0035730	12/2011	Spann	N/A	N/A
2012/0130429	12/2011	Mitchell et al.	N/A	N/A
2012/0238822	12/2011	Miles	N/A	N/A
2012/0238893	12/2011	Farquhar et al.	N/A	N/A
2017/0112635	12/2016	Ty et al.	N/A	N/A

## FOREIGN PATENT DOCUMENTS

Patent No.	Application Date	Country	CPC
299 08 259	12/1998	DE	N/A
10048790	12/2001	DE	N/A
0334116	12/1988	EP	N/A
0567424	12/1992	EP	N/A
0972538	12/1999	EP	N/A
1002500	12/1999	EP	N/A
2795624	12/2000	EP	N/A
793186	12/1989	JP	N/A
10-14928	12/1995	JP	N/A
3019990007098	12/1998	KR	N/A
WO 199428824	12/1993	WO	N/A
WO 199700702	12/1996	WO	N/A
WO 199823324	12/1997	WO	N/A
WO 199952446	12/1998	WO	N/A
WO 200027291	12/1999	WO	N/A
WO 200038574	12/1999	WO	N/A
WO 200044288	12/1999	WO	N/A
WO 200066217	12/1999	WO	N/A
WO 200067645	12/1999	WO	N/A
WO 200108563	12/2000	WO	N/A
WO 200137728	12/2000	WO	N/A
WO 200160263	12/2000	WO	N/A
WO 2002054960	12/2001	WO	N/A
WO 2002058780	12/2001	WO	N/A
WO 200271953	12/2001	WO	N/A
WO 200287678	12/2001	WO	N/A
WO 2003005887	12/2002	WO	N/A
WO 2003026482	12/2002	WO	N/A

WO 2003037170	12/2002	WO	N/A
WO 2005013805	12/2004	WO	N/A
WO 2005030318	12/2004	WO	N/A
WO 2006042241	12/2005	WO	N/A
WO 2006066217	12/2005	WO	N/A
WO-2006079356	12/2005	WO	A61F 2/28
WO 2007016247	12/2006	WO	N/A
WO 2010075555	12/2009	WO	N/A

## OTHER PUBLICATIONS

“MetRx System MicroEndoscopic Discectomy: An Evolution in Minimally Invasive Spine Surgery,” *Sofamor Danek*, 1999, 6 pages. cited by applicant

“Sofamor Danek MED Microendoscopic Discectomy System Brochure” including Rapp “New endoscopic lumbar technique improves access preserves tissue” Reprinted with permission from: *Orthopedics Today*, 1998, 18(1): 2 pages. cited by applicant

Baulot et al., Adjuvant Anterior Spinal Fusion via Thoracoscopy, *Lyon Chirurgical*, 1994, 90(5): 347-351 (13 pages with English Translation and Certificate of Translation. cited by applicant

Bergey et al., “Endoscopic Lateral Transpsoas Approach to the Lumbar Spine,” *Spine*, 2004, 29(15):1681-1688. cited by applicant

Brau, “Chapter 22: Anterior Retroperitoneal Muscle-Sparing approach to L2-S1 of the Lumbar Spine,” *Surgical Approaches to the Spine*. Robert G. Watkins, MD. (ed) 2003. pp. 165-181. cited by applicant

Co-Pending U.S. Appl. No. 13/169,919 by Spann entitled “MINIMAtty-Invasive Retroperitoneal Lateral Approach for Spinal Surgery” filed Jun. 27, 2011. cited by applicant

Crock, H.V. Md., “Anterior Lumbar Interbody Fusion,” *Clinical Orthopaedics and Related Research*, Number One Hundred Sixty Five, 1982, pp. 157-163, 13 pages. cited by applicant

De Peretti et al., “New possibilities in L2-L5 lumbar arthrodesis using a lateral retroperitoneal approach assisted by laparoscopy: preliminary results,” *Eur Spine J.* 1996, 5: 210-216. cited by applicant

Dezawa et al., “Retroperitoneal Laparoscopic Lateral Approach to the Lumbar Spine: A New Approach, Technique, and Clinical Trial,” *Journal of Spinal Disorders*, 2000, 13(2): 138-143. cited by applicant

Dirksmeier et al., “Microendoscopic and Open Laminotomy and Discectomy in Lumbar Disc Disease” *Seminars in Spine Surgery*, 1999, 11(2): 138-146. cited by applicant

Extended European Search Report for European Patent Application No. EP09835860, date of completion: Feb. 7, 2013 (6 pages). cited by applicant

Foley and Smith, “Microendoscopic Discectomy,” *Techniques in Neurosurgery*, 1997, 3(4):301-307. cited by applicant

Friedman, “Percutaneous discectomy: An alternative to chemonucleolysis,” *Neurosurgery*, 1983, 13(5): 542-547. cited by applicant

Gardocki, “Tubular discectomy minimizes collateral damage: A logical progression moves spine surgery forward,” *AAOS Now*, 2009, 5 pages. cited by applicant

Gumbs et al., “Open Anterior Approaches for Lumbar Spine Procedures,” *The American Journal of Surgery* 194:98-102, 2007. cited by applicant

Gumbs et al., “The Open Anterior Paramedian Relroperitoneal Approach for Spine Procedures,” *Arch Surg* 140:339-343, Apr. 2005. cited by applicant

Hovorka et al., “Five years' experience of retroperitoneal lumbar and thoracolumbar surgery,” *Eur Spine J.*, 2000, 9(1): S30-S34. cited by applicant

Intemational Search Report and Written Opinion for PCT/US2009/069476, mailed Aug. 17, 2010. (5 pages). cited by applicant

Kossman et al., "The use of a retractor system (SynFrame) for open, minimal invasive reconstruction of the anterior column of the thoracic and lumbar spine," *Eur Spine J.* 2001, 10: 396-402. cited by applicant

Kossmann et al., "Minimally Invasive Vertebral Replacement with Cages in Thoracic and Lumbar Spine," *European Journal of Trauma*, 2001, 27: 292-300. cited by applicant

Mathews et al., "Laparoscopic Discectomy with Anterior Lumbar Interbody Fusion," *SPINE*, 1995, 20(16): 1797-1802. cited by applicant

Mayer and Brock, "Percutaneous endoscopic discectomy: surgical technique and preliminary results compared to microsurgical discectomy," *J. Neurosurg*, 1993, 78: 216-225. cited by applicant

Mayer and Wiechert, "Microsurgical Anterior Approaches to the Lumbar Spine for Interbody Fusion and Total Disc Replacement," *Neurosurgery*, 2002, 51(2): 159-165. cited by applicant

Mayer H. M., "Minimally Invasive Spine Surgery: A Surgical Manual", Springer, 262 pages, 2000. cited by applicant

Mayer, "A New Microsurgical Technique for Minimally Invasive Anterior Lumbar Interbody Fusion," *Spine*, 1997, 22(6): 691-699. cited by applicant

Mayer, "The ALIF Concept," *Eur Spine J.*, 2000, 9(1): S35-S43. cited by applicant

McAfee et al., "Minimally Invasive Anterior Retroperitoneal Approach to the Lumbar Spine: Emphasis on the Lateral BAK," *Spine*, 1998, 23(13): 1476-1484. cited by applicant

Medtronic Sofamor Danek "METRx System Surgical Technique," 2004, 22 pages. cited by applicant

Medtronic Sofamor Danek "METRx™ MicroDiscectomy System," *Medtronic Sofamor Danek USA*, 2000, 21 pgs. cited by applicant

Patent Examination Report No. 1 for Australian Patent Application No. 2009329873, date of issue: Mar. 7, 2014. (4 pages). cited by applicant

Pimenta et al., "Implante de protese de nucleo pulposo: analise inicial," *Journal Brasileiro de Neurocirurgia*, 2001, 12(2): 93-96 \*English Abstract. cited by applicant

Pimenta et al., "The Lateral Endoscopic Transpsoas Retroperitoneal Approach (Letra) for Implants in the Lumbar Spine," *World Spine II—Second Interdisciplinary Congress on Spine Care*, Aug. 2003, 2 pages. cited by applicant

Pimenta, "Initial Clinical Results of Direct Lateral, Minimally Invasive Access to the Lumbar Spine for Disc Nucleus Replacement Using a Novel Neurophysiological Monitoring System." *The 9.SUP.th IMAST*, May, 2002, 1 page. cited by applicant

Rao, et al. "Dynamic retraction of the psoas muscle to expose the lumbar spine using the retroperitoneal approach," *J. Neurosurg Spine*, 2006, 5: 468-470. cited by applicant

Schaffer and Kambin, "Percutaneous Posterolateral Lumbar Discectomy and Decompression with a 6.9-Millimeter Cannula," *The Journal of Bone and Joint Surgery*, 1991, 73A(6): 822-831. cited by applicant

Schick et al., "Microendoscopic lumbar discectomy versus open surgery: an intraoperative EMG study," *Eur Spine J.*, 2002, 11: 20-26. cited by applicant

Smith and Foley "MetRx System MicroEndoscopic Discectomy: Surgical Technique" *Medtronic Sofamor Danek*, 2000, 24 pages. cited by applicant

USPTO Advisory Action for U.S. Appl. No. 13/133,909, mailed Jul. 2, 2013. cited by applicant

USPTO Advisory Action for U.S. Appl. No. 13/239,042, mailed Feb. 6, 2014. cited by applicant

USPTO Advisory Action for U.S. Appl. No. 13/239,053, mailed Feb. 13, 2014. cited by applicant

USPTO Final Office Action for U.S. Appl. No. 13/133,909, mailed Mar. 20, 2013. cited by applicant

USPTO Final Office Action for U.S. Appl. No. 13/239,014, mailed Sep. 14, 2015. cited by applicant

USPTO Final Office Action for U.S. Appl. No. 13/239,024, mailed Jun. 17, 2014. cited by applicant

USPTO Final Office Action for U.S. Appl. No. 13/239,014, mailed Oct. 30, 2013. cited by applicant

USPTO Final Office Action for U.S. Appl. No. 13/239,024, mailed Jul. 19, 2013. cited by applicant

USPTO Final Office Action for U.S. Appl. No. 13/239,042, mailed Oct. 30, 2013. cited by applicant

USPTO Final Office Action for U.S. Appl. No. 13/239,053, mailed Oct. 18, 2013. cited by applicant

USPTO Interview Summary for U.S. Appl. No. 13/133,909, mailed Dec. 26, 2013. cited by applicant

USPTO Interview Summary for U.S. Appl. No. 13/239,014, mailed Dec. 24, 2013. cited by applicant

USPTO Interview Summary for U.S. Appl. No. 13/239,014, mailed Dec. 31, 2015. cited by applicant

USPTO Interview Summary for U.S. Appl. No. 13/239,014, mailed May 6, 2015. cited by applicant

USPTO Interview Summary for U.S. Appl. No. 13/239,024, mailed Dec. 30, 2013. cited by applicant

USPTO Interview Summary for U.S. Appl. No. 13/239,042, mailed Dec. 27, 2013. cited by applicant

USPTO Interview Summary for U.S. Appl. No. 13/239,053, mailed Dec. 26, 2013. cited by applicant

USPTO Non-Final Office Action for U.S. Appl. No. 13/133,909, mailed Jul. 13, 2012. cited by applicant

USPTO Non-Final Office Action for U.S. Appl. No. 13/133,909, mailed Sep. 10, 2014. cited by applicant

