



US008192356B2

(12) **United States Patent**
Miles et al.

(10) **Patent No.:** **US 8,192,356 B2**
(45) **Date of Patent:** ***Jun. 5, 2012**

(54) **SURGICAL ACCESS SYSTEM AND RELATED METHODS**

(75) Inventors: **Patrick Miles**, San Diego, CA (US);
Scot Martinelli, San Diego, CA (US);
Eric Finley, San Diego, CA (US);
James Gharib, San Diego, CA (US);
Allen Farquhar, San Diego, CA (US);
Norbert Kaula, Arvada, CO (US);
Jeffrey Blewett, San Diego, CA (US);
Goretti Medeiros, legal representative,
Plantsville, CT (US)

(73) Assignee: **NuVasive, Inc.**, San Diego, CA (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 370 days.

This patent is subject to a terminal disclaimer.

(21) Appl. No.: **12/635,418**

(22) Filed: **Dec. 10, 2009**

(65) **Prior Publication Data**

US 2010/0094093 A1 Apr. 15, 2010

Related U.S. Application Data

(63) Continuation of application No. 12/428,081, filed on Apr. 22, 2009, now Pat. No. 7,935,051, which is a continuation of application No. 10/608,362, filed on Jun. 26, 2003, now Pat. No. 7,582,058.

(60) Provisional application No. 60/392,214, filed on Jun. 26, 2002.

(51) **Int. Cl.**
A61B 1/32 (2006.01)

(52) **U.S. Cl.** **600/202; 600/546**

(58) **Field of Classification Search** 600/221, 600/215, 202, 210, 546, 223, 201, 214, 224, 600/219; 607/131, 130, 129, 117, 119, 43, 607/2; 606/90, 324, 99, 129
See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

208,227 A	9/1878	Dorr
972,983 A	10/1910	Arthur
1,328,624 A	1/1920	Graham

(Continued)

FOREIGN PATENT DOCUMENTS

DE 299 08 259 7/1999
(Continued)

OTHER PUBLICATIONS

Bergey et al., "Endoscopic Lateral Transpoas Approach to the Lumbar Spine," *Spine*, 2004, 29(15): 1681-1688.

(Continued)

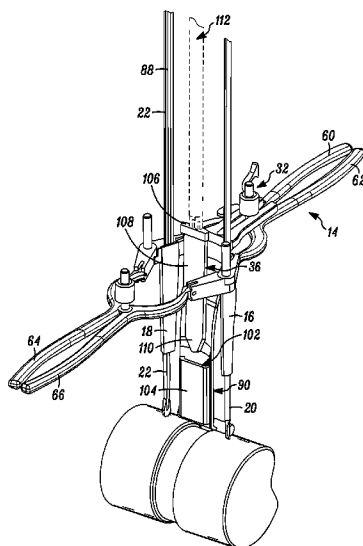
Primary Examiner — Pedro Philogene

(74) *Attorney, Agent, or Firm* — Fish & Richardson P.C.

(57) **ABSTRACT**

A system for accessing a surgical target site and related methods, involving an initial distraction system for creating an initial distraction corridor, and an assembly capable of distracting from the initial distraction corridor to a secondary distraction corridor and thereafter sequentially receiving a plurality of retractor blades for retracting from the secondary distraction corridor to thereby create an operative corridor to the surgical target site, both of which may be equipped with one or more electrodes for use in detecting the existence of (and optionally the distance and/or direction to) neural structures before, during, and after the establishment of an operative corridor to a surgical target site.

