

Notice of Allowability	Application No.	Applicant(s)	
	10/413,696	BONUTTI, PETER M	
	Examiner	Art Unit	
	Gary Jackson	3731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308

1 ☒ This communication is responsive to the amendment filed 12/20/2005.

2 ☒ The allowed claim(s) is/are 1-54

3 ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f)

a) ☐ All b) ☐ Some* c) ☐ None of the:

1 ☐ Certified copies of the priority documents have been received

2 ☐ Certified copies of the priority documents have been received in Application No. _____

3 ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE

4 ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient

5 ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6 ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1 ☐ Notice of References Cited (PTO-892)

2 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3 ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 4/14/2003

4 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5 ☐ Notice of Informal Patent Application (PTO-152)

6 ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____

7 ☒ Examiner's Amendment/Comment

8 ☒ Examiner's Statement of Reasons for Allowance

9 ☐ Other _____

This action is responsive to applicant's amendment filed December 20, 2005. The amendment (terminal disclaimer) is sufficient to overcome the rejection under the judicially created doctrine of obviousness type double patenting mailed in the Official Action September 23, 2005. Thus, the claims 1-54 are allowable over the art of record.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The prior art of record fail to teach a method of securing body tissue by inserting first and second anchors along respective first and second paths that intersects, connecting the first and second anchors at the intersection of the paths and transmitting force through a suture to the tissue.

Further, the prior art fail to teach a method of securing body tissue by inserting first and second anchors along respective first and second paths with a suture extending between the anchors; determine the tension in the suture and transmit the force to the body tissue.

Even further, the prior art of record fail to teach a method of securing body tissue by moving first and second anchors having piercing leading ends, along respective first and second paths respectively; the movement includes engaging the trailing end portion of the anchors with a pusher, piercing the cancellous bone body tissue with the anchors as the anchors move along the first and second paths respectively and wherein a suture extend from the anchors; tensioning the sutures and transmitting the force to the body tissue between the first and second paths.

For these reasons, the claims are believed to be allowable over the art of record.

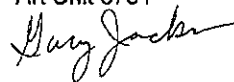
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Jackson whose telephone number is (571) 272-4697. The examiner can normally be reached on Mon.-Thurs. 7:30 am to 6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan Nguyen can be reached on (571) 272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gary Jackson
Primary Examiner
Art Unit 3731



gj
March 14, 2005