

US Patent & Trademark Office

Patent Public Search | Text View

United States Patent Application Publication

20250262060

Kind Code

A1

Publication Date

August 21, 2025

Inventor(s)

KOSS; Scott et al.

Spinal Disc Implant And Device And Method For Percutaneous Delivery Of The Spinal Disc Implant

Abstract

A spinal disc implant including a body defined by a plurality of interwoven or braided nitinol strands. The body includes a first end and a second end. The nitinol strands come together at the first end and are secured with a first fitting. The nitinol strands also come together at the second end and are secured with a second fitting. The second fitting can include a snare hook. The braided nitinol skeleton is internally assembled within the intervertebral disc. The implant is filled with liquid, gel or silicone when utilized as a motion preserving nucleus pulpous implant. The implant is filled with bone graft material when utilized as an inter-body fusion implant. An instrument and technique that provides a minimally invasive “needle based” solution to address degenerative disc disease with enhanced structural integrity of the spine compared to conventional surgical devices and techniques.

Inventors: KOSS; Scott (Delafield, WI), GESSERT; Bob (Miromar Lakes, FL)

Applicant: Percheron Spine, LLC (Miromar Lakes, FL)

Family ID: 1000008589726

Assignee: Percheron Spine, LLC (Miromar Lakes, FL)

Appl. No.: 19/203989

Filed: May 09, 2025

Related U.S. Application Data

parent US continuation 18611097 20240320 parent-grant-document US 12318303 child US 19203989

parent US continuation 17821729 20220823 parent-grant-document US 11957597 child US 18611097

Publication Classification

Int. Cl.: **A61F2/44** (20060101); **A61F2/30** (20060101); **A61F2/46** (20060101)

U.S. Cl.:

CPC **A61F2/442** (20130101); **A61F2/441** (20130101); **A61F2/4611** (20130101);
A61F2002/30003 (20130101); A61F2002/30581 (20130101); A61F2002/444
(20130101); A61F2002/4495 (20130101); A61F2002/4629 (20130101); A61F2002/4635
(20130101); A61F2310/00023 (20130101)

Background/Summary

RELATED APPLICATIONS [0001] This application is a continuation of and claims priority to U.S. patent application Ser. No. 18/611,097 filed Mar. 20, 2024 entitled Spinal Disc Implant And Device And Method For Percutaneous Delivery Of The Spinal Disc Implant, which is a continuation of and claims priority to U.S. patent application Ser. No. 17/821,729 filed Aug. 23, 2022 entitled Spinal Disc Implant And Device And Method For Percutaneous Delivery Of The Spinal Disc Implant (new U.S. Pat. No. 11,957,597 issued Apr. 16, 2024), which is a continuation of and claims priority to U.S. Patent Application Ser. No. 16/961,758 filed Jul. 13, 2020 entitled Spinal Disc Implant And Device And Method For Percutaneous Delivery Of The Spinal Disc Implant (now U.S. Pat. No. 11,419,733 issued Aug. 23, 2022), which is a U.S. National Phase application under 35 U.S.C. § 371 of and claims priority to International Patent Application No. PCT/US 2018/013578, International Filing Date Jan. 12, 2018, entitled Spinal Disc Implant And Device And Method For Percutaneous Delivery Of The Spinal Disc Implant, all of which are hereby incorporated herein by reference in their entireties.

BACKGROUND OF THE INVENTION

[0002] The human spine is made up of consecutively aligned vertebral bodies. Each pair of adjacent vertebral bodies is separated and supported by an intervertebral disc positioned therebetween. Each intervertebral disc includes an annulus fibrosus which surrounds a central nucleus pulposus. Healthy discs are capable of carrying a tremendous load, as much as each adjacent vertebral body. The annulus fibrosis is made up of both Type 1 and Type 2 collagen having a lamellar formation with an alternating fiber orientation. The annulus fibrosis provides axial support with the help of the nucleus pulposus, which helps maintain the normal height of the annulus fibrosis.