37 Claims, 33 Drawing Sheets



U.S. PATENT DOCUMENTS							
1,548,184	A	8/1925	Cameron	5,566,678	A	10/1996	Cadwell
2,704,064	A	6/1955	Fizzell et al.	5,571,149	A	11/1996	Liss et al.
2,736,002	A	2/1956	Oriel	5,579,781	A	12/1996	Cooke
2,808,826	A	10/1957	Reiner et al.	5,593,429	A	1/1997	Ruff
3,364,929	A	1/1968	Ide et al.	5,599,279	A	2/1997	Slotman et al.
3,664,329	A	5/1972	Naylor	5,630,813	A	5/1997	Kieturakis
3,682,162	A	8/1972	Colyer	5,667,508	A	9/1997	Errico et al.
3,785,368	A	1/1974	McCarthy et al.	5,671,752	A	9/1997	Sinderby et al.
3,830,226	A	8/1974	Staub et al.	5,681,265	A	10/1997	Maeda et al.
3,957,036	A	5/1976	Normann	5,707,359	A	1/1998	Bufalini
4,099,519	A	7/1978	Warren	5,711,307	A	1/1998	Smits
4,164,214	A	8/1979	Stark et al.	5,728,046	A	3/1998	Mayer et al.
4,207,897	A	6/1980	Lloyd et al.	5,741,253	A	4/1998	Michelson
4,224,949	A	9/1980	Scott et al.	5,759,159	A	6/1998	Masreliez
4,226,228	A	10/1980	Shin et al.	5,762,629	A	6/1998	Kambin
4,235,242	A	11/1980	Howson et al.	5,772,661	A	6/1998	Michelson
4,285,347	A	8/1981	Hess	5,775,331	A	7/1998	Raymond et al.
4,291,705	A	9/1981	Severinghaus et al.	5,776,144	A	7/1998	Leysieffer et al.
4,461,300	A	7/1984	Christensen	5,779,642	A	7/1998	Nightengale
4,515,168	A	5/1985	Chester et al.	5,785,658	A	7/1998	Benaron
4,519,403	A	5/1985	Dickhudt	5,792,044	A	8/1998	Foley et al.
4,545,374	A	10/1985	Jacobson	5,797,854	A	8/1998	Hedgecock
4,561,445	A	12/1985	Berke et al.	5,814,073	A	9/1998	Bonutti
4,562,832	A	1/1986	Wilder et al.	5,830,151	A	11/1998	Hadzic et al.
4,573,448	A	3/1986	Kambin	5,851,191	A	12/1998	Gozani
4,592,369	A	6/1986	Davis et al.	5,853,373	A	12/1998	Griffith et al.
4,595,018	A	6/1986	Rantala	5,860,973	A	1/1999	Michelson
4,611,597	A	9/1986	Kraus	5,862,314	A	1/1999	Jeddeloh
4,633,889	A	1/1987	Talalla	5,872,314	A	2/1999	Clinton
4,658,835	A	4/1987	Pohndorf	5,885,210	A	3/1999	Cox
4,744,371	A	5/1988	Harris	5,885,219	A	3/1999	Nightengale
4,759,377	A	7/1988	Dykstra	5,888,196	A	3/1999	Bonutti
4,784,150	A	11/1988	Voorhies et al.	5,891,147	A	4/1999	Moskovitz et al.
4,807,642	A	2/1989	Brown	5,902,231	A	5/1999	Foley et al.
4,892,105	A	1/1990	Prass	5,928,139	A	7/1999	Koros et al.
4,913,134	A	4/1990	Luque	5,928,158	A	7/1999	Aristides
4,926,865	A	5/1990	Oman	5,935,131	A	8/1999	Bonutti et al.
4,962,766	A	10/1990	Herzon	5,938,688	A	8/1999	Schiff
4,964,411	A	10/1990	Johnson et al.	5,944,658	A	8/1999	Koros et al.
5,007,902	A	4/1991	Witt	5,976,094	A	11/1999	Gozani et al.
5,052,373	A	10/1991	Michelson	6,004,262	A	12/1999	Putz et al.
5,058,602	A	10/1991	Brody	6,004,312	A	12/1999	Finneran
5,081,990	A	1/1992	Deletis	6,007,487	A	12/1999	Foley et al.
5,092,344	A	3/1992	Lee	6,024,696	A	2/2000	Hoftman et al.
5,127,403	A	7/1992	Brownlee	6,027,456	A	2/2000	Feler et al.
5,161,533	A	11/1992	Prass et al.	6,038,469	A	3/2000	Karlsson et al.
5,171,279	A	12/1992	Mathews	6,038,477	A	3/2000	Kayyali
5,195,541	A *	3/1993	Obenchain	6,050,992	A	4/2000	Nichols
5,196,015	A	3/1993	Neubardt	6,074,343	A	6/2000	Nathanson et al.
RE34,390	E	9/1993	Culver	6,083,154	A	7/2000	Liu et al.
5,255,691	A	10/1993	Otten	6,095,987	A	8/2000	Shmulewitz
5,282,468	A	2/1994	Klepinski	6,104,957	A	8/2000	Alo et al.
5,284,153	A	2/1994	Raymond et al.	6,104,960	A	8/2000	Duysens et al.
5,284,154	A	2/1994	Raymond et al.	6,120,503	A	9/2000	Michelson
5,295,994	A	3/1994	Bonutti	6,126,660	A	10/2000	Dietz
5,299,563	A *	4/1994	Seton	6,132,386	A	10/2000	Gozani et al.
5,312,417	A	5/1994	Wilk	6,132,387	A	10/2000	Gozani et al.
5,313,956	A	5/1994	Knutsson et al.	6,135,965	A	10/2000	Tumer et al.
5,313,962	A	5/1994	Obenchain	6,139,493	A *	10/2000	Koros et al.
5,327,902	A	7/1994	Lemmen	6,146,335	A	11/2000	Gozani
5,331,975	A	7/1994	Bonutti	6,152,871	A	11/2000	Foley et al.
5,333,618	A	8/1994	Lekhtman et al.	6,161,047	A	12/2000	King et al.
5,342,384	A	8/1994	Sugarbaker	6,174,311	B1	1/2001	Branch et al.
5,375,067	A	12/1994	Berchin	6,181,961	B1	1/2001	Prass
5,375,594	A	12/1994	Cueva	6,196,969	B1	3/2001	Bester et al.
5,383,876	A	1/1995	Nardella	6,206,826	B1	3/2001	Mathews et al.
5,395,317	A	3/1995	Kambin	6,217,509	B1	4/2001	Foley et al.
5,450,845	A	9/1995	Axelgaard	6,224,549	B1	5/2001	Drongelen
5,474,057	A	12/1995	Makower et al.	6,259,945	B1	7/2001	Epstein et al.
5,474,558	A	12/1995	Neubardt	6,264,651	B1	7/2001	Underwood et al.
5,480,440	A	1/1996	Kambin	6,266,558	B1	7/2001	Gozani et al.
5,482,038	A	1/1996	Ruff	6,273,905	B1	8/2001	Streeter
5,484,437	A	1/1996	Michelson	6,292,701	B1	9/2001	Prass et al.
5,509,893	A	4/1996	Pracas	6,306,100	B1	10/2001	Prass
5,514,153	A	5/1996	Bonutti	6,308,712	B1	10/2001	Shaw
5,540,235	A	7/1996	Wilson	6,312,392	B1	11/2001	Herzon
5,549,656	A	8/1996	Reiss	6,325,764	B1	12/2001	Griffith et al.
5,560,372	A	10/1996	Corv	6,334,068	B1	12/2001	Hacker
				6,348,058	B1	2/2002	Melkent et al.

6,360,750	B1	3/2002	Gerber et al.	
6,425,859	B1	7/2002	Foley et al.	
6,425,901	B1	7/2002	Zhu et al.	
6,450,952	B1	9/2002	Rioux et al.	
6,451,015	B1	9/2002	Rittman, III et al.	
6,466,817	B1	10/2002	Kaula et al.	
6,468,205	B1	10/2002	Mollenauer et al.	
6,468,207	B1	10/2002	Fowler, Jr.	
6,500,128	B2	12/2002	Marino	
6,520,907	B1	2/2003	Foley et al.	
6,524,320	B2	2/2003	DiPoto	
6,535,759	B1	3/2003	Epstein et al.	
6,564,078	B1	5/2003	Marino et al.	
6,579,244	B2	6/2003	Goodwin	
6,620,157	B1	9/2003	Dabney et al.	
6,645,194	B2	11/2003	Briscoe et al.	
6,679,833	B2	1/2004	Smith et al.	
6,719,692	B2	4/2004	Kleffner et al.	
6,760,616	B2	7/2004	Hoey et al.	
6,770,074	B2	8/2004	Michelson	
6,796,985	B2	9/2004	Bolger et al.	
6,810,281	B2	10/2004	Brock et al.	
6,819,956	B2	11/2004	DiLorenzo	
6,847,849	B2	1/2005	Mamo et al.	
6,849,047	B2	2/2005	Goodwin	
6,855,105	B2	2/2005	Jackson, III et al.	
6,871,099	B1	3/2005	Whitehurst et al.	
6,902,569	B2	6/2005	Parmer et al.	
6,926,728	B2	8/2005	Zucherman et al.	
6,929,606	B2	8/2005	Ritland	
6,945,933	B2 *	9/2005	Branch et al.	600/210
6,951,538	B2	10/2005	Ritland	
7,047,082	B1	5/2006	Schrom et al.	
7,050,848	B2	5/2006	Hoey et al.	
7,079,883	B2	7/2006	Marino et al.	
7,089,059	B1	8/2006	Pless	
7,177,677	B2	2/2007	Kaula et al.	
7,198,598	B2	4/2007	Smith et al.	
7,207,949	B2	4/2007	Miles et al.	
7,226,451	B2	6/2007	Shluzas et al.	
7,261,688	B2	8/2007	Smith et al.	
7,470,236	B1	12/2008	Kelleher et al.	
7,473,222	B2	1/2009	Dewey et al.	
7,481,766	B2	1/2009	Lee et al.	
7,522,953	B2 *	4/2009	Kaula et al.	600/546
7,556,601	B2	7/2009	Branch et al.	
7,582,058	B1	9/2009	Miles et al.	
7,643,884	B2	1/2010	Pond et al.	
7,691,057	B2 *	4/2010	Miles et al.	600/219
7,819,801	B2 *	10/2010	Miles et al.	600/224
7,935,051	B2 *	5/2011	Miles et al.	600/202
2001/0039949	A1	11/2001	Loubser	
2001/0056280	A1	12/2001	Underwood et al.	
2002/0007129	A1	1/2002	Marino	
2002/0010392	A1	1/2002	Desai	
2002/0072686	A1	6/2002	Hoey et al.	
2002/0077632	A1	6/2002	Tsou	
2002/0123780	A1	9/2002	Grill et al.	
2002/0161415	A1	10/2002	Cohen et al.	
2002/0193843	A1	12/2002	Hill et al.	
2003/0032966	A1	2/2003	Foley et al.	
2003/0105503	A1	6/2003	Marino	
2003/0139648	A1	7/2003	Foley et al.	
2003/0149341	A1	8/2003	Clifton	
2003/0225405	A1	12/2003	Weiner	
2003/0236544	A1	12/2003	Lunsford et al.	
2004/0199084	A1	10/2004	Kelleher et al.	
2004/0225228	A1	11/2004	Ferree	
2005/0004593	A1	1/2005	Simonson	
2005/0004623	A1	1/2005	Miles et al.	
2005/0033380	A1	2/2005	Tanner et al.	
2005/0075578	A1	4/2005	Gharib et al.	
2005/0080320	A1	4/2005	Lee et al.	
2005/0149035	A1	7/2005	Pimenta et al.	
2005/0182454	A1	8/2005	Gharib et al.	
2005/0192575	A1	9/2005	Pacheco	
2006/0025703	A1	2/2006	Miles et al.	
2006/0052828	A1	3/2006	Kim et al.	
2006/0069315	A1	3/2006	Miles et al.	