USPTO Non-Final Office Action for U.S. Appl. No. 13/239,014, mailed Dec. 4, 2014. cited by applicant

USPTO Non-Final Office Action for U.S. Appl. No. 13/239,014, mailed Feb. 21, 2013. cited by applicant

USPTO Non-Final Office Action for U.S. Appl. No. 13/239,024, mailed Dec. 20, 2012. cited by applicant

USPTO Non-Final Office Action for U.S. Appl. No. 13/239,024, mailed Jan. 28, 2014. cited by applicant

USPTO Non-Final Office Action for U.S. Appl. No. 13/239,024, mailed Nov. 28, 2014. cited by applicant

USPTO Non-Final Office Action for U.S. Appl. No. 13/239,042, mailed Dec. 4, 2014. cited by applicant

USPTO Non-Final Office Action for U.S. Appl. No. 13/239,042, mailed Mar. 6, 2013. cited by applicant

USPTO Non-Final Office Action for U.S. Appl. No. 13/239,053, mailed Nov. 6, 2014. cited by applicant

USPTO Non-Final Office Action for U.S. Appl. No. 13/239,053, mailed Jan. 29, 2013. cited by applicant

USPTO Requirement for Restriction/Election for U.S. Appl. No. 13/239,053, mailed Nov. 2, 2012. cited by applicant

Wolfla et al., "Retroperitoneal lateral lumbar interbody fusion with titanium threaded fusion cages," *J. Neurosurg (Spine 1)*, 2002, 96: 50-55. cited by applicant

Zdeblick, Thomas A. (ed.). *Anterior Approaches to the Spine*, 1999, Chapters 11, 13, and 14, 43 pages. cited by applicant

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## Background/Summary

CROSS-REFERENCE TO RELATED APPLICATIONS (1) This application is a continuation of U.S. patent application Ser. No. 17/209,874 (now U.S. Pat. No. 11,969,359) filed on Mar. 23, 2021, which is a divisional application of U.S. patent application Ser. No. 16/149,108 (now U.S. Pat. No. 10,959,860) filed on Oct. 1, 2018, which is a continuation of U.S. patent application Ser. No. 15/235,957 (now U.S. Pat. No. 10,085,854) filed on Aug. 12, 2016, which is a continuation of U.S. patent application Ser. No. 13/239,014 (now U.S. Pat. No. 9,451,940) filed on Sep. 21, 2011, which is a continuation of U.S. patent application Ser. No. 13/133,909 having a 371(c) date of Sep. 23, 2011, which is a Rule 371 U.S. National Stage of International Patent Application No. PCT/US2009/069476 filed on Dec. 23, 2009, which claims priority to U.S. Provisional Patent Application No. 61/178,315, filed on May 14, 2009, and U.S. Provisional Patent Application No. 61/140,926, filed on Dec. 26, 2008, all of which are incorporated herein by reference.

## BACKGROUND OF THE INVENTION

### 1. Field of the Invention

(1) Spinal surgery methods and devices are disclosed for repairing damaged or deteriorated vertebrae at the lower lumbar levels, such as in the L5-S1 intervertebral space.

### 2. Description of the Relevant Art

(2) The vertebral column is the central pillar of the body. It is a generally flexible column that bears tensile and compressive loads, permits bending motions, and provides an attachment site for ribs, muscles and other structures. The vertebral column includes irregular bones called vertebrae that are separated by fibrocartilaginous structures known as intervertebral discs. There are seven cervical, twelve thoracic, five lumbar, five sacral, and four coccygeal vertebrae. A typical vertebra consists of a rounded anterior body and a posterior vertebral arch that together form a protective structure around the vertebral canal that contains the spinal cord.

(3) The intervertebral discs can be damaged or undergo degeneration, which often results in painful and sometimes debilitating nerve impingement syndromes. It is sometimes necessary to surgically replace the native disc with prosthetic disc implants to relieve the pain, restore the functional mechanics of the vertebral column, and promote fusion between adjacent vertebral bodies. Procedures such as total disc arthroplasty (disc replacement) have used a direct anterior approach orthogonal to the midline of the vertebral body, but such procedures require unfettered anterior spinal exposure for precise midline placement of the prosthetic disc. The major vascular structures that run along the anterior spine must be mobilized to achieve this exposure, which typically requires the assistance of a vascular surgeon. The procedure also causes significant surgical disruption of the anterior annular element around the disc.

(4) Bertagnoli has described an anterolateral transposatic approach (ALPA) for implantation of prosthetic disc replacement devices. The patient is positioned in a supine position on the operating table, with the arms in abduction. The target disc level is localized through bi-planar fluoroscopy, and an inflatable bladder is placed beneath the level of interest to permit additional lordosis. An anterolateral incision is made on the left side for access to lumbar intervertebral spaces, while the incision is made on the right side for access to L5-S1. The fascia of the external oblique muscle is opened along the direction of its fibers and the muscle is split. The retroperitoneal space is entered and the peritoneal sac mobilized away from the overlying fascia to develop an operative pathway along the anterior aspect of the psoas muscle to the lateral aspect of the intervertebral space. The

target zone for annulotomy is from the one o'clock to three o'clock position above the L5-S1 level, which leaves the anterior longitudinal ligament intact and avoids mobilizing the iliac vessels. At the L5-S1 level the target annulotomy zone is from the eight o'clock to ten o'clock position with mobilization of the iliac vessel toward the midline. Injury to the left iliac vessel is an unfortunate complication of such procedures. Additional information about anterolateral approaches to spinal surgery at the L4-L5 level is found in Bertognali et al, U.S. Pat. No. 7,326,216.

(5) A minimally invasive procedure promoted by Nuvasive, Inc. uses a direct lateral, retroperitoneal approach to access the intervertebral discs above the L5-S1 level with minimal muscular disruption. The patient is placed in a lateral decubitus position and the direct lateral incision is made in the axillary line. Another incision is made posterior to the lateral border of the erector spinae muscle, and finger dissection is conducted through this opening to the retroperitoneal space. The index finger of the surgeon sweeps the peritoneum anteriorly and palpates the psoas muscle. A dilator instrument is then introduced through the direct lateral incision and the index finger then guides the dilator instrument to the psoas muscle. The fibers of the psoas muscle are then split using blunt dissection and EMG monitoring to minimize damage to the nerves of the lumbar plexus that run through the posterior psoas muscle. A tissue distraction and tissue retraction assembly are then used to help establish an operative corridor to the direct lateral aspect of the intervertebral space at about the 3 o'clock position, as shown in U.S. Pat. No. 7,207,949. The direct lateral retroperitoneal approach to the L5-S1 space has not been possible because the anterior superior iliac spine obstructs a direct lateral approach to the L5-S1 intervertebral space. Hence approaches to the L5-S1 space typically use a standard anterior approach. For a laterally positioned patient, an extremely large sigmoidal incision has been required, with subsequent reflection of all the overlying musculature to expose the L5-S1 space.

(6) It would therefore be useful to provide a minimally invasive approach to the L5-S1 space that minimizes injury to the blood vessels and nerves around the vertebral bodies. It would also be helpful to perform such a procedure in a manner that minimizes retroperitoneal scarring and damage to other body structures. Minimally invasive surgical approaches to the intervertebral spaces in the past have also been limited by the need to insert the prosthetic disc implant either into the front portion, posterior portion, or the side of the disc space to achieve stable placement of the prosthetic implant. It would therefore be useful to have a procedure that could avoid such a limitation at any vertebral level.

#### SUMMARY OF THE INVENTION

(7) The inventor has found it is advantageous to provide a method, device and system that permit an angle between a disc implant and insertion instrument to be altered without removing the implant from the intervertebral space. This new surgical approach also removes the native disc contents from a generally lateral direction, which permits the peritoneal contents to fall out of the surgical field, while also taking advantage of the mechanics of anterior interbody surgery.

(8) Disclosed methods, devices and systems are suitable for performing a minimally-invasive procedure for accessing the intervertebral space along an oblique pathway with an insertion instrument that holds a disc implant, and reorienting the angular relationship between instrument and implant while the implant is inside the body (for example at or within the disc space). In some disclosed embodiments, a prosthetic disc implant is inserted diagonally within the disc space, and the implant is then pivoted to a medial-lateral orientation within the disc space. The invention is particularly useful for accessing the L5-S1 intervertebral space along an anterolateral pathway to the anterior aspect of the spine, placing a prosthetic disc implant diagonally within the intervertebral space, and pivoting the implant within the disc space. However the method can also be used at other vertebral levels. In one embodiment, the oblique pathway has a caudal or cephalad-directed component, and the implant can be repositioned into a transverse anatomic plane through the intervertebral space.

(9) In one embodiment, an implant is positioned in the intervertebral disc space of a laterally



positioned subject by accessing the anterior face of the spinal disc intervertebral space, between the L5 and S1 vertebrae, from an anterolateral retroperitoneal approach. An oblique operative corridor is then established to the anterior face of the spinal disc space by introducing a retractor instrument anterolaterally to the spinal disc space, for example anterior to the anterior superior iliac spine, and in some instances between the level of the anterior superior iliac spine and the anterior inferior iliac spine. The spinal disc contents are removed from the intervertebral space through the operative corridor, and an elongated implant is introduced through the operative corridor into the intervertebral space diagonally (at an angle). The elongated implant is then pivoted within the intervertebral space to eventually position the implant substantially medial-laterally within the intervertebral space and achieve midline symmetric distribution of the mechanical load on the implant. The ability to pivot the implant within the intervertebral space permits the elongated implant to be generally aligned with the insertion instrument and advanced into the body through a relatively narrow operative corridor, then turned to its final position within the intervertebral space.

(10) In a disclosed embodiment, the retractor instrument includes a proximal handle portion and a distal retractor blade portion that carries opposing ipsilateral and contralateral vascular retractor blades that are placed between the right and left iliac vessels and moved apart from one another to retract the right and left iliac vessels away from the anterior face of the spinal disc intervertebral space. A particular example of the retractor instrument has an ipsilateral arm on which the ipsilateral blade is mounted and a contralateral arm on which the contralateral blade is mounted. The retractor blades are placed between the right and left iliac vessels to move them away from one another to expose the anterior surface of the spine as the ipsilateral and contralateral arms of the retractor instrument move the retractor blades apart. For example, the blades of the retractor instrument are positioned at the anterior face of the vertebral body adjacent the anterior longitudinal ligament, and the retractor blades are spread to expose an area from about the 10 o'clock to 2 o'clock position of the vertebral body.

(11) The elongated implant may be advanced into the intervertebral space through the operative corridor defined by the arms of the retractor instrument by securing the implant to a distal end of an elongated rigid introducer instrument and advancing the implant on the introducer instrument through the operative corridor to the anterior face of the intervertebral space at an oblique angle so that the implant enters the disc space diagonally. The angle between the implant and the introducer is then selectively changed to pivot the implant in one or more subsequent steps into the medial-lateral position for symmetric midline placement within the intervertebral space. In some embodiments the introducer instrument has a distal docking element that selectively docks with an interface element of the implant in a series of preselected positions to alter the angle between the implant and the introducer instrument. For example, the docking element is a plurality of docking pins on the tip of the introducer element, and the interface element is a corresponding series of docking holes that cooperatively mate to hold the implant in preselected angular orientations to the introducer instrument.

