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**Michelson**

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(54) **HEMI-ARTIFICIAL CONTOURED SPINAL FUSION IMPLANTS MADE OF A MATERIAL OTHER THAN BONE**

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(\* ) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 322 days.

This patent is subject to a terminal disclaimer.

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(60) Provisional application No. 60/281,187, filed on Apr. 3, 2001, provisional application No. 60/281,124, filed on Apr. 2, 2001.

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

See application file for complete search history.

(57) **ABSTRACT**

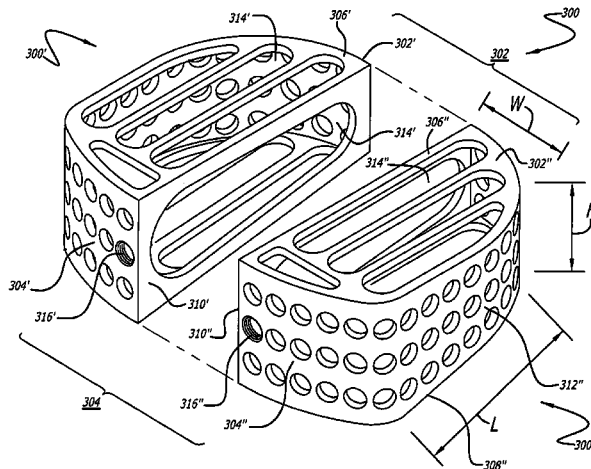
An interbody spinal implant made of a material other than bone adapted for placement across an intervertebral space formed across the height of a disc space between two adjacent vertebral bodies. The implant has a leading end that includes at least a portion of an arc of a circle from side to side, and sides that are at least in part straight or a trailing end having a radius of curvature of another circle from side to side.

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**50 Claims, 6 Drawing Sheets**



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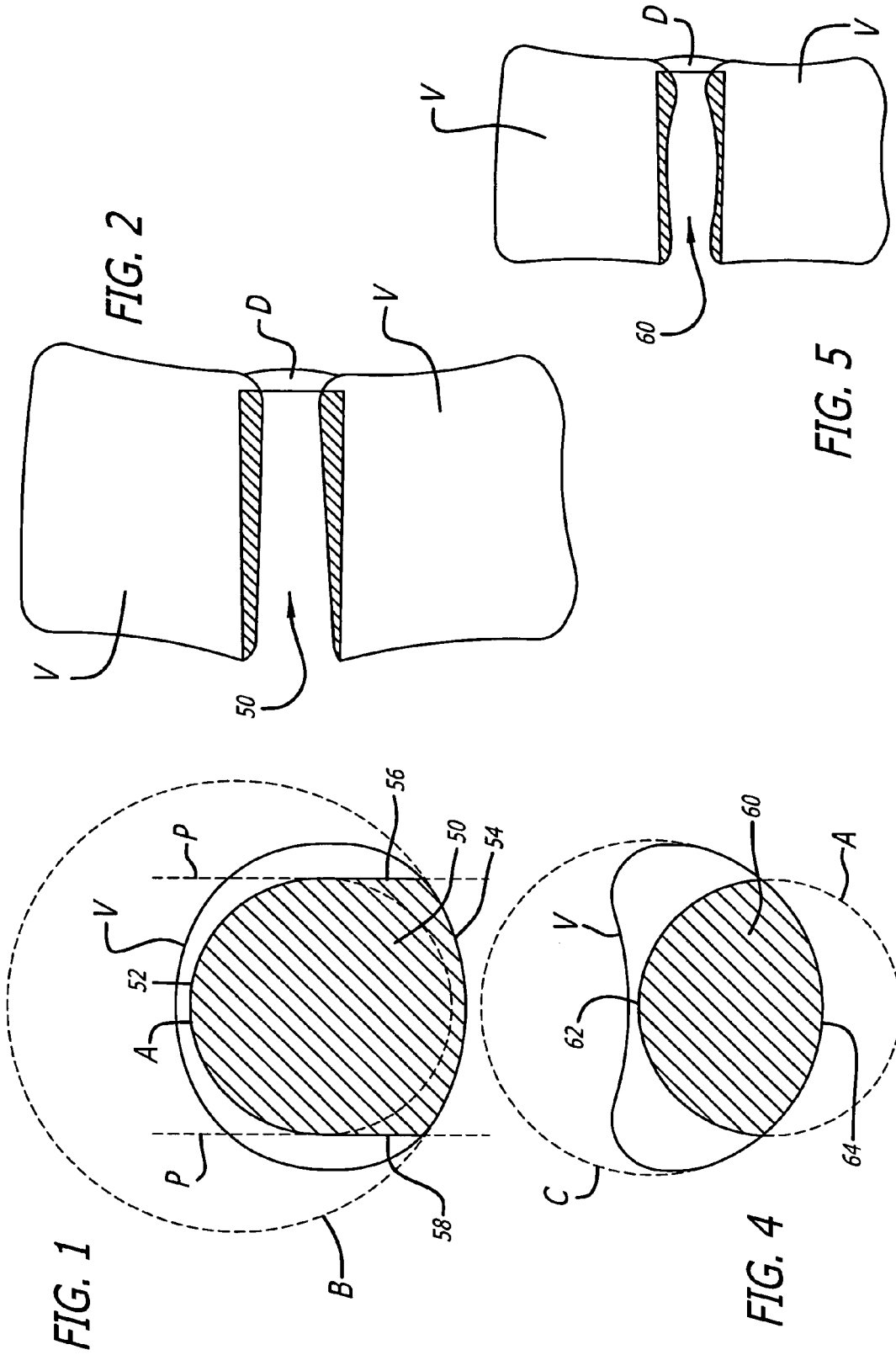
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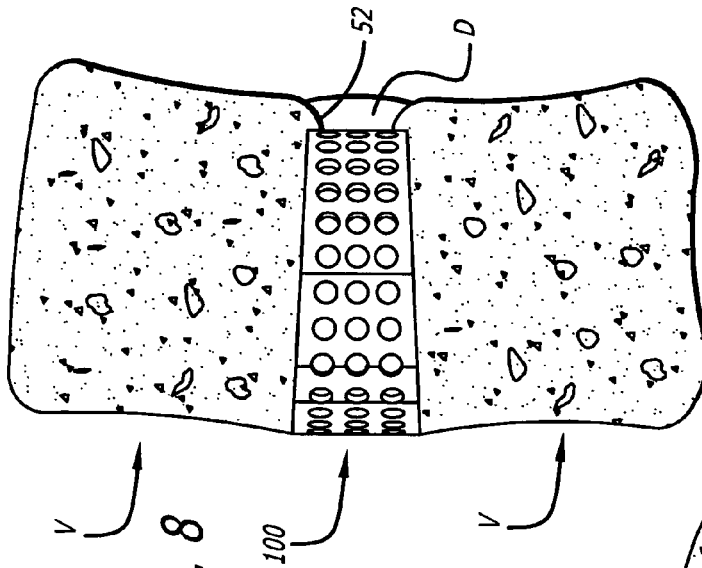