2006/0224078	A1	10/2006	Hoey et al.
2007/0016097	A1	1/2007	Farquhar et al.
2007/0198062	A1	8/2007	Miles et al.
2007/0293782	A1	12/2007	Marino
2008/0058606	A1	3/2008	Miles et al.
2008/0064976	A1	3/2008	Kelleher et al.
2008/0064977	A1	3/2008	Kelleher et al.
2008/0065178	A1	3/2008	Kelleher et al.
2008/0071191	A1	3/2008	Kelleher et al.
2008/0097164	A1	4/2008	Miles et al.
2008/0300465	A1	12/2008	Feigenwinter et al.
2009/0124860	A1	5/2009	Miles et al.
2009/0138050	A1	5/2009	Ferree
2009/0192403	A1	7/2009	Gharib et al.
2009/0204016	A1	8/2009	Gharib et al.
2010/0069783	A1	3/2010	Miles et al.
2010/0130827	A1	5/2010	Pimenta et al.
2010/0152603	A1	6/2010	Miles et al.
2010/0160738	A1	6/2010	Miles et al.
2010/0174148	A1	7/2010	Miles et al.

FOREIGN PATENT DOCUMENTS

EP	0 972 538	1/2000
FR	2 795 624	1/2001
WO	WO 00/38574	7/2000
WO	WO 00/66217	11/2000
WO	WO 00/67645	11/2000
WO	WO 01/37728	5/2001
WO	WO 02/054960	7/2002
WO	WO 03/005887	1/2003
WO	WO 03/026482	4/2003
WO	WO 03/037170	5/2003
WO	WO 2005/013805	2/2005
WO	WO 2005/030318	4/2005
WO	WO 2006/042241	4/2006
WO	WO 2006/066217	6/2006

OTHER PUBLICATIONS

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

Gardocki, "Tubular discectomy minimizes collateral damage: A logical progression moves spine surgery forward," *AAOS Now*, 2009, 5 pages.

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

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

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

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

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

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

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

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

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

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

Friedman, "Percutaneous discectomy: An alternative to chemonucleolysis," *Neurosurgery*, 1983, 13(5): 542-547.

Crock, H.V. MD., "Anterior Lumbar Interbody Fusion," *Clinical Orthopaedics and Related Research*, Number One Hundred Sixty Five, 1982, pp. 157-163, 13 pages.