(12) In some disclosed embodiments, the implant is an elongated elastomeric member that has a top bearing face, a bottom bearing face, a front face, a rear face, an ipsilateral face and a contralateral face. The rear face of the implant may be substantially flat. The contralateral face of the implant may be rounded (particularly at its corners that adjoin the front and rear faces) to minimize trauma induced by advancing the implant diagonally into the intervertebral space at the oblique angle, and using the ipsilateral face to function as an impact hinge or pivot point as the implant is moved in one or more realignments from the oblique to medial-lateral orientation. The ipsilateral end of the implant may have a pivot axis and an interface element, such as multiple pairs of spaced docking holes arranged on a curved surface that extends partially circumferentially around the pivot axis. The selected pairs of spaced docking holes are positioned to mate with the docking element of the introducer instrument, such as a pair of docking pins that extend from a distal tip of the introducer instrument.

(13) In some embodiments the implant tapers in height from its front face to rear face, and/or medially to laterally, and it may be a partially hollow member in which the top face and bottom face are substantially open and separated by an internal divider wall that extends from the front face to the rear face to form a contralateral and ipsilateral window through the implant to promote the growth of bone within the implant. In some disclosed embodiments, the implant is a slightly compressible member in which the front face is convex and the ipsilateral face includes the interface element that mates with the docking element. The external surfaces of the implant (such as the top and bottom faces of the implant) have protuberances that help frictionally engage the implant to adjoining vertebral bodies, and also promote bone growth into the implant. The protuberances may have a variety of shapes, such as grooves or corrugations, but a frustopyramidal protuberance is believed to be particularly suitable. The retractor instrument may also take a variety of forms, but certain disclosed embodiments have an ipsilateral arm that is shorter than the contralateral arm. A retractor blade on the ipsilateral arm therefore extends a shorter distance from the handle than the retractor blade on the contralateral arm. This asymmetric arrangement permits the retractor instrument to be advanced diagonally through the body from an anterolateral entrance point through the abdominal wall to the anterior aspect of the vertebral body. Since the contralateral arm is longer than the ipsilateral arm, the retractor blades at the anterior vertebral body span the anterior face of the vertebral body, for example from the 10 o'clock to 2 o'clock positions. The retractor blades may be curved outwardly from a longitudinal axis of the retractor instrument to help minimize damage to the blood vessels as they are retracted. A thin shim with a tapered tip may be inserted into the intervertebral space and mounted to the ipsilateral blade to retain the instrument in its desired angular orientation and distract adjacent vertebral bodies (such as L5 and S1) apart from one another during the procedure. The shim curves inwardly into the disc space, toward the midline of the body, away from the ipsilateral retractor blade, and toward a longitudinal axis of the retractor instrument. The shim has a height sufficient to maintain the adjacent vertebral bodies spaced from one another while a trial spacer and subsequent disc implant are pivoted into place within the disc space. The present disclosure also includes a system for positioning an implant in an intervertebral space of a subject. In certain disclosed embodiments, the system includes the retractor instrument for establishing an operative corridor to the anterior face of the intervertebral space. The retractor instrument has a proximal handle portion and a distal retractor blade portion that includes opposing ipsilateral and contralateral arms that are movable toward and away from one another to define a portion of the operative corridor therebetween. In certain embodiments, the ipsilateral retractor blade is carried by the ipsilateral arm, and a contralateral vascular retractor blade is carried by the contralateral arm. The contralateral arm and blade are longer than the ipsilateral arm and blade so that the retractor instrument can be introduced at an oblique angle with the two retractor blades spaced apart on the anterior aspect of the vertebral body.

(14) The system also includes the introducer instrument for advancing an elongated prosthetic spinal disc implant between the arms and blades of the retractor instrument to the intervertebral space at an oblique angle so that the implant enters the intervertebral space diagonally. The introducer instrument is capable of pivoting the implant in the intervertebral space, for example by connecting docking pins on a tip of the introducer instrument to different sets of corresponding docking holes on the implant. The docking pins selectively mate with the different sets of docking holes on the implant to maintain the implant at different fixed angles to the introducer instrument. By mating the docking pins with different docking holes, the implant can be pivoted within the intervertebral space to move it from its initial diagonal orientation to a medial-lateral orientation generally symmetric with respect to the axis of the vertebral column. In certain embodiments, the system also includes the implant which has a top bearing face, a bottom bearing face, a front face, a rear face, an ipsilateral face and a contralateral face. The implant's contralateral face may be rounded to minimize trauma induced by advancing the implant diagonally into the intervertebral space and pivoting it around a pivot axis within the intervertebral space. The implant has an

interface element for coupling with the introducer instrument and pivoting the implant within the disc space. For example, the interface element includes multiple pairs of spaced docking holes arranged on a curved surface that extends partially circumferentially around the pivot axis, and selected pairs of spaced docking holes are positioned to mate with the docking element of the introducer instrument. In certain disclosed embodiments, the implant tapers in height from the front face to the rear face. The implant may also be a partially hollow member in which the top face and bottom face are substantially open and may be separated by an internal divider wall that extends from the front face to the rear face to define the ipsilateral and contralateral windows therebetween for promoting tissue growth within the implant.

(15) Another aspect of the invention is the prosthetic implant itself, the retractor itself, and the introducer element itself.

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## Description

### BRIEF DESCRIPTION OF THE DRAWINGS

- (1) Advantages of the present invention will become apparent to those skilled in the art with the benefit of the following detailed description of embodiments and upon reference to the accompanying drawings in which:
- (2) FIG. 1A illustrates a patient positioned in a right lateral decubitis position for minimally-invasive spinal surgery using a retroperitoneal approach;
- (3) FIG. 1B is a schematic top view illustrating the anatomy of the L5 vertebra;
- (4) FIG. 1C is a schematic perspective view of the human body illustrating several anatomic reference planes;
- (5) FIG. 2A is a schematic cross-sectional view of the abdomen at the level of the L5-S1 intervertebral space illustrating the left anterolateral displacement of the peritoneum and the right anterolateral introduction of a dilator through an incision toward the L5-S1 space under the guidance of a surgeon's finger introduced through a lateral incision;
- (6) FIG. 2B is an isolated perspective view illustrating the components and use of an initial distraction assembly that includes a K-wire, an initial dilating cannula with handle, and a split-dilator housed within the initial dilating cannula;
- (7) FIG. 2C is an isolated perspective view illustrating the K-wire and split-dilator of the initial distraction assembly with the initial dilating cannula and handle removed;
- (8) FIG. 3A is a view similar to FIG. 2A, but showing introduction of a minimally invasive retractor instrument through the right anterolateral incision, and its positioning at the L5-S1 intervertebral space with the right and left iliac vessels retracted away from the anterior spine;
- (9) FIG. 3B is an isolated schematic end view of the retractor blades on the retraction instrument, illustrating the greater curvature of the shorter retraction blade;
- (10) FIG. 4A is a front elevation view of a shim for placement on the ipsilateral blade of the retractor instrument;
- (11) FIG. 4B is a side view of the shim of FIG. 4A;
- (12) FIG. 4C is a top view of the shim of FIGS. 4A and 4B;
- (13) FIG. 5A is a perspective fragmentary view of the pelvis and the sacro-lumbar segment of the spinal column illustrating the bifurcation of the iliac vasculature along the anterior aspect of the spinal column;
- (14) FIG. 5B is a front view of FIG. 5A with the iliac vessels retracted to expose the L5-S1 disc space;
- (15) FIG. 6 is a perspective view of an introducer instrument for guiding an implant to a spinal disc space, showing the implant connected to the introducer instrument for movement about a pivot axis;

(16) FIG. 7 is an isolated perspective view of the introducer instrument;

(17) FIG. 8 is an enlarged, fragmentary view of the tip of the introducer instrument of FIG. 7 illustrating the instrument interface of the implant, and showing the pins on the distal tip of the instrument for connection to positioning holes on the implant;

(18) FIG. 9 is an enlarged, fragmentary view of the implant held in a fixed angular position relative to the introducer element by the pins of the instrument interface locked into a preselected set of positioning holes on the implant;

(19) FIG. 10A is a perspective view of a first embodiment of the implant, showing the implant interface surface in which pairs of pin receiving holes are arranged at different angles around the interface surface to hold the implant at variable fixed angles relative to the longitudinal axis of the introducer instrument;

(20) FIG. 10B is an end view of the implant of FIG. 10A, illustrating a tapered height of the implant;

(21) FIG. 11A is a top view of an embodiment of an implant;

(22) FIG. 11B is a side view of an embodiment of the implant of FIG. 11A;

(23) FIG. 11C is an end view of an embodiment of the implant of FIG. 11A;

(24) FIG. 12 is a perspective view of a second embodiment of the implant;

(25) FIG. 13 is a schematic top perspective view of the pelvis with a retractor instrument introduced obliquely into the subject's body along an anterolateral operative trajectory, and with the introducer instrument advanced through the operative corridor defined by the retractor instrument. A trial spacer is attached to the distal end of the introducer instrument for introduction diagonally into the L5-S1 intervertebral space;

(26) FIG. 14A is an enlarged top view of the L5-S1 disc space shown in FIG. 13, illustrating the rounded contralateral face of the trial spacer impacting the far lateral aspect of the apophyseal ring;

(27) FIG. 14B is a view similar to FIG. 14A, but illustrating adjustment of the angle between the introducer instrument and the body of the trial spacer by repositioning the pins on the tip of the instrument in a different set of pin receiving holes on the trial spacer;

(28) FIG. 14C is a view similar to FIG. 14A, but illustrating progressive reorientation of the trial spacer in a generally medial-lateral orientation within the intervertebral space;

(29) FIG. 15 is a view similar to FIG. 13, but showing a subsequent step of the procedure in which the introducer instrument has advanced an implant to the disc space;

(30) FIGS. 16A, 16B and 16C are top views of the L5-S1 disc space, illustrating progressive reorientation of the implant within the disc space by repositioning of the pins on the tip of the introducer instrument in different sets of pin receiving holes on the implant;

(31) FIG. 17 is an enlarged top view of the L5-S1 disc space illustrating the implant in position within the disc space;

(32) FIG. 18A is a front elevation view of a shim for placement on the ipsilateral blade of the retractor instrument;

(33) FIG. 18B is a side view of the shim of FIG. 18A;

(34) FIG. 18C is a top view of the shim of FIGS. 18A and 18B;

(35) FIG. 19A is a perspective view of an embodiment of an implant;

(36) FIG. 19B is a side view of an embodiment of the implant of FIG. 19A;

(37) FIG. 19C is an end view of an embodiment of the implant of FIG. 19A;

(38) FIG. 20 is a top view of the L5-S1 disc space, illustrating orientation of the implant of FIG. 19A within a disc space;

(39) FIG. 21 is a perspective view of a portion of a retraction instrument with a pair of blades provided at a distal end;

(40) FIG. 22 is a top view of the retraction instrument of FIG. 21, showing a mechanism for moving the retractor blades;

(41) FIG. 23A is a perspective view of a blade for use with a retraction instrument;

(42) FIG. 23B is a rear view of the blade of FIG. 23A; and

(43) FIG. 23C is a top view of the blade of FIG. 23A.

(44) While the invention may be susceptible to various modifications and alternative forms, specific embodiments thereof are shown by way of example in the drawings and will herein be described in detail. The drawings may not be to scale. It should be understood, however, that the drawings and detailed description thereto are not intended to limit the invention to the particular form disclosed, but to the contrary, the intention is to cover all modifications, equivalents, and alternatives falling within the spirit and scope of the present invention as defined by the appended claims.