FIG. 8

100

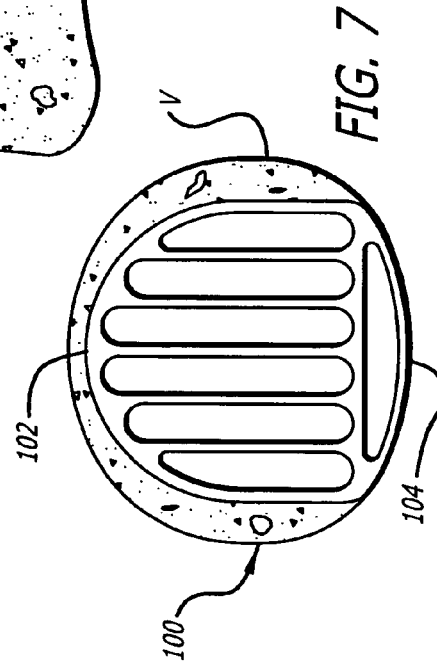


FIG. 7

102

104

100

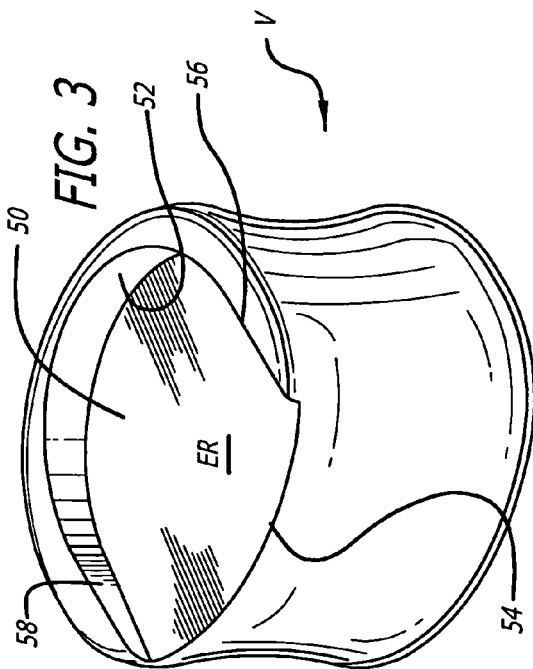


FIG. 3

50

52

56

V

54

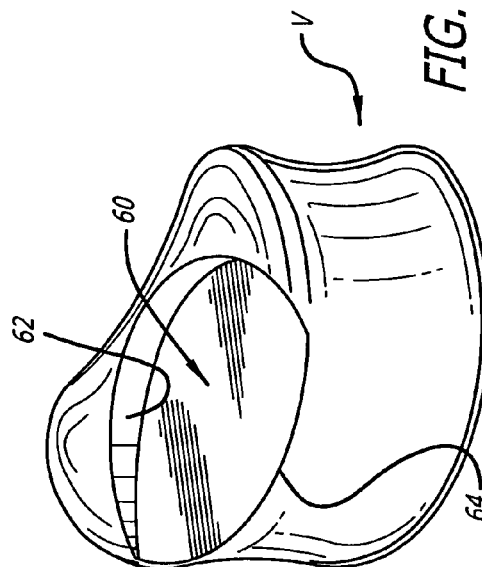


FIG. 6

60

62

V

64

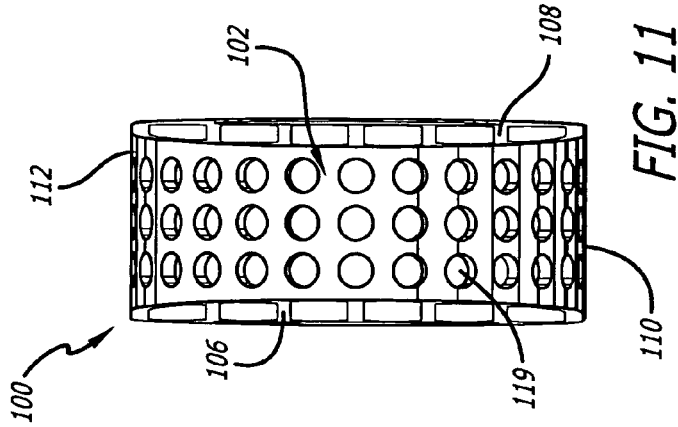


FIG. 11