- Larson and Maiman, "Surgery of the Lumbar Spine," Thieme Medical Publishers, Inc., 1999, pp. 305-319.
- Medtronic XOMED Surgical Products, Inc., NIM-Response Nerve Integrity Monitor Intraoperative EMG Monitor User's Guide, Revision B, 2000, 47 pages.
- "NuVasive's spine surgery system cleared in the US," Pharm & Medical Industry Week, Dec. 10, 2001, 1 page.
- Pimenta, "Initial Clinical Results of Direct Lateral, Minimally Invasive Access to the Lumbar Spine for Disc Nucleus Replacement Using a Novel Neurophysiological Monitoring System," *The 9th IMAST*, May 2002, 1 page.
- Pimenta et al., "The Lateral Endoscopic Transpoas Retroperitoneal Approach (Letra) for Implants in the Lumbar Spine," *World Spine II—Second Interdisciplinary Congress on Spine Care*, Aug. 2003, 2 pages.
- Anatomy of the Lumbar Spine in MED TM MicroEndoscopic Discectomy (1997 Ludann Grand Rapids MI), 14 pgs.
- Dirksmeier et al., "Microendoscopic and Open Laminotomy and Discectomy in Lumbar Disc Disease" *Seminars in Spine Surgery*, 1999, 11(2): 138-146.
- METRx Delivered Order Form, 1999, 13 pages.
- Medtronic Sofamor Danek "METRx™ MicroDiscectomy System," *Medtronic Sofamor Danek USA*, 2000, 21 pgs.
- Medtronic Sofamor Danek "METRx System Surgical Technique," 2004, 22 pages.
- "MetRx System MicroEndoscopic Discectomy: An Evolution in Minimally Invasive Spine Surgery," *Sofamor Danek*, 1999, 6 pages.
- Smith and Foley "MetRx System MicroEndoscopic Discectomy: Surgical Technique" *Medtronic Sofamor Danek*, 2000, 24 pages.
- "Sofamor Danek MED Microendoscopic Discectomy System Brochure" including Rapp "New endoscopic lumbar technique improves access preserves tissue" Reprinted with permission from: *Orthopedics Today*, 1998, 18(1): 2 pages.
- Japanese Patent Office JP Patent Application No. 2006-528306 Office Action with English Translation, Jun. 10, 2009, 4 pages.
- Plaintiffs' Preliminary Invalidity Contentions re US Patents 7207949; 7470236 and 7582058, Sep. 18, 2009, 19 pages.
- Plaintiffs' Preliminary Invalidity Contentions—Appendices, Sep. 18, 2009, 191 pages.
- Plaintiffs' Supplemental Preliminary Invalidity Contentions re US Patents 7207949, 7470236, and 7582058, Sep. 29, 2009, 21 pages.
- Plaintiffs' Supplemental Preliminary Invalidity Contentions—Appendices, Sep. 29, 2009, 294 pages.
- Axon 501(k) Notification: Epoch 2000 Neurological Workstation, Dec. 3, 1997, 464 pages.
- Foley and Smith, "Microendoscopic Discectomy," *Techniques in Neurosurgery*, 1997, 3(4):301-307.
- Medtronic Sofamor Danek "UNION™ / Union-L™ Anterior & Lateral Impacted Fusion Devices: Clear choice of stabilization," *Medtronic Sofamor Danek*, 2000, 4 pages.
- NuVasive Vector™ Cannulae, 1 page (prior to Sep. 25, 2003).
- NuVasive Triad™ Tri-Columnar Spinal EndoArthrodesis™ via Minimally Invasive Guidance, 1 page (prior to Sep. 25, 2003).
- NuVasive Triad™ Cortical Bone Allograft, 1 page (prior to Sep. 25, 2003).
- NuVasive Vertebral Body Access System, 1 page (prior to Sep. 25, 2003).
- Marina, "New Technology for Guided Navigation with Real Time Nerve Surveillance for Minimally Invasive Spine Discectomy & Arthrodesis," *Spine*, 2000, p. 39.
- NuVasive "INS—1 Screw Test," 2001, 10 pages.
- NuVasive letter re 510k Neuro Vision JJB System, Oct. 16, 2001, 5 pages.
- NuVasive letter re 510k Guided Arthroscopy System, Oct. 5, 1999, 6 pages.
- NuVasive letter re 510k INS-1 Intraoperative Nerve Surveillance System, Nov. 13, 2000, 7 pages.
- "NuVasive™ Receives Clearance to Market Two Key Elem Minimally Invasive Spine Surgery System," Nov. 27, 2001, 20 pages.
- Schick et al., "Microendoscopic lumbar discectomy versus open surgery: an intraoperative EMG study," *Eur Spine J*, 2002, 11: 20-26.
- NuVasive letter re: 510(k) for Neurovision JJB System (Summary), Sep. 25, 2001, 28 pages.
- NuVasive letter re: Special 510(k) Premarket Notification: Neurovision JJB System (Device Description), Jul. 3, 2003, 18 pages.
- NuVasive letter re: Special 510(k) Premarket Notification: Neurovision JJB System (Device Description), Mar. 1, 2004, 16 pages.
- NuVasive letter re: Special 510(k) Premarket Notification: Neurovision JJB System (Device Description), May 26, 2005, 17 pages.
- NuVasive letter re: 510(k) Premarket Notification: Neurovision JJB System (Device Description), Jun. 24, 2005, 16 pages.
- NuVasive letter re: Special 510(k) Premarket Notification: Neurovision JJB System (Device Description), Sep. 14, 2006, 17 pages.
- NuVasive 510(k) Premarket Notification: Neurovision JJB System (Device Description), Aug. 20, 2007, 8 pages.
- NuVasive letter re: 510(k) Premarket Notification: Guided Spinal Arthroscopy System (Device Description), Feb. 1, 1999, 40 pages.
- NuVasive 510(k) Premarket Notification: Spinal System (Summary), Apr. 12, 2004, 10 pages.
- NuVasive 510(k) Summary NIM Monitor, Sep. 4, 1998, 4 pages.
- NuVasive correspondence re 510(k) Premarket Notification INS-1 Intraoperative Nerve Surveillance System: Section IV Device Description, pp. 12-51 (prior to Sep. 25, 2003).
- NuVasive letter re 510(k) Premarket Notification INS-1 Intraoperative Nerve Surveillance System, Aug. 24, 2000, 81 pages.
- Isley et al., "Recent Advances in Intraoperative Neuromonitoring of Spinal Cord Function: Pedicle Screw Stimulation Techniques," *American Journal of Electroneurodiagnostic Technology*, Jun. 1997, 37(2): 93-126.
- Mathews et al., "Laparoscopic Discectomy with Anterior Lumbar Interbody Fusion," *Spine*, 1995, 20(16): 1797-1802.
- Rose et al., "Persistently Electrified Pedicle Stimulation Instruments in Spinal Instrumentation: Techniques and Protocol Development," *Spine*, 1997, 22(3): 334-343.
- "Electromyography System," International Search report from International Application No. PCT/US00/32329, Apr. 27, 2001, 9 pages.
- "Nerve Proximity and Status Detection System and Method," International Search Report from International Application No. PCT/US01/18606, Oct. 18, 2001, 6 pages.
- "Relative Nerve Movement and Status Detection System and Method," International Search Report from International Application No. PCT/US01/18579, Jan. 15, 2002, 6 pages.
- "System and Method for Determining Nerve Proximity Direction and Pathology During Surgery," International Search Report from International Application No. PCT/US02/22247, Mar. 27, 2003, 4 pages.
- "System and Methods for Determining Nerve Direction to a Surgical Instrument," International Search Report from International Application No. PCT/US03/02056, Aug. 12, 2003, 5 pages.
- "Systems and Methods for Performing Percutaneous Pedicle Integrity Assessments," International Search Report from International Application No. PCT/US02/35047, Aug. 11, 2003, 5 pages.
- "Systems and Methods for Performing Surgery Procedures and Assessments," International Search Report from International Application No. PCT/US02/30617, Jun. 5, 2003, 4 pages.
- Lenke et al., "Triggered Electromyographic Threshold for Accuracy of Pedicle Screw Placement," *Spine*, 1995, 20(4): 1585-1591.
- "Brackmann II EMG System," *Medical Electronics*, 1999, 4 pages.
- "Neurovision SE Nerve Locator/Monitor", RLN Systems Inc. Operators Manual, 1999, 22 pages.
- "The Brackmann II EMG Monitoring System," Medical Electronics Co. Operator's Manual Version 1.1, 1995, 50 pages.
- "The Nicolet Viking IV," Nicolet Biomedical Products, 1999, 6 pages.
- Anderson et al., "Pedicle screws with high electrical resistance: a potential source of error with stimulus-evoked EMG," *Spine*, Department of Orthopaedic Surgery University of Virginia, Jul. 15, 2002, 27(14): 1577-1581.
- Bose et al., "Neurophysiologic Monitoring of Spinal Nerve Root Function During Instrumented Posterior Lumbar Spine Surgery," *Spine*, 2002, 27(13):1444-1450.
- Calancie et al., "Stimulus-Evoked EMG Monitoring During Transpedicular Lumbosacral Spine Instrumentation" *Spine*, 1994, 19(24): 2780-2786.

