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**Michelson**

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(54) **APPARATUS AND METHOD FOR ANTERIOR SPINAL STABILIZATION**

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This patent is subject to a terminal disclaimer.

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(52) **U.S. Cl.** ..... **606/61; 623/17.16**

(58) **Field of Classification Search** ..... **606/60-61, 606/17.11; 623/17.11-17.16**

See application file for complete search history.

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*Primary Examiner*—(Jackie) Tan-Uyen Ho

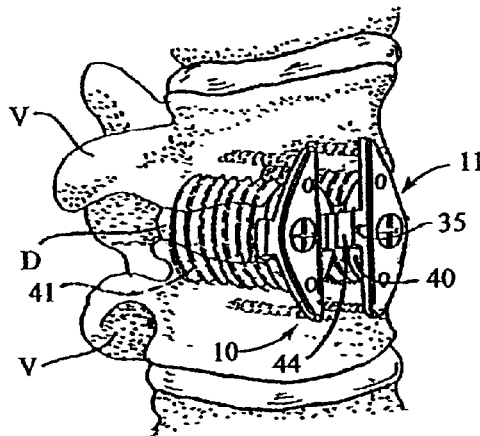
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(57) **ABSTRACT**

A spinal fixation device for stabilizing one or more segments of the human spine and for preventing the dislodgement of intervertebral spinal fusion implants, which remains permanently fixated once applied. The spinal fixation device of the present invention comprises of a staple member made of material appropriate for human surgical implantation which is of sufficient length to span the disc space between two adjacent vertebrae and to engage, via essentially perpendicular extending projections, the vertebrae adjacent to that disc space. A portion of the staple of the spinal fixation device interdigitates with an already implanted intervertebral spinal fusion implant which itself spans the disc space to engage the adjacent vertebrae, and the spinal fixation device is bound to the spinal fusion implant by a locking means. The spinal fixation device of the present invention is of great utility in restraining the vertebrae adjacent to the spinal fusion implant from moving apart as the spine is extended and also serves as an anchor for a multi-segmental spinal alignment means for aligning more than one segment of the spine.

**103 Claims, 10 Drawing Sheets**



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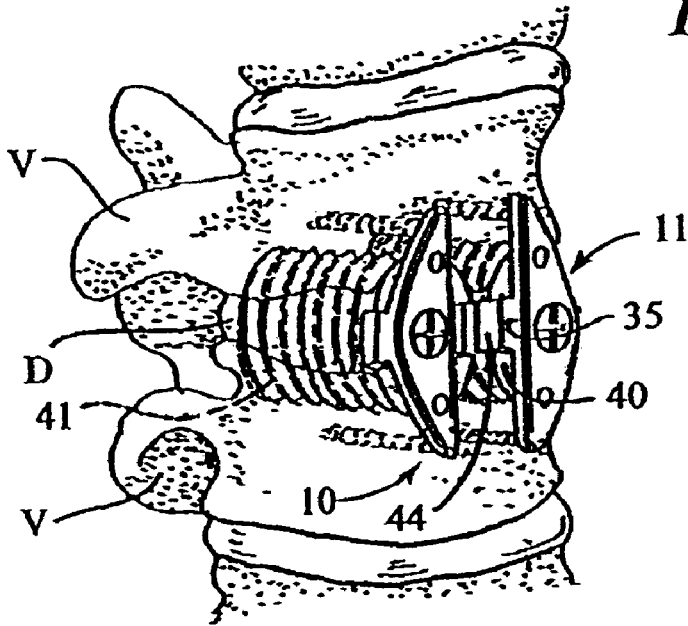
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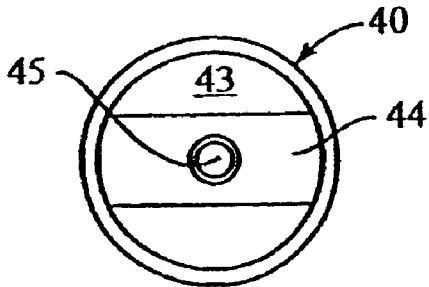
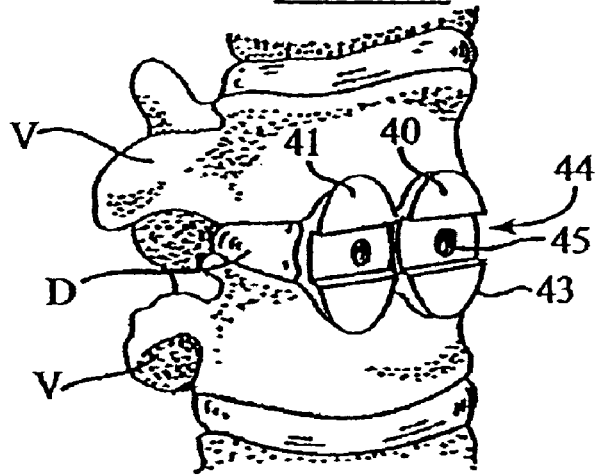
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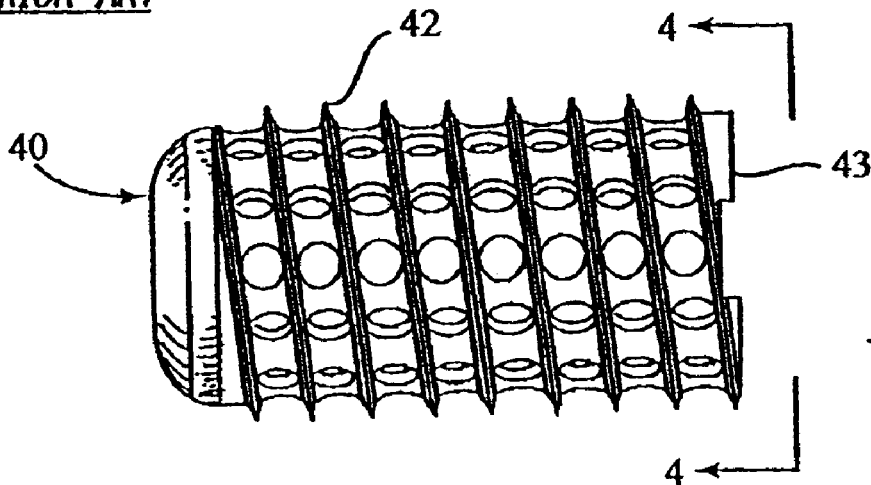
*Fig. 1*



*Fig. 2*  
PRIOR ART



*Fig. 4*  
PRIOR ART



*Fig. 3*  
PRIOR ART

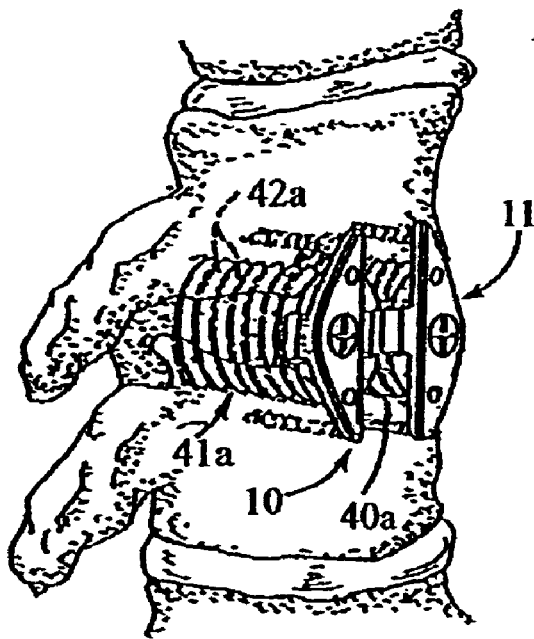


Fig. 5

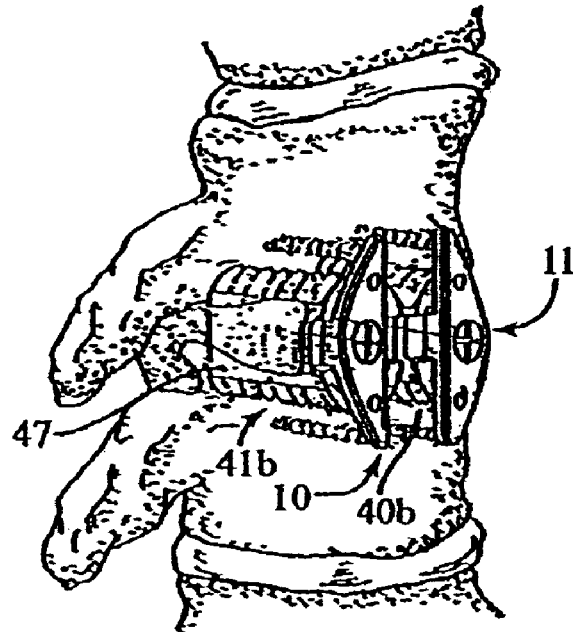


Fig. 6

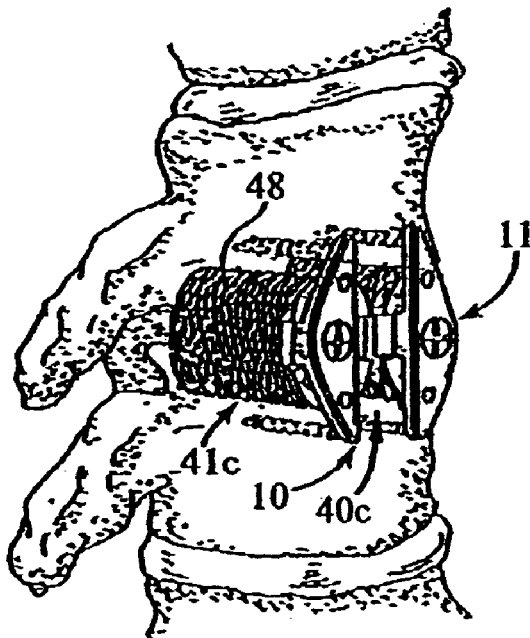


Fig. 7

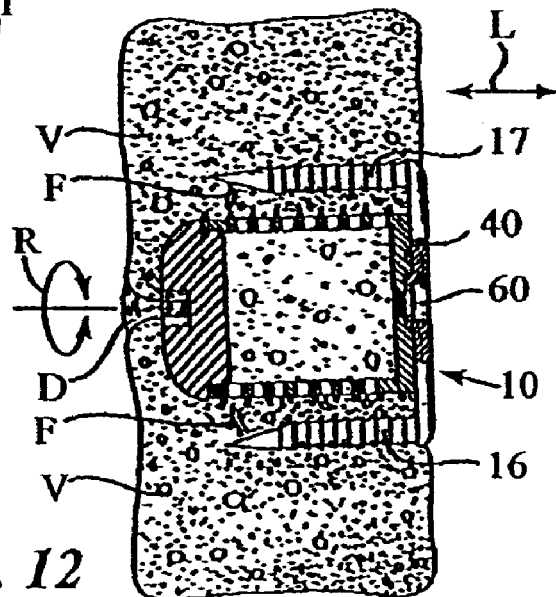


Fig. 12

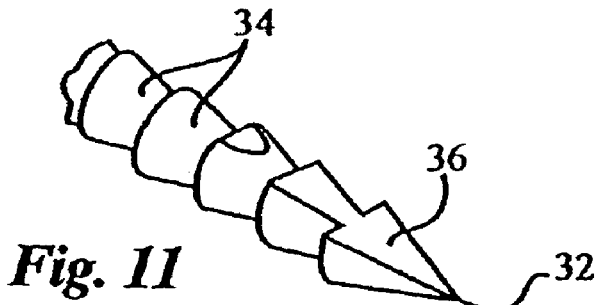
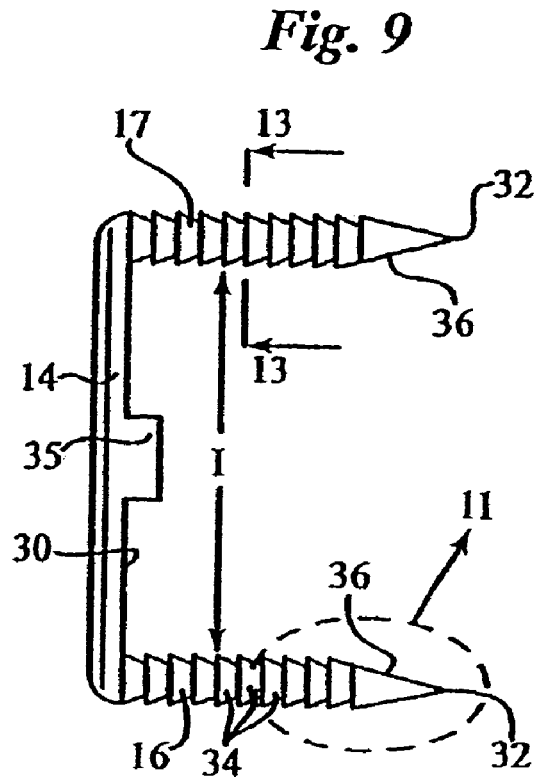
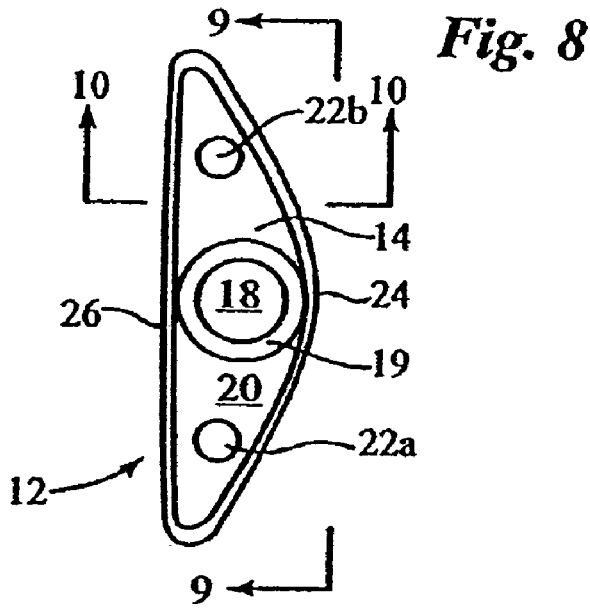


Fig. 11

Fig. 10

Fig. 13F

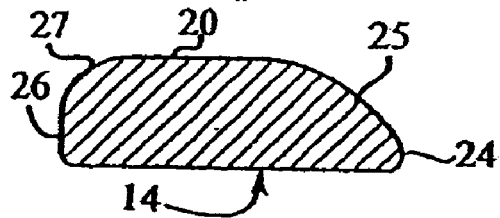
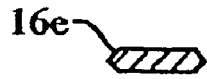