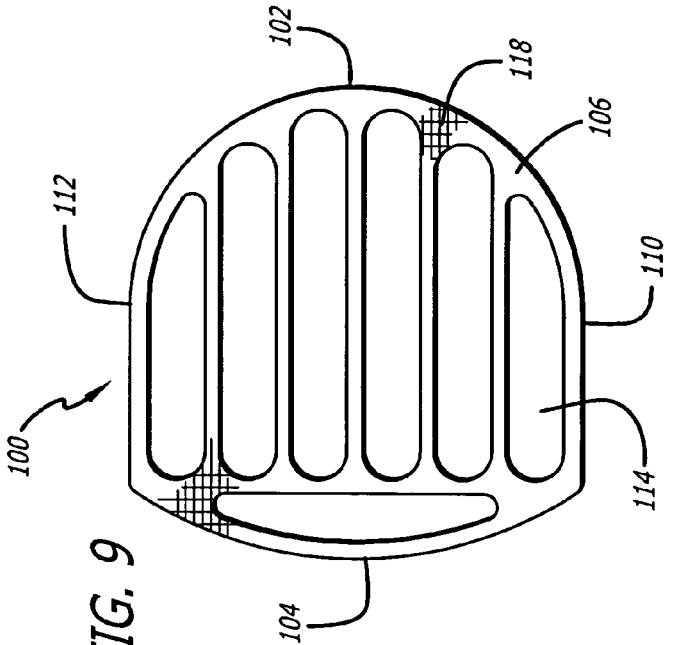


FIG. 9

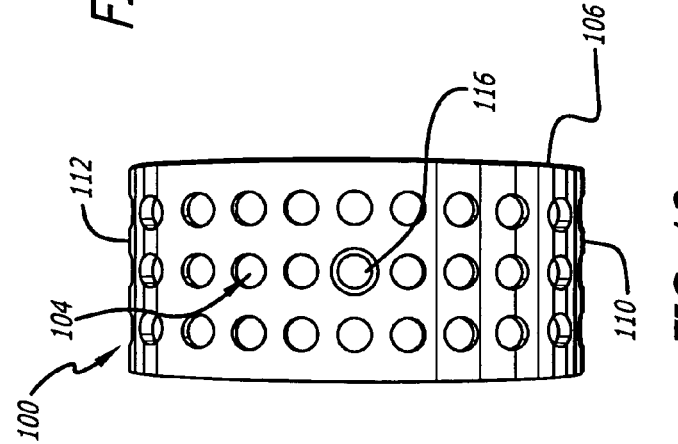


FIG. 12

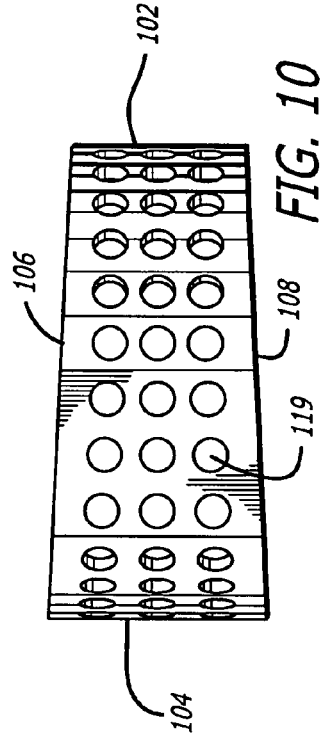


FIG. 10

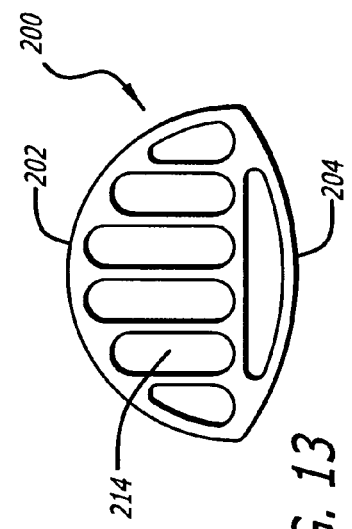


FIG. 13

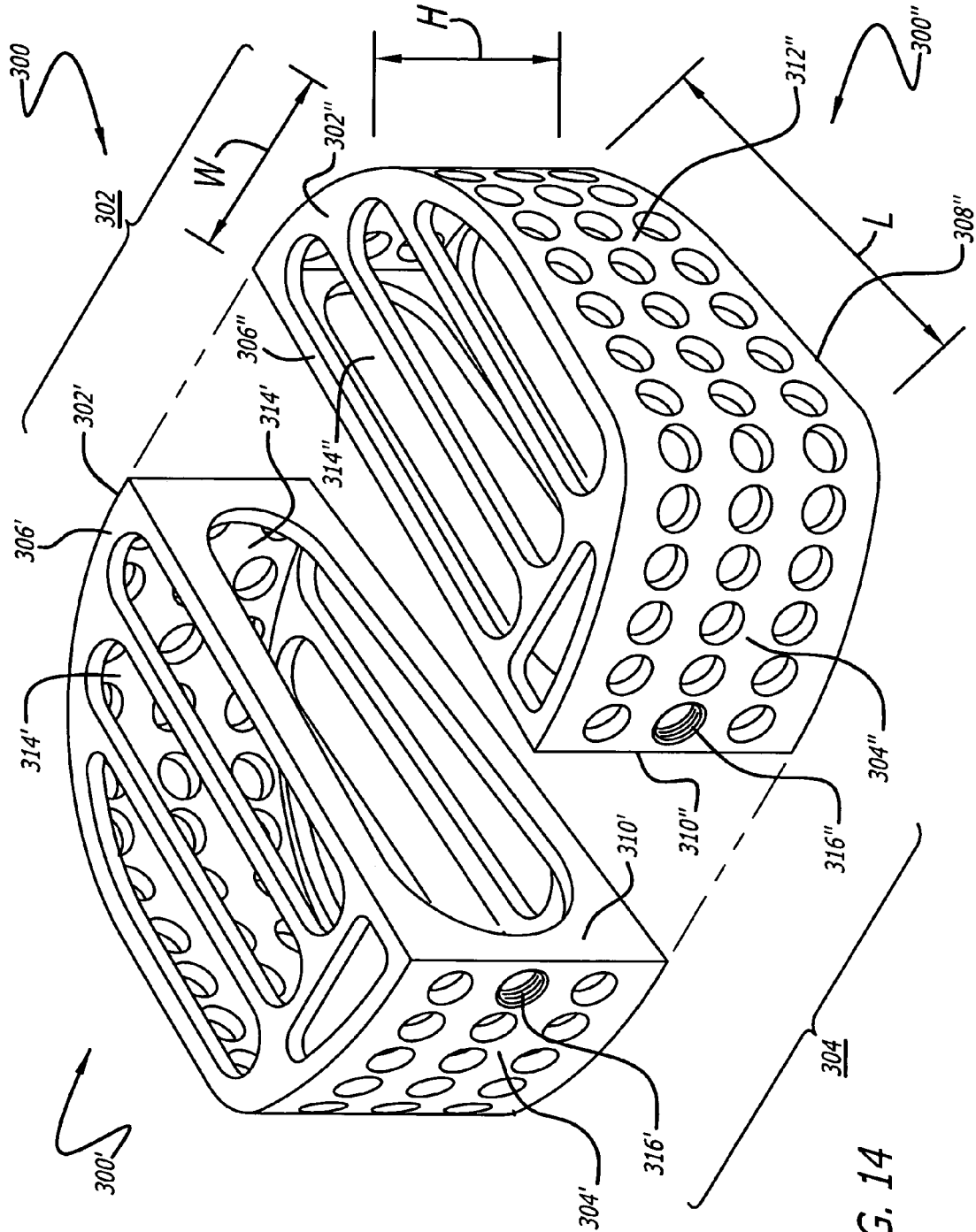
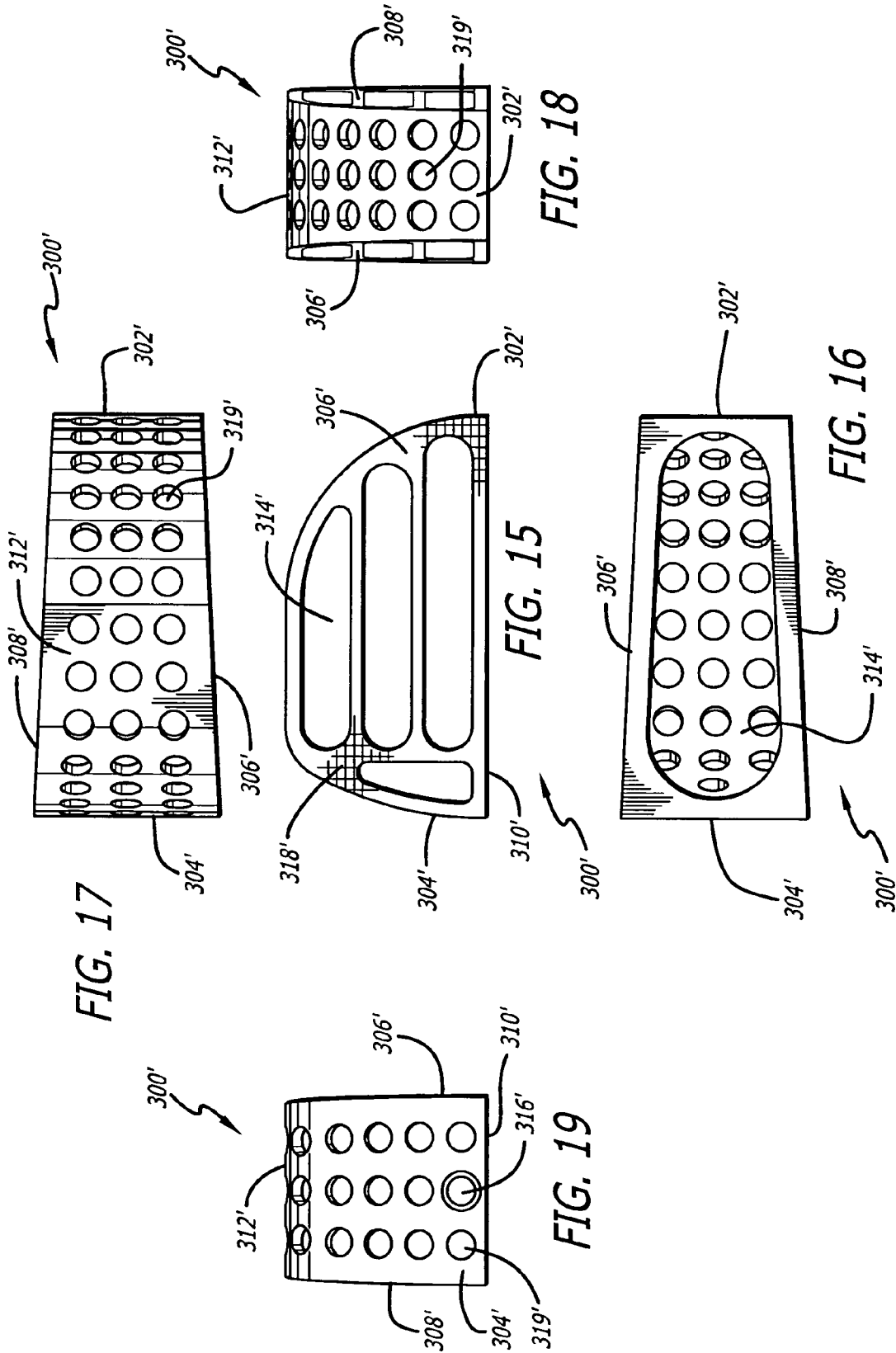