[0003] Back pain affects millions of people in the United States and is the number one cause of disability worldwide. In particular, low back pain affects about 31 million Americans at any given time, and 80% of people will experience low back pain at some point in their lifetime. Back pain has a variety of causes, with one of the most common causes of back pain being disc degeneration. Aging causes the disc, specifically the nucleus pulposus, to begin to desiccate or lose water. As the nucleus desiccates, it changes shape and loses height, transferring increasing load to the annulus which begins to weaken. A weakened annulus is susceptible to annular failure, which results in tears, bulges, and herniations of the annulus. Weakening of the components of the disc eventually causes increased deformation of the disc, which further weakens the annulus. The end stage of this cycle of deterioration is the complete loss of disc height, end plate bone spur formation, and facet

hypertrophy.

[0004] Currently, there are several ways to manage the pain associated with disc degeneration. The most conservative approach is to use pain medications such as NSAIDS, steroid packs, and narcotics. Most often, these medications are administered in conjunction with both physical and massage therapy. An alternative and common conservative approach is epidural steroid injections. Back pain can also be mitigated by a minimally invasive procedure known as intradiscal electrothermal therapy (IDET). IDET includes thermal repair of the inner annulus fibrosus, repairing collagen and ultimately stimulates collagen synthesis. IDET can cause retraction of the herniated disc and improve low back pain, but does nothing to address the weakened and failing nucleus pulposus. While IDET results in statistically significant pain and disability improvement, is more effective on patients with greater disability at the onset of treatment and therefore is a worthwhile intervention for some highly select patients. More aggressive treatment of back pain includes one of several lumbar spine surgeries such as a microdiscectomy, a laminectomy, a posterior fusion, an anterior inter-body fusion, a disc annuloplasty, or a foraminotomy. While surgery is a viable option as a solution for back pain, it incurs very high medical expenses, has inherent associated surgical risks, in-hospital recovery, and a high failure rate. As a result, better solutions for treating back pain are needed.

SUMMARY OF THE INVENTION

[0005] One solution is to treat degenerative disc disease with a less invasive solution without the severe risks, prolonged recovery time, and expense associated with current surgical implants and techniques. Therefore, one embodiment of the present invention is a device and method for replacement of the nucleus pulposus. Replacing the nucleus pulposus restores strength to the central disc and restores height of the annulus for improved structural integrity of the spine such that the cycle of back pain described above is not perpetuated. A second embodiment of the present invention is a device and method for a minimally invasive lumbar inter-body fusion.

[0006] In one embodiment, the invention provides a spine implant comprising a plurality of braided nitinol strands, the braided nitinol strands including a slight hour-glass like configuration, a first fitting configured to secure first ends of the plurality of braided nitinol strands, and a second fitting opposite the first fitting, the second fitting configured to secure second ends of the plurality of braided nitinol strands, the second fitting possibly including a snare hook.

[0007] In another embodiment, the invention provides a spine implant comprising a body composed of a plurality of braided nitinol strands defining a first end, a second end, and an interior cavity, a coating that can be applied to the braided nitinol skeleton to provide an impervious barrier to liquids or gel-like substances from exiting the interior cavity when serving as a nucleus pulposus implant, a first fitting coupled to the first end and configured to be embedded in the inferior aspect of the vertebral body adjacent to the degenerated disc, a body of the implant situated in the degenerated disc space, and a second fitting coupled to the second end and configured to be embedded in the superior aspect of the vertebral body adjacent to the degenerated disc.

[0008] In a further embodiment, the invention provides a device for positioning a spinal implant using a trans-osseous (i.e., trans-pedicular) method for positioning, deploying and fully expanding the implant while leaving the outer annular fibers intact. The device comprises a first coupling (bonded to the pusher tube) removably coupled to a spine implant, the first coupling including a threaded bore, a second coupling (bonded to the first end of the spine implant) removably coupled to the first coupling, the second coupling including a female threaded end configured to be received by the threaded bore of the first coupling, a hollow pusher tube configured to move the spinal disc implant out of a cannula and into position between a first vertebral body and a second vertebral body adjacent to the first vertebral body within the disc space, and a hollow pusher tube connected to an infusion port for filling the implant with liquid, gel, silicone, bone graft material or other medical grade fillers.

[0009] Other aspects of the invention will become apparent by consideration of the detailed description and accompanying drawings.

Description

BRIEF DESCRIPTION OF THE DRAWINGS

[0010] FIG. 1 is a lateral view of the human spine with nerves.