#### DETAILED DESCRIPTION OF THE EMBODIMENTS

(45) It is to be understood the present invention is not limited to particular devices or methods, which may, of course, vary. It is also to be understood that the terminology used herein is for the purpose of describing particular embodiments only, and is not intended to be limiting. As used in this specification and the appended claims, the singular forms “a”, “an”, and “the” include singular and plural referents unless the content clearly dictates otherwise. Furthermore, the word “may” is used throughout this application in a permissive sense (i.e., having the potential to, being able to), not in a mandatory sense (i.e., must). The term “include,” and derivations thereof, mean “including, but not limited to.” The term “coupled” means directly or indirectly connected.

(46) Embodiments of the invention are disclosed herein for accessing an intervertebral space, such as the L5-S1 space, and implanting a prosthetic disc implant within that space. The disclosed devices, methods and systems are suitable for use in a minimally invasive procedure for repairing degenerated or otherwise injured intervertebral discs.

(47) General Overview of the Surgical Procedure

(48) The method generally includes initially accessing the intervertebral space using a retroperitoneal lateral approach. Then, with a finger-directed dilator or other suitable instrument, the distal retroperitoneum is swept anteriorly to expose an eventual channel to a direct approach to L5-S1. In most people, the direct approach to L5-S1 is anterior to the anterior superior iliac spine, or between the anterior superior iliac spine and the anterior inferior iliac spine. An incision is then made to open this channel, and blunt dilators are directed in an oblique direction directly to the mid-anterior aspect of L5-S1, for example between the 10 o'clock and 2 o'clock position. Fluoroscopic guidance may be used in accordance with known techniques to assist in advancing and positioning the dilators.

(49) A retractor is then advanced over the dilators. In certain embodiments, the blades of the retractor are translucent so that the retracted contents can be seen through the blades. In contrast to existing retractors used in minimally invasive spinal surgery, the blades are shaped so that the curvature of the retractor blades conforms to the unique shape of the anatomy for the approach described herein, and is particularly suitable for use in this portion of the spine. For example, the ipsilateral blade may be shorter than the contralateral blade, and the ipsilateral blade may be more arcuate with a steeper curve as compared to the less curved, straighter contralateral blade. In one embodiment, the blades can accommodate a xenon light source for visualization in the cavity.

(50) Once the retraction blades are advanced to the anterior aspect of the spine (for example between the 10 o'clock and 2 o'clock positions at the L5-S1 intervertebral space), the retractor blades are positioned below the iliac bifurcation between the right and left iliac vessels. The retractor blades are moved apart to increase exposure of the anterior vertebral column. A docking shim that is angled away from the ipsilateral blade and toward the disk space is placed in the intervertebral space to secure the retractor in position and maintain distraction of the vertebral bodies. If the small middle sacral artery is viewable in the midline, the surgeon may choose to ligate or electrocauterize this small vessel.

(51) The procedure provides a relatively large window within which a discectomy and reconstruction can be carried out. The tools used for the discectomy may be slightly angled

(relative to tools used for existing techniques) to maximize disc removal from an oblique direction. Trial spacers and final disc implants have a unique design suited to the trajectory of the implantation, as described in greater detail below. Radiopaque markers may be included on the trial spacers and implants (for example at its corners) to enable the structures to be visualized under fluoroscopy.

(52) One or more trial spacers are then introduced into the evacuated disc space to help select an appropriate size implant. During introduction of the trial spacer or final implant, the initial insertion trajectory is oblique, resulting in diagonal entry of the trial spacer into disc space with impaction of the contralateral face of the implant or trial spacer to the far lateral aspect of the apophyseal rings (for example of LS-S1). The angle of impaction is then reoriented so that the portion of the trial spacer or implant that is present in the more anterior portion of the intervertebral space is impacted posteriorly on the apophyseal ring by using the contralateral side as a swivel point. Under fluoroscopic control, final seating of the implant or trial spacer is achieved. Once the final implant is in place, retraction is slowly released by allowing the retraction blades to move toward one another to check for any residual bleeding. The retractor is then slowly removed so that the skin closure of the percutaneous incision can be carried out.

(53) This general summary of the procedure is illustrated in more detail in the following sections of this specification.

(54) Positioning the Patient and Relevant Spinal Anatomy

(55) As shown in FIG. 1A, a patient **20** is placed in a direct right lateral decubitus position with the patient's right side down on an operating table **22** and the left side up. A bolster pillow **24** is placed at the waist of patient **20** to bend the body at that point, which elevates and tilts the pelvis **26** of patient **20**. Pelvis **26** is schematically shown in FIGS. 1, SA and SB to include an ileum **28**, with an iliac crest **30**, anterior superior iliac spine **32**, and anterior inferior iliac spine **34**. A notch **36** (FIGS. SA and SB) is formed between the superior and inferior iliac spines **32**, **34**. The spinal anatomy is schematically illustrated in FIG. 1A, wherein the sacrum **38** is shown connected to the LS vertebra **40**. Higher levels of lumbar and thoracic vertebrae are shown superior to the LS disc. The anatomy of the LS vertebra is illustrated in more detail in FIG. 1B, wherein the vertebra includes an anterior vertebral body **42** and a posterior vertebral arch **44** that cooperatively define spinal foramen **46**. Vertebral body **42** includes a circumferential apophyseal ring **48**, while vertebral arch **44** includes a spinous process **50**, right transverse process **52** and left transverse process **54**. Positions around vertebral body **42** can be designated arbitrarily by hours of the clock, with anterior-most position **56** designated the twelve o'clock position. Hence an anterior face of vertebral body **42** is designated herein as the face **58** that extends from about the ten o'clock position **60** to the two o'clock position **62**. The axis of the vertebral column is located generally at the center of vertebral body **42**.

(56) To clarify some of the terms in this specification, the anatomic planes of the body in the standard anatomical position are shown in FIG. 1C. In general anatomic terminology, "superior" means closer to the head, "posterior" means closer to the posterior surface of the body, "anterior" means closer to the anterior surface of the body, "cephalad" means toward the head, "caudad" means toward the feet. The anatomic reference planes in FIG. 1C are the "coronal plane" that separates the body into anterior and posterior halves, and the "median plane" that separates the body into right and left parts. A transverse plane is shown, which is any plane that is perpendicular to the coronal and median planes; multiple transverse planes exist at different levels of the body. With reference to the coordinate planes of FIG. 1C, the "noon" position is on the front of the body along the A-P (anterior-posterior) line at which the median plane intersects a transverse plane. The three and six o'clock positions are along the L-M (lateral-medial) line at the intersection of the transverse and coronal planes.

(57) An "oblique plane" is any plane that is at an angle (not within or parallel) to any one of the coronal, median or transverse planes. Hence an operative corridor is "oblique" if it is an oblique plane. An oblique angle can lie in one of the illustrated coronal, median or transverse planes, be

parallel to one or two of those planes, or be outside of (and not parallel) to all three of them. For instance, an oblique pathway **P1** to an intervertebral space can extend in a transverse plane at a non-zero angle to the median plane. Alternatively, an oblique pathway **P2** can extend at a non-zero angle to the transverse, coronal and median planes.

(58) Additional pertinent anatomy at the anterior aspect of the spine is illustrated in FIGS. 5A and 5B, which shows the aortic bifurcation **64** into the right and left common iliac arteries **66**, **68**, each of which divides into an external iliac artery **66a**, **68a** and an internal iliac artery **66b**, **68b**. Accompanying common iliac veins **67**, **69** are also shown in FIG. 5A. The descending aortic artery, bifurcation **64**, and the bifurcated iliac vessels are at the anterior face of the vertebral bodies, and have complicated surgical approaches that attempt to access the anterior vertebral body to repair a damaged spinal disc. The L5-S1 intervertebral space **70** is shown in FIG. 5A without retraction of the iliac vessels, and in FIG. 5B with retraction of the iliac vessels to expose L5-S1 intervertebral space **70**.

(59) Additional pertinent perispinal anatomy is shown in FIGS. 2A and 3A, wherein right and left common iliac arteries **66**, **68** and veins **67**, **69** are shown in their normal anatomic position on the anterior aspect of the spine. The nucleus pulposus **72** of the L5-S1 intervertebral disc is illustrated, as are the right and left psoas muscles **74**, **76**, the right and left erector spinae muscles **78**, **80** and the right and left transversospinalis muscles **82**, **84**. The peritoneum **86**, which is normally adjacent and adherent to the retroperitoneal structures, is shown in FIGS. 2A and 3A after it has been moved anteriorly and separated from the retroperitoneal structures on the right side of the body to clear an operative pathway to the L5-S1 intervertebral space.

(60) Access to Retroperitoneal Space and Establishing Operative Corridor to Intervertebral Space

(61) The surgeon palpates the subject to locate the position of the anterior superior iliac spine **32**, and an initial incision **90** (FIG. 1) is made at this point in the mid-axillary line, as in a standard retroperitoneal approach. As shown in FIG. 2A, blunt finger dissection is directed caudally in the retroperitoneal plane to connect to a point that is parallel the L5-S1 disc space, just anterior to ileum **28**. The surgeon's finger **94** sweeps peritoneum **86** anteriorly, moving it away from the ileum **28** and the retroperitoneal structures in the right side of the abdominal cavity. A second skin incision **92** (FIGS. 1A and 2A) is then made inferior to first incision **90**. Second incision **92** is anterior to first incision **90**, between the anterior axially line and the sheath of the rectus abdominis muscle, and is approximately 3-5 cm in length. Second incision **92** is made at the level of the L5-S1 disc space, which is determined fluoroscopically prior to making the incision. FIG. 2B illustrates an initial access assembly **100** for accessing the targeted intervertebral space, such as the L5-S1 intervertebral space. Although a particular device and method are described for accessing the L5-S1 intervertebral space, the disclosed invention is not limited to use of this particular device and method. The term "accessing" the intervertebral space or its face is meant to broadly include any device and/or method for establishing a pathway from a surface incision to the disc space or its face. Illustrated access assembly **100** includes a K-wire **102**, an initial dilating cannula **104** with handle **106**, and a split-dilator **108** housed within the initial dilating cannula **104**. The entire assembly **100** is advanced under fluoroscopic guidance through the tissue towards the surgical target site (i.e. annulus). This may be accomplished using a nerve detection and/or direction device as described in U.S. Pat. No. 7,207,949, although the nerve detection capability is not necessary. Initial dilating assembly **100** is advanced until the distal ends of split-dilator **108** and initial dilator **104** are positioned within the disc space. The initial dilator **104** and handle **106** are then removed (FIG. 2C) to leave split-dilator **108** and K-wire **102** in place. Split-dilator **108** is thereafter split such that the respective halves **108a**, **108b** are separated from one another to distract tissue in a generally cephalad-caudal fashion relative to the target site as described in more detail in U.S. Pat. No. 7,207,949. Split dilator **108** may thereafter be relaxed (allowing the dilator halves **108a**, **108b** to come together) and rotated approximately 90 degrees such that the dilator halves **108a**, **108b** are disposed in a transverse anatomic plane. Once rotated in this manner, the dilator halves **108a**, **108b**

are again separated to distract tissue in the transverse plane. Each dilator half **108a**, **108b** may be provided with one or more electrodes (preferably at their distal regions) equipped for use with a nerve surveillance system, such as, by way of example, the Neuro Vision System, although the nerve monitors are optional.