Fig. 13E



Fig. 13C

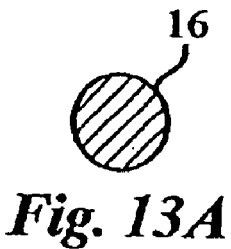


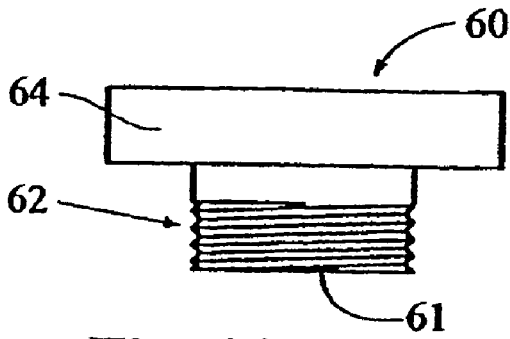
Fig. 13A



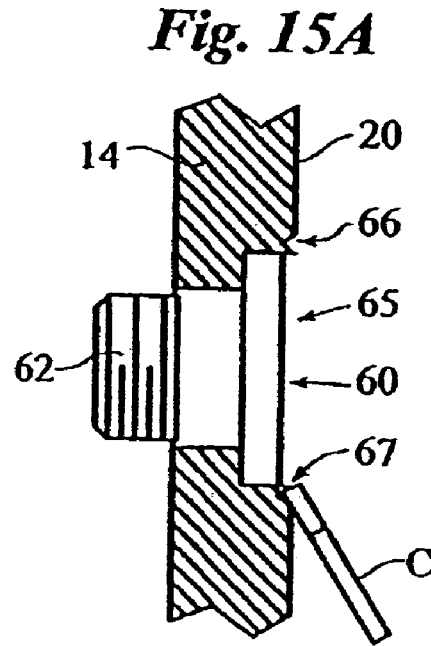
Fig. 13B



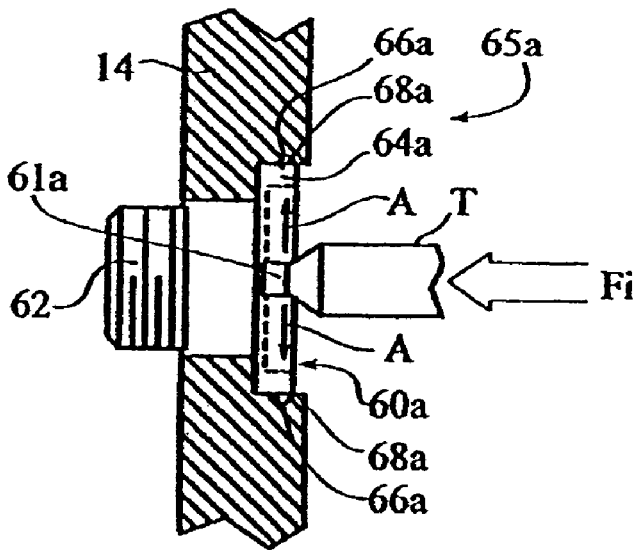
Fig. 13D



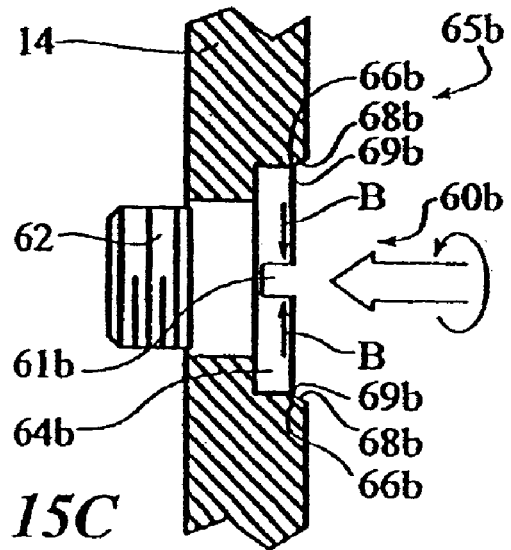
*Fig. 14*



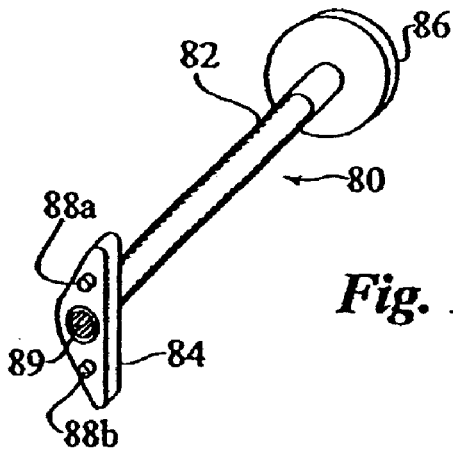
*Fig. 15A*



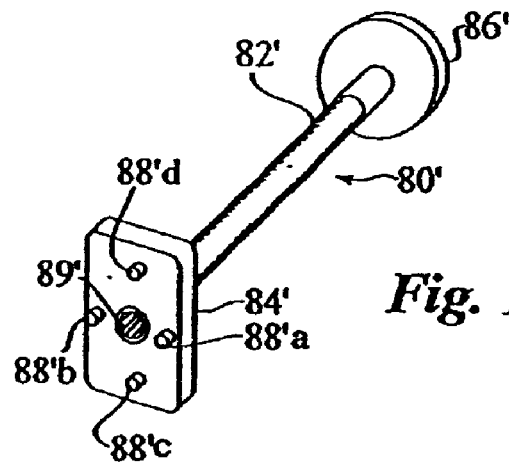
*Fig. 15B*



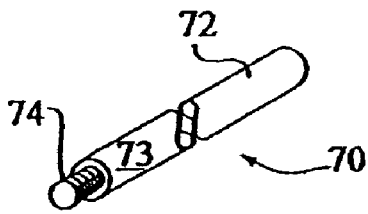
*Fig. 15C*



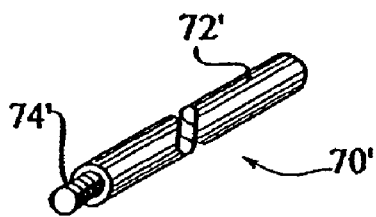
**Fig. 16A**



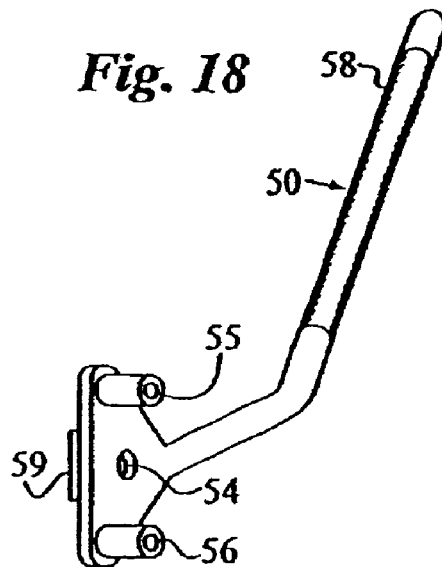
**Fig. 16B**



**Fig. 17A**



**Fig. 17B**



**Fig. 18**

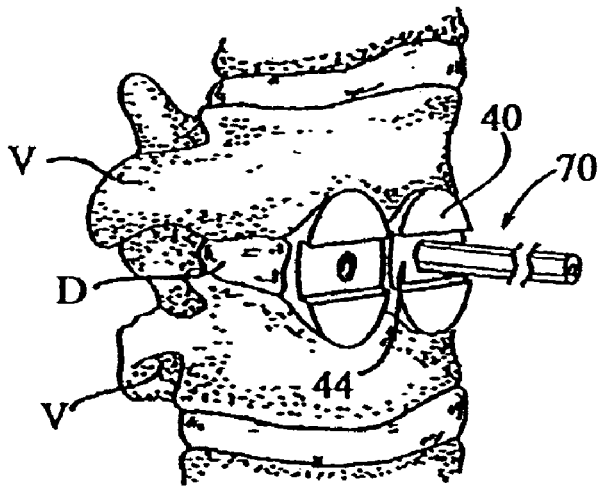


Fig. 19

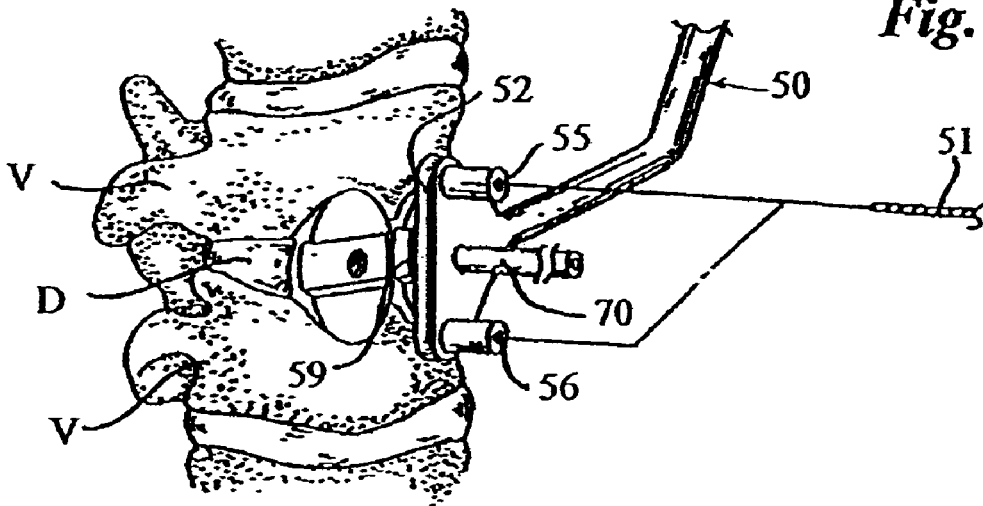


Fig. 20

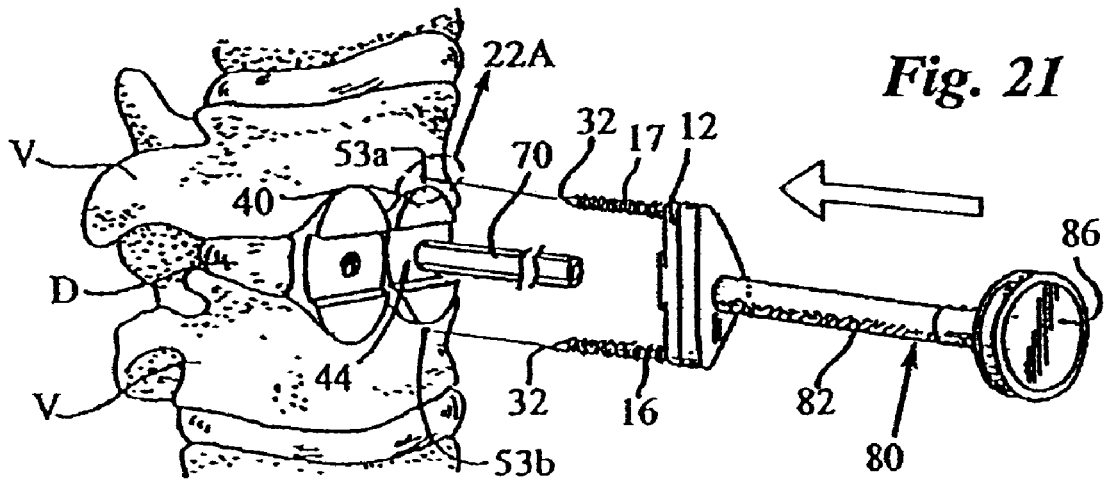


Fig. 21



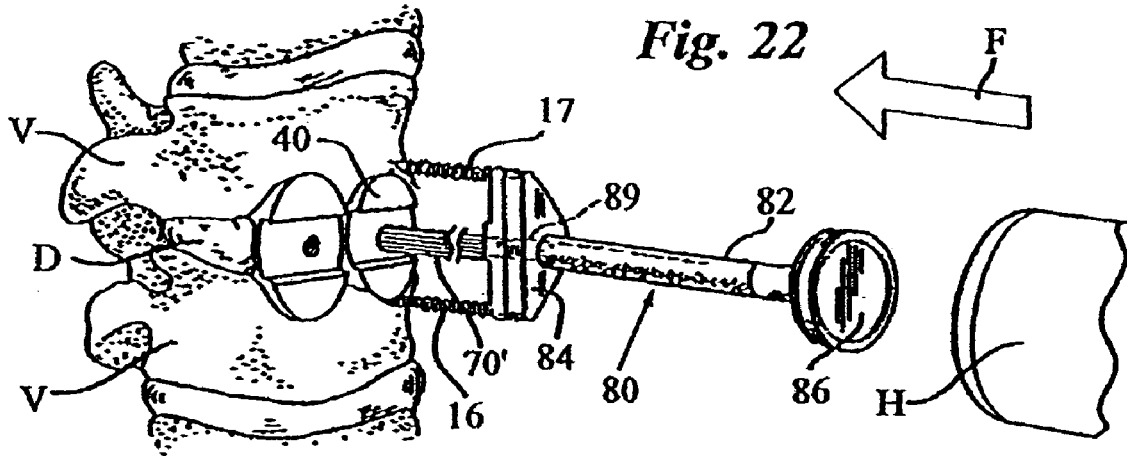


Fig. 22A

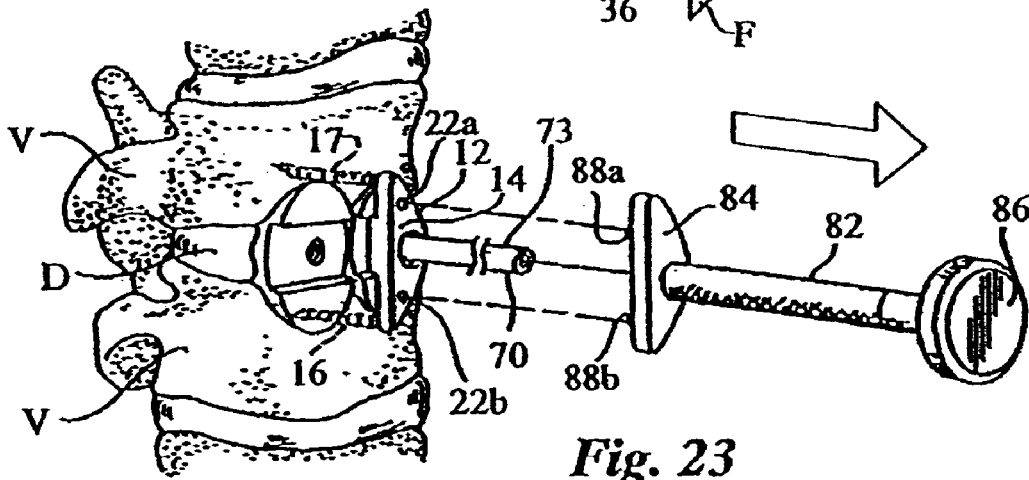
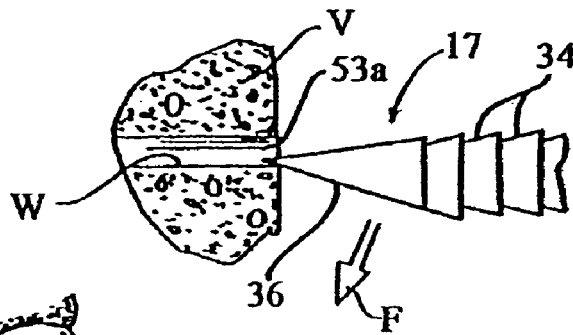