[0011] FIG. 2 illustrates a human lumbar disc with annulus fibrosus and nucleus pulposus.

[0012] FIG. 3 is an axial view of the human lumbar spine showing disc herniation.

[0013] FIG. 4 illustrates a spinal implant according to an embodiment of the present invention.

[0014] FIG. 5 illustrates a braid structure of the spinal implant illustrated in FIG. 4.

[0015] FIG. 6 is an exploded view of a delivery device for placement of the spinal implant illustrated in FIG. 4.

[0016] FIG. 7 is a side cross-sectional view of the delivery device shown in FIG. 6.

[0017] FIG. 8 illustrates several views of a component of the delivery device shown in FIGS. 6-7.

[0018] FIG. 9 illustrates several views of a component of the delivery device shown in FIGS. 6-7.

[0019] FIG. 10 illustrates several views of a component of the spinal disc implant illustrated in FIG. 4.

[0020] FIG. 11 illustrates several views of the device shown in FIGS. 6-7 with the spinal disc implant illustrated in FIG. 4 coupled thereto.

[0021] FIG. 12 illustrates the spinal disc implant constrained in the delivery device shown in FIGS. 6-7.

[0022] FIG. 13 illustrates an enlarged view of the spinal disc implant constrained in the delivery device shown in FIG. 12.

[0023] FIG. 14 illustrates a posterior oblique view of a portion of the human spine for initial transpedicular access into the vertebral body above the degenerated lumbar disc.

[0024] FIG. 15 illustrates a top perspective view of a portion of the human spine for initial transpedicular access into the vertebral body above the degenerated lumbar disc.

[0025] FIG. 16 illustrates a side view of a portion of the human spine for transpedicular access into the degenerated lumbar disc.

[0026] FIG. 17 illustrates a side view of a portion of the human spine with transpedicular access to the degenerated lumbar disc and removal of the degenerated nucleus and inner annular fibers in preparation for implant delivery.

[0027] FIG. 18 illustrates a side view of a portion of the human spine with access to the lumbar disc and showing completed preparation of the disc for positioning of the spinal implant.

[0028] FIG. 19 illustrates a side view of a portion of the human spine with superior and inferior access to the lumbar disc and showing completed preparation of the disc for positioning of the spinal implant.

[0029] FIG. 20 illustrates a side view of a portion of the human spine showing positioning of the spinal implant with the second fitting secured within the superior endplate of the inferiorly positioned vertebral body.

[0030] FIG. 21 illustrates a side view of a portion of the human spine showing deployment of the spinal implant with each fitting of the implant secured in their respective vertebral body endplates.

[0031] FIG. 22 illustrates a side view of a portion of the human spine showing the spinal implant in position and filled with medical grade silicone.

[0032] FIG. 23 illustrates a lateral view of a portion of the human spine showing the spinal implant in position.

[0033] FIG. 24 illustrates an anteroposterior view of a portion of the human spine showing the spinal implant in position.

DETAILED DESCRIPTION

[0034] Before any embodiments of the invention are explained in detail, it is to be understood that the invention is not limited in its application to the details of construction and the arrangement of components set forth in the following description or illustrated in the following drawings. The invention is capable of other embodiments and of being practiced or of being carried out in various ways. Also, it is to be understood that the phraseology and terminology used herein is for the purpose of description and should not be regarded as limiting. The use of “including,” “comprising,” or “having” and variations thereof herein is meant to encompass the items listed thereafter and equivalents thereof as well as additional items. Unless specified or limited otherwise, the terms “connected,” “supported,” and “coupled” and variations thereof are used broadly and encompass both direct and indirect connections, supports, and couplings.

[0035] Although directional references, such as upper, lower, downward, upward, rearward, bottom, front, rear, etc., may be made herein in describing the drawings, these references are made relative to the drawings (as normally viewed) for convenience. These directions are not intended to be taken literally or limit the present invention in any form. In addition, terms such as “first,” “second,” and “third” are used herein for purposes of description and are not intended to indicate or imply relative importance or significance.