(62) Progressively larger dilators (not shown) may be used to further establish the operative pathway. The dilators are labeled with depth markings to help assure insertion of the successive dilators to the appropriate depth. The dilators are introduced obliquely into the body along a diagonal pathway from incision **92** to the anterior aspect of the spine to enter the intervertebral space between the twelve o'clock and two o'clock positions. The particularly illustrated pathway is generally in a transverse plane at the level of L5-S1, but at an angle to (and between) the coronal and median planes (for example in the direction of the pathway **P1** in FIG. **1C**). However, the pathway can also be at an angle to the transverse plane as well (for example, at the same angle as pathway **P2** in FIG. **1C**). The dilator pathway helps determine the eventual operative corridor that is established by placement of retraction instrument **110**. However, in some embodiments, the retraction instrument **110** can itself establish the operative corridor without the initial use of the dilators.

(63) In the illustrated embodiment, one of more of the dilators is left in place to serve as a guide for insertion of a retractor instrument **110** (FIG. **3A**). Retractor instrument **110** includes a proximal handle portion **112** and a distal retractor blade portion **114** that includes opposing contralateral retraction arm **116** and ipsilateral retraction arm **118**, which respectively carry a terminal contralateral retraction blade **120** and ipsilateral retraction blade **122**. Each of blades **120**, **122** is curved longitudinally away from the axis of elongated retractor instrument **110** (FIG. **3A**), and is additionally curved radially (FIG. **3B**). As shown in FIGS. **3A** and **3B**, ipsilateral retraction blade **122** is shorter and has a greater cross-sectional (radial) curvature than contralateral retraction blade **120**. In addition, ipsilateral blade **122** has a greater longitudinal curvature than contralateral blade **120**.

(64) A pair of angled extension members **117**, **119** can extend from handle portion **112** to improve the access angle provided by the retractor instrument. Conventional retraction instruments are not well suited for approaches that are not directly lateral to an implantation site. The increased distance from the handle to the blades and the change in angle provided by extension members **117**, **119** improve access to the implantation sites for the methods described herein.

(65) In particular, extension members **117**, **119** can extend from handle portion **112** such that they are substantially parallel to one another and form an angle of between about 45 and 80 degrees from a plane formed by a surface of handle portion **112** to which extension members abut and from which extension members extend. As shown in FIG. **22**, extension member **119** is preferably shorter than extension member **117**. If desired, a central angled extension member **121** can be provided between extension members **117**, **119** to receive another blade member. Arms **116**, **118** (FIG. **3A**) are coupled to extension members **117**, **119**, respectively.

(66) Arms **116**, **118** and their respective retraction blades **120**, **122** can be moved toward and away from one another by the movement of handles **124**, **126**, generally as shown in U.S. Pat. No. 7,207,949. Preferably, handles **124**, **126** are coupled to a gear mechanism that converts the movement of the handles toward each other into linear movement of retraction arms **116**, **118** away from one another to widen the distance between those arms without rotating them. The distance between handles **124**, **126** can be adjusted and fixed by rotation of knobs **134**, **136**.

(67) The retraction instrument **110** is placed in cannulated fashion over the dilators with the shorter ipsilateral arm/retraction blade on the ipsilateral side of the operative corridor.

(68) Retractor instrument **110** is slightly opened by moving handles **124**, **126** toward one another so that opposing retraction arms **116**, **118** move farther apart without rotation of the retraction arms. A standard xenon light source is carried by the instrument, and it is used for visualization of the anatomy at the distal tip of the instrument to position the retractor blades between the bifurcation of



the right and left common iliac arteries and veins. The foot of ipsilateral blade **122** is placed beneath the ipsilateral vasculature (the right side for the approach illustrated in FIG. **3A**) and the foot of contralateral blade **120** is placed under the contralateral vasculature (the left side for the approach illustrated in FIG. **3A**). Handles **124**, **126** are then moved closer together and fixed in position to move retraction arms **116**, **118** away from one another and create surgical exposure of the anterior spine by moving ipsilateral vessels **66**, **67** posteriorly and laterally with ipsilateral blade **122**, and by moving contralateral vessels **68**, **69** anteriorly and laterally with contralateral blade **120**. Handles **124**, **126** can be moved and fixed in different positions by rotation of knobs **134**, **136**.

(69) FIGS. **5A** and **5B** illustrate retraction of the iliac vasculature to expose the L5-S1 intervertebral space; FIG. **5B** also shows the trajectory along which retractor instrument **110** may be advanced. FIG. **5A** shows the iliac vasculature running along the anterior spine near the front of the L5-S1 intervertebral space **70**. FIG. **5B** illustrates the iliac vessels retracted away from the anterior face of the spine by the retractor instrument **110** (not shown). A trajectory along which retractor instrument **110** may be introduced is shown by arrow **128** in FIG. **5B**. The illustrated trajectory is from anterolateral incision **92** through the region of notch **36** between interior superior iliac spine **32** and anterior inferior iliac spine **34**. This trajectory contrasts with trajectory **130** (dotted line in FIG. **5B**) taken by prior minimally invasive direct lateral surgeries for the L4-L5 disc space from the axillary line.

(70) According to one aspect of the invention, once satisfactory ipsilateral vascular retraction is achieved, a shim **132** (FIGS. **3A** and **4A**, **4B**, **4C**) is inserted along the ipsilateral blade and advanced to position shim **132** within the anterolateral region of the LS-S1 disc space. Referring to FIGS. **22** and **23A-23C**, blades **120**, **122** can each be provided with a slot **133** for receiving a shim **132**. FIG. **22** illustrates blade **122** with a shim **132** in slot **133**, while blade **120** of FIG. **22** is shown without a shim or other structure positioned within its respective slot **133**.

(71) Shim **132** is an elongated plate with a substantially planar proximal portion **130a** and a curved distal portion **130b**. The curved distal portion **130b** also tapers to a pointed distal tip **131** that is designed for introduction into an intervertebral space. The substantially planar proximal portion of shim **132** has a height  $h$  greater than its thickness  $t$  to minimize obstruction of access to the disc space when the shim is in place, and the height of the shim narrows anteriorly to pointed distal tip **131**. Shim **132** further has a reversed curvature, in that its distal portion **130b** is curved away from ipsilateral retraction blade **122** and toward contralateral retraction blade **120**.

(72) The curvature of the distal portion of shim **132** is relatively slight, being only 5-15 degrees out of the plane of the planar proximal portion **130a** of shim **130**. Alternatively, as shown in FIGS. **18A**, **18B**, and **18C**, shim **132** can be substantially straight along its entire length. Shim **132** is attached to ipsilateral blade **120** to help lock retractor instrument **110** in position until removal of the instrument is desired, and distracts the adjacent vertebral bodies (such as L5 and S1) to restore disc height. Shim **132** can be coupled to ipsilateral blade **120** and/or contralateral blade **122** in a variety of manners. In a preferred embodiment, shim **132** comprises a projecting portion **135** that projects outward from a surface of shim **132**. Projecting portion **135** can be a spring-loaded member that is biased outward from the surface of shim **132**.

(73) In use, shim **132** can be positioned in a slot **133** and secured thereto to the respective blade (e.g., blade **122** in FIG. **23C**).

(74) As shown in FIGS. **21** and **23B**, a plurality of spaced detents or openings **137** can extend along the length of a rear side **139** of blade **122** to receive projecting portion **135** and secure shim **132** to blade **122**. When projecting portion **135** is in a locked position (i.e., with projecting portion **135** extending at least partially through a detent **137**), shim **132** is restricted from moving relative to blade **122**. To adjust the position of shim **132** relative to blade **122**, projecting portion **135** can be pushed inward towards the surface of shim **132**, moving projecting portion **135** out of detent **137** and releasing shim **132** from blade **122**. Once projecting portion **135** is released from detent **137**,

shim **132** can be moved into another position along blade **122** by pushing or otherwise directing shim **132** downward along the length of blade **122**. This process can be repeated until shim **132** is secured to blade **122** in a desired position.

(75) Shim **132** also rigidly couples ipsilateral retractor blade **122** in fixed relation relative to the vertebral bodies, and helps ensure that surgical instruments employed within the operative corridor are not advanced outside the operative corridor, thereby avoiding inadvertent contact with the exiting nerve roots and vasculature during the surgery. Once the operative corridor is established, any of a variety of surgical instruments, devices, or implants may be passed through and/or manipulated within the operative corridor depending upon the given surgical procedure.

(76) Superior and inferior soft tissue retractors (not shown) may also be placed as needed for retraction for any creeping retroperitoneal contents to allow creation of a box-type approach to the L5-S1 disc space. Discectomy is then carried out in a conventional fashion to evacuate as much of the disc and interspace contents as possible. The handle portion **112** may be coupled to any number of mechanisms for rigidly registering it in fixed relation to the operative site, such as through the use of an articulating arm mounted to the operating table **22**.

(77) Introducer Instrument

(78) Once the discectomy has been completed, trial implants are introduced into the L5-S1 disc space **70** to select an appropriate size final implant, and a final implant is then introduced into the disc space.

(79) FIGS. **6-9** illustrate an introducer instrument **140** for introducing implants into the disc space. Instrument **140** includes a rigid sheath **142** (FIGS. **6-7**) that is sufficiently long to reach the L5-S1 disc space **70**. A longitudinal axis **144** of sheath **142** is illustrated by a dashed line. Instrument **140** is provided with a proximal handle **146** that is coupled to a rotatable shaft **147** (FIG. **8**) inside a ridged collar **148** (FIG. **7**) so that shaft **147** can be rotated within sheath **142** by rotating handle **146** as collar **148** is grasped by the surgeon's hand to maintain collar **148** stationary. As shown in FIG. **7**, an externally threaded rod **150** projects from a cylindrical distal tip **152** of sheath **142** along longitudinal axis **144** on sheath **142**. A pair of small coupling pins **154**, **156**, which are smaller than threaded rod **150**, project from distal tip **152** on either side of rod **150** in a fixed spaced alignment generally along a common plane that bisects shaft **142** along its axis **144**. Coupling pins **154**, **156** are substantially shorter and of much smaller diameter than the threaded rod **150**. For example, coupling pins are less than 25% or even 10% of the diameter and length of threaded rod **150** projecting from the tip **152** of instrument **140**.

(80) As shown best in FIG. **8**, threaded rod **150** is connected to rotatable shaft **147** by a reduced diameter step-down extension **158** that projects out of distal tip **152** of sheath **142** to provide a gap between threaded rod **150** and the face **160** of distal tip **152**. Distal tip **152** (and pins **154**, **156** that it carries) can be selectively advanced toward and retracted from implant **172** in a pathway generally parallel to longitudinal axis **144** by rotating handle **146**. As handle **146** rotates counterclockwise, it drives shaft **147** to turn threaded rod **150** and loosen the connection between rod **150** and a threaded opening in the implant. Since pins **154**, **156** have a much shorter axial length than threaded rod **150**, only slight loosening of the threaded rod is required to disengage pins **154**, **156** from the implant. Once pins **154**, **156** are disengaged from the implant, they can be repositioned in another set of openings on the implant to change the angle between instrument **140** and the implant. Handle **146** is then rotated clockwise to tighten the pins in their new openings to fix the new angular relationship between instrument **140** and the implant.