Fig. 23

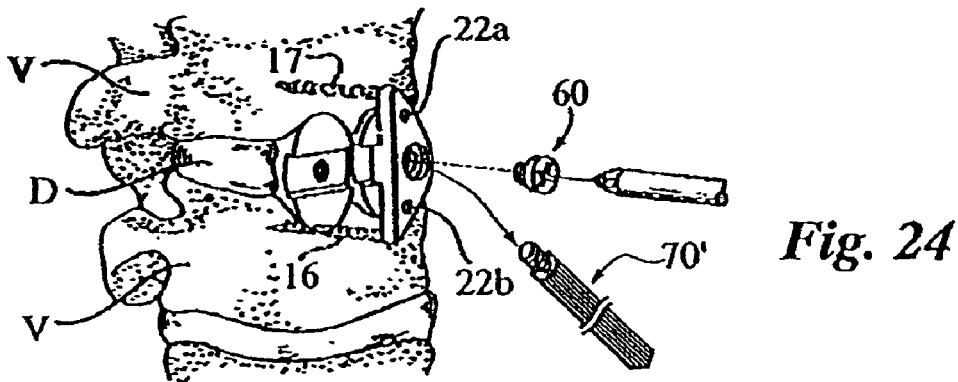
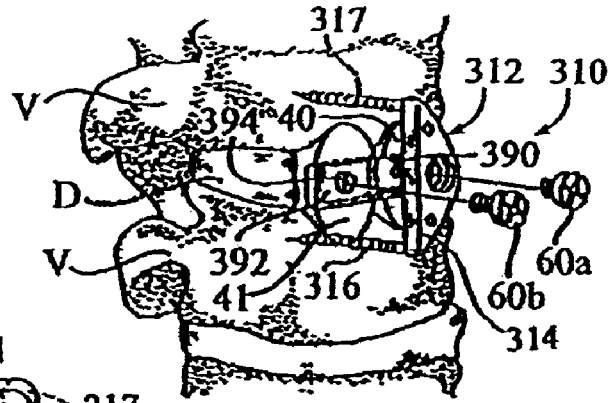
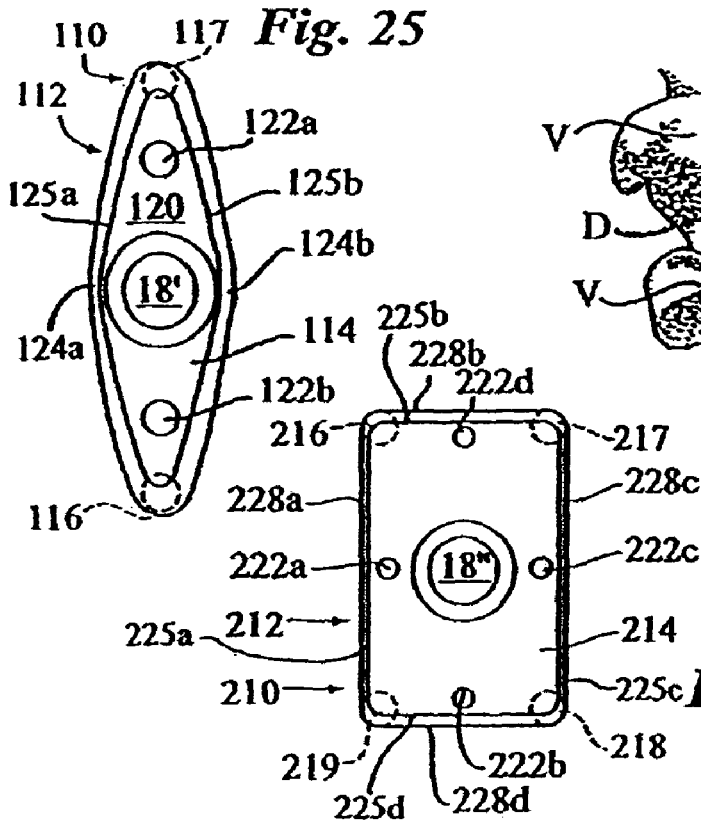


Fig. 24

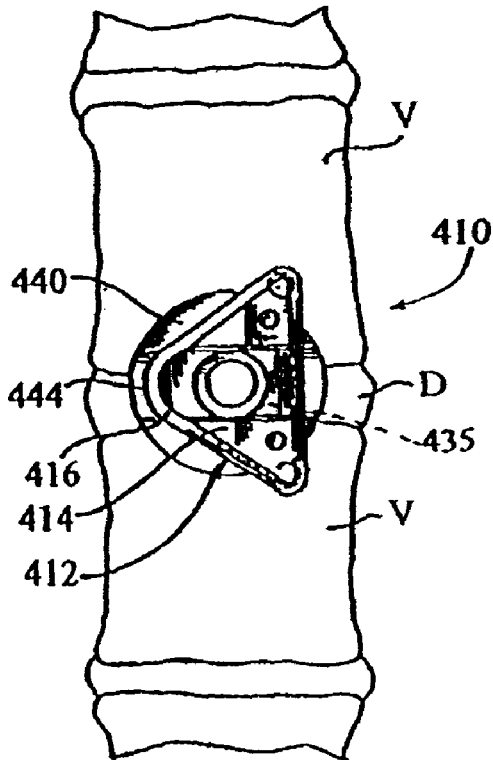
**Fig. 25**



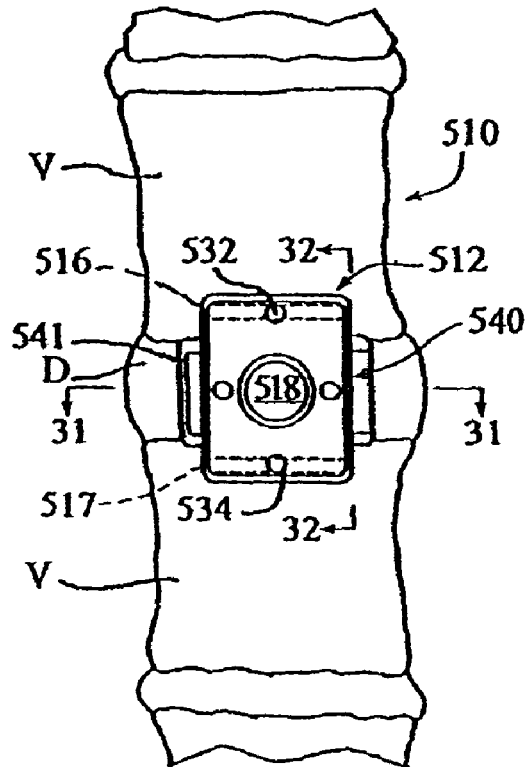
**Fig. 27**

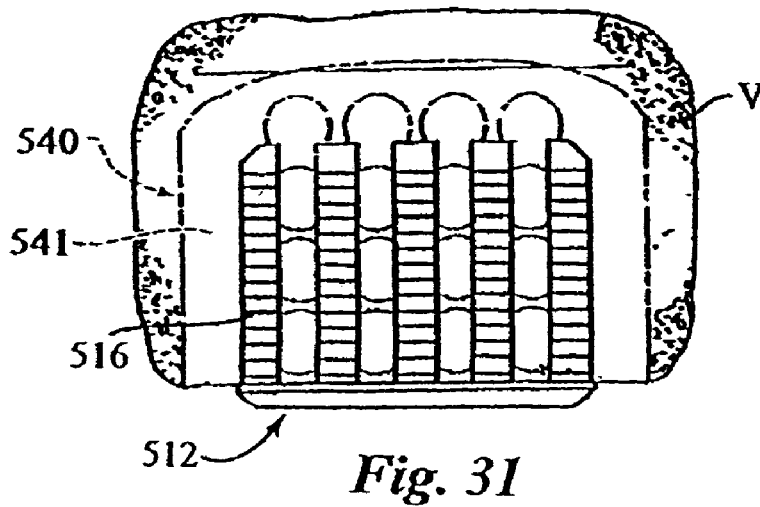
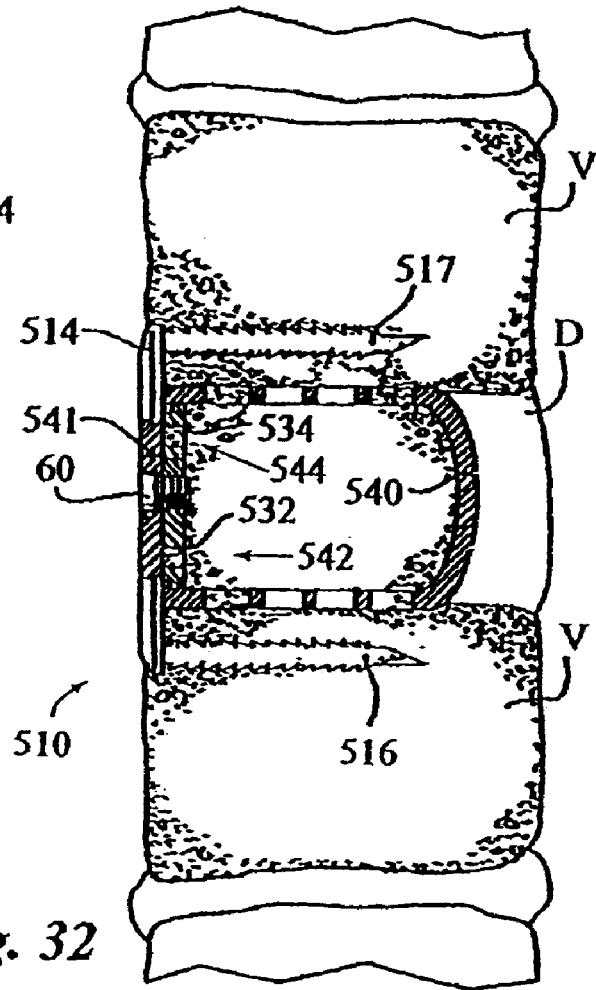
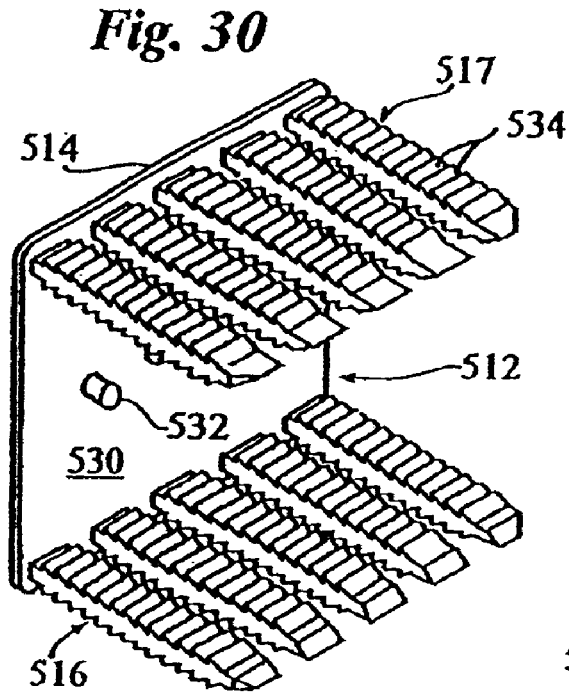
**Fig. 26**