- Clements et al., "Evoked and Spontaneous Electromyography to Evaluate Lumbosacral Pedicle Screw Placement," *Spine*, 1996, 21(5): 600-604.
- Danesh-Clough et al., "The Use of Evoked EMG in Detecting Misplaced Thoracolumbar Pedicle Screws," *Spine*, Orthopaedic Department Dunedin Hospital, Jun. 15, 2001, 26(12): 1313-1316.
- Darden et al., "A Comparison of Impedance and Electromyogram Measurements in Detecting the Presence of Pedicle Wall Break-through," *Spine*, Charlotte Spine Center North Carolina, Jan. 15, 1998, 23(2): 256-262.
- Ebraheim et al., "Anatomic Relations Between the Lumbar Pedicle and the Adjacent Neural Structures," *Spine*, Department of Orthopaedic Surgery Medical College of Ohio, Oct. 15, 1997, 22(20): 2338-2341.
- Ford et al., "Electrical Characteristics of Peripheral Nerve Stimulators Implications for Nerve Localization," *Regional Anesthesia*, 1984, 9: 73-77.
- Glassman et al., "A Prospective Analysis of Intraoperative Electromyographic Monitoring of Pedicle Screw Placement With Computed Tomographic Scan Confirmation," *Spine*, 1995, 20(12): 1375-1379.
- Greenblatt et al., "Needle Nerve Stimulator-Locator: Nerve Blocks with a New Instrument for Locating Nerves," *Anesthesia & Analgesia*, 1962, 41(5): 599-602.
- Haig, "Point of view," *Spine*, 2002, 27(24): 2819.
- Haig et al., "The Relation Among Spinal Geometry on MRI, Paraspinal Electromyographic Abnormalities, and Age in Persons Referred for Electrodiagnostic Testing of Low Back Symptoms," *Spine*, Department of Physical Medicine and Rehabilitation University of Michigan, Sep. 1, 2002, 27(17): 1918-1925.
- Holland et al., "Higher Electrical Stimulus Intensities are Required to Activate Chronically Compressed Nerve Roots: Implications for Intraoperative Electromyographic Pedicle Screw Testing," *Spine*, Department of Neurology, Johns Hopkins University School of Medicine, Jan. 15, 1998, 23(2): 224-227.
- Holland, "Intraoperative Electromyography During Thoracolumbar Spinal Surgery," *Spine*, 1998, 23(17): 1915-1922.
- Journee et al., "System for Intra-Operative Monitoring of the Cortical Integrity of the Pedicle During Pedicle Screw Placement in Low-Back Surgery: Design and Clinical Results," *Sensory and Neuromuscular Diagnostic Instrumentation and Data Analysis I, 18th Annual International Conference on Engineering in Medicine and Biology Society*, Amsterdam, 1996, pp. 144-145.
- Maguire et al., "Evaluation of Intrapedicular Screw Position Using Intraoperative Evoked Electromyography," *Spine*, 1995, 20(9): 1068-1074.
- Martin et al., "Initiation of Erection and Semen Release by Rectal Probe Electrostimulation (RPE)," *The Journal of Urology*, The Williams & Wilkins Co., 1983, 129: 637-642.
- Minahan et al., "The Effect of Neuromuscular Blockade on Pedicle Screw Stimulation Thresholds," *Spine*, Department of Neurology, Johns Hopkins University School of Medicine, Oct. 1, 2000, 25(19): 2526-2530.
- Pither et al., "The Use of Peripheral Nerve Stimulators for Regional Anesthesia: Review of Experimental Characteristics Technique and Clinical Applications," *Regional Anesthesia*, 1985, 10:49-58.
- Raj et al., "Infraclavicular Brachial Plexus Block—A New Approach" *Anesthesia and Analgesia*, 1973, (52)6: 897-904.
- Raj et al., "The Use of Peripheral Nerve Stimulators for Regional Anesthesia," *Clinical Issues in Regional Anesthesia*, 1985, 1(4):1-6.
- Raj et al., "Use of the Nerve Stimulator for Peripheral Blocks," *Regional Anesthesia*, Apr.-Jun. 1980, pp. 14-21.
- Raymond et al., "The Nerve Seeker: A System for Automated Nerve Localization," *Regional Anesthesia*, 1992, 17(3): 151-162.
- Shafik, "Cavernous Nerve Stimulation through an Extrapelvic Subpubic Approach: Role in Penile Erection," *Eur. Urol*, 1994, 26: 98-102.
- Toleikis et al., "The Usefulness of Electrical Stimulation for Assessing Pedicle Screw Replacements," *Journal of Spinal Disorder*, 2000, 13(4): 283-289.
- Medtronic Sofamor Danek "Union™/ Union-L™ Anterior & Lateral Impacted Fusion Devices: Surgical Technique" *Medtronic Sofamor Danek*, 2001, 20 pages.
- Defendant's Disclosure of Asserted Claims and Preliminary Infringement Contentions Regarding USP 7207949; 7470236 and 7582058, Aug. 31, 2009, 21 pages.
- Brau, "Chapter 22: Anterior Retroperitoneal Muscle-Sparing approach to L2-S1 of the Lumbar Spine," *Surgical Approaches to the Spine*. Robert G. Watkins, MD. (ed) 2003. pp. 165-181.
- Kossmann et al., "Minimally Invasive Vertebral Replacement with Cages in Thoracic and Lumbar Spine," *European Journal of Trauma*, 2001, 27: 292-300.
- Mayer H. M. (ed.) *Minimally Invasive Spine Surgery: A Surgical Manual*. 2000. 51 pages.
- Pimenta et al., "Implante de protese de nucleo pulpost: analise inicial," *Journal Brasileiro de Neurocirurgia*, 2001, 12(2): 93-96.
- Traynelis, "Spinal Arthroplasty," *Neurological Focus*, 2002, 13(2): 12 pages.
- Zdeblick, Thomas A. (ed.). *Anterior Approaches to the Spine*. 1999. 43 pages.