(81) Threaded rod **150** and coupling pins **154**, **156** form an example of a docking element of introducer instrument **140**. The docking element selectively docks with an interface element **170** of an implant **172**, as shown in FIG. **9**. The docking element docks at a plurality of positions with interface element **170** to selectively alter an angle between implant **172** and introducer instrument **140**. Implant **172** has a pivot axis **174** around which implant **172** may be pivoted relative to longitudinal axis **144** of instrument **140**.

(82) An example of an implant **172** is shown in greater detail in FIGS. **10A** and **10B**, where implant **172** has a top bearing face **176**, a bottom bearing face **178**, a front face **180**, a rear face **182**, an ipsilateral face **184** and a contralateral face **186**. A rotation pin **188** extends between top and bottom faces **176**, **178** and rotates relative to implant **172**; pivot axis **174** of implant **172** extends along the axis of rotation pin **188**. Interface element **170** (FIGS. **9** and **10A**) has a recessed slot **190** between top and bottom faces **176**, **178** that provides access to the side of rotation pin **188** in which an internally threaded opening **191** is provided which has threads that are complementary to the external threads of rod **150** of introducer instrument **140**. An upper arcuate lip **192** and lower arcuate lip **194** form slot **190** cooperatively therebetween. Lips **192**, **194** are spaced from and generally parallel to the outer walls of rotation pin **188**. Lips **192**, **194** of interface element **170** each have a series of spaced docking holes that form paired upper and lower sets of spaced holes arranged on the curved surfaces of the lips. These docking holes extend partially circumferentially around pivot axis **174**, and selected pairs of spaced docking holes are positioned to mate with the docking element of introducer instrument **140**. This docking is illustrated in greater detail in FIG. **9** wherein face **160** of distal tip **152** is curved to fit in register with the curved faces of lips **192**, **194** with pin **154** in an upper member of a docking pair of holes on upper lip **192** and pin **156** (not shown in FIG. **9**) in a corresponding aligned lower member of the docking pair of holes on lower lip **194**. Interface element **170** therefore includes spaced docking holes that extend partially circumferentially around pivot axis **174** so that selected pairs of docking holes are positioned to mate with the docking element of introducer instrument **140**.

(83) In use, introducer instrument **140** is secured to an implant **172** by threading rod **150** into opening **191** of rotation pin **188** by rotating handle **146** to turn shaft **147** within sheath **142**. Handle **146** is rotated until implant **172** is tightly secured to distal tip **152** and pins **154**, **156** are aligned with and inserted within a pair of the upper and lower aligned docking holes. The angular relationship between instrument **140** and implant **172** can be altered by slightly unscrewing threaded rod **150** from threaded opening **191**. This action moves face **160** of distal tip **152** sufficiently out of engagement with interface element **170** to disengage pins **154**, **156** from a first set of docking holes without completely disconnecting instrument **140** from implant **172**. The implant **172** and instrument **140** can then pivot relative to one another until sheath **142** is again advanced to engage coupling pins **152**, **154** with a new pair of docking holes by rotating handle **146** to once again securely engage instrument **140** to implant **172**, so that the implant is fixed at a new angular relationship with the instrument.

(84) Although a particular embodiment of the device is illustrated in which the angular relationship between instrument **140** and implant **172** can be selectively altered, many other means for varying this angular relationship to pivot the implant are contemplated. For example, rotation of handle **146** can actuate a gear that pivots implant **172**, or handle rotation can actuate a cam that selectively moves pins **154**, **156** to selectively engage and disengage them from interface element **170**.

Alternatively the tip of instrument **140** can fit into a slot within implant **172** to pivot the implant as instrument **140** is moved from the contralateral to the ipsilateral arm of the retractor instrument. In other embodiments, a universal joint is provided between the instrument **140** and implant **172** to selectively pivot the implant relative to the instrument. Different numbers and arrangements of the pins can also be provided. Electronic devices can also be used that rotate the implant in the plane of the disc space while maintaining the instrument within the operative pathway defined between the retraction blades of instrument **140**.

(85) The Implant

(86) Additional features of implant **172** are shown in detail in FIGS. **10** and **11** to illustrate details that make the implant particularly suitable for insertion and progressive pivoting of the implant within the L5-S1 disc space, as described in greater detail below. The implant tapers in height from the height **h1** of front face **180** to height **h2** of rear face **182**, and is elongated in a direction transverse to the direction of tapering height. Hence front face **180** and rear face **182** are longer

than ipsilateral and contralateral faces **184**, **186**. The implant material is made of a generally compressible or elastomeric material. Front face **180** is generally convex, ipsilateral face **184** includes interface element **170**, rear face **176** is generally flat, and contralateral face **186** is rounded at its front and rear edges to minimize impact damage to spinal structures as the implant is introduced into the disc space and pivoted into position. Implant **172** is also partially hollow and may have ipsilateral and contralateral windows **200**, **202** extending between top and bottom faces **176**, **178**. The windows are formed by an internal divider wall **204** that extends from the front to rear of implant **172** and substantially bisects the implant into ipsilateral and contralateral halves. However, ipsilateral window **200** is smaller than contralateral window **202** because a portion of the ipsilateral half of implant **172** is occupied by rotation pin **188** and the structure that supports it. The windows **200**, **202** provide communication between the open bottom and top faces of the implant to promote ingrowth of tissue within and through implant **172**.

(87) Top and bottom faces **176**, **178** are provided with protuberances **206** that also help promote bone growth into implant **172**. The protuberances may take a variety of shapes, but the illustrated frustopyramidal protuberances **206** are believed to be particularly suitable for this purpose.

(88) In addition to the implant, trial spacers are also provided to help assess the size of the disc space once the disc space contents have been evacuated but before the final implant is advanced into the disc space.

(89) FIGS. **11A**, **11B**, and **11C** illustrate another embodiment of an implant **272**. To facilitate comparison to implant **172**, FIGS. **11A-C** use reference numbers with the same two final digits for elements that are generally similar to elements identified in FIGS. **10A** and **10B**. Thus, implant **272** has a top bearing face **276**, a bottom bearing face **278**, a front face **280**, a rear face **282**, an ipsilateral face **284** and a contralateral face **286**. A rotation pin **288** extends between top and bottom faces **276**, **278** and rotates relative to implant **272**. Pivot axis **274** of implant **272** extends along the axis of rotation pin **288**.

(90) An interface element **270** (FIGS. **11B** and **11C**) has a recessed slot **290** between top and bottom faces **276**, **278** that provides access to the side of rotation pin **288** in which an internally threaded opening **291** is provided which has threads that are complementary to the external threads of rod **150** of introducer instrument **140**. An upper arcuate lip **292** and lower arcuate lip **294** form slot **290** cooperatively therebetween. For clarity, FIG. **11B** is shown without pin **288** fitted or received in implant **272**.

(91) Lips **292**, **294** of interface element **270** can have a series of spaced docking holes such as that shown in FIGS. **10A** and **10B**. Alternatively, as shown in FIGS. **11B** and **11C**, lips **292**, **294** can be formed without such docking holes. Instead, the introducer instrument can be shaped to contact a portion of the upper and/or lower curved faces of lips **292**, **294**, thereby forming a frictional fit between the convex face of implant **272** and a concave face **160** of the introducer instrument **140**. Thus, in use, introducer instrument **140** can be secured to implant **272** by threading rod **150** into opening **291** of rotation pin **288** by rotating handle **146** to turn shaft **147** within sheath **142**. When handle **146** is rotated a sufficient amount, implant **272** will be tightly secured to face **160** of distal tip **152**. The angular relationship between instrument **140** and implant **272** can be altered by slightly unscrewing threaded rod **150** from threaded opening **291**. This action moves face **160** of distal tip **152** sufficiently out of engagement of the frictional fit with interface element **270** (or other contacting portion of a surface of implant **272**). Implant **272** and instrument **140** can then pivot relative to one another until sheath **142** is again advanced to engage the instrument **140** and implant **272** in a frictional fit that is tight enough to restrict relative movement of the instrument **140** and implant **272**.

(92) As shown in FIGS. **11B** and **11C**, implant **272** can be constructed so that it is substantially the same thickness (height) along its length (FIG. **11B**), while at the same time varying in thickness (height) along its width (FIG. **11C**). In particular, as shown in FIG. **11C**, the thickness (height) of implant **272** can vary from a first larger height to a second smaller height to facilitate the

implantation of the device in the patient.

(93) Like implant **172**, implant **272** can be provided with protuberances **306** that help promote bone growth into implant **172**. As noted above, such protuberances can take a variety of shapes.

(94) Also like implant **172**, implant **272** can be at least partially hollow and can have one or more windows (e.g., windows **300**, **302**). Windows **300**, **302** can provide the same benefits as windows **200**, **202** in the previous embodiment, which is to provide communication between the open bottom and top faces of the implant to promote ingrowth of tissue within and through implant **272**. Implant **272** can also have one or more openings **303** that extend through a side wall of the implant to further promote ingrowth of tissue and to facilitate access to internal areas of implant **272** (e.g., access to one or both of windows **300**, **302**) when implant **272** is implanted in the body.

(95) Windows **300**, **302** can extend between top and bottom faces **276**, **278** as shown in FIG. **11A**. The windows can be formed by an internal divider wall **304** that substantially bisect the implant into two halves. Unlike divider wall **204** shown in FIG. **10A**, however, divider wall **304** preferably extends diagonally across implant **272** from an area adjacent or near the pin **288** to an area at or near contralateral face **286**. By extending generally diagonally across implant **272** as shown in FIG. **11A**, diagonal wall **304** can provide structural strength to the implant in the general direction of the force that will be applied to implant **272** during implantation. For example, as shown in FIG. **20**, divider wall **304** is located substantially in-line with the instrument **140**.

(96) FIG. **12** illustrates another version of an implant **220**. This implant is similar to that shown in FIGS. **10-11**, except it is substantially rectangular in shape instead of polygonal, and it has a rotation pin **222** with a pivot axis **224** that extends between a front and rear face of implant **220**. Rotation pin **222** includes an opening **226** (e.g., a threaded opening) for receiving a threaded distal end of introducer instrument **140**. As described above with respect to implant **172**, implant **220** can be secured to threading rod **150** by positioning rod **150** into opening **226** and rotating handle **146** to turn shaft **147** and tighten the distal end of the instrument (e.g., face **160**) to a facing surface of implant **220**.

(97) Because rotation pin **222** is positioned horizontally (FIG. **12**) rather than vertically (FIG. **10A**), implant **220** is therefore suitable for pivoting up and down with respect to introducer instrument **140** instead of from side-to-side as with implant **172**. It may also have varied dimensions medial to lateral as described for implant **172**, although other embodiments do not taper and are of uniform height. The embodiment of the implant shown in FIG. **12** is generally used in surgeries superior to the L5-S1 space, for example in the L4-L5 space or the L3-L4 space. By providing an implant that can pivot vertically, such as implant **220**, the implantation site can be more easily accessed from an incision point superior or inferior to the implantation site. For example, in use, the implant can be delivered to the implantation site from a location superior to iliac crest **30** and pivoted vertically into the desired position at the implantation site.