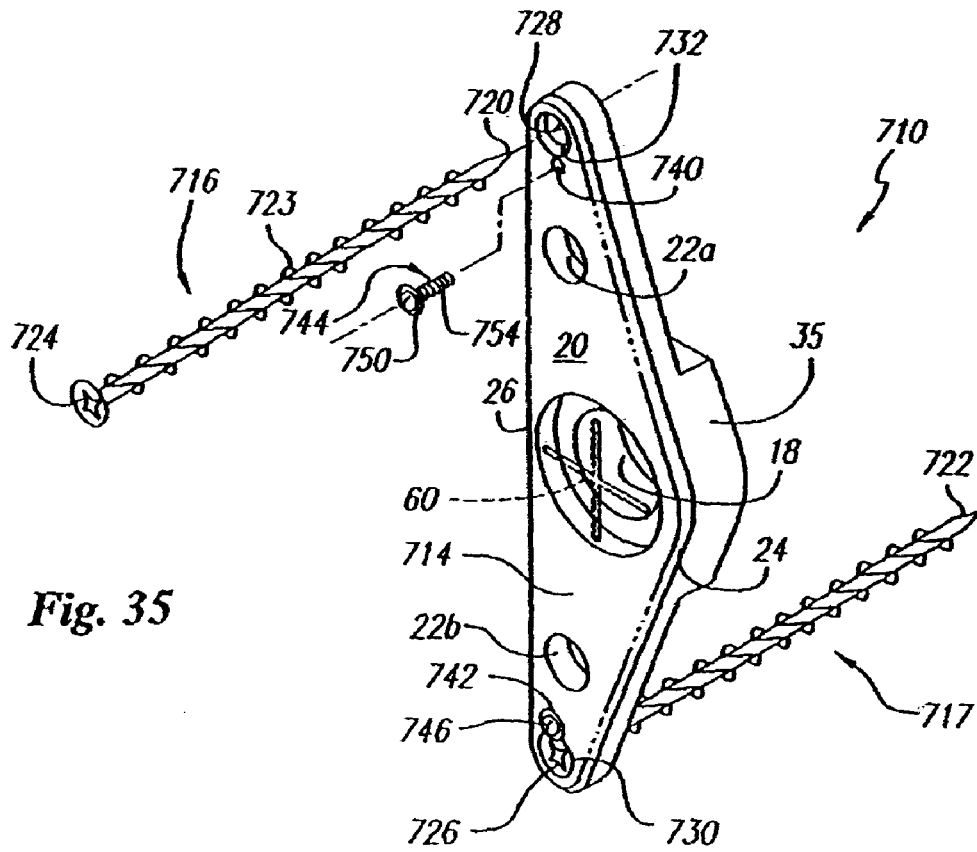
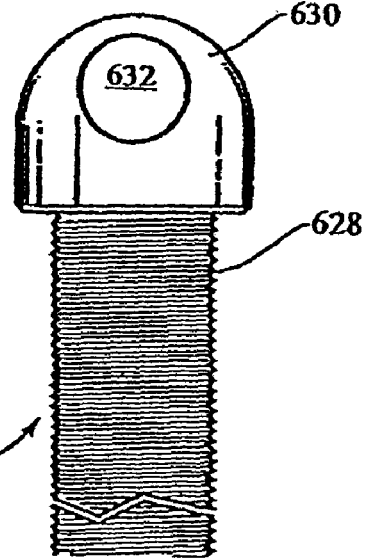
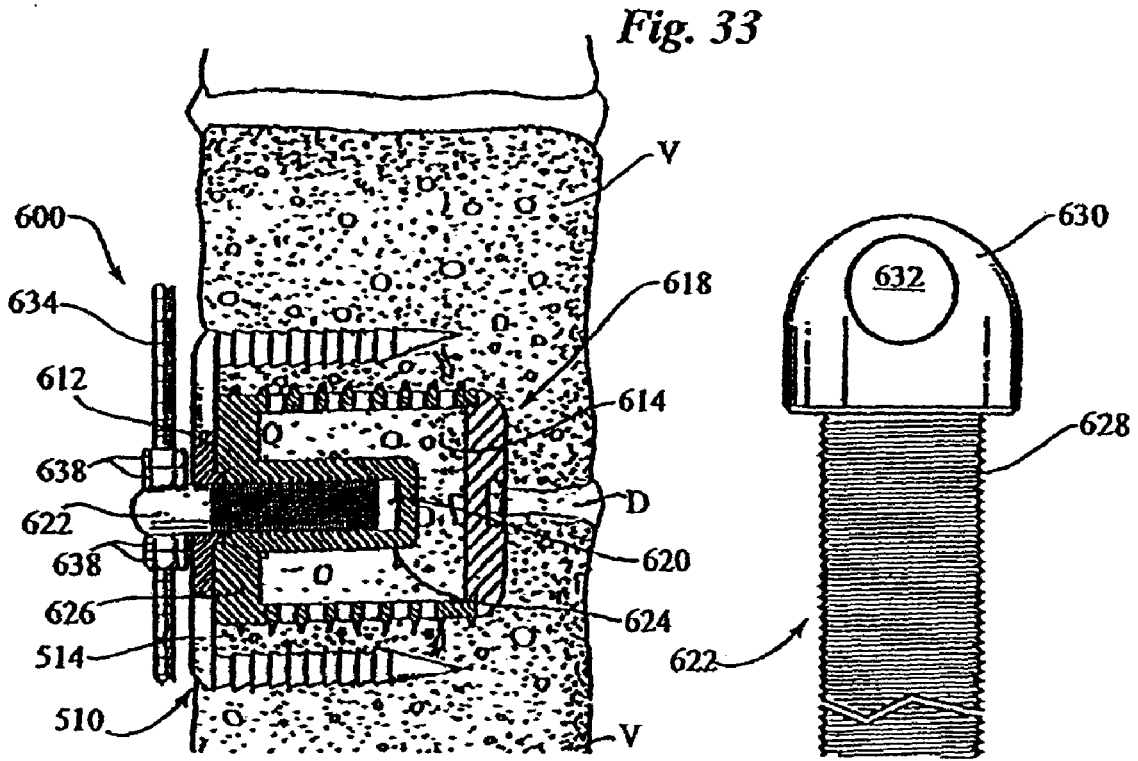
**Fig. 28**



**Fig. 29**







## APPARATUS AND METHOD FOR ANTERIOR SPINAL STABILIZATION

This is a continuation of application Ser. No. 10/105,773, filed Mar. 25, 2002; which is a continuation of application Ser. No. 09/563,705, filed May 2, 2000, now U.S. Pat. No. 6,364,880; which is a continuation of application Ser. No. 09/126,585, filed Jul. 31, 1998, now U.S. Pat. No. 6,136,001; which is a continuation of application Ser. No. 08/926,334, filed Sep. 5, 1997, now U.S. Pat. No. 6,120,503; which is a continuation of Ser. No. 08/589,787, filed Jan. 22, 1996, now abandoned; which is a continuation of 08/219,626, filed Mar. 28, 1994, now abandoned; all of which are incorporated herein by reference.

### BACKGROUND OF THE INVENTION

#### 1. Field of the Invention

This invention relates to surgical interbody fixation devices and in particular to a surgically implantable device for the stabilization of adjacent vertebrae of the human spine undergoing spinal arthrodesis and for the prevention of the dislodgement of spinal fusion implants used in the fusion process.

#### 2. Description of the Related Art

When a segment of the human spine degenerates, or otherwise becomes diseased, it may become necessary to surgically remove the affected disc of that segment, and to replace it with bone for the purpose of obtaining a spinal fusion by which to restore more normal, pre-morbid, spatial relations, and to provide for enhanced stability across that segment. Performing such surgery of the spine from an anterior (front) approach offers the great advantage of avoiding the spinal cord, dural sac, and nerve roots. Unfortunately, in entering the disc space anteriorly a very important band-like structure called the anterior longitudinal ligament, is violated. This structure physiologically acts as a significant restraint resisting the anterior displacement of the disc itself and acting as a tension band binding the front portions of the vertebrae so as to limit spinal hyperextension.

Historically, various devices have been utilized in an attempt to compensate for the loss of this important stabilizing structure. These devices have assumed the form of blocks, bars, cables, or some combination thereof, and are bound to the vertebrae by screws, staples, bolts, or some combination thereof. The earliest teachings are of a metal plate attached to adjacent vertebrae with wood-type screws. Dwyer teaches the use of a staple-screw combination. Brantigan U.S. Pat. No. 4,743,256 issued on May 10, 1988, teaches the use of a block inserted to replace the disc, affixed to a plate then screwed to the vertebrae above and below. Raezian U.S. Pat. No. 4,401,112 issued on Aug. 30, 1993, teaches the use of a turnbuckle affixed to an elongated staple such that at least one entire vertebral body is removed, the turnbuckle portion is placed within the spine, and the staple extends both above and below the turnbuckle and engages the adjacent vertebrae to the one removed.

Unfortunately, both staples and screws have quite predictably demonstrated the propensity to back out from the vertebrae. This is quite understandable as any motion, either micro or macro, tends to stress the interface of the metallic implant to the bone, and in doing so causes the bone to relieve the high stress upon it by resorbing and moving away from the metal. This entropic change is universally from the more tightened and thus well-fixated state, to the less tightened and less fixated state. For a staple, this is specifically from the more compressed and engaged state, to the

less compressed and disengaged state. Similarly, screws in such a dynamic system loosen and back out.

The potential consequences of such loosening and consequent backing out of the hardware from the anterior aspect of the vertebral column may easily be catastrophic. Because of the proximity of the great vessels, aortic erosions and perforations of the vena cava and iliac vessels have usually occurred with unfortunate regularity and have usually resulted in death.

Therefore, the need exists for a device which is effective in restoring stability to a segment of the spine such as, but not limited to, the anterior aspect of the human spine and which will without danger remain permanently fixated once applied.

### SUMMARY OF THE INVENTION

The present invention is directed to a spinal fixation device for stabilizing a segment of the human spine and for preventing the dislodgement of intervertebral spinal fusion implants, which remains permanently fixated to the spine once applied. The spinal fixation device of the present invention comprises a staple member made of a material appropriate for human surgical implantation and which is of sufficient length to span the disc space between two adjacent vertebrae. The staple member engages, via essentially perpendicular extending projections, the vertebrae adjacent to that disc space. The projections are sharpened and pointed so as to facilitate their insertion into the vertebrae and are segmented or ratcheted to prevent the staple member from disengaging and backing out once inserted.

In the preferred embodiment of the spinal fixation device of the present invention, a portion of the staple member interdigitates with an already implanted intervertebral spinal fusion implant and the staple member is bound to the spinal fusion implant by a locking mechanism such as a screw with a locking thread pattern. The anchoring of the staple member via a locking mechanism to a spinal fusion implant protects the patient from the danger of the staple member itself disengaging and backing out. Further, if the spinal fusion implant is externally threaded, such as the spinal fusion implant taught by Michelson, U.S. Pat. No. 5,015,247 issued on May 14, 1991, then the staple member could only back out if the spinal fusion implant were free to rotate. However, the rotation of the spinal fusion implant in this instance is blocked by its connection to the staple member which is fixated across the disc space in such a way as to be incapable of rotation. Thus, the staple member is made safe against dislodgement by attachment to the spinal fusion implant and the stability of the spinal fusion implant is assured as it is also stabilized by the staple member and each works in connection with the other to remove the only remaining degree of freedom that would allow for the disengagement of either.

The spinal fixation device of the present invention is broadly applicable to the anterior, posterior and lateral aspects of the spinal column, be it the cervical, thoracic or lumbar area. In particular, the use of a staple member spanning the disc space and engaging the adjacent vertebrae which is applied to the anterior aspect of the spine is of great utility in restraining those vertebral bodies from moving apart as the spine is extended and thus is effective in replacing the anterior longitudinal ligament of the patient.

The spinal fixation device of the present invention provides the advantage of facilitating cross vertebral bony bridging (fusion via immobilization) which when achieved relieves all of the forces on the inserted spinal fusion

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implants. The spinal fixation device of the present invention may be coated with materials to promote bone fusion and thus promote the incorporation and ultimate entombment of the spinal fixation device into the bone fusion mass. The use of a bone fusion promoting material results in a speedier 5 vertebra to vertebra fusion as bone may grow along the coated spinal fixation device bridging the two vertebrae so that the spinal fixation device acts as a trellis and supplies essential chemical elements to facilitate the bone fusion process.

Another advantage provided by the spinal fixation device of the present invention is that as it is inserted it compresses the adjacent vertebrae together, thus increasing the compressive load on the spinal fusion implants or implants within the disc space, such compression being beneficial to fusion and further stabilizing the spinal fusion implants. 10

A further advantage of the spinal fixation device of the present invention is that it may be used as an anchor such that a multiplicity of spinal fixation devices may then be interconnected via a cable, rod, bar, or plate, so as to achieve or maintain a multi-segmental spinal alignment. 15

Alternatively, the spinal fixation device of the present invention could be made of resorbable materials, such as bio-compatible resorbable plastics, that resorb at an appropriate rate such that once the spinal fixation device is no longer needed (i.e. when spinal fusion is complete) the body would resorb the spinal fixation device. The spinal fixation device could be only in part resorbable such that the projections of the staple member would be non-resorbable and would remain incarcerated in the vertebrae and sealed off once the resorbable portion of the staple is resorbed by the body. 20

As a further alternative, the spinal fixation device of the present invention could be made wholly of in part of ceramic and more particularly made of or coated with a ceramic such as hydroxyapatite that would actively participate in the fusion process. 25

#### OBJECTS OF THE PRESENT INVENTION

It is an object of the present invention to provide a spinal fixation device having a staple member spanning the disc space and engaging two adjacent vertebrae of the spine to restrain the vertebrae from moving apart as the spine is extended; 30

It is another object of the present invention to provide a spinal fixation device that is effective in replacing the function of the anterior longitudinal ligament of a patient;

It is a further object of the present invention to provide a means for protecting the patient from the danger of the spinal fixation device itself disengaging and backing out by its being anchored to an intervertebral spinal fusion implant; 35

It is still another object of the present invention to provide a spinal fixation device that blocks the rotation of an intervertebral spinal fusion implant by its connection to the staple member which is fixated across the disc space in such a way as to be incapable of rotation thereby preventing the spinal fusion implant from backing out; 40

It is yet another object of the present invention to provide a spinal fixation device that is broadly applicable to the anterior aspect of the spinal column, be it the cervical, thoracic or lumbar area; 45

It is another object of the present invention to provide a spinal fixation device which may be applied longitudinally at any point about the circumference of the anterior aspect of the spine; 50

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It is also another object of the present invention to provide a spinal fixation device that stabilizes a surgically implanted spinal fusion implant and works in connection with the spinal fusion implant to prevent disengagement of either;

It is another object of the present invention to provide a spinal fixation device that achieves cross vertebral bony bridging (fusion) which ultimately relieves all of the forces on inter-vertebral spinal fusion implants inserted within the disc space between two adjacent vertebrae, and provides for a permanently good result; 5

It is another object of the present invention to provide a spinal fixation device that serves as an anchor, such that a multiplicity of these anchors may then be interconnected via a cable, rod, bar, or plate, so as to achieve or maintain a multi-segmental spinal alignment; and 10

It is a further object of the present invention to provide a spinal fixation device that directly participates in the bony bridging of two adjacent vertebrae and participates in the spinal fusion process across those vertebrae. 15

These and other objects of the present invention will become apparent from a review of the accompanying drawings and the detailed description of the drawings. 20

#### BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a perspective side view of a segment of the spinal column having two spinal fusion implants shown partially in hidden line inserted across the disc space between two adjacent vertebrae with each spinal fusion implant having a spinal fixation device of the present invention shown partially in hidden line secured thereto, spanning across the disc space and inserted into the vertebrae. 25

FIG. 2 is a perspective side view of a segment of the spinal column having two spinal fusion implants inserted across the disc space between two adjacent vertebrae. 30

FIG. 3 is an elevational side view of a cylindrical threaded spinal fusion implant. 35

FIG. 4 is an end view of the cylindrical threaded spinal fusion implant along lines 4-4 of FIG. 3. 40

FIG. 5 is a perspective side view of a segment of the spinal column having two non-threaded spinal fusion implants with external ratchetings, shown in hidden line, inserted across the disc space between two adjacent vertebrae with each spinal fusion implant having a spinal fixation device of the present invention, shown partially in hidden line, coupled thereto, spanning across the disc space and inserted into the vertebrae. 45

FIG. 6 is a perspective side view of a segment of the spinal column having two spinal fusion implants having truncated sides with external ratchetings shown in hidden line inserted across the disc space between two adjacent vertebrae with each spinal fusion implant having a spinal fixation device of the present invention shown partially in hidden line coupled thereto, spanning across the disc space and inserted into the vertebrae. 50

FIG. 7 is a perspective side view of a segment of the spinal column having two spinal fusion implants having a knurled external surface shown in hidden line inserted across the disc space between two adjacent vertebrae with each spinal fusion implant having a spinal fixation device of the present invention shown partially in hidden line coupled thereto, spanning across the disc space and inserted into the vertebrae. 55

FIG. 8 is a top plan view of the spinal fixation device of the present invention. 60

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FIG. 9 is a side view of the spinal fixation device of the present invention along lines 9-9 of FIG. 8.

FIG. 10 is a cross sectional view taken along lines 10-10 of FIG. 8 showing the top member of the spinal fixation device of the present invention.