* cited by examiner

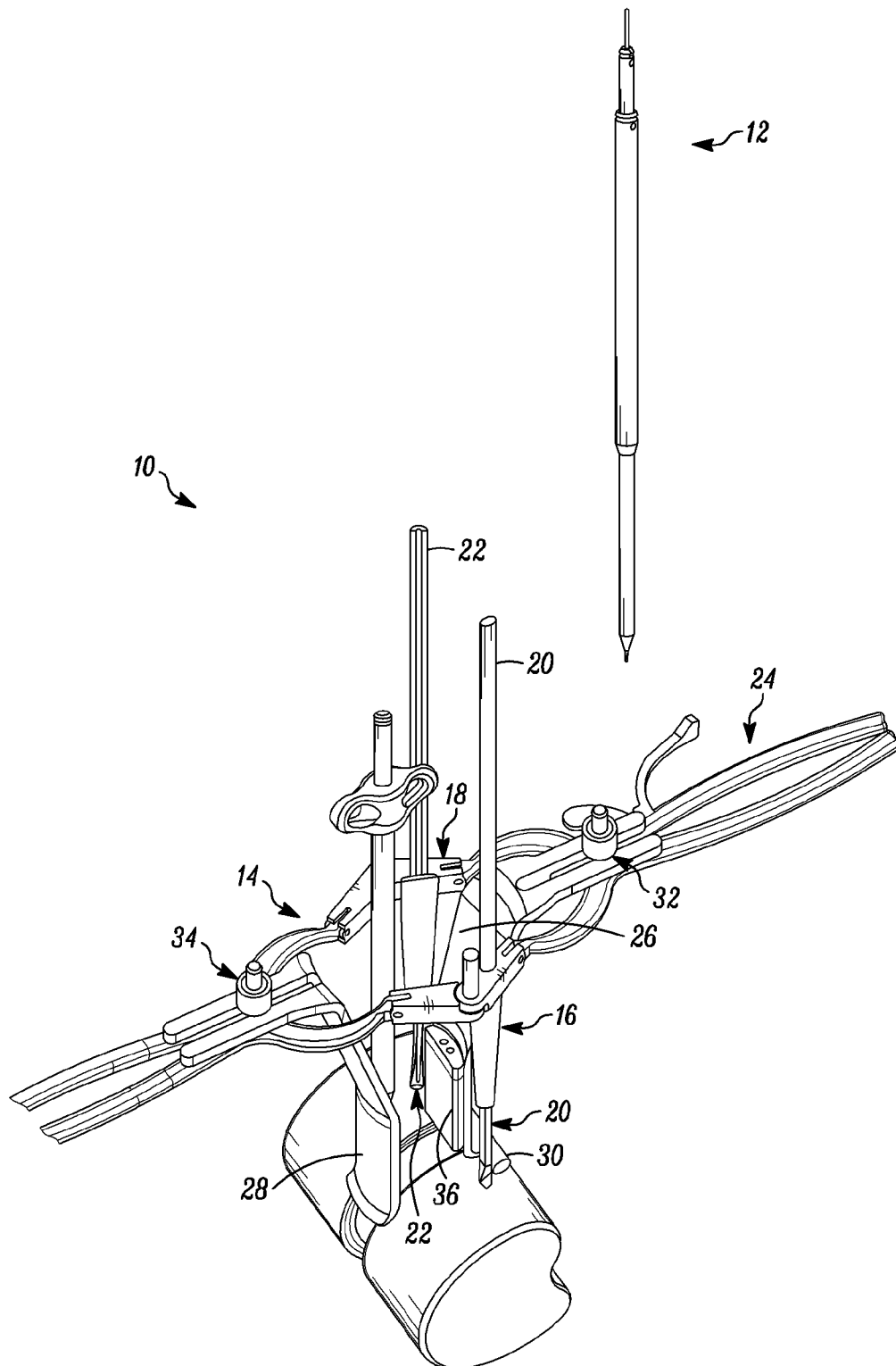


FIG. 1

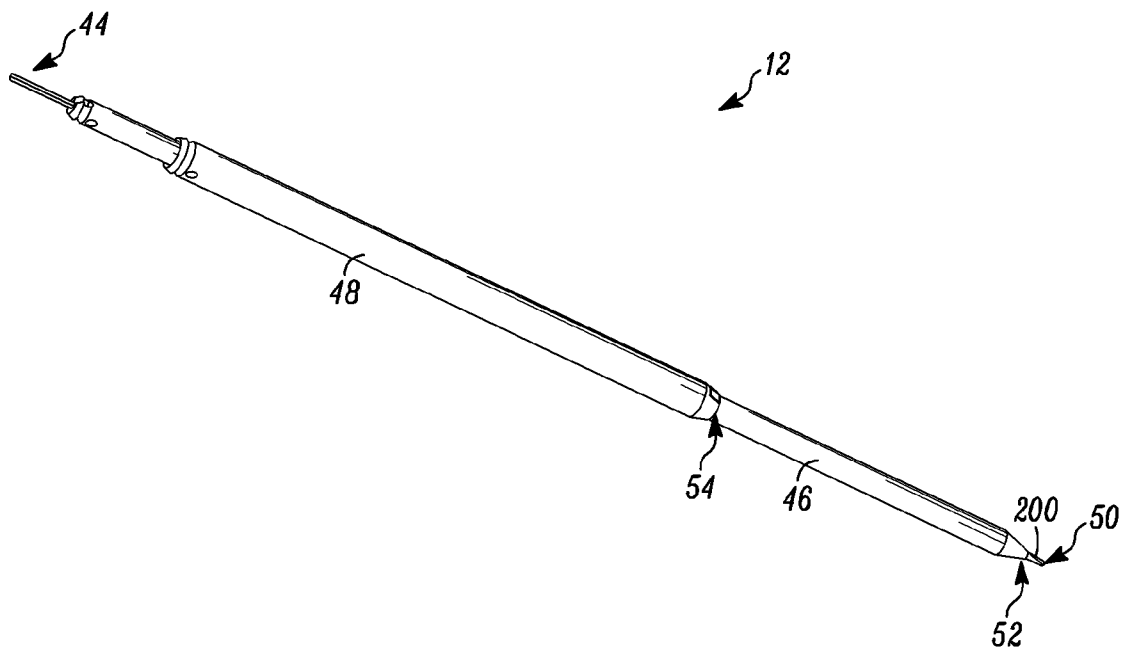


FIG. 2

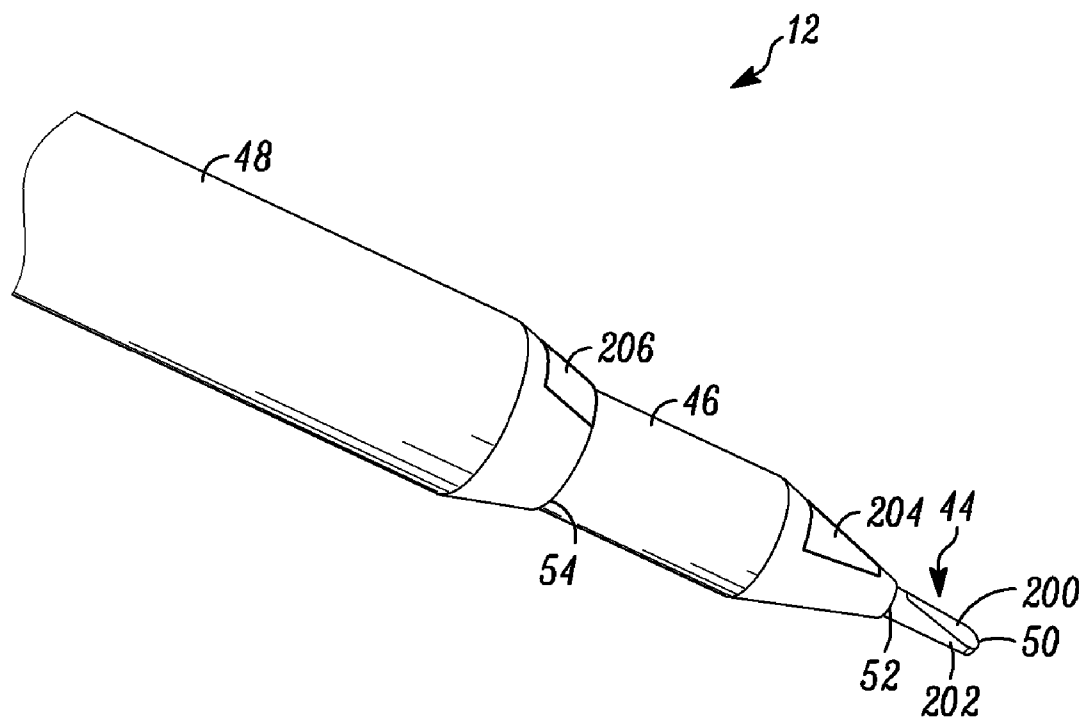