FIG. 14





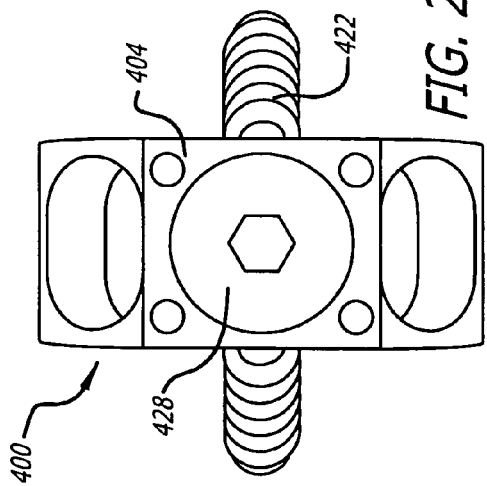
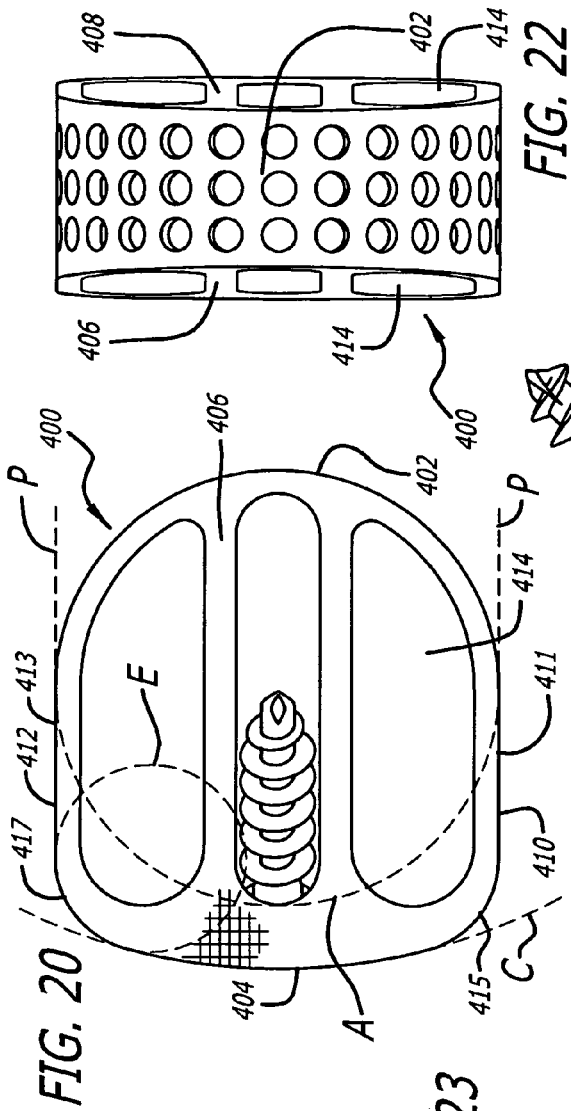
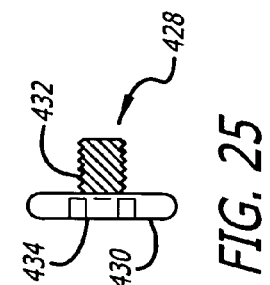
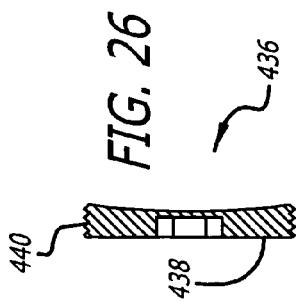
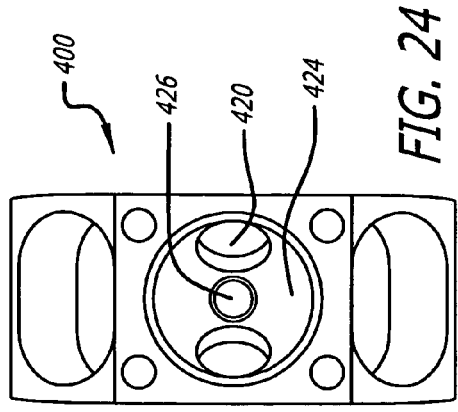
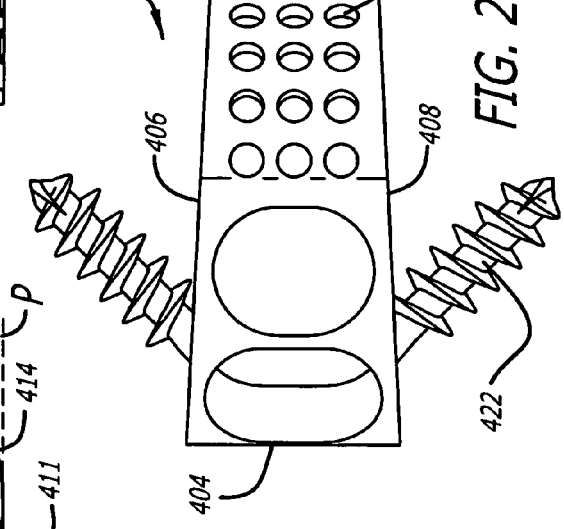


FIG. 22



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## HEMI-ARTIFICIAL CONTOURED SPINAL FUSION IMPLANTS MADE OF A MATERIAL OTHER THAN BONE

### RELATED APPLICATIONS

This application is a continuation of application Ser. No. 10/112,747, filed Apr. 2, 2002; now U.S. Pat. No. 6,890,355 which claims the benefit of Provisional Application No. 60/281,187, filed Apr. 3, 2001, and Provisional Application No. 60/281,124, filed Apr. 2, 2001; all of which are incorporated by reference herein.

### FIELD OF THE INVENTION

The present invention relates generally to interbody spinal implants preferably adapted for placement into an implantation space created across the height of a disc space between two adjacent vertebral bodies for the purpose of correcting spinal disease at that interspace. The spinal implants are made of an implant material that is other than bone and may or may not be resorbable. The implants are adapted such that fusion occurs at least in part through the implants.

### DESCRIPTION OF THE RELATED ART

Implants for placement between adjacent vertebral bodies in the spine come in a variety of shapes and sizes and are made of a variety of materials. Such implants for use in human spinal surgery include implants made of selected inert materials, such as titanium, that have a structure designed to promote fusion of the adjacent vertebral bodies by allowing bone to grow through the implant to thereby fuse the adjacent vertebral bodies.

The spinal disc that resides between adjacent vertebral bodies maintains the spacing between those vertebral bodies and, in a healthy spine, allows for relative motion between the vertebrae. At the time of surgery, for example in the instance where fusion is intended to occur between adjacent vertebral bodies of a patient's spine, the surgeon typically prepares an opening at the site of the intended fusion by removing some or all of the disc material that exists between the adjacent vertebral bodies to be fused. Because the outermost layers of bone of the vertebral end plate are relatively inert to new bone growth, the surgeon must work on the end plate to remove at least the outermost cell layers of bone to gain access to the blood-rich, vascular bone tissue within the vertebral body. In this manner, the vertebrae are prepared in a way that encourages new bone to grow into or through an implant that is placed between the vertebral bodies.

Present methods of forming this space between adjacent vertebral bodies generally include the use of one or more of the following: hand held biting and grasping instruments known as rongeurs; drills and drill guides; rotating burrs driven by a motor; osteotomes and chisels, and a double wheel cutter or vertebral interspace preparation device. In particular, the double wheel cutter or vertebral interspace preparation device, as disclosed by Michelson in WO 99/63891, incorporated herein by reference, is adapted for linear insertion, i.e., insertion along a single axis, and without the need to substantially move the device from side to side within the disc space along a second axis. In such a preferred embodiment, the device has at its working end an abrading element having a width generally corresponding to the width of the implant to be implanted.