[0036] FIG. 1 illustrates the human spine **10**. The human spine **10** is made up of consecutively aligned vertebral bodies **12** (i.e., vertebrae). Adjacent vertebrae **12** are separated by an intervertebral disc **14** as shown in FIG. 2. The intervertebral discs **14** are avascular, fibrocartilaginous structures that act as load bearing shock absorbers, yet flexible structures providing mobility to the spine. With reference to FIG. 2, each disc **14** includes a nucleus pulposus **16** that is enclosed within an annulus fibrosus **18**. The nucleus pulposus is a soft, gel-like substance. The annulus fibrosus **18** is made up of circumferential rings with collagen having an alternating fiber orientation. The annulus fibrosus **18** is strongest when its height is maintained. Under normal conditions, the nucleus pulposus **16** helps maintain the vertical height of the annulus fibrosus **18** such that together, the nucleus pulposus **16** and the annulus fibrosus **18** provide tremendous axial support to the spine **10**.

[0037] FIG. 3 illustrates a disc herniation where there is a tear in the annulus fibrosus **18** that allows the nucleus pulposus **16** to bulge out beyond the damaged annulus fibrosus **18**. Disc herniation is usually due to age-related disc degeneration. A tear in the annulus fibrosus and resulting disc herniation results in the release of chemicals causing inflammation and mechanically compressing the adjacent nerve roots causing severe pain.

[0038] FIG. 4 illustrates a spinal implant **22** according to an embodiment of the present invention. The spinal disc implant **22** provides a minimally invasive “needle based” solution to address degenerative disc disease, reduces the risk of nerve damage, maintains spine mobility (when used as a nucleus pulposus implant), and provides enhanced structural integrity to the spine. The spinal disc implant **22** is capable of being positioned and assembled within the intervertebral disc **14**. When in use, the implant **22** replaces the nucleus pulposus **16** at a portion of the inner fibers of the annulus fibrosus **18**.

[0039] The spinal implant **22** includes a body **26** or a skeleton defined by a plurality of interwoven or braided nitinol strands **30**. FIG. 5 further illustrates the braiding pattern of the nitinol strands **30**. The body **26** includes a first end **34** and a second end **38**. In between the first end **34** and the second end **38** is a middle cavity. The nitinol strands **30** come together at the first end **34** and are secured with a first fitting **42**. The nitinol strands **30** also come together at the second end **38** and are secured with a second fitting **46**. The second fitting **46** can comprise a snare hook as further illustrated in FIG. 10. In some constructions, both the first end **34** and the second end **38** can comprise a snare hook.

[0040] As illustrated in FIG. 4, the body **26** defines a longitudinal axis extending through the first end **34** and the second end **38**. The body **26** forms a slight hour-glass like shape in its unconstrained

configuration for greater cross-sectional coverage and therefore a broader distribution of load forces. The middle portion includes a diameter that is slightly less than the diameter of the first end **34** or the second end **38**. In some constructions, the diameter of the body **26** gradually decreases from the first end **34** to the middle portion, and the diameter of the body **26** gradually decreases from the second end **38** to the middle portion. The spinal implant **22** is flexible and can change shapes when a compressive force or a tensile force is applied to the ends **34**, **38**. For example, when a compression force is applied to the first end **34** and the second end **38**, the implant **22** moves to an unconstrained state as shown in FIGS. **20-22**. Additionally, when a tensile force is applied to the first end **34** and the second end **38**, the implant **22** moves to an elongated and more narrow diameter state allowing the implant to be constrained to a small diameter for needle/cannula based delivery, as shown in FIG. **5**.

[0041] The braided nitinol strands **30** can be coated such that the coating covers the spaces between the nitinol strands **30** to thereby form a cavity **50**, which is impervious to liquids or gel-like substances from exiting the cavity **50** when used as a nucleus pulposus implant. In one construction, the coating is silicone.