FIG. 3

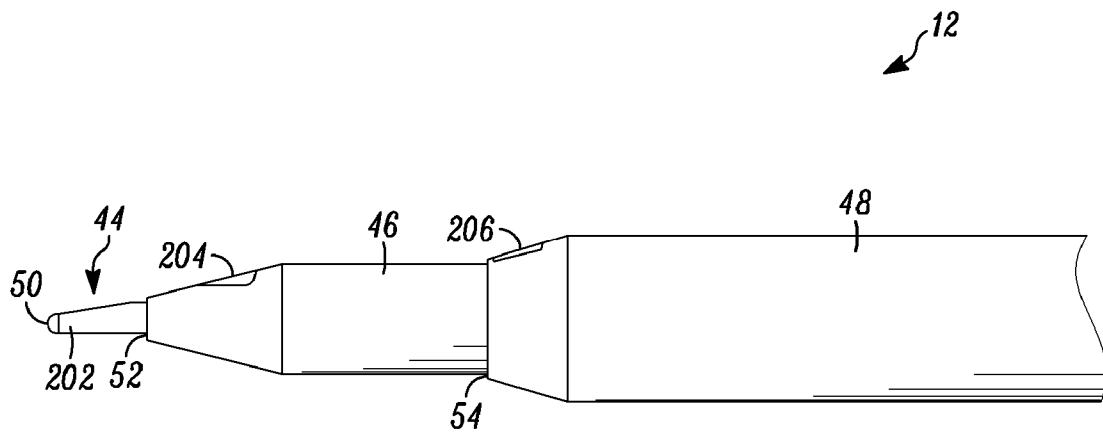


FIG. 4

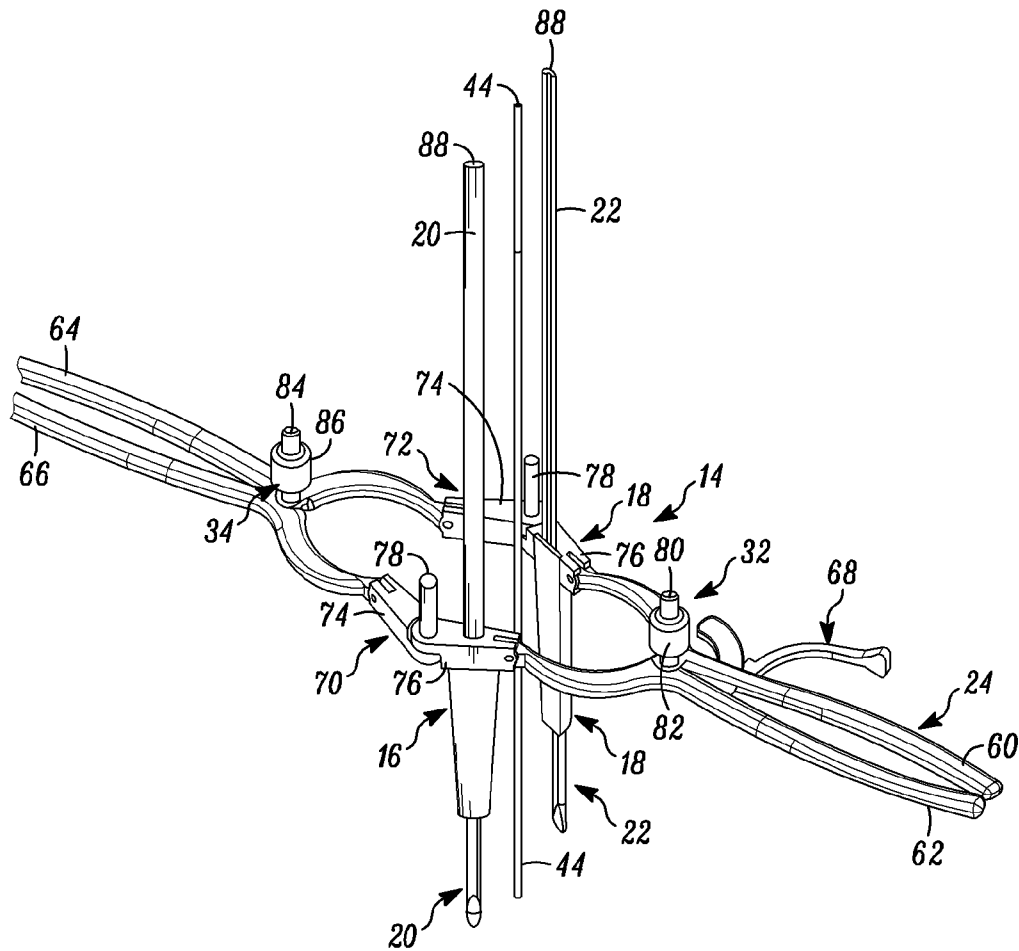
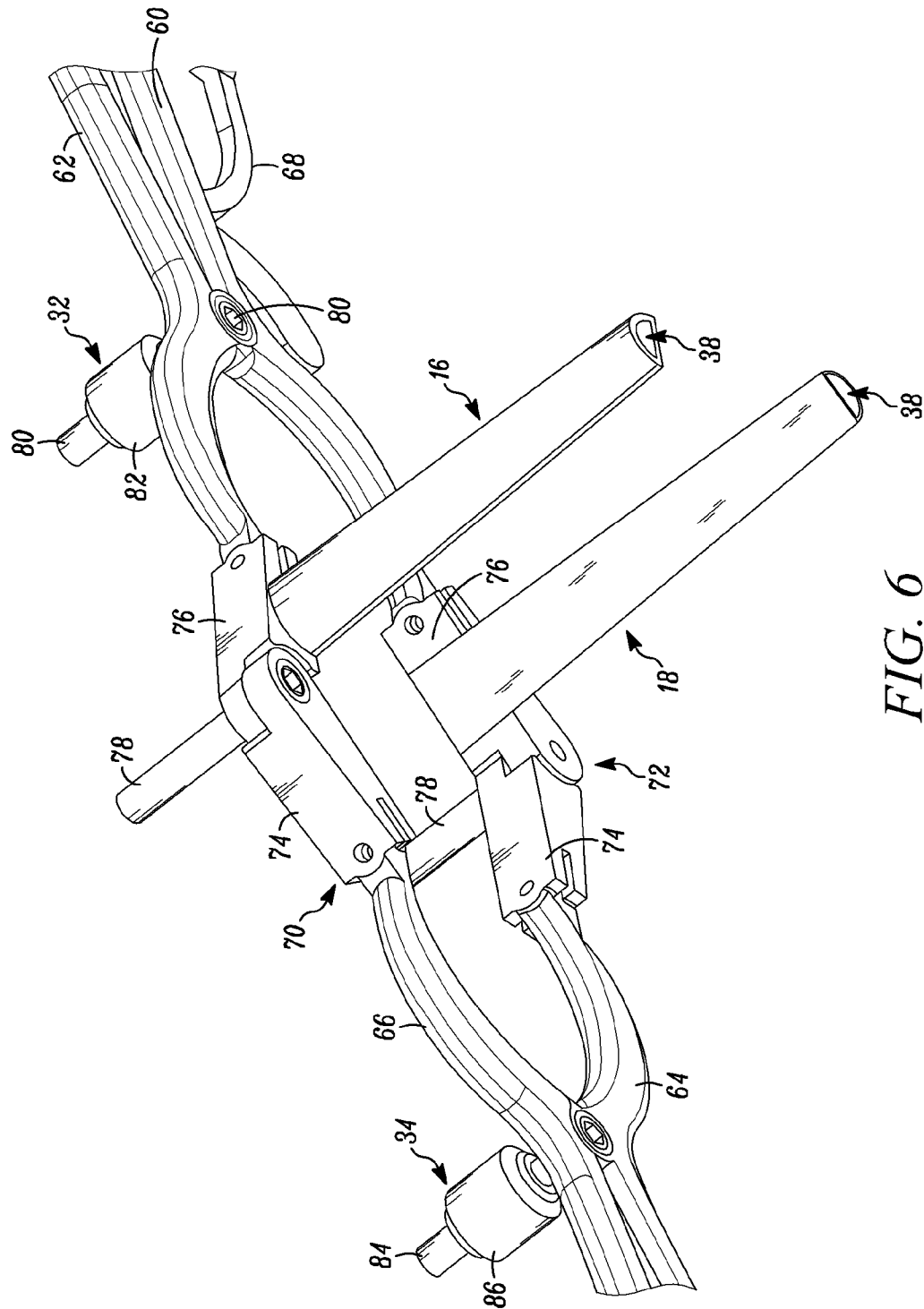