There is a desire to improve congruity at the interfaces of the implant to the adjacent vertebral bodies, and to achieve

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stability of the implant. Therefore it is advantageous for the contour of the implants to closely match the implantation space formed between and at least in part into the adjacent vertebral bodies to allow a more uniform load transfer across the implant between the vertebral bodies.

As it is desirable to take advantage of all these benefits, there exists a need for an improved interbody spinal fusion implant made of a material other than bone having a configuration that provides for an improved congruity of the implant to the vertebral bodies and improved implant stability.

### SUMMARY OF THE INVENTION

In accordance with the purposes of the present invention, as embodied and broadly described herein, an artificial interbody spinal fusion implant made of a material other than bone is provided for insertion at least in part into an implantation space formed across the height of a disc space between adjacent vertebral bodies of a human spine. The implant includes a leading end for insertion first into the disc space and a trailing end opposite the leading end. The implant has a length from the leading end to the trailing end. The leading end is configured in the shape of approximately one half of a circle from side to side. The implant also includes opposed upper and lower portions between the leading and trailing ends that are adapted to be placed within the disc space to contact and support the adjacent vertebral bodies. The upper and lower portions are non-arcuate along at least a portion of the length of the implant. The upper and lower portions include at least one opening in communication with one another and adapted to hold bone growth promoting material for permitting for the growth of bone from vertebral body to vertebral body through the implant. The implant also includes opposed sides between the upper portion and lower portion, and between the leading and trailing ends. At least one of the opposite sides is at least in part straight along at least a portion of the length of the implant.

In accordance with the purposes of the present invention, as embodied and broadly described herein, an interbody spinal fusion implant made of a material other than bone is provided for insertion at least in part into an implantation space formed across the height of a disc space between adjacent vertebral bodies of a human spine. The implant includes a leading end for insertion first into the disc space and a trailing end opposite the leading end. The implant has a length from the leading end to the trailing end. The leading end is configured from side to side in the shape of approximately one half of a first circle. The trailing end has a radius of curvature of a second circle from side to side. The second circle has a radius greater than the radius of the first circle. The implant also includes opposed upper and lower portions between the leading and trailing ends that are adapted to be placed within the disc space to contact and support the adjacent vertebral bodies. The upper and lower portions include at least one opening in communication with one another and adapted to hold bone growth promoting material for permitting for the growth of bone from vertebral body to vertebral body through the implant. The implant has a maximum width that is greater than one-half of the width of the adjacent vertebral bodies into which the implant is adapted to be inserted.

Additional objects and advantages of the invention will be set forth in part in the description which follows, and in part will be obvious from the description, or may be learned by practice of the invention. The objects and advantages of the invention will be realized and attained by means of the elements and combinations particularly pointed out in the appended claims.

## BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a top plan view of a vertebral body in the lumbar spine with an implantation space formed to receive a spinal implant having a radius of curvature at the leading end that is less than the radius of curvature of the trailing end of the anterior aspect of the vertebral body between the sides of the implantation space.

FIG. 2 is a side elevation view of two adjacent vertebral bodies in the lumbar spine with the implantation space of FIG. 1 formed across the height of the spinal disc and into the adjacent vertebral bodies.

FIG. 3 is a side perspective view of the implantation space of FIG. 1.

FIG. 4 is a top plan view of a vertebral body in the cervical spine with an implantation space formed to receive a spinal implant having a radius of curvature at the leading end that is less than the radius of curvature of the trailing end of the anterior aspect of the vertebral body.

FIG. 5 is a side elevation view of two adjacent vertebral bodies in the cervical spine with the implantation space of FIG. 4 formed across the height of the spinal disc and into the adjacent vertebral bodies.

FIG. 6 is a side perspective view of the implantation space of FIG. 4.

FIG. 7 is a top plan view of a vertebral body in the lumbar spine and a preferred embodiment of an implant in accordance with the present invention installed into the implantation space of FIG. 1.

FIG. 8 is a side elevation view of two adjacent vertebral bodies with the implant of FIG. 7 installed into the implantation space of FIG. 1 formed across the height of the spinal disc and into the adjacent vertebral bodies.

FIG. 9 is a top plan view of the implant of FIG. 7.

FIG. 10 is a side elevation view of the implant of FIG. 7.

FIG. 11 is a leading end view of the implant of FIG. 7.

FIG. 12 is a trailing end view of the implant of FIG. 7.

FIG. 13 is a top plan view of another preferred embodiment of an implant in accordance with the present invention for use in the implantation space of FIG. 4.

FIG. 14 is a rear perspective view of another preferred embodiment of an implant in accordance with another preferred embodiment of the present invention having two members that are preferably mirror images of one another.

FIG. 15 is a top plan view of one of the members of the implant of FIG. 14.

FIG. 16 is an interior side elevation view of one of the members of the implant of FIG. 14.

FIG. 17 is an exterior side elevation view of one of the members of the implant of FIG. 14.

FIG. 18 is a leading end view of one of the members of the implant of FIG. 14.

FIG. 19 is a trailing end view of one of the members of the implant of FIG. 14.

FIG. 20 is a top plan view of another preferred embodiment of an implant in accordance with the present invention with bone engaging screws.

FIG. 21 is a side elevation view of the implant of FIG. 20.

FIG. 22 is a leading end view of the implant of FIG. 20.

FIG. 23 is a trailing end view of the implant of FIG. 20 with the bone engaging screws and lock installed.

FIG. 24 is a trailing end view of the implant of FIG. 23 without the bone engaging screws and lock installed.

FIG. 25 is a partial cross sectional side view of a preferred embodiment of a bone screw lock in accordance with the present invention for use with the implant of FIG. 20.

FIG. 26 is a cross sectional side view of another preferred embodiment of a bone screw lock in accordance with the present invention.

## DETAILED DESCRIPTION OF THE INVENTION

The following description is intended to be representative only and not limiting and many variations can be anticipated according to these teachings, which are included within the scope of this inventive teaching. Reference will now be made in detail to the preferred embodiments of this invention, examples of which are illustrated in the accompanying drawings. Wherever possible, the same reference numbers will be used throughout the drawings to refer to the same or like parts.

FIGS. 1-3 show an implantation space 50 formed across the height of the space occupied by a spinal disc D and into vertebral bodies V in the lumbar spine. Implantation space 50 is preferably formed with the apparatus and method disclosed by Michelson in U.S. Pat. No. 6,083,228, and WO 99/63891, the disclosures of which are both incorporated herein by reference. The instruments and method are not the subject matter of this application. It is understood that the preparation of the implantation space shown therein are a preferred instrument and method of preparing the implantation spaces and that any method and instrumentation suitable for the purpose may be utilized to prepare the desired implantation space adapted to receive the implants of the present invention.

Implantation space 50 is preferably formed in the endplate region ER in the subchondral bone of the vertebral body V. Implantation space 50 preferably is formed to have a leading edge 52 with a shape from side to side of approximately one-half of a first circle A. The trailing portion 54 of implantation space 50 preferably includes at least a portion of the anterior aspect of the vertebral body having a radius of curvature of a second circle B from side to side. Preferably the radius of circle A is less than the radius of circle B. Implantation space 50 may further include side edges 56, 58. Side edges 56, 58 preferably include at least a straight portion, may be parallel to one another along lines P and form a curved transition with leading edge 52.

FIGS. 4-6 show an implantation space 60 formed across the height of the space occupied by a spinal disc D and into vertebral bodies V in the cervical spine. Implantation space 60 preferably is formed to have a leading edge 62 with a shape from side to side of approximately one half of a first circle A. The trailing portion of implantation space 60 preferably includes at least a portion of the anterior aspect of the vertebral body having a radius of curvature of a second circle C from side to side. Preferably the radius of circle A is less than the radius of circle C. Implantation space 60, however, preferably does not have straight side edges like implantation space 50 because the anterior to posterior depth of cervical vertebral bodies is less than the anterior to posterior depth of lumbar vertebral bodies. Thus, the radius of circle C is smaller in the cervical spine than the radius of circle B in the lumbar spine.