[0042] With reference to FIGS. **6-13**, the implant **22** is positioned in the intervertebral disc **14** (i.e., the space encompassed by the nucleus pulposus and inner annular fibers) with a delivery device or instrument **100**. The instrument **100** includes a first coupling **104**, a second coupling **112** and a pusher tube **120**. The first coupling **104** is bonded to the first fitting **42** of the implant **22**. The first coupling **104** includes a circular head **128** and an extension **132**. The circular head **128** includes an opening **136** therethrough that continues through a bore **140** in the extension **132**. The interior surface of the opening **136** and the bore **140** are threaded. The threaded female end (see FIG. **8**) receives a threaded male portion of the second coupling **112**. The second coupling **112** includes a threaded male end **116** (see FIG. **9**) to be threadingly received within the threaded female end of the first coupling **104**. The second coupling **112** includes a bore **152** and is in fluid communication with the bore of the first coupling **104**. The second coupling **112** is bonded to a pusher tube **120** configured to fit within a sheath **124** for supporting and positioning the implant **22**. The opening **136** of the first coupling **104** is configured to removably receive the second coupling **112**. The second coupling **112** includes a base **144** and an extension **148**. A distal end of the base **144** includes an opening **152** therethrough that continues through a bore **156** in the extension **148** such that the first coupling **104**, the second coupling **112**, and the implant **22** are in fluid communication through the first fitting **42** of the implant **22**.

[0043] FIGS. **14-21** illustrate a method for positioning the implant **22** in the intervertebral disc **14**. The method can be performed as an outpatient procedure with intravenous sedation, MAC or general anesthesia. The method begins with a percutaneous and fluoroscopic-guided transpedicular (or transosseous) access into the intervertebral disc and placement of an introducer cannula **160**. Initially, access to the intervertebral disc **14** of interest is provided by drilling an access channel into the superiorly positioned vertebral body to access the disc **14** in a transpedicular (or transosseous) manner. FIGS. **14-15** illustrate the access channel that provides transpedicular (or transosseous) access to the intervertebral disc **14**. The intervertebral disc **14** is prepared with radiofrequency augmentation to facilitate removal of the degenerated nucleus and promoting collagen repair and strengthening of the remaining annular fibers. The degenerated or damaged nucleus pulposus **16** is removed percutaneously using thermal ablation and mechanical extraction devices. Additional arthroscopic tools can be used to further prepare the disc space, decompress disc herniations, and debride the cartilaginous endplates of the adjacent vertebral bodies when using the implant for inter body fusion. FIGS. **16-18** schematically illustrate removal of the nucleus pulposus **16** and preparation of the disc space for receipt of the implant **22**.

[0044] The implant **22** is pre-mounted onto the distal end of the instrument **100**. The first coupling **104** is temporarily coupled to the second coupling **112** as illustrated in FIG. **11**. The pusher tube **120** is retracted to apply a tensile force to the first fitting **42** of the implant **22** to thereby stretch and

retract the implant **22** into the sheath **124**. Access into the disc space from both the superior and inferior vertebral bodies adjacent to the disc may facilitate disc preparation and delivery of the second fitting **46** into the inferiorly positioned vertebral body as illustrated in FIG. **19**. With reference to FIGS. **20-21**, the cannula **160** is flexible to enter the access channel through the intervertebral body. The constrained implant **22** and sheath **124** are delivered through the channel, traversing the central portion of the disc and seating the second fitting **46** into the inferiorly positioned vertebral body. The implant **22** is delivered with a combination of sheath **124** retraction and implant **22** pushing with the pusher tube **120** through the space where the nucleus pulposus and inner annular fibers were removed. The second fitting **46** extends through the open space and comes into contact with and is embedded into the adjacent vertebral body. The second fitting **46** can be configured with a snare hook end facilitating delivery of the implant **22** into the inferiorly positioned vertebral body. The snare hook end is embedded into the vertebral body such that the implant **22** remains in position and is less prone to migration or expulsion.

[0045] The retractable sheath **124** from the delivery system **100** is then completely retracted to release the implant **22** into the open space in the intervertebral disc with the first fitting **42** remaining within the distal end of the retractable sheath **124**. The implant **22** remains contained within the central disc space as illustrated in FIG. **21** upon full release of the implant **22**. The implant **22** remains constrained due to the space or distance between the two adjacent vertebral bodies. The space or distance is less than the length of the implant **22** in the unconstrained state. The diameter of the implant is dimensioned to be similar to the diameter of the open space where the nucleus pulposus and inner annular fibers were removed. While the instrument **100** is still coupled to the implant **22**, the cavity of the implant may be injected with a substance through the hollow pusher tube **120**, through the second coupling **112** to the implant **22**, and filling the implant **22** to its complete state with full expansion in the Z axis. The implant **22** is filled with liquid, gel, silicone, or bone graft materials. After complete deployment and filling of the implant **22**, the second coupling **112** of the delivery instrument **100** is rotatably detached from the first fitting **42** on the first end of the implant **22** and is retracted from the access cannula **160**. Bone graft material or methymethacrylate can then be injected through the access cannula **160** to fix the first and second fittings in their respective vertebral bodies. FIGS. **22-24** illustrate the implant **22** in position. The implant **22** replaces a degenerated nucleus pulposus and restores the annular height for improved structural integrity. The implant **22** can also be used as an internally assembled inter-body fusion implant when using a non-coated nitinol skeleton and filling the implant with bone graft material.