FIG. 5



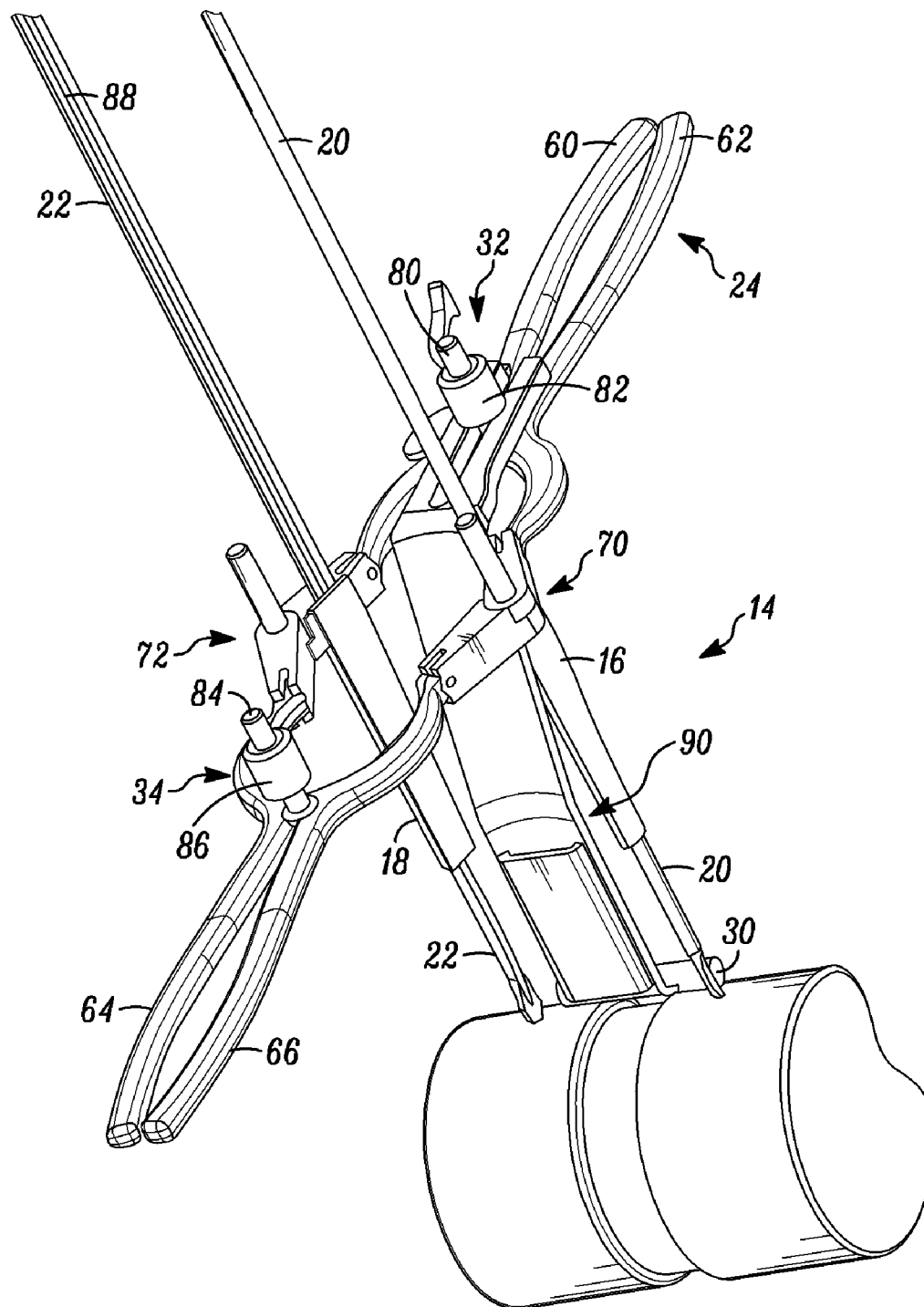


FIG. 7