FIG. 11 is an enlarged fragmentary perspective side view of a projection of the spinal fixation device of the present invention taken along line 11 of FIG. 9.

FIG. 12 is a cross sectional view of the spinal fixation device of the present invention inserted into the vertebrae and secured to the spinal fusion implant with the arrows showing the forces exerted, the rotational axis and the longitudinal axis of the spinal fusion implant.

FIG. 13A is a cross sectional view along line 13-13 of FIG. 9 of the preferred embodiment of the projections of the present invention.

FIGS. 13B, 13C, 13D, 13E, and 13F are cross sectional views taken along line 13-13 of FIG. 9 showing alternative embodiments of the projections of the spinal fixation device of the present invention.

FIG. 14 is an enlarged elevational side view of the locking screw used to secure the spinal fixation device of the present invention to a spinal fusion implant.

FIG. 15A is a cross sectional view of a securing means for locking the locking screw of the present invention.

FIG. 15B is a cross sectional view of a first alternative embodiment of the securing means for locking the locking screw of the present invention.

FIG. 15C is a cross sectional view of a second alternative embodiment of the securing means for locking the locking screw of the present invention.

FIG. 16A is a perspective side view of the instrumentation used for driving the spinal fixation device of the present invention into the vertebrae.

FIG. 16B is a perspective side view of a first alternative embodiment of the instrumentation used for driving the spinal fixation device of the present invention into the vertebrae.

FIG. 17A is a perspective side view of an alignment rod used to align the spinal fixation device of the present invention.

FIG. 17B is a perspective side view of an alternative embodiment of the alignment rod having splines used to align the spinal fixation device of the present invention.

FIG. 18 is a front perspective view of the drill template instrument.

FIG. 19 is a perspective side view of the alignment rod attached to a spinal fusion implant inserted in the disc space between two adjacent vertebrae.

FIG. 20 illustrates the step of drilling guide holes in the vertebrae adjacent to the spinal fusion implant with the drill template instrument of FIG. 18.

FIG. 21 illustrates a step of the method of inserting the spinal fixation device of the present invention with the alignment rod attached to the spinal fusion implant and the spinal fixation device placed on the driver instrumentation.

FIG. 22 illustrates a step of the short method of inserting the spinal fixation device of the present invention with the driver instrument engaging the splined alignment rod and a hammer for applying an impaction force and driving the driver instrument.

FIG. 22A is an enlarged fragmentary view of a projection being inserted into an insertion hole drilled within a vertebra shown in cross section taken along line 22A of FIG. 21.

FIG. 23 illustrates another step of the method of inserting the spinal fixation device of the present invention in which

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the spinal fixation device has been driven into the vertebrae and the driver instrumentation has been removed.

FIG. 24 illustrates another step of the method of inserting the spinal fixation device of the present invention with the splined alignment rod being removed from the spinal fusion implant and the locking screw being inserted and secured the spinal fixation device to the spinal fusion implant.

FIG. 25 is a top plan view of a first alternative embodiment of the spinal fixation device of the present invention.

FIG. 26 is a top plan view of a second alternative embodiment of the spinal fixation device of the present invention.

FIG. 27 is a perspective side view of a third alternative embodiment of the spinal fixation device of the present invention coupled to two spinal fusion implants and inserted in adjacent vertebrae of the spinal column.

FIG. 28 is a top plan view of a fourth alternative embodiment of the spinal fixation device of the present invention inserted into the vertebrae of the spinal column having a spinal fusion implant inserted in the disc space.

FIG. 29 is a top plan view of a fifth alternative embodiment of the spinal fixation device of the present invention inserted into the vertebrae of the spinal column having a spinal fusion implant inserted in the disc space.

FIG. 30 is a perspective bottom view of the fourth alternative embodiment of the spinal fixation device of the present invention.

FIG. 31 is a cross sectional view along lines 31-31 of FIG. 29 showing the fifth alternative embodiment of the spinal fixation device of the present invention inserted into the adjacent vertebrae and coupled to a spinal fusion implant.

FIG. 32 is a cross sectional view along lines 32-32 of FIG. 29 showing the projections of the fifth alternative embodiment of the present invention with respect to a spinal fusion implant inserted within the disc space.

FIG. 33 is a cross sectional view of a spinal fixation device of the present invention engaging two adjacent vertebrae and being attached to a spinal fusion implant, shown being used as an anchor for a multi-segmental spinal alignment means.

FIG. 34 is an enlarged elevational side view of a threaded post used to connect the spinal fixation device of the present invention to a multi-segmental spinal alignment means.

FIG. 35 is an exploded perspective view of a sixth alternative embodiment of the spinal fixation device of the present invention having independent projection members that are screws.

#### DETAILED DESCRIPTION OF THE DRAWINGS

Referring to FIGS. 1 and 2, two identical spinal fixation devices of the present invention, each being generally referred to by the numerals 10 and 11, respectively, are shown inserted into two vertebrae V adjacent to a disc D of a segment of the human spine. Each spinal fixation device 10 and 11 is shown coupled to identical spinal fusion implants 40 and 41 that have been surgically implanted in the disc space between adjacent vertebrae V. In this manner, the spinal fixation devices 10 and 11 stabilize a segment of the spine, prevent the dislodgement of the spinal fusion implant 40, and remain permanently fixated to the spine once applied. The spinal fixation devices 10 and 11 are identical such that the description of one is equally applicable to the other. Thus, the description that follows will be directed to spinal fixation device 10.

Referring to FIGS. 3-4, the spinal fusion implant 40 such as, but not limited to, the spinal fusion implant described by

Michelson, U.S. Pat. No. 5,015,247 issued on May 14, 1991, is shown. The spinal fusion implant **40** is cylindrical in shape and has external threads **42** at its outer perimeter for engaging the bone of the vertebrae V adjacent to the disc D. The spinal fusion implant **40** has a trailing end **43** having a depression **44** and a threaded aperture **45** for engaging a portion of the spinal fixation device **10** and also for engaging a portion of an instrument used to insert the spinal fixation device **10** into the vertebrae V.

Referring to FIGS. 5-7, it is appreciated that the spinal fixation devices **10** and **11** of the present invention are not limited in use with a threaded spinal fusion implant **40** and **41**, but may be used with different types of spinal fusion implants. For example, the spinal fixation devices **10** and **11** may be coupled to spinal fusion implants **40a** and **41a**, respectively, each having external ratcheting **42a** instead of external threads **42** as shown in FIG. 5. Alternatively, the spinal fixation devices **10** and **11** may be coupled to spinal fusion implants **40b** and **41b**, respectively, each having a partially cylindrical shape with at least one truncated side **47** as shown in FIG. 6. As a further alternative, the spinal fixation devices **10** and **11** may be coupled to spinal fusion implants **40c** and **41c**, respectively, each having a knurled external surface **48** as shown in FIG. 7. It is also appreciated that the spinal fixation devices may be used with a variety of other bone fusion implants without departing from the scope of the present invention.

Referring to FIGS. 8-9, in the preferred embodiment, the spinal fixation device **10** of the present invention comprises a staple member **12** having a substantially planar top member **14** which is of sufficient length to span one intervertebral disc D and to engage, via a plurality of essentially perpendicular extending projections **16** and **17**, the vertebrae V adjacent to that disc D. The top member **14** has a central opening **18** within a concentric, countersunk recess **19** for receiving therethrough a screw or similar coupling means for coupling the spinal fixation device **10** to the spinal fusion implant **40**. The top member **14** has an upper surface **20** having a pair of openings **22a** and **22b** for receiving the posts **88a** and **88b** of a driving instrument **80** which is described in greater detail below in reference to FIGS. 16A and 16B.

Referring to FIG. 10, a cross sectional view of the top member **14** is shown. In the preferred embodiment, the top member **14** is generally triangularly shaped and is radiused along curved side **24** and straight side **26**. The curved side **24** of the top member **14** is radiused at its upper edge **25** and at the upper edge **27** of straight side **26** to conform to the external curvature of the vertebrae V. In this manner, smooth surfaces are created at the upper edges **25** and **27** of the top member **14** that are contoured to the shape of the external curvature of the vertebrae V when the staple member **12** is in place. The smooth contoured surface of the upper edges **25** and **27** of the top member **14** prevent aortic erosions and perforations of the vessels proximate the vertebral column such as the vena cava and the iliac vessels which might otherwise result from friction.

In the preferred embodiment of the spinal fixation device **10**, the top member **14** has a width ranging from 6.0 mm to 28.0 mm, with 10.0 mm being the preferred width, and having a thickness in the range of 2.0 mm to 4.0 mm, with 3.0 mm being the preferred thickness. The staple member **12** is made of material appropriate for human surgical implantation including all surgically appropriate metals such as but not limited to, titanium, titanium alloy, chrome molybdenum alloys, stainless steel; or non-metallic materials including permanent or resorbable substances or composites, carbon fiber materials, resins, plastics, ceramics or others.

Further, the staple member **12** of the present invention may be treated with, or even composed of, materials known to participate in or promote in the fusion process or bone growth. The spinal fixation device **10** may be coated with materials to promote bone fusion and thus promote the incorporation and ultimate entombment of the spinal fixation device **10** into the bone fusion mass. The use of a bone fusion promoting material such as, but not limited to hydroxyapatite, hydroxyapatite tricalcium phosphate or bone morphogenic protein, results in a speedier vertebra V to vertebra V fusion as bone may grow along the coated spinal fixation device **10** bridging the two vertebrae V so that the spinal fixation device **10** acts as a trellis and supplies essential chemical elements to facilitate the bone fusion process.

Referring again to FIG. 9, the projections **16** and **17** are positioned at opposite ends of the top member **14** and depend downwardly and extend perpendicularly from the bottom surface **30** of the top member **14**. The projections **16** and **17** each terminate in a distal end **32** that is pointed and sharpened to facilitate the insertion of the projections **16** and **17** into the vertebrae V.

The staple member **12** is most effective when the inter-projection distance I between projections **16** and **17** is at least 4.0 mm and preferably 6.0 mm greater than the diameter of the particular spinal fusion implant **40** for which the spinal fixation device **10** is being used so that at least 2.0 mm and preferably 3.0 mm of bone from the vertebrae V will be present between the spinal fusion implant **40** and each of the projections **16** and **17**. Typically, intervertebral spinal fusion implants have a diameter that ranges from 12.0 mm to 28.0 mm, therefore, the interprojection distance I typically will range from 18.0 mm to 34.0 mm for most applications.

In the preferred embodiment, the projections **16** and **17** comprise a series of segmented and ratcheted portions **34**. The segmented and ratcheted portions **34** provide for a "one way" insertion of the staple member **12** to prevent the backing-out of the projections **16** and **17** once they are inserted into the bone of the vertebrae V. In the preferred embodiment, each segmented and ratcheted portion **34** of the projections **16** and **17** is conical in shape and the diameter of each segmented and ratcheted portion **34** increases in the direction from the distal end **32** toward the top member **14** so that the projections **16** and **17** resemble a stack of cones. The segmented and ratcheted portions **34** are spaced approximately 2.0 mm to 4.0 mm apart, with 3.0 mm being the preferred distance between each segmented and ratcheted portion **34**.

Referring to FIGS. 11-12, in the preferred embodiment of the spinal fixation device **10**, in order to further facilitate the insertion of the projections **16** and **17** into the vertebrae V, the distal end **32** of each projection **16** has an eccentric, incline-planed inner surface **36** as shown in FIG. 11. The eccentric, incline-planed inner surface **36** of each of the projections **16** and **17** create a force F which pushes the bone of the vertebrae V toward the spinal fusion implant **40** as the staple member **12** is inserted into each of the vertebrae V as shown in FIG. 12.

Referring to FIGS. 13A-13F, in the preferred embodiment of the spinal fixation device **10**, the projections **16** and **17** are cylindrical in shape having a circular cross section as shown for projection **16** in FIG. 13A. Alternatively, the projection **16a** may have a triangular cross section as shown in FIG. 13B; the projection **16b** may have a square cross section as shown in FIG. 13C; the projection **16c** may have a rectangular cross section as shown in FIG. 13D; the projection **16d**



may have a trapezoidal cross section as shown in FIG. 13E; or the projection 16e may have a cross section with a configuration as shown in FIG. 13F.

In the preferred embodiment, the projections 16 and 17 each have a diameter of approximately 2.0 mm to 4.0 mm, with 3.0 mm being the preferred diameter at the widest point. The projection 16 and 17 each have a length ranging from 16.0 mm to 28.0 mm, with 22.0 mm being the preferred length when the spinal fixation device 10 is implanted in the direction of the anterior aspect of the vertebra V to the posterior aspect of the vertebrae V. Alternatively, it is appreciated that the projections 16 and 17 each could have a longer length depending on the diameter of the vertebrae V in which the projections 16 and 17 are implanted.

Referring again to FIG. 9, the top member 14 of the staple member 12 has a central bar 35 extending from the center of its bottom surface 30, for interdigitating and mating to an already implanted intervertebral spinal fusion implant 40. In the preferred embodiment, the central bar 35 has a thickness in the range of 0.5 mm to 1.5 mm, with 0.5 mm being the preferred thickness.

Referring to FIG. 1, the central bar 35 is configured so that it complements and engages the depression 44 at the insertion end 43 of the spinal fusion implant 40. Once engaged to the depression 44, the bar 35 interdigitates with the depression 44 of the spinal fusion implant 40 to lock and prevent the rotation of the spinal fusion implant 40.

Referring to FIG. 14, in the preferred embodiment, the staple member 12 is secured to the spinal fusion implant 40 by a screw 60 having threaded end 61 with a locking thread pattern 62 and screw head 64. The locking thread pattern 62 has a reduced pitch at the bottom of the threaded end 61 such that the screw 60 is self-locking. However, it is appreciated that the threaded pattern 62 may be any of the means for locking a screw well known by those skilled in the art.

Referring to FIGS. 2 and 8, the threaded end 61 of the screw 60 passes through the central opening 18 of the top member 14 and the threaded pattern 62 threads into the threaded aperture 45 of the spinal fusion implant 40. The screw head 64 fits within the countersunk recess 19 of the top member 14 such that the screw head 64 is at or below the plane of the upper surface 20 of the top member 14. In the preferred embodiment, the central opening 18 has a diameter ranging from 4.5 mm to 5.5 mm, with 5.0 mm being the preferred diameter. The countersunk recess 19 has a diameter in the range of 6.0 mm to 8.0 mm with 7.0 mm being the preferred diameter.

Referring to FIGS. 15A, 15B, and 15C, an enlarged cross sectional view of three different embodiments of a securing means 65 for locking the screw 60 once it is threaded to the spinal fusion implant 40 are shown. In FIG. 15A, the securing means 65 comprises a notch 66 in the surface 20 of the top member 14 which is preferably made of metal. Once the screw 60 is threaded and securely tightened to the spinal fusion implant 40, a chisel C is used to bend a portion 67 of the top member 14 into the central opening 18 and against the screw head 64 so as to prevent the outward excursion and any unwanted loosening of the screw 60.