FIGS. 7-12 show an implant 100 in accordance with a preferred embodiment of the present invention. Implant 100 has a leading end 102 for insertion first into the disc space between two adjacent vertebral bodies and a trailing end 104 opposite leading end 102, and opposite sides 110, 112 therebetween. Leading end 102 is preferably configured to match the contour of leading edge 52 of implantation space 50 and trailing end 104 is preferably configured to conform to the contour of the anterior aspect of the vertebral body at trailing portion 54 of implantation space 50. Sides 110, 112 are gen-

erally planar and preferably correspond to the configuration of side edges **56**, **58** of implantation space **50**.

In a preferred embodiment of the present invention, leading end **102**, trailing end **104**, and opposite sides **110**, **112** may have various configurations. Leading end **102** is preferably in the shape of approximately half a first circle from side to side. Where the implantation space is prepared into the vertebral bodies to have a lip or ridge that is at least in part curved, leading end **102** may be adapted to abut at least that portion of the implantation space.

One or both of sides **110**, **112** may also be formed to be at least in part oriented generally parallel to the mid-longitudinal axis of implant **100** and/or to each other. One or both of sides **110**, **112** may include at least one opening **119** to permit for the growth of bone therethrough and into implant **100**, though the invention is not so limited. Further, leading end **102** may be tapered to facilitate insertion of implant **100** between the two adjacent vertebral bodies.

Trailing end **104** preferably forms an arc of a second circle from side to side having a radius greater than the radius of the first circle associated with leading end **102**. Preferably, at least a portion of trailing end **104** is adapted to conform to at least a portion of the peripheral contour of the anterior aspect of the vertebral bodies adjacent the disc space into which the implant is adapted to be inserted, though the invention is not so limited.

FIG. **12** shows that implant **100** preferably has a driver opening **116** at trailing end **104** for cooperatively engaging an instrument for installing implant **100** into the implantation space. Driver opening **116** is preferably configured for threaded engagement with an insertion instrument.

FIGS. **8**, **10**, and **11** show at least a portion of upper and lower surfaces **106**, **108** in an angular relationship to each other from trailing end **104** to leading end **102** for allowing for angulation of the adjacent vertebral bodies relative to each other. Preferably, upper and lower surfaces **106**, **108** are non-arcuate in a direction along the mid-longitudinal axis of implant **100**. Implant **100** preferably has a maximum height that is less than the maximum width of the implant.

As shown in FIG. **9**, upper and lower surfaces **106**, **108** preferably have at least one opening **114** passing therethrough between leading and trailing ends **102**, **104**, respectively, and opposite sides **110**, **112**. Openings **114** are preferably adapted to hold bone growth promoting material to permit for the growth of bone from vertebral body to vertebral body through openings **114** and through implant **100**. Upper and lower surfaces **106**, **108** may also be porous and may include a bone ingrowth surface.

As shown in FIG. **9**, the implants described herein may include a bone-engaging surface **118** such as knurling for example. Bone engaging surface **118** is configured to engage the bone of the adjacent vertebral bodies to maintain implant **100** within the adjacent vertebral bodies after implantation. Other preferred embodiments of bone-engaging surfaces may include the surfaces of the implant being roughened, ratcheted, splined, or may include at least one protrusion to penetrably engage the bone of the vertebral bodies. By way of example only, the implants of the present invention may include the surface configuration taught by Michelson in U.S. patent application Ser. No. 09/457,228, entitled "Spinal Implant Surface Configuration," the disclosure of which is incorporated by reference herein.

Bone for use as the base material used to form the implant of the preferred embodiment is specifically excluded for the purpose of this application. Where the implants are for spinal fusion, it is appreciated that they may be adapted to receive fusion promoting substances and/or materials within them

such as, but not limited to cancellous bone, bone derived products, or others. In a preferred embodiment, the material of the implant is formed of material other than bone, such as metal including, but not limited to, titanium and its alloys, ASTM material, cobalt chrome, or tantalum, ceramic, various surgical grade plastics, plastic composites, carbon fiber composites, coral, and can include artificial materials which are at least in part bioresorbable.

Upper and lower surfaces that are angled relative to each other, when subsequently implanted into the spine, position the adjacent vertebral bodies in angular relationship to each other to restore the natural curvature of the spine, such as lordosis for example.

The implant may have a selected shape suitable for the intended purpose. For example only, the leading end may be in the shape of approximately one half of a circle from side to side. The sides may be at least in part straight. The trailing end may have any desired shape suitable for the intended purpose and may preferably conform to the anatomical contour of the adjacent vertebral bodies between which the implant is adapted to be inserted.

Implant **100** preferably has a length greater than one-half the depth of the vertebral bodies adjacent the disc space into which the implant is adapted to be inserted as measured between the anterior and posterior aspects of the vertebral bodies. Implant **100** also preferably has a maximum width that is greater than one-half the width of the adjacent vertebral bodies into which the implant is adapted to be inserted.

FIG. **13** shows another preferred embodiment of the present invention for use in the cervical spine generally referred to by the numeral **200**. Implant **200** is preferably configured to conform to the shape of implantation space **60** formed in the endplates of adjacent cervical vertebral bodies with instrumentation and methods similar to those used in association with the lumbar spine but modified for use in the cervical spine. Implant **200** may, for example, have a leading end **202** formed to have a shape of approximately one-half a first circle from side to side. Trailing end **204** preferably may be formed as an arc of a second circle from side to side that intersects the curvature of leading end **202** from side to side. The radius of the second circle associated with trailing end **204** is preferably greater than the radius of the first circle associated with leading end **202**.

FIGS. **14-19** show an implant **300** in accordance with another preferred embodiment of the present invention adapted for use from the anterior approach to the spine. FIG. **14** shows a rear perspective view of implant **300**. Implant **300** includes at least two members **300'**, **300''** that are adapted to be placed side by side with one another. Member **300'** is preferably, but need not be a mirror image of member **300''**. The description of member **300'** is equally applicable to member **300''**. Member **300'** has a leading portion **302'** for insertion first into the disc space between two adjacent vertebral bodies and a trailing portion **304'** opposite leading portion **302'**. Member **300'** has a top **306'**, a bottom **308'**, an interior side **310'**, and an exterior facing side **312'** opposite interior facing side **310'**. As used herein, the phrase "interior side" describes the side of the member adapted to be orientated toward the interior side of another member when a pair of members are inserted side by side into the disc space.

Leading portions **302'**, **302''** of each member **300'**, **300''**, respectively, form leading end **302** of implant **300** when the members are placed side by side to one another. Leading end **302** of implant **300** is preferably configured in the shape of one-half a first circle from side to side. Trailing end **304**, composed of trailing portions **304'**, **304''** when members **300'**, **300''** are placed side by side to one another, may, but need not

be formed as an arc of a second circle side to side having a radius greater than a radius of the first circle associated with leading end 302 of implant 300.

Member 300' is placed side by side with member 300" so that a portion of interior side 310' of each member are adjacent one another. Top 306' and bottom 308' preferably have at least one opening 314' passing therethrough between leading and trailing portions 302', 304', respectively, and sides 310', 312'. Openings 314' are adapted to hold bone growth promoting material to permit for the growth of bone from vertebral body to vertebral body through openings 314. Interior side 310' may also include at least one opening 314' passing therethrough configured to permit bone growth between and into adjacent members 300', 300". Member 300' preferably has a maximum width W that is less than approximately one-half the width of the adjacent vertebral bodies into which the member is adapted to be inserted. Also, the combined width of both members 300', 300" is preferably greater than one-half the width of the adjacent vertebral bodies into which the members are adapted to be inserted.

Members 300', 300" provide the added advantage in that each member can be inserted through a smaller space than a single larger implant, to achieve the same effect as the larger implant.

In another preferred embodiment the implant of the present invention may be adapted for use from an anterior approach to the spine and have a maximum width between its sides that is less than one-half of the width of the adjacent vertebral bodies into which the implant is adapted to be inserted. The implant may have a leading end that is shaped as approximately one-half a first circle. The implant may also have a trailing end that forms an arc of a second circle having a radius that is substantially greater than the radius of the first circle associated with the leading end.

In another preferred embodiment, the implant of the present invention may be adapted for use from an anterior approach to the spine and have preferably both the leading and trailing ends in the shape of approximately one half of a circle side to side.

In another preferred embodiment the implant of the present invention may be adapted for use from a posterior approach to the spine and have a trailing end that is preferably at least in part straight from side to side.

FIGS. 20-26 show an implant 400 in accordance with another embodiment of the present invention. Implant 400 is similar to implant 100 and has a leading end 402 in the shape of approximately one-half a first circle A and a trailing end 404 formed as an arc of a second circle C. Implant 400 preferably includes straight portions 411, 413 along at least a portion of sides 410, 412, respectively, that are preferably parallel to each other along lines P. Implant 400 also preferably includes a curved transition from each straight portion 411, 413 of sides 410, 412, respectively, to trailing end 404 to form rounded portions 415, 417, respectively. Rounded portion 415, 417 may be an arc of a third circle E that preferably has a radius less than the radii of circle A associated with leading end 402 and/or circle C associated with trailing end 404.

In a preferred embodiment, implant 400 may be adapted to receive through bone screw receiving holes 420 at trailing end 404 at least a pair of opposed appropriately sized bone screws 422. Bone engaging screws 422 may be aligned or offset from each other. At least one screw 422 engages each of the vertebral bodies adjacent a disc space to be fused and into which implant 400 is implanted. A purpose of the bone screws is to rigidly secure the implant within the vertebral segment. A further purpose is to pull each of the adjacent vertebral bodies

toward the implant and towards each other. Trailing end 404 of implant 400 preferably includes a recess 424 having bone screw receiving holes 420 therein and an opening 426 configured to cooperatively receive a locking cap 428 adapted to lock at least one bone screw 422 to implant 400.

As shown in FIG. 25, implant 400 is preferably adapted to receive a lock 428 at trailing end 404 for securing bone engaging screws 422 therein and preventing the screws from backing out. Locking cap 428 has a top 430, a stem 432, and a tool engagement area 434. In use, locking cap cooperatively engages trailing end 404 of implant 400 at opening 426 to lock at least one bone screw to implant 400. If desired, locking cap 428 may include a thread on stem 432 to allow locking cap 428 to rotationally engage implant 400.

FIG. 26 shows another preferred embodiment of a locking cap, generally referred to by the numeral 436. Locking cap 436 includes a top 438 having a thread 440 at its outer perimeter that is adapted to cooperatively engage a corresponding threaded recess in the implant.

The implant, bone screws, and/or locks can be made of a bioresorbable material, including but not limited to plastics and composite plastics. Suitable plastics may include those comprising lactides, galactides, glycolide, caprolactone, trimethylene carbonate, or dioxanone in various polymers, and/or combinations thereof.

By way of example only and not limitation, for use in the lumbar spine, the implants of the present invention may have a depth of approximately, 28-36 mm, a width of approximately, 30-38 mm, and a height (max) of approximately 8-20 mm. The radius of curvature of the leading end may be approximately 15-19 mm and the radius of curvature of the trailing end may be approximately 20-30 mm.

In any of the embodiments of the present invention, the implant may include, be made of, treated, coated, filled, used in combination with, or have a hollow or opening for containing artificial or naturally occurring materials and/or substances suitable for implantation in the human spine. These materials and/or substances include any source of osteogenesis, bone growth promoting materials, bone, bone derived substances or products, demineralized bone matrix, mineralizing proteins, ossifying proteins, bone morphogenetic proteins, hydroxyapatite, genes coding for the production of bone, and bone including, but not limited to, cortical bone. The implant can include at least in part of materials that are bioabsorbable and/or resorbable in the body such as bone and/or bone growth promoting materials. The implant of the present invention can be formed of a porous material or can be formed of a material that intrinsically participates in the growth of bone from one of adjacent vertebral bodies to the other of adjacent vertebral bodies. Where such implants are for posterior implantation, the trailing ends of such implants may be treated with, coated with, or used in combination with chemical substances to inhibit scar tissue formation in the spinal canal. The implant of the present invention may be modified, or used in combination with materials to make it antibacterial, such as, but not limited to, electroplating or plasma spraying with silver ions or other substance. At least a portion of the implant may be treated to promote bone ingrowth between the implant and the adjacent vertebral bodies. The implant of the present invention may be used in combination with a spinal fixation implant such as any object, regardless of material, that can be inserted into any portion of the spine, such as but not limited to interbody spinal implants, structural bone grafts, mesh, cages, spacers, staples, bone screws, plates, rods, tethers of synthetic cords or wires, or other spinal fixation hardware.

While the shapes of the various aspects of the implant have been described precisely, the scope of the present invention is not so limited and it is readily anticipated that the contours may be interrupted by minor irregularities such as for example only for the purpose of engaging the bone, encouraging the ingrowth or through growth of bone.

While specific innovative features were presented in reference to specific examples, they are just examples, and it should be understood that various combinations of these innovative features beyond those specifically shown are taught such that they may now be easily alternatively combined and are hereby anticipated and claimed.

What is claimed is:

1. A pair of artificial interbody spinal implants for insertion at least in part into the same implantation space formed across the height of a disc space between adjacent vertebral bodies of a human spine, the vertebral bodies having an anterior aspect and a posterior aspect and a depth therebetween, each of said implants comprising:

a leading end for insertion first into the disc space, a trailing end opposite said leading end, length from said leading end to said trailing end, and a mid-longitudinal axis along the length;

opposed upper and lower portions between said leading and trailing ends adapted to be placed at least in part within and across the height of the disc space to contact and support the adjacent vertebral bodies, said upper and lower portions defining a height of each of said implants, said upper and lower portions being non-arcuate along at least a portion of the length of each of said implants; and opposite sides between said upper portion and said lower portion, and between said leading and trailing ends, said opposite sides defining a width of each of said implants, each of said opposite sides being at least in part straight along at least a portion of the length of said implant, said leading end being curved to form one quarter of a circle from one of said opposite sides across the mid-longitudinal axis to another one of said opposite sides, the circle having a radius equal to the width of each of said implants;

each of said implants being manufactured from a material other than bone, said upper and lower portions of each of said implants including at least one opening in communication with one another for permitting for the growth of bone from vertebral body to vertebral body through each of said implants;

said leading ends of said implants forming one half of the same circle when inserted into the same implantation space and positioned side-by-side.

2. The pair of implants of claim 1, wherein each of said implants has a maximum width between said opposite sides that is less than one-half of the width of the adjacent vertebral bodies into which each of said implants is adapted to be inserted.

3. The pair of implants of claim 1, wherein at least a portion of said leading end of each of said implants has a reduced height to facilitate insertion of each of said Implants between the two adjacent vertebral bodies.

4. The pair of implants of claim 1, wherein said trailing end of at least one of said implants has a radius of curvature of a second circle from side to side.

5. The pair of implants of claim 4, wherein the radius of curvature said trailing end is greater than the radius of curvature of the leading end of said at least one of said implants.

6. The pair of implants of claim 1, wherein said at least one opening of at least one of said Implants is between said opposite sides of said at least one of said implants.

7. The pair of implants of claim 1, wherein said at least one opening of at least one of said implants intersects at least one of said opposite sides of said at least one of said implants.

8. The pair of implants of claim 1, wherein said at least one opening of at least one of said implants is between said leading and trailing ends of said at least one of said implants.

9. The pair of implants of claim 1, wherein at least one of said opposite sides of at least one of said implants is at least in part oriented generally parallel to the mid-longitudinal axis of said at least one of said implants.

10. The pair of implants of claim 1, wherein said opposite sides of at least one of said implants are at least in part generally parallel one another.

11. The pair of implants of claim 1, wherein at least a portion of said upper and lower portions of at least one of said implants are in an angular relationship to each other from trailing end to leading end for allowing angulation of the adjacent vertebral bodies relative to each other.

12. The pair of implants of claim 1, wherein at least one of said implants has a maximum length less than and approximating the posterior to anterior depth of the vertebral bodies.

13. The pair of implants of claim 1, wherein at least one of said implants further comprises a bone engaging surface formed on the exterior of at least said upper and lower portions for engaging the adjacent vertebral bodies, said bone engaging surface including at least one of a protrusion, a ratchet, a spike, a spline, surface roughenings, and knurling.

14. The pair of implants of claim 1, in combination with a bone growth promoting material.

15. The pair of implants of claim 14, wherein said bone growth promoting material is selected from one of bone, bone derived products, demineralized bone matrix, mineralizing proteins, ossifying proteins, bone morphogenetic protein, hydroxyapatite, and genes coding for the production of bone.

16. The pair of implants of claim 1, wherein at least one of said implants is treated with a bone growth promoting substance.

17. The pair of implants of claim 1, wherein at least one of said implants is at least in part resorbable.

18. The pair of implants of claim 1, in combination with a chemical substance adapted to inhibit scar formation.

19. The pair of implants of claim 1, in combination with an antimicrobial material.

20. The pair of implants of claim 1, wherein at least a portion of at least one of said implants is treated to promote bone ingrowth between said at least one of said implants and said adjacent vertebral bodies.

21. The pair of implants of claim 1, in combination with at least one spinal fixation implant.

22. The pair of implants of claim 1, wherein said trailing end of at least one of said implants is adapted to receive at least one bone screw adapted to engage at least one vertebral body when inserted through said at least one of said implants.

23. The pair of implants of claim 22, wherein said at least one of said implants further comprises a lock for locking at least one bone screw to said at least one of said implants.

24. The pair of implants of claim 1, wherein said first and second implants are mirror images of one another.

25. The pair of implants of claim 1, wherein each of said implants includes a hollow interior and an interior facing side wall with at least one opening for permitting communication between said hollow interiors of each of said implants.

26. The pair of implants of claim 1, wherein said upper and lower surfaces of at least one of said implants include a plurality of openings.

27. An artificial interbody spinal implant for insertion at least in part into an implantation space formed across the

height of a disc space between adjacent vertebral bodies of a human spine, the vertebral bodies having an anterior aspect and a posterior aspect and a depth therebetween, said implant comprising:

a leading end for insertion first into the disc space and a trailing end opposite said leading end, said implant having a length from said leading end to said trailing end and a mid-longitudinal axis along the length;

opposed upper and lower portions between said leading and trailing ends adapted to be placed at least in part within and across the height of the disc space to contact and support the adjacent vertebral bodies, said upper and lower portions defining a height of said implant, said upper and lower portions being non-arcuate along at least a portion of the length of said implant; and

opposite sides between said upper portion and said lower portion, and between said leading and trailing ends, said opposite sides defining a width of said implant, each of said sides being at least in part straight along at least a portion of the length of said implant, said leading end being curved to form one quarter of a circle from one of said opposite sides across the mid-longitudinal axis to another one of said opposite sides, the circle having a radius equal to the width of said implant, the width of said implant being less than one-half the width of the adjacent vertebral bodies into which said implant is adapted to be inserted;

said implant being manufactured from a material other than bone, said upper and lower portions of said implant including at least one opening in communication with one another for permitting for the growth of bone from vertebral body to vertebral body through said implant

28. The implant of claim 27, wherein said implant is adapted to be inserted side by side a second implant into the disc space between the adjacent vertebral bodies, said second implant having a leading end configured in the shape of one quarter of a circle from side to side, the circle having a radius equal to the width of said second implant.

29. The implant of claim 27, wherein at least a portion of said leading end has a reduced height to facilitate Insertion of said implant between the two adjacent vertebral bodies.

30. The implant of claim 27, wherein said trailing end has a radius of curvature of a second circle from side to side.

31. The implant of claim 30, wherein the radius of curvature said trailing end is greater than the radius of curvature of the leading end of said implant.

32. The implant of claim 27, wherein said at least one opening is between said opposite sides of said implant.

33. The implant of claim 27, wherein said at least one opening intersects at least one of said opposite sides.

34. The implant of claim 27, wherein said at least one opening is between said leading and trailing ends of said implant.

35. The implant of claim 27, wherein at least one of said opposite sides is at least in part oriented generally parallel to the mid-longitudinal axis of said implant.

36. The implant of claim 27, wherein said opposite sides are at least in part generally parallel one another.

37. The implant of claim 27, wherein at least a portion of said upper and lower portions are in an angular relationship to each other from trailing end to leading end for allowing angulation of the adjacent vertebral bodies relative to each other.

38. The implant of claim 27, wherein said implant has a maximum length less than and approximating the posterior to anterior depth of the vertebral bodies.

39. The implant of claim 27, further comprising a bone engaging surface formed on the exterior of at least said upper and lower portions for engaging the adjacent vertebral bodies, said bone engaging surface including at least one of a protrusion, a ratchet, a spike, a spline, surface roughenings, and knurling.

40. The implant of claim 27, in combination with a bone growth promoting material.

41. The implant of claim 40, wherein said bone growth promoting material is selected from one of bone, bone derived products, demineralized bone matrix, mineralizing proteins, ossifying proteins, bone morphogenetic protein, hydroxyapatite, and genes coding for the production of bone.

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

43. The implant of claim 27, wherein said implant is at least in part resorbable.

44. The implant of claim 27, in combination with a chemical substance adapted to inhibit scar formation.

45. The implant of claim 27, in combination with an antimicrobial material.

46. The implant of claim 27, wherein at least a portion of said implant is treated to promote bone ingrowth between said implant and said adjacent vertebral bodies.

47. The implant of claim 27, in combination with at least one spinal fixation implant.

48. The implant of claim 27, wherein said trailing end is adapted to receive at least one bone screw adapted to engage at least one vertebral body when inserted through said implant.

49. The implant of claim 48, further comprising a lock for locking at least one bone screw to said implant.

50. The implant of claim 27, wherein said upper and lower surfaces of said implant include a plurality of openings.

\* \* \* \* \*

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

PATENT NO. : 7,455,692 B2  
APPLICATION NO. : 11/089060  
DATED : November 25, 2008  
INVENTOR(S) : Gary K. Michelson

Page 1 of 1

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

Column 9:

Line 21: change "end, length" to -- end, a length --;  
Line 57: change "Implants" to -- implants --;  
Line 62: change "claim 4." to -- claim 4, --; and  
Line 66: change "Implants Is" to -- implants is --.

Column 10, Line 38:

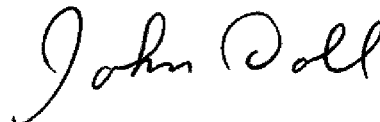
Change "The, pair" to -- The pair --.

Column 11, Line 40:

Change "Insertion" to -- insertion --.

Signed and Sealed this

Tenth Day of February, 2009



JOHN DOLL  
*Acting Director of the United States Patent and Trademark Office*