(98) As with the other implants described herein, implant **220** can be provided with one or more windows **228**, **230** and a plurality of protrusions **232** to promote the ingrowth of tissue. Implant **220** can also be provided with a plurality of docking holes **234** to help lock or secure implant **220** to a distal end of instrument **140**. Alternatively, implant **220** can be secured to the instrument **140** via a frictional fit or other similar mechanism. FIGS. **19A**, **19B**, and **19C** illustrate another embodiment of an implant that can pivot up and down (e.g., vertically), in a manner similar to that shown in FIG. **12**. Implant **320** is configured to receive a rotation pin (not shown) in a recess **322** between a top surface **324** and a bottom surface **326** of implant **320**. As described in other embodiments, implant **320** can include a plurality of windows **330**, **332** separated by a divider wall **334**. In addition, openings **336** can be formed in the side of the implant as shown in FIGS. **19A** and **19B**.

(99) Introducing the Trial Spacer and Disc Implant

(100) Once the operative corridor has been established by retraction instrument **110** and the operative field has been exposed, a trial spacer **210** is attached to introducer instrument **140** and advanced into the L5-S1 disc space as shown in FIG. **13**. The trial spacer is generally similar to

implant **174**, except it does not have the protuberances projecting from its top and bottom faces. For the initial introduction of trial spacer **210**, the spacer is directly laterally attached to instrument **110**. The direct lateral attachment is shown in FIG. **13**, wherein the longitudinal axis of sheath **142** is generally parallel to flat rear face **182** of implant **210**. Because of the anterolateral operative pathway to the disc space, trial implant **210** moves along a generally oblique or diagonal pathway into the disc space. The “oblique” pathway is one that travels diagonally within the body, for example in an oblique anatomic plane. The oblique pathway may be a diagonal pathway, for example between 15 and 45 or 60 degrees to a coronal plane of the body. In FIG. **13**, the oblique pathway is shown at an angle  $\alpha$  of about 30 degrees to coronal plane **212** (FIG. **13**). The oblique pathway may be either in a transverse plane of the body, or above or below a transverse plane (for example between 15 and 45 or 60 degrees to a transverse plane of the body). However, in a particular disclosed embodiment of the method, fluoroscopy is used to detect the level of the target disc space (such as L5-S1) so that the instrument, spacer and implant can be introduced diagonally in the body, but generally in the plane of the L5-S1 disc space.

(101) As trial spacer **210** enters the illustrated L5-S1 disc space (FIGS. **13** and **14A**), contralateral face **186** impacts the posterior contralateral aspect of the disc space. The rounded edges of contralateral face **186** help avoid damage to the structures which the contralateral face **186** of the trial spacer encounters. The trial spacer is then progressively reoriented from its diagonal orientation in the disc space (FIG. **14A**) to a generally medial-lateral orientation (FIG. **14C**) by successively retracting sheath **142**, pivoting the trial spacer on rotation pin **188** by forcing contralateral face of trial spacer **210** against the postero lateral apophyseal ring and moving introducer instrument **140** toward ipsilateral retractor arm **118**, and repositioning coupling pins in a new set of docking holes that maintain the trial spacer in an intermediate position shown in FIG. **14B**. Sheath **142** is then retracted again, and the trial spacer pivoted on rotation pin **188** to the generally medial-lateral orientation (FIG. **14C**). As the trial spacer **210** moves from its initial diagonal to final medial-lateral orientation (with its flat rear face generally parallel to a coronal plane of the body), sheath **142** moves from a first position abutting contralateral retractor blade **120** (FIG. **14A**) to a second position abutting ipsilateral blade **122** (FIG. **14C**).

(102) Trial spacers of different sizes may be introduced into the disc space and pivoted from the diagonal to the medial-lateral orientation until a trial spacer of the appropriate size and height is found. Introducer instrument **140** is detached from trial spacer **210** by rotating handle to unscrew threaded **150** from the internally threaded opening of trial spacer **210** to secure different trial spacers until the correct one is found. The trial spacer is then withdrawn from the disc space and detached from introducer instrument **140**, and the final implant **172** is directly laterally attached to distal tip **152** of introducer instrument **140** (as illustrated in FIG. **15**) by rotating handle **146** to screw the threaded rod at the tip of instrument **140** into the internally threaded hole on the implant. With the implant **172** directly laterally attached to instrument **141**, the elongated implant **172** can be introduced through a relatively narrow operative pathway between the arms of retractor instrument **110**. FIG. **16A** illustrates the diagonal introduction of implant **172** into the disc space along the same pathway already described for trial spacer **210**. The implant enters the disc space with its flat rear face **182** at an angle of about 15-45 degrees (for example 30 degrees) to a coronal plane of the body. The implant is then progressively reoriented by retracting sheath **142**, pivoting implant **172** within the disc space, and advancing sheath **142** to reengage coupling pins **154**, **156** within a new set of docking holes to hold implant **172** in the intermediate orientation shown in FIG. **16B** wherein the implant is at an angle of about 15 degrees to a coronal plane of the body. Implant **172** can then be further reoriented in this fashion until sheath **142** contacts ipsilateral arm **118** of retractor instrument **110** (FIG. **16C**). Once implant **172** cannot be reoriented any further using the instrument, handle **146** is rotated to completely disengage introducer instrument **140** from implant **172**. Instrument **140** is then withdrawn from retractor instrument **110**.

(103) Additional positioning of implant **172** can be achieved by pushing it with the tip of

instrument **140**, or with other elongated instruments introduced through retractor instrument **110**. Retractor instrument **110** can then be removed from the body by moving arms **116**, **118** toward one another to reduce the width of instrument **110** then withdrawing it from the body. Normal closure of the surgical incisions on the body surface is then carried out.

(104) FIG. **20** illustrates implant **272** secured to instrument **140** and being delivered to an implantation site. The method of delivering implant **272** is substantially the same as the method of delivering implant **172**, which is described above and shown in FIGS. **15-17**.

(105) Implant **272** is desirably secured to the distal end of instrument **140** so that divider wall **304** is generally in-line with axis **350** of instrument **140**. In this manner, implant **272** can exhibit increased strength to ensure that it can withstand the impaction force, which is generally applied along the axis **350** to deliver implant **272** to the desired location in the body.

(106) The implants described herein can be coated with and/or impregnated with various elements to promote bone in-growth. In a preferred embodiment, stem cells can be delivered along with the implant (either delivered into openings in the implant or coated thereon) to improve and facilitate bone in-growth. In view of the many possible embodiments to which the principles of the disclosed invention may be applied, it should be recognized that the illustrated embodiments are only preferred examples of the invention and should not be taken as limiting the scope of the invention. Rather, the scope of the invention is defined by the following claims. We therefore claim as our invention all that comes within the scope and spirit of these claims.

## Claims

1. A spinal implant system advanceable along an oblique anterolateral retroperitoneal operative corridor to an intervertebral disc space, the spinal implant system comprising: a spinal implant sized and shaped to be introduced into the intervertebral disc space via the oblique anterolateral retroperitoneal operative corridor, the spinal implant further sized and shaped to be repositionable within and to substantially occupy the intervertebral disc space, the spinal implant including: an implant body including: a top bearing face having upper bone engagement protuberances; a bottom bearing face located opposite the top bearing face, the bottom bearing face having lower bone engagement protuberances; an anterior face extending between the top bearing face and the bottom bearing face; a posterior face located opposite the anterior face, the posterior face extending between the top bearing face and the bottom bearing face; an ipsilateral face located between the anterior face and the posterior face, the ipsilateral face extending between the top bearing face and the bottom bearing face, the ipsilateral face including an upper arcuate lip and a lower arcuate lip; a contralateral face located between the anterior face and the posterior face opposite the ipsilateral face, the contralateral face extending between the top bearing face and the bottom bearing face; and a recessed slot formed along the ipsilateral face and located within the implant body between the top bearing face and the bottom bearing face; and a pin extending between the top bearing face and the bottom bearing face, the pin pivotable about a vertical pivot axis between a plurality of angular positions relative to the implant body, the pin including an internally threaded opening having a central axis oriented transverse to the vertical pivot axis, the internally threaded opening accessible via the recessed slot; and an introducer instrument configured to introduce the spinal implant into the intervertebral disc space via the oblique anterolateral retroperitoneal operative corridor, the introducer instrument further configured to reposition the spinal implant within the intervertebral disc space from an initial oblique orientation to a lateral orientation in which the posterior face of the spinal implant is substantially parallel to a coronal plane of the intervertebral disc space, the introducer instrument including: a sheath including a distal tip having a plurality of fixation protuberances, the sheath defining a longitudinal axis; and a rotatable shaft extending through the sheath, the rotatable shaft including an externally threaded end projecting externally from the distal tip past the fixation protuberances, wherein the externally threaded end of the rotatable shaft of the

introducer instrument is configured to threadedly mate with the internally threaded opening of the pin of the spinal implant while the externally threaded end is positioned within the recessed slot of the implant body of the spinal implant, wherein rotation of the rotatable shaft in a first rotational direction about the longitudinal axis while the externally threaded end is threadedly coupled to the internally threaded opening and the pin is positioned at a first angular position from among the plurality of angular positions advances the externally threaded end along the internally threaded opening, the advancement causing at least a first one of the plurality of fixation protuberances of the introducer instrument to engage the upper arcuate lip of the ipsilateral face of the spinal implant and at least a second one of the plurality of fixation protuberances of the introducer instrument to engage the lower arcuate lip of the ipsilateral face of the spinal implant in a manner that fixes the pin of the spinal implant relative to the implant body of the spinal implant at the first angular position and also fixes the introducer instrument relative to the spinal implant at the first angular position, wherein rotation of the rotatable shaft in a second rotational direction about the longitudinal axis opposite the first rotational direction while the pin and the introducer instrument are fixed at the first angular position retracts the externally threaded end along the internally threaded opening, the retraction causing the at least a first one of the plurality of fixation protuberances of the introducer instrument to disengage from the upper arcuate lip of the ipsilateral face of the spinal implant and the at least a second one of the plurality of fixation protuberances of the introducer instrument to disengage from the lower arcuate lip of the ipsilateral face of the spinal implant in a manner that releases the pin and the introducer instrument from the first angular position while the externally threaded end remains threadedly coupled to the internally threaded opening, wherein the pin can subsequently be pivoted relative to the implant body of the spinal implant via the introducer instrument from the first angular position to a second angular position from among the plurality of angular positions, the second angular position differing from the first angular position, wherein rotation of the rotatable shaft in the first rotational direction about the longitudinal axis while the externally threaded end remains threadedly coupled to the internally threaded opening and the pin is positioned at the second angular position fixes the pin of the spinal implant relative to the implant body of the spinal implant at the second angular position and also fixes the introducer instrument relative to the spinal implant at the second angular position.

2. The spinal implant system of claim 1, wherein the pin of the spinal implant is exposed along the ipsilateral face of the implant body through the recessed slot.

3. The spinal implant system of claim 1, further comprising a multi-blade retractor having at least first and second retractor blades that are sized to establish the oblique anterolateral retroperitoneal operative corridor to the intervertebral disc space.

4. The spinal implant system of claim 3, wherein the first retractor blade has a different tip shape than the second retractor blade such that the first retractor blade is configured to lateralize a left common iliac vein and a left common iliac artery, and the second retractor blade is configured to lateralize a right common iliac vein and a right common iliac artery.

5. The spinal implant system of claim 1, wherein the implant body has a longitudinal length that extends from the ipsilateral face to the contralateral face and that is configured to be arranged parallel to the coronal plane of the intervertebral disc space, wherein the implant body has a maximum width that extends from the posterior face to the anterior face and that is configured to be arranged parallel to a medial plane of the intervertebral disc space.

6. The spinal implant system of claim 1, wherein the vertical pivot axis is located between the anterior face and the posterior face and between the ipsilateral face and the contralateral face.