In FIG. 15B, a second embodiment of the securing means 65a is shown comprising a central score 66a concentric with the central opening 18. A screw 60a having a slot 61a in the screw head 64a is threaded and securely tightened to the spinal fusion implant 40. An instrument T is partially inserted into slot 61a after which an impaction force  $F_i$  is applied to the instrument T to spread apart the screw head 64a in the direction of the arrows A so that the screw head 64a becomes deformed from the impaction force  $F_i$  and fits

within the central score 66a. Once the screw head 64a is in the central score 66a, the outward excursion of the screw 60a is prevented by the top lip 68 of the central score 66a.

In FIG. 15C, a third embodiment of the securing means 65b is shown comprising a screw 60b having a screw head 64b with a slightly flanged portion 69b near the top and a slot 61b. The central opening 18 has along its circumference a recess 66b for receiving the flanged portion 69b of the screw head 64b. The securing means 65b relies on the natural resiliency of the metal screw head 64b such that when the screw 60b is being driven by a screw driver, the screw head 64b flexes in the direction of the arrows B. In this manner, the flanged portion 69b of the screw head 64b slides along the interior of the central opening 18 so that the screw head 64b is below the top lip 68b of the recess 66b. Once the screw driver is removed from the screw 60b, the screw head 64b returns to its natural state in the direction opposite to the arrows B so that the flanged portion 69b is within the recess 66b. The outward excursion of the screw 60 is thus prevented by the top lip 68b which blocks the screw head 64b by catching the flanged portion 69b.

FIGS. 16A-18 show the instrumentation used for installing the spinal fixation device 10. Referring to FIG. 16A, a driving instrument 80 used for inserting the spinal fixation device 10 into the vertebrae V is shown having a hollow tubular shaft 82 which terminates at one end to a bottom flat member 84 and terminates to a top flat member 86 at the other end. The bottom flat member 84 is preferably configured so that it conforms to the shape of the top member 14 of the staple member 12.

The driving instrument 80 has a pair of short posts 88a and 88b extending from the bottom flat member 84. The posts 88a and 88b are oriented on the bottom flat member 84 so as to correspond to the position of the openings 22a and 22b in the upper surface 20 of the top member 14 of the staple member 12. Each of the posts 88a and 88b fit into each of the openings 22a and 22b and keep the staple member 12 aligned on the bottom flat member 84 of the driving instrument 80. It is appreciated that the openings 22a and 22b in the top member 14 may be depressions within the surface 20 of the top member 14 or may be holes that pass through the top member 14. In the preferred embodiment, the openings 22a and 22b gave a diameter ranging from 1.5 mm to 3.5 mm, with 2.5 mm being the preferred diameter.

Referring to FIG. 16B, an alternative embodiment of the driving instrument 80' which is used for inserting into the vertebrae V the spinal fixation device 210, described in detail below in reference to FIG. 26, is shown having a hollow tubular shaft 82' which terminates at one end to a bottom flat member 84' and terminates to a top flat member 86' at the other end. The bottom flat member 84' is rectangular in shape so that it conforms to the shape of the top member 214 of the spinal fixation device 210.

The driving instrument 80' has a pair of short posts 88'a, 88'b, 88'c and 88'd extending from the bottom flat member 84'. The posts 88'a-88'd are oriented on the bottom flat member 84' so as to correspond to the position of the openings 222a-222d of the spinal fixation device 210. Each of the and keep the spinal fixation device 210 aligned on the bottom flat member 84' of the driving instrument 80'.

Referring to FIG. 17A, an alignment rod 70 comprising a cylindrical shaft 72 having a smooth exterior surface 73 and a threaded end 74 may be threadably attached to the threaded aperture 45 of the spinal fusion implant 40 is shown. The alignment rod 70 fits through the central opening 18 of the spinal fixation device 10 and is used to properly align the projections 16 and 17 on each side of the spinal fusion

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implant 40 prior to engaging the vertebrae V. Further, the alignment rod 70 also serves as a guide post for the drilling template instrument 50 described in greater detail below.

Referring to FIG. 17B, as an alternative embodiment of the alignment rod 70, a splined alignment rod 70' that has a finely splined surface 72' along its longitudinal axis and a threaded end 74' that may be attached to the threaded aperture 45 of the spinal fusion implant is shown.

Referring to FIG. 18, a drilling template instrument 50 for creating a pair of insertion holes 53a and 53b in each of the vertebrae V for receiving each of the projection 16 and 17 respectively is shown. The drilling template instrument 50 has a template 52 with a central aperture 54 therethrough and guide passages 55 and 56 for guiding a drill bit 51 of a drilling tool. Attached to the template 52 is a handle 58 which angles away from the template 52 so as not to obstruct the line of sight of the surgeon and to allow easy access to the template 52 and easy access to the guide holes 55 and 56 for the drill bit 51. Extending from the center of the bottom surface of the template 52 is a central member 59 (similar in structure and function to the central bar 35) for mating to an already implanted intervertebral spinal fusion implant 40. The central member 59 interdigitates with the depression 42 of the spinal fusion implant 40 so that the template 52 is properly oriented about the spinal fusion implant 40 and the guide holes 55 and 56 are properly oriented with respect to the vertebrae V adjacent to the spinal fusion implant 40. The alignment rod 70 serves as a guide post for the drill template instrument 50 as it fits through the central aperture 54 of the template 52 and aligns the template 52 with respect to the spinal fusion implant 40 and insures that it is coaxial. The central aperture 54 of the drilling template instrument 50 is smooth so that if it is placed over a splined alignment rod 70' the drilling template instrument 50 may be easily rotated about the splined alignment rod 70' into position such that the central member 59 is able to mate and interdigitate with the depression 44 of the spinal fusion implant 40.

Referring to FIGS. 19-24, the spinal fixation device 10 of the present invention is inserted in the following manner: at least one spinal fusion implant 40 is surgically implanted so that it is substantially within the disc space between two adjacent vertebrae V and engages at least a portion of each of the two adjacent vertebrae V. Once the spinal fusion implant 40 is in place, the alignment rod 70 is attached to the threaded aperture 45 of the spinal fusion implant 40. The alignment rod 70 serves as a guide post for the drilling template instrument 50 as it fits through the central aperture 54 of the template 52 and aligns the template 52 coaxially with respect to the spinal fusion implant 40.

Referring to FIG. 20, once the template 52 is properly aligned and the drilling template instrument 50 is seated so that the central member 59 interdigitates with the spinal fusion implant 40, the insertion holes 53a and 53b are drilled in each of the adjacent vertebrae V with a drilling instrument having a drill bit 51 with a diameter that is substantially smaller than the diameter of each of the projections 16 and 17 of the staple member 12.

Once the drilling of the insertion holes 53a and 53b is completed, the drill template instrument 50 is removed from the spinal fusion implant 40 and from the alignment rod 70. The alignment rod 70 is left in place attached to the threaded aperture 45 of the spinal fusion implant 40.

Referring to FIG. 21, the staple member 12 is placed onto the driving instrument 80 used for driving and fixing the staple member 12 into the vertebrae V so that the bottom flat member 84 and the posts 88a and 88b are aligned with the top member 14 and the depressions 22a and 22b of the top

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member 14. The alignment rod 70 serves as a guide post for the staple member 12 as it fits through the central opening 18 of the staple member 12 and aligns the staple member 12 coaxially with respect to the spinal fusion implant 40.

Referring to FIG. 22, once the staple member 12 is properly placed onto the bottom flat member 84 of the driving instrument 80, the staple member 12 and the driving instrument 80 are aligned with respect to the alignment rod 70 so that the alignment rod 70 passes through the central opening 18 of the staple member 12 and is inserted into the central hollow portion 89 of the driving instrument 80. The staple member 12 and the driving instrument 80 are then lowered along the alignment rod 70 so that the sharp distal end 32 of each of the projections 16 and 17 comes into contact with the external surface of the vertebrae V and is aligned with the previously drilled insertion holes 53a and 53b.

As shown in FIG. 22A, it is preferred that the insertion holes 53a and 53b be drilled so that when the projections 16 and 17 are inserted into the holes 53a and 53b, the incline planed inner surface 36 of each of the projections 16 and 17 contacts the inner wall W of the insertion holes 53a and 53b that is closest to the spinal fusion implant 40. In this manner a compression force F is created as each of the projections 16 and 17 of the staple member 12 is inserted into insertion holes 53a and 53b, respectively, compressing the bone of the vertebrae V toward the spinal fusion implant 40.

Referring to FIG. 23, the staple member 12 is then driven into the vertebrae V by applying a high impaction force to the driving instrument 80 with a hammer H or other impacting means against the top flat member 86 of the driving instrument 80. The staple member 12 is driven into the vertebrae V such that the projections 16 and 17 are moved forward into the insertion holes 53a and 53b, respectively, until the bottom surface 30 of the top member 14 of the staple member 12 comes to rest against the surface of the vertebrae V.

Referring to FIGS. 23-24, the driving instrument 80 is lifted away from the alignment rod 70 so that the alignment rod 70 is no longer within the central hollow portion 89 of the driving instrument 80. The alignment rod 70 is unthreaded from the threaded aperture 45 and is removed from the spinal fusion implant 40. The staple member 12 is secured to the spinal fusion implant 40 with the locking screw 60 which has a threaded pattern 62 with a reduced pitch. The reduced pitch of the locking screw 60 locks the locking screw 60 to the spinal fusion implant 40 with minimal turning of the locking screw 60 and prevents any unwanted loosening. Further, any of the three embodiments of the securing means 65, 65a or 65b described above in reference to FIGS. 15A-15C may be used to further prevent any unwanted loosening and outward excursion of the screw 60.

Referring back to FIG. 12, once the staple member 12 is driven into the vertebrae V and is secured to the spinal fusion implant 40, the spinal fusion implant 40 is prevented from rotating along its rotational axis R by its connection to the staple member 12 which is fixated across the disc space between the vertebrae V. The staple member 12 is prevented from backing out from the vertebrae V along the longitudinal axis L by its connection to the spinal fusion implant 40 and by the segmented and ratcheted portions 34 of the projections 16 and 17. In this manner, the staple member 12 and the spinal fusion implant 40 interact to prevent the dislodgement of each other from the vertebrae V in which they are implanted. Thus, the staple member 12 is made safe against dislodgement by attachment to the spinal fusion

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implant 40 and the stability of the spinal fusion implant 40 is assured as it is also stabilized by the staple member 12 and each works in connection with the other to remove the only remaining degree of freedom that would allow for the disengagement of either. In addition, the incline planed inner surface 36 at the distal end 32 of the projections 16 and 17 forces bone toward the spinal fusion implant 40 along force lines F to further secure the spinal fusion implant 40 and further prevent the dislodgement of the spinal fusion implant 40.

It is appreciated by those skilled in the art that when the bone of the vertebrae V is sufficiently soft, a shorter method (hereinafter referred to as the "Short Method") of inserting the spinal fixation device 10 is possible by omitting the steps of drilling the insertion holes 53a and 53b prior to inserting the staple member 12 into the vertebrae V.

Referring to FIG. 22, in the Short Method, the splined alignment rod 70' that is finely splined along its longitudinal axis is used instead of the alignment rod 70. Once the splined alignment rod 70' has been attached to the spinal fusion implant 40, the staple member 12 may be placed over the splined alignment rod 70' so that the splined alignment rod 70' passes through the aperture 18 and into the central aperture 89 of the driving instrument 80. The central aperture 89 of the driving instrument 80 is correspondingly splined to the splines of the splined alignment rod 70' so that the staple member 12 can be aligned with respect to the spinal implant 40. The alignment of the staple member 12 and the driving instrument 80 is maintained as the corresponding splines of the central aperture 89 interdigitate with the splines of the splined alignment rod 70' and prevent the rotation of the staple member 12 about the splined alignment rod 70'. The prevention of rotation about the splined alignment rod 70' is especially important when the Short Method is used to insert the spinal fixation device 10, as no insertion holes 53a and 53b have been drilled in the vertebrae V. The staple 12 can be driven directly into the vertebrae V by the application of a high impaction force to the driving instrument 80 as described above and shown in FIG. 22.

Once the staple member 12 is driven into the vertebrae V, the steps of the longer method described above are used to secure the spinal fixation device to the spinal fusion implant 40 are the same. The Short Method of inserting the staple member 12 reduces the amount of time required to insert and secure the spinal fixation device 10 of the present invention and thus reduces the overall duration of the spinal fixation surgical procedure.

While the present invention has been described with respect to its preferred embodiment, it is recognized that alternative embodiments of the present invention may be devised without departing from the inventive concept.

For example, referring to FIG. 25, a first alternative embodiment of a spinal fixation device 110 having a staple member 112 with a top member 114 generally in the shape of an elongated oval having two curved sides 124a and 124b is shown. In this alternative embodiment, the curved sides 124a and 124b have upper edges 125a and 125b, respectively, that are radiused to conform to the external curvature of the vertebrae V thereby creating smooth contoured surfaces as described above for the spinal fixation device 10, the preferred embodiment of the present invention. The top member 114 has openings 122a and 122b in the upper surface 120 of the top member 114 and has two projections 116 and 117 depending downwardly from the bottom surface 130 of the top member 114 at opposite ends of the staple

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member 112. The projections 116 and 117 are the same as the projections 16 described above for the preferred embodiment.

Referring to FIG. 26, a second alternative embodiment of the spinal fixation device 210 having a staple member 212 is shown with a top member 214 that is generally rectangular in shape and has an upper surface 220 with openings 222a, 222b, 222c, and 222d. The top member 214 has four projections 216, 217, 218, and 219 depending from its bottom surface at each of its corners. The projections 216-217 are the same as the projections 16 and 17 described above in the preferred embodiment. The top member 214 has four straight sides 228a, 228b, 228c, and 228d having upper edges 225a, 225b, 225c, and 225d, respectively, that are radiused to conform to the external curvature of the vertebrae V create a smooth surface as described above for the preferred embodiment. The driving instrument 80' shown in FIG. 16B is used to insert the spinal fixation device 210.