[0046] It is noted that this implant **22** is in contrast to other implants that have no endoskeleton beyond that of the outer wall (such as in a balloon). The implant **22** is not a simple balloon, but rather an internally assembled device constrained in the XY plane and secured within the adjacent endplates of the adjacent vertebral bodies. The diameter and height of the implant **22** is customized to the patient's anatomy based on pre-operative MR imaging. The XY constraint is important, as a simple balloon may not have as accurate a shape as desired. The filling of the implant **22** will then complete the shape of the implant **22** and specifically provide shape and support in the Z axis (cranial and caudal). See FIG. **22** for reference coordinates.

[0047] To demonstrate the capability of the implant **22**, it was axially load tested to determine the compressive load it could withstand. The implant **22** was capable of handling 450 lbf (2.0 kN). These measurements indicate that the implant **22** performs above ASTM standards.

[0048] Various features and advantages of the invention are set forth in the following claims.

Claims

1. A method of implanting a spinal disc implant, comprising: providing a spinal implant comprising a body, a first fitting, and a second fitting; embedding the first fitting of the spinal implant in a first vertebral body; and embedding the second fitting of the spinal implant in a second vertebral body.

2. The method of claim 1, further comprising applying a coating to the spinal implant.
 3. The method of claim 2, wherein the coating provides an impervious barrier to liquids from entering an interior cavity of the body.
 4. The method of claim 1, wherein a diameter of a middle portion of the spinal implant is less than a diameter of a first end of the spinal implant.
 5. The method of claim 4, wherein the diameter of the first end of the spinal implant is the same as a diameter of a second end of the spinal implant.
 6. The method of claim 1, wherein the body is comprised of a plurality of braided strands.
 7. The method of claim 6, wherein the plurality of braided strands are composed of Nitinol.
 8. The method of claim 6, further comprising securing a first end of each of the plurality of braided strands with the first fitting.
 9. The method of claim 8, further comprising securing a second end of each of the plurality of braided strands with the second fitting.
 10. The method of claim 6, wherein the plurality of braided strands comprise an hour-glass like shape.
 11. The method of claim 1, wherein a width of a medial portion of the body is less than a width of each of an upper end and a lower end of the body.
 12. The method of claim 1, wherein the body is flexible such that the body stretches and lengthens when a tensile force is applied to the first fitting or the second fitting.
 13. The method of claim 1, wherein the body is flexible such that the body is self-expanded when a compression force is applied to the first fitting or the second fitting.
 14. The method of claim 1, wherein the body comprises a slightly hour-glass like shape.
 15. The method of claim 1, further comprising removably coupling the first fitting to a delivery instrument.
 16. A method of implanting a spinal disc implant, comprising: bonding a first coupling to a spinal implant; bonding a second coupling within a lumen of a pusher; removably coupling the second coupling to the first coupling; and positioning the spinal implant between a first vertebral body and a second vertebral body.
 17. The method of claim 16, wherein the second coupling comprises a cylindrical body and a threaded end extending distally from the cylindrical body, wherein a distal end of the cylindrical body is flush with a distal end of the pusher, and wherein the threaded end extends distally from the distal end of the pusher.
 18. The method of claim 17, further comprising engaging the threaded end of the second coupling with a threaded bore of the first coupling.
 19. The method of claim 16, wherein the first coupling is in fluid communication with the second coupling.
 20. The method of claim 19, further comprising delivering liquids, gels, silicone, or bone graft material through the first and second couplings and into an interior chamber of the spinal implant.
-