7. The spinal implant system of claim 1, wherein the recessed slot is located between the upper arcuate lip and the lower arcuate lip.

8. The spinal implant system of claim 1, wherein an outer surface of the upper arcuate lip and an outer surface of the lower arcuate lip are spaced apart from and extend generally parallel to an outer wall of the pin of the spinal implant that is exposed through the recessed slot of the implant



body.

9. The spinal implant system of claim 1, wherein the rotatable shaft is rotatable relative to the sheath.

10. The spinal implant system of claim 1, wherein the ipsilateral face of the implant body is parallel to the vertical pivot axis.

11. The spinal implant system of claim 1, wherein the posterior face of the implant body is flat.

12. The spinal implant system of claim 1, wherein the anterior face of the implant body has a front maximum height and the posterior face of the implant body has a rear maximum height, wherein the rear maximum height is less than the front maximum height.

13. The spinal implant system of claim 12, wherein the implant body tapers in height from the front maximum height of the anterior face to the rear maximum height of the posterior face.

14. A spinal implant system advanceable along an oblique anterolateral retroperitoneal operative corridor to an intervertebral disc space, the spinal implant system comprising: a spinal implant sized and shaped to be introduced into the intervertebral disc space via the oblique anterolateral retroperitoneal operative corridor, the spinal implant further sized and shaped to be repositionable within and to substantially occupy the intervertebral disc space, the spinal implant including: an implant body including: a top bearing face having upper bone engagement protuberances; a bottom bearing face located opposite the top bearing face, the bottom bearing face having lower bone engagement protuberances; an anterior face extending between the top bearing face and the bottom bearing face; a posterior face located opposite the anterior face, the posterior face extending between the top bearing face and the bottom bearing face; an ipsilateral face located between the anterior face and the posterior face, the ipsilateral face extending between the top bearing face and the bottom bearing face, the ipsilateral face including an upper arcuate lip and a lower arcuate lip; a contralateral face located between the anterior face and the posterior face opposite the ipsilateral face, the contralateral face extending between the top bearing face and the bottom bearing face; a recessed slot formed along the ipsilateral face and located within the implant body between the top bearing face and the bottom bearing face; and a tissue ingrowth window extending through the top bearing face and the bottom bearing face, the tissue ingrowth window located between the anterior face and the posterior face and between the contralateral face and the ipsilateral face; and a pin extending between the top bearing face and the bottom bearing face, the pin exposed along the ipsilateral face through the recessed slot, the pin pivotable about a vertical pivot axis between a plurality of angular positions relative to the implant body, the vertical pivot axis located between the anterior face and the posterior face and between the ipsilateral face and the contralateral face, the vertical pivot axis being parallel to the ipsilateral face, the pin including an internally threaded opening having a central axis oriented transverse to the vertical pivot axis, the internally threaded opening accessible via the recessed slot; and an introducer instrument configured to introduce the spinal implant into the intervertebral disc space via the oblique anterolateral retroperitoneal operative corridor, the introducer instrument further configured to reposition the spinal implant within the intervertebral disc space from an initial oblique orientation to a lateral orientation in which the posterior face of the spinal implant is substantially parallel to a coronal plane of the intervertebral disc space, the introducer instrument including: a sheath including a distal tip having a plurality of fixation protuberances, the sheath defining a longitudinal axis; and a rotatable shaft extending through the sheath, the rotatable shaft including an externally threaded end projecting externally from the distal tip past the fixation protuberances, wherein the externally threaded end of the rotatable shaft of the introducer instrument is configured to threadedly mate with the internally threaded opening of the pin of the spinal implant while the externally threaded end is positioned within the recessed slot of the implant body of the spinal implant, wherein rotation of the rotatable shaft in a first rotational direction about the longitudinal axis while the externally threaded end is threadedly coupled to the internally threaded opening and the pin is positioned at a first angular position from among the plurality of angular positions advances the externally threaded end along

the internally threaded opening, the advancement causing at least a first one of the plurality of fixation protuberances of the introducer instrument to engage the upper arcuate lip of the ipsilateral face of the spinal implant and at least a second one of the plurality of fixation protuberances of the introducer instrument to engage the lower arcuate lip of the ipsilateral face of the spinal implant in a manner that fixes the pin of the spinal implant relative to the implant body of the spinal implant at the first angular position and also fixes the introducer instrument relative to the spinal implant at the first angular position, wherein rotation of the rotatable shaft in a second rotational direction about the longitudinal axis opposite the first rotational direction while the pin and the introducer instrument are fixed at the first angular position retracts the externally threaded end along the internally threaded opening, the retraction causing the at least a first one of the plurality of fixation protuberances of the introducer instrument to disengage from the upper arcuate lip of the ipsilateral face of the spinal implant and the at least a second one of the plurality of fixation protuberances of the introducer instrument to disengage from the lower arcuate lip of the ipsilateral face of the spinal implant in a manner that releases the pin and the introducer instrument from the first angular position while the externally threaded end remains threadedly coupled to the internally threaded opening, wherein the pin can subsequently be pivoted relative to the implant body of the spinal implant via the introducer instrument from the first angular position to a second angular position from among the plurality of angular positions, the second angular position differing from the first angular position, wherein rotation of the rotatable shaft in the first rotational direction about the longitudinal axis while the externally threaded end remains threadedly coupled to the internally threaded opening and the pin is positioned at the second angular position fixes the pin of the spinal implant relative to the implant body of the spinal implant at the second angular position and also fixes the introducer instrument relative to the spinal implant at the second angular position.

15. The spinal implant system of claim 14, wherein the recessed slot is located between the upper arcuate lip and the lower arcuate lip.

16. The spinal implant system of claim 14, wherein an outer surface of the upper arcuate lip and an outer surface of the lower arcuate lip are spaced apart from and extend generally parallel to an outer wall of the pin of the spinal implant that is exposed through the recessed slot of the implant body.

17. The spinal implant system of claim 14, wherein the rotatable shaft is rotatable relative to the sheath.

18. The spinal implant system of claim 14, wherein the anterior face of the implant body has a front maximum height and the posterior face of the implant body has a rear maximum height, wherein the rear maximum height is less than the front maximum height.

19. The spinal implant system of claim 18, wherein the implant body tapers in height from the front maximum height of the anterior face to the rear maximum height of the posterior face.

20. A spinal implant system advanceable along an oblique anterolateral retroperitoneal operative corridor to an intervertebral disc space, the spinal implant system comprising: a spinal implant sized and shaped to be introduced into the intervertebral disc space via the oblique anterolateral retroperitoneal operative corridor, the spinal implant further sized and shaped to be repositionable within the intervertebral disc space, the spinal implant including: an implant body including: a top bearing face having upper bone engagement protuberances; a bottom bearing face located opposite the top bearing face, the bottom bearing face having lower bone engagement protuberances; an anterior face extending between the top bearing face and the bottom bearing face; a posterior face located opposite the anterior face, the posterior face extending between the top bearing face and the bottom bearing face, the posterior face being flat; an ipsilateral face located between the anterior face and the posterior face, the ipsilateral face extending between the top bearing face and the bottom bearing face, the ipsilateral face including an upper arcuate lip and a lower arcuate lip; a contralateral face located between the anterior face and the posterior face opposite the ipsilateral face, the contralateral face extending between the top bearing face and the bottom bearing face; a

recessed slot formed along the ipsilateral face between the upper arcuate lip and the lower arcuate lip, the recessed slot located within the implant body between the top bearing face and the bottom bearing face; and a tissue ingrowth window extending through the top bearing face and the bottom bearing face, the tissue ingrowth window located between the anterior face and the posterior face and between the contralateral face and the ipsilateral face; and a pin extending between the top bearing face and the bottom bearing face, the pin exposed along the ipsilateral face through the recessed slot, the pin pivotable about a vertical pivot axis between a plurality of angular positions relative to the implant body, the vertical pivot axis positioned between the anterior face and the posterior face and between the ipsilateral face and the contralateral face, the vertical pivot axis being parallel to the ipsilateral face, the pin including an internally threaded opening having a central axis oriented transverse to the vertical pivot axis, the internally threaded opening accessible via the recessed slot, wherein an outer surface of the upper arcuate lip and an outer surface of the lower arcuate lip are spaced apart from and extend generally parallel to an outer wall of the pin; and an introducer instrument configured to introduce the spinal implant into the intervertebral disc space via the oblique anterolateral retroperitoneal operative corridor, the introducer instrument further configured to reposition the spinal implant within the intervertebral disc space from an initial oblique orientation to a lateral orientation in which the posterior face of the spinal implant is substantially parallel to a coronal plane of the intervertebral disc space, the introducer instrument including: a sheath including a distal tip having a plurality of fixation protuberances, the sheath defining a longitudinal axis; and a rotatable shaft extending through the sheath, the rotatable shaft including an externally threaded end projecting externally from the distal tip past the fixation protuberances, wherein the externally threaded end of the rotatable shaft of the introducer instrument is configured to threadedly mate with the internally threaded opening of the pin of the spinal implant while the externally threaded end is positioned within the recessed slot of the implant body of the spinal implant, wherein rotation of the rotatable shaft in a first rotational direction about the longitudinal axis while the externally threaded end is threadedly coupled to the internally threaded opening and the pin is positioned at a first angular position from among the plurality of angular positions advances the externally threaded end along the internally threaded opening, the advancement causing at least a first one of the plurality of fixation protuberances of the introducer instrument to engage the upper arcuate lip of the ipsilateral face of the spinal implant and at least a second one of the plurality of fixation protuberances of the introducer instrument to engage the lower arcuate lip of the ipsilateral face of the spinal implant in a manner that fixes the pin of the spinal implant relative to the implant body of the spinal implant at the first angular position and also fixes the introducer instrument relative to the spinal implant at the first angular position, wherein rotation of the rotatable shaft in a second rotational direction about the longitudinal axis opposite the first rotational direction while the pin and the introducer instrument are fixed at the first angular position retracts the externally threaded end along the internally threaded opening, the retraction causing the at least a first one of the plurality of fixation protuberances of the introducer instrument to disengage from the upper arcuate lip of the ipsilateral face of the spinal implant and the at least a second one of the plurality of fixation protuberances of the introducer instrument to disengage from the lower arcuate lip of the ipsilateral face of the spinal implant in a manner that releases the pin and the introducer instrument from the first angular position while the externally threaded end remains threadedly coupled to the internally threaded opening, wherein the pin can subsequently be pivoted relative to the implant body of the spinal implant via the introducer instrument from the first angular position to a second angular position from among the plurality of angular positions, the second angular position differing from the first angular position, wherein rotation of the rotatable shaft in the first rotational direction about the longitudinal axis while the externally threaded end remains threadedly coupled to the internally threaded opening and the pin is positioned at the second angular position fixes the pin of the spinal implant relative to the implant body of the spinal implant at the second angular position and also

fixes the introducer instrument relative to the spinal implant at the second angular position that differs from the corresponding first angular position.

21. The spinal implant system of claim 20, wherein the rotatable shaft is rotatable relative to the sheath.

22. The spinal implant system of claim 20, wherein the anterior face of the implant body has a front maximum height and the posterior face of the implant body has a rear maximum height, wherein the rear maximum height is less than the front maximum height.

23. The spinal implant system of claim 22, wherein the implant body tapers in height from the front maximum height of the anterior face to the rear maximum height of the posterior face.

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