Referring to FIG. 27, a third alternative embodiment of the spinal fixation device 310 having a staple 312 with a top member 314 that is generally triangular is shown. The top member 314 has two projections 316 and 317 depending from the bottom surface of the top member 314 that engage the vertebrae V. Extending from the center of the bottom surface of the top member 314 is a central member 390 which is similar to the central bar 35 of the preferred embodiment of the spinal fixation device 10 in that the central member 390 interdigitates with the depression 44 of the spinal fusion implant 40. However, the central bar 390 also has an extension arm 392 that extends laterally from the top member 314 to span the diameter of an adjacent spinal fusion implant 41. The extension arm 392 interdigitates with the depression 44 of the spinal implant 41. The extension arm 392 has a central aperture 394 for receiving a screw 60b used to couple the extension arm 392 to the spinal fusion implant 41. In this manner, a single spinal fixation device 310 is capable of interdigitating with two adjacent spinal fusion implants 40 and 41 to lock and prevent the rotation and any excursion of the spinal fusion implants 40 and 41. The fixation of two spinal fusion implants 40 and 41 is possible while leaving no protruding metal, such as the top member 314, on the side of the spine where the vessels are located in close approximation to the vertebrae as is the case with the L<sub>4</sub> and L<sub>5</sub> vertebrae where the vessels are located over the left side of those vertebrae. It is appreciated that any of the securing means 65-65b, described above may be used to lock the screw 60b to the extension arm 392.

Referring to FIG. 28, a fourth alternative embodiment of the spinal fixation device 410 having a staple member 412 with a top member 414 that is generally triangular in shape is shown in the installed position. The top member 414 is wider and larger than top member 14 as it is used with an implant 440 having a large diameter in the range of 22.0 mm to 28.0 mm. The top member 414 needs to be wider when used with implant 440 in order to provide a central bar 435 of sufficient length to interdigitate and mate with the depression 444 of the implant 440 in order to prevent its rotation. Further, the top member 414 is tapered at portion 416 so as not to cause erosion or pressure against the vessels that may be present in the area of the spine adjacent to the portion 416 of the top member 414.

Referring to FIGS. 29-32, a fifth alternative embodiment of the spinal fixation device 510 with a staple member 512 having a generally rectangular top member 514 is shown. The staple member 512 is similar in structure to the staple 212 described above except that the top member 514 has

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multipronged projection blades **516** and **517** depending from its lower surface **530** as shown in FIG. **30**. The multipronged projection blades **516** and **517** have the same function and similar structure as the projections **16** and **17** described above and include segmented and ratcheted portions **534** which are similar in design are function to segmented and ratcheted portions **34**. The multipronged blade projections **516** and **517** offer the added advantage of increasing the strength and stability of the staple member **514** once it is inserted into the bone of the vertebrae **V** providing a greater area of engagement of the staple member **512** to the vertebrae **V**.

The lower surface **530** has knobs **532** and **534** extending therefrom for engaging and interdigitating with a spinal implant **540** having an insertion end **541** with openings **542** and **544** for receiving knobs **532** and **534** respectively.

Referring to FIGS. **31** and **32**, the spinal fusion implant **540** is shown inserted within the disc space between two adjacent vertebrae **V**. The spinal implant **540** is generally rectangular in shape. The multiprong blade projections **516** and **517** have a width that is approximately equal or slightly less than the width of the spinal fusion implant **540**. Once inserted, the spinal fixation device **510** compresses the bone of the vertebrae **V** towards the spinal fusion implant **540** as discussed above in reference to FIG. **12**. The spinal fixation device **510** may be secured to the spinal fusion implant **540** with a screw **60** as discussed above.

The spinal fixation device **510** having a staple member **512** is the preferred embodiment of the present invention for use with a multi-segmental spinal alignment means **600** described in greater detail below in that the staple **512** provides a more solid anchoring means that can resist greater torsion forces resulting from the application of the multi-segmental spinal alignment means **600** to align the spine.

Alternatively, for all of the embodiments described above, the spinal fixation device **10** of the present invention could be made of resorbable materials, such as bio-compatible resorbable plastics, that resorb at an appropriate rate such that once the spinal fixation device **10** is no longer needed (i.e. when spinal fusion is complete) the body would resorb the spinal fixation device **10**. One such resorbable material is polygalactone, however any other resorbable plastic or other material safely usable within the human body are also within the scope of the present invention.

Further, the spinal fixation device could be only in part resorbable such that the projections **16** and **17** of the staple member **12** would be non-resorbable and would remain incarcerated in the vertebrae **V** and sealed off once the resorbable portion of the staple is resorbed by the body.

Referring to FIGS. **33** and **34**, as a further application, the spinal fixation device **510** of the present invention may be used as an anchor for a multi-segmental spinal alignment means **600**, such that a multiplicity of spinal fixation devices may then be interconnected via a cable, rod, bar, or plate, so as to achieve or maintain any desired multi-segment spinal alignment. In the preferred embodiment, the multi-segmental spinal alignment means **600** comprises more than one spinal fixation device **510** of the present invention placed in series along the spine such that each spinal fixation device **510** spans one disc **D** and engages two adjacent vertebrae **V**. The spinal fixation device **510** is preferred over the other embodiments of the present invention in that it has a greater area of engagement with the vertebrae **V** so as to provide a solid anchoring means for the multi-segmental spinal alignment means **600**. However, it is appreciated that other embodiments including but not limited to those described

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herein may be utilized as anchoring means for the multi-segmental spinal alignment means **600**.

When used as an anchor, each spinal fixation device **510** interdigitates with and is connected to a spinal fusion implant **610** having an insertion end **612**, an interior chamber **614** and is inserted in the disc space between the two adjacent vertebrae. The spinal fusion implant **610** has a threaded blind hole **620** for receiving a threaded post **622** therein. The blind hole **620** has a casing that is made of strong surgically, implantable material such as, but not limited to titanium. The casing **624** extends from the insertion end **612** of the spinal fusion implant **610** into the interior central chamber **614**. The insertion end **612** has a rigid construction that is capable of withstanding high torsion forces resulting from the tensioning of the multi-segmental spinal alignment means to align segments of the spine. In the preferred embodiment, the insertion end **612** of the spinal fusion implant has an end portion **626** that closes the insertion end **612**. The end portion is substantially thicker than the rest of the spinal fusion implant **610** and in the preferred embodiment, the end portion **626** has thickness ranging from 1.5 mm to 4.0 mm, with 2.5 mm being the preferred thickness.

Referring to FIG. **34**, the threaded post **622** has a threaded end **628** with a locking thread pattern that is substantially longer than the locking thread pattern **62** of the screw **60** described above and a head portion **630** having a hole **632** for receiving a rod **634** or a cable therethrough. The head portion **630** has a rounded exterior surface to prevent any damage such as aortic erosion to the vessels in the area adjacent to the spine. In the preferred embodiment the threaded post has a diameter ranging from 3.0 mm to 6.0 mm, with 4.5 mm being the preferred diameter and has a length ranging from 15.0 mm to 25.0 mm, with 20.0 mm being the preferred length. The head portion **630** extends at a height above the top member **514** of the spinal fixation device **510** of approximately 8.0 mm to 16.0 mm, with 12.0 mm being the height preferred once it is threadably attached to the spinal fusion implant **610** such that it does not significantly protrude from the spinal column into the tissue and vessels adjacent thereto.

Once the threaded post **622** is attached to the spinal fusion implant **610**, the head portion **630** of each threaded post **622** are connected to one another by the rod **634** having a sufficient diameter to fit through the hole **632** of each head portion **630**. The rod **634** has at least a portion thereof that is threaded so that a plurality of lock nuts **638** may be used to secure the rod **634** to the head portions **630**. The lock nuts **638** may also be used as length adjusting means to adjust the length of the rod **634** between head portions **630** so that segmental portions of the spine may be held closer together or held further apart for the purposes of aligning the spine. It is appreciated that a plurality of multi-segmental spinal alignment means **600** may be placed in series either on one side or on opposite sides of the spine, such that one side of the spine may be extended while the other side may be held stationary or may be compressed in order to achieve proper spinal alignment. The multi-segment spinal alignment may be maintained by keeping the rod tensioned with the lock nuts **638** or by any other means well known by those skilled in the art. It is also appreciated that in place of a rod **634** a cable, a plate or any other means well known by those skilled in the art may be used to interconnect the multi-segmental spinal alignment means.

Referring to FIG. **35**, a sixth alternative embodiment of the spinal fixation device of the present invention is shown and generally referred to by the numeral **710**. The spinal

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fixation device **710** comprises a top member **714** that is similar to the top member **14** described above, except that it does not have projections **16** and **17** extending from the bottom surface. Like numbers are being used to designate identical features of the top members **14** and **714**.

In the top member **714**, instead of having projections **16** and **17**, independent projection members **716** and **717** in the form of screws are used to secure the top member **714** of the spinal fixation device **710** to the vertebrae **V** of the spine. The projection screw members **716** and **717** each terminate in a sharp distal end **720** and **722** respectively, have a threaded portion **723**, and have screw heads **724** and **726** for engaging a screw driver or similar driving instrument.

The top member **714** has a hole **728** on one end and a hole **730** at its other end through which each of the projection screw members **716** and **717** respectively, may pass. The projection screw members **716** and **717** pass through the holes **728** and **730** to engage the vertebrae **V**. Each of the holes **728** and **730** has a concentric counter sunk recess **732** for receiving and seating the screw heads **724** and **726** of the projection screw members **716** and **717** so that the screw heads **724** and **726** are flush or below the top surface **20** of the top member **714** once inserted into the vertebrae **V**.

As the projection screw members **716** and **717** are threaded, they can be rotationally advanced into the vertebrae instead of by way of an impaction force such that the potential for damage to the vertebrae **V** is reduced. The threads of the threaded portion **723** follow one another as the projection screw members **716** and **717** are being screwed into the bone such that the integrity of the vertebrae **V** is preserved. Also, as the projection screw members **716** and **717** are independent from the top member **714**, the penetration depth of the spinal fixation device **710** into the bone of the vertebrae **V** may be easily altered by selecting different sized projection screw members **716** and **717** appropriate for the particular vertebrae being fused. Further, it is possible to configure the holes **728** and **730** in the top member **714** such that the projection screw members **716** and **717** may be inserted into the vertebrae **V** from a number of different angles relative to the top member **714**.

Adjacent and proximate to each of the holes **728** and **730** are threaded openings **740** and **742**, respectively, for receiving locking screws **744** and **746** respectively. Each of the locking screws **744** and **746** have a head portion **750** and a locking thread portion **754** for threadably and lockably engaging the threaded openings **740** and **742**. The locking screws **744** and **746** are attached to the top member **714** after the projection screw members **716** and **717** have been inserted into the vertebrae **V**. At least a part of the head portion **750** and **752** blocks and preferably makes contact with the screw projections **716** and **717** to prevent any unwanted loosening and outward excursion of the screw projections **716** and **717**.

It is appreciated that the projection members **716** and **717**, instead of being threaded screws, may have a number of other configurations such as, but not limited to, the configurations of the projections described above for the various embodiments of the present invention. If the projection members **716** and **717** are ratcheted instead of being threaded, they can be driven into the vertebrae **V** with a driving instrument and impaction force as described above for the method of the present invention.

While the present invention has been described with respect to its preferred embodiment and a number of alternative embodiments, it is recognized that additional varia-

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tions of the present invention may be devised without departing from the inventive concept and scope of the present invention.

I claim:

1. An apparatus for stabilizing vertebral bodies adjacent a disc space of a human spine having a longitudinal axis, said apparatus comprising:

an interbody spinal fusion implant adapted to be surgically implanted at least in part within the disc space between the adjacent vertebral bodies in a segment of the spine, said implant comprising upper and lower portions for contacting each of the adjacent vertebral bodies when positioned therein and a maximum height from said upper portion to said lower portion, each of said upper and lower portions having at least one opening adapted to communicate with one of the adjacent vertebral bodies, said openings of said upper and lower portions being in communication with one another and adapted for permitting the growth of bone from adjacent vertebral body to adjacent vertebral body through said implant, said implant having an insertion end for entry into the spine and a trailing end opposite said insertion end; and

a spinal fixation device detachably coupled to said trailing end of said spinal implant and adapted to be attached to both of the adjacent vertebral bodies while coupled to said trailing end of said implant, said spinal fixation device having a length generally parallel to the longitudinal axis of the spine when said spinal fixation device is engaged to the adjacent vertebral bodies, the length of said fixation device being greater than the maximum height of said implant.

2. The apparatus of claim 1, wherein said spinal fixation device comprises at least a first opening formed therethrough to receive a first fastener to secure said spinal fixation device to one of the vertebral bodies and at least a second opening formed therethrough to receive a second fastener to secure said spinal fixation device to another one of the vertebral bodies.

3. The apparatus of claim 1, further comprising at least one opening adapted to receive a fastener to secure said spinal fixation device to said spinal implant.

4. The apparatus of claim 1, wherein said spinal fixation device has a top member having a longitudinal axis and a horizontal axis transverse to the longitudinal axis, said top member having a plurality of openings therethrough, at least a first pair of said openings being aligned along the longitudinal axis and at least a second pair of said openings being aligned along the horizontal axis.

5. The apparatus of claim 4, wherein said first pair of openings are adapted to receive a fastener for securing said spinal fixation device to the vertebral bodies.

6. The apparatus of claim 4, wherein said second pair of openings are adapted to receive a fastener for securing said spinal fixation device to said spinal implant.

7. The apparatus of claim 1, wherein said spinal fixation device comprises at least two fasteners for attaching said spinal fixation device to each of the adjacent vertebral bodies.

8. The apparatus of claim 7, wherein said fasteners include at least one of a screw and a prong.

9. The apparatus of claim 1, wherein said spinal fixation device has a top member having a lower facing portion adapted to face said spinal implant and the vertebral bodies and an upper facing portion opposite said lower facing portion.

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10. The apparatus of claim 9, wherein said lower facing portion has a first end portion for contacting one of the adjacent vertebral bodies, a second end portion adapted to contact another of the adjacent vertebral bodies, and a middle portion between said first and second end portions for contacting said spinal implant, said middle portion being at least in part in a first plane and said first and second portions being at least in part in a second plane different than said first plane.

11. The apparatus of claim 10, wherein said middle portion protrudes from said lower facing portion of said top member to form a leading wall and opposite side walls, said opposite side walls being at an angle to said first and second end portions of said lower facing portion.

12. The apparatus of claim 11, wherein said opposite side walls are generally perpendicular to said first and second end portions of said lower facing portion.

13. The apparatus of claim 1, wherein said spinal fixation device is generally triangular in shape.

14. The apparatus of claim 1, wherein approximately one half of said spinal fixation device is generally triangular in shape.

15. The apparatus of claim 1, wherein said spinal fixation device has a opposite ends, opposite sides, and a longitudinal axis passing through said ends, said opposite sides proximate a mid-point between said opposite ends being spaced apart a greater distance than proximate said opposite ends.

16. The apparatus of claim 15, wherein said opposite sides are tapered toward each other proximate said opposite ends.

17. The apparatus of claim 1, wherein at least a portion of said upper and lower portions of said spinal implant are arcuate along at least a portion of their length.

18. The apparatus of claim 1, wherein said upper and lower portions of said spinal implant further comprise a protrusion for engaging the adjacent vertebral bodies.

19. The apparatus of claim 18, wherein said protrusion is a thread.

20. The apparatus of claim 1, wherein said implant has a hollow interior, at least one of said insertion and trailing ends of said spinal implant is being open for loading bone growth promoting material into said hollow interior.

21. The apparatus of claim 20, further comprising an end cap for closing said open end.

22. The apparatus of claim 20, wherein said hollow interior is a chamber and the bone growth promoting material includes a bone graft.

23. The apparatus of claim 1, wherein said spinal implant includes an artificial material other than bone.

24. The apparatus of claim 1, wherein said implant comprises harvested bone.

25. The apparatus of claim 1, wherein said implant is in combination with bone growth promoting material.

26. The apparatus of claim 25, wherein said bone growth promoting material includes at least one of harvested bone, hydroxyapatite and bone morphogenetic protein.

27. The apparatus of claim 1, wherein said implant is treated with a bone growth promoting substance.

28. The apparatus of claim 1, wherein said implant is a source of osteogenesis.

29. The apparatus of claim 1, wherein said implant is at least in part bioabsorbable.

30. The apparatus of claim 1, wherein said implant comprises metal.

31. The apparatus of claim 1, wherein said implant comprises a plastic material.

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32. The apparatus of claim 1, wherein said implant comprises a ceramic material.

33. The apparatus of claim 1, wherein said implant is formed of a porous material.

34. The apparatus of claim 1, wherein said implant is formed of a material that intrinsically participates in the growth of bone from adjacent vertebral body to adjacent vertebral body through said implant.

35. An apparatus for replacing a portion of an anterior longitudinal ligament that has been at least in part surgically removed to access a disc space between two adjacent vertebral bodies of a human spine having a longitudinal axis, said apparatus comprising:

an interbody spinal fusion implant adapted to be surgically implanted at least in part within the disc space between the two adjacent vertebral bodies in a segment of the spine, said implant comprising upper and lower portions for contacting each of the adjacent vertebral bodies when positioned therein and a maximum height from said upper portion to said lower portion, each of said upper and lower portions having at least one opening adapted to communicate with one of the adjacent vertebral bodies, said openings of said upper and lower portions being in communication with one another and adapted for permitting for the growth of bone from adjacent vertebral body to adjacent vertebral body through said implant, said implant having an insertion end for entry into the spine and a trailing end opposite said insertion end; and

an anterior longitudinal ligament replacement member detachably coupled to said trailing end of said spinal implant and adapted to be attached to both of the two adjacent vertebral bodies while coupled to said trailing end of said implant, said ligament replacement member having a length generally parallel to the longitudinal axis of the spine when said ligament replacement member is engaged to the adjacent vertebral bodies, the length of said ligament replacement member being greater than the maximum height of said implant, the length of said ligament replacement member being sufficient to connect to each of the vertebral bodies adjacent to the disc space to replace at least a portion of the removed anterior longitudinal ligament.

36. The apparatus of claim 35, wherein said ligament replacement member comprises at least a first opening formed therethrough to receive a first fastener to secure said ligament replacement member to one of the vertebral bodies and at least a second opening formed therethrough to receive a second fastener to secure said ligament replacement member to another one of the vertebral bodies.

37. The apparatus of claim 35, further comprising at least one opening adapted to receive a fastener to secure said ligament replacement member to said spinal implant.

38. The apparatus of claim 35, wherein said ligament replacement member has a top member having a longitudinal axis and a horizontal axis transverse to the longitudinal axis, said top member having a plurality of openings there-through, at least a first pair of said openings being aligned along the longitudinal axis and at least a second pair of said openings being aligned along the horizontal axis.

39. The apparatus of claim 38, wherein said first pair of openings are adapted to receive a fastener for securing said ligament replacement member to the vertebral bodies.

40. The apparatus of claim 38, wherein said second pair of openings are adapted to receive a fastener for securing said ligament replacement member to said spinal implant.

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41. The apparatus of claim 35, wherein said ligament replacement member comprises at least two fasteners for attaching said ligament replacement member to each of the adjacent vertebral bodies.

42. The apparatus of claim 41, wherein said fasteners include at least one of a screw and a prong.

43. The apparatus of claim 35, wherein said ligament replacement member has a top member having a lower facing portion adapted to face said spinal implant and the vertebral bodies and an upper facing portion opposite said lower facing portion.

44. The apparatus of claim 43, wherein said lower facing portion has a first end portion for contacting one of the adjacent vertebral bodies, a second end portion adapted to contact another of the adjacent vertebral bodies, and a middle portion between said first and second end portions for contacting said spinal implant, said middle portion being at least in part in a first plane and said first and second portions being at least in part in a second plane different than said first plane.

45. The apparatus of claim 44, wherein said middle portion protrudes from said lower facing portion of said top member to form a leading wall and opposite side walls, said opposite side walls being at an angle to said first and second end portions of said lower facing portion.

46. The apparatus of claim 45, wherein said opposite side walls are generally perpendicular to said first and second end portions of said lower facing portion.

47. The apparatus of claim 35, wherein said ligament replacement member is generally triangular in shape.

48. The apparatus of claim 35, wherein approximately one half of said ligament replacement member is generally triangular in shape.

49. The apparatus of claim 35, wherein said ligament replacement member has a opposite ends, opposite sides, and a longitudinal axis passing through said ends, said opposite sides proximate a mid-point between said opposite ends being spaced apart a greater distance than proximate said opposite ends.

50. The apparatus of claim 49, wherein said opposite sides are tapered toward each other proximate said opposite ends.

51. The apparatus of claim 35, wherein at least a portion of said upper and lower portions of said spinal implant are arcuate along at least a portion of their length.

52. The apparatus of claim 35, wherein said upper and lower portions of said spinal implant further comprise a protrusion for engaging the adjacent vertebral bodies.

53. The apparatus of claim 52, wherein said protrusion is a thread.

54. The apparatus of claim 35, wherein said implant has a hollow interior, at least one of said insertion and trailing ends of said spinal implant is being open for loading bone growth promoting material into said hollow interior.

55. The apparatus of claim 54, further comprising an end cap far closing said open end.

56. The apparatus of claim 54, wherein said hollow interior is a chamber and the bone growth promoting material includes a bone graft.

57. The apparatus of claim 35, wherein said spinal implant includes an artificial material other than bone.

58. The apparatus of claim 35, wherein said implant comprises harvested bone.

59. The apparatus of claim 35, wherein said implant is in combination with bone growth promoting material.

60. The apparatus of claim 59, wherein said bone growth promoting material includes at least one of harvested bone, hydroxyapatite and bone morphogenetic protein.

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61. The apparatus of claim 35, wherein said implant is treated with a bone growth promoting substance.

62. The apparatus of claim 35, wherein said implant is a source of osteogenesis.

63. The apparatus of claim 35, wherein said implant is at least in part bioabsorbable.

64. The apparatus of claim 35, wherein said implant comprises metal.

65. The apparatus of claim 35, wherein said implant comprises a plastic material.

66. The apparatus of claim 35, wherein said implant comprises a ceramic material.

67. The apparatus of claim 35, wherein said implant is formed of a porous material.

68. The apparatus of claim 35, wherein said implant is formed of a material that intrinsically participates in the growth of bone from adjacent vertebral body to adjacent vertebral body through said implant.

69. A method for stabilizing two vertebral bodies adjacent a disc space of a human spine having a longitudinal axis, comprising the steps of:

removing at least a portion of an anterior longitudinal ligament of a segment of the human spine to access the disc space;

forming an implantation space across the disc space and into a portion of the adjacent vertebral bodies;

implanting an interbody spinal implant adapted to be surgically implanted at least in part within the implantation space, the spinal implant being adapted to contact both of the vertebral bodies adjacent to the disc space when the disc space has been restored to approximate a normal height for the disc space, the spinal implant having a height generally parallel to the longitudinal axis of the spine when the implant is implanted at least in part within the implantation space; and

replacing the removed portion of the anterior longitudinal ligament by attaching an anterior longitudinal ligament replacement member to both of the two adjacent vertebral bodies, the ligament replacement member being detachably coupled to the spinal implant, the ligament replacement member having a length generally parallel to the longitudinal axis of the spine when the ligament replacement member is engaged to the adjacent vertebral bodies, the length of the ligament replacement member being greater than the maximum height of the implant.

70. The method of claim 69, further comprising the step of using at least a first fastener to secure the ligament replacement member to one of the vertebral bodies and at least a second fastener to secure said ligament replacement member to another one of the vertebral bodies.

71. The method of claim 69, further comprising the step of using a fastener to secure said ligament replacement member to said spinal implant.

72. The method of claim 70, wherein said fasteners include at least one of a screw and a prong.

73. The method of claim 69, wherein said implanting step includes implanting the spinal implant having at least a portion of the upper and lower portions being arcuate along at least a portion of their length.

74. The method of claim 69, wherein said implanting step includes implanting the spinal implant having upper and lower portions comprising a protrusion for engaging the adjacent vertebral bodies.

75. The method of claim 74, wherein said protrusion is a thread.

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76. The method of claim 69, wherein said implanting step includes implanting the spinal implant in combination with bone growth promoting material.

77. The method of claim 76, wherein said bone growth promoting material includes at least one of harvested bone, hydroxyapatite and bone morphogenetic protein.

78. A spinal system for use in the human spine having a longitudinal axis, said system comprising:

a first implant including a first body portion positionable in a disc space between adjacent upper and lower vertebral bodies, the disc space having a height from one of the adjacent vertebral bodies to the other of the adjacent vertebral bodies;

a second implant including a second body portion positionable in the disc space between adjacent upper and lower vertebral bodies; and

a ligament replacement member extending from each of said first body portion and said second body portion, said ligament replacement member having a length generally parallel to the longitudinal axis of the spine when said ligament replacement member is engaged to the adjacent vertebral bodies, the length of said ligament replacement member being greater than the height of the disc space.

79. The system of claim 78, wherein said first body portion has a leading end and an opposite trailing end, and said ligament replacement member is attached to said trailing end of said first body portion.

80. The system of claim 78, wherein each of said first and second body portions includes an upper bearing surface and a lower bearing surface separated by a height, said height adapted to maintain spacing between the adjacent vertebral bodies.

81. The system of claim 80, wherein each of said upper and lower bearing surfaces of each of said first and second body portions includes a bone engaging surface to inhibit expulsion of said implant from the disc space.

82. The system of claim 81, wherein each of said first and second body portions is configured for rotatable insertion into the disc space and each of said bone engaging surfaces is threaded.

83. The system of claim 78, wherein at least one of said first and second body portions is shaped for push-in insertion into the disc space.

84. The system of claim 78, wherein said first and second implants are spinal fusion devices.

85. The system of claim 78, wherein said ligament replacement member comprises:

a first opening formed therethrough to receive a first fastener to secure the ligament replacement member to the upper vertebral body; and

a second opening formed therethrough to receive a second fastener to secure the ligament replacement member to the lower vertebral body.

86. The system of claim 78, wherein said ligament replacement member is removably attachable to at least one of said first and second body portions.

87. A spinal system for use in the human spine having a longitudinal axis, said system comprising:

a first implant including a first body portion positionable in a disc space between adjacent upper and lower vertebral bodies;

a second implant including a second body portion positionable in the disc space between adjacent upper and lower vertebral bodies;

a ligament replacement member extending from each of said first body portion and said second body portion

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and positionable along the upper vertebral body and along the lower vertebral body when said first body portion and said second body portion are positioned in the disc space; and

a plurality of fasteners, said ligament replacement member having a plurality of openings configured to receive said fasteners, one of said openings being adapted to position one of said fasteners through said ligament replacement member and into one of the adjacent vertebral bodies, another of said openings being adapted to position another of said fasteners through said ligament replacement member and into the other of the adjacent vertebral bodies.

88. The system of claim 87, wherein said first body portion has a leading end and an opposite trailing end, and said ligament replacement member is attached to said trailing end of said first body portion.

89. The system of claim 87, wherein each of said first and second body portions includes an upper bearing surface and a lower bearing surface separated by a height, said height adapted to maintain spacing between the adjacent vertebral bodies.

90. The system of claim 89, wherein each of said upper and lower bearing surfaces of each of said first and second body portions includes a bone engaging surface to inhibit expulsion of said implant from the disc space.

91. The system of claim 90, wherein each of said first and second body portions is configured for rotatable insertion into the disc space and each of said bone engaging surfaces is threaded.

92. The system of claim 87, wherein at least one of said first and second body portions is shaped for push-in insertion into the disc space.

93. The system of claim 87, wherein said first and second implants are spinal fusion devices.

94. The system of claim 87, wherein said ligament replacement member is removably attachable to at least one of said first and second body portions.

95. The system of claim 1, wherein said insertion end of said implant is closed.

96. The system of claim 35, wherein said insertion end of said implant is closed.

97. The system of claim 69, wherein said implant has a closed insertion end for entry into the spine.

98. The system of claim 78, wherein said first and second implants have a closed insertion end for entry into the spine.

99. The system of claim 87, wherein said first and second implants have a closed insertion end for entry into the spine.

100. The apparatus of claim 1, wherein said spinal fixation device is detachably coupled to said spinal implant using at least one fastener and a protrusion formed on said spinal fixation device for interdigitating with a recess formed on said spinal implant.

101. The apparatus of claim 100, wherein the interdigitating of said protrusion with said recess serves in preventing rotation of said spinal fixation device relative to said spinal implant.

102. The apparatus of claim 100, wherein said at least one fastener is received in openings provided through said spinal fixation device and said spinal implant.

103. The apparatus of claim 102, wherein one of said openings is provided through said protrusion.



UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT NO. : 7,255,698 B2  
APPLICATION NO. : 10/638766  
DATED : August 14, 2007  
INVENTOR(S) : Gary Karlin Michelson

Page 1 of 1

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

Title Page, Item (57) Abstract:

Line 14: change "deice" to -- device --.

Title Page 2, Item (56) References Cited:

Foreign Patent Documents, line 7: change "0 522 109" to -- 0 552 109 --.

Column 19:

Line 24: change "has a opposite ends" to -- has opposite ends --.

Column 21:

Line 35: change "has a opposite ends" to -- has opposite ends --; and

Line 55: change "far" to -- for --.

Column 23:

Line 6: change "hydroxyapabte" to -- hydroxyapatite --.

Signed and Sealed this

Sixth Day of November, 2007

A handwritten signature in black ink on a light gray dotted background. The signature reads "Jon W. Dudas" in a cursive style.

JON W. DUDAS

*Director of the United States Patent and Trademark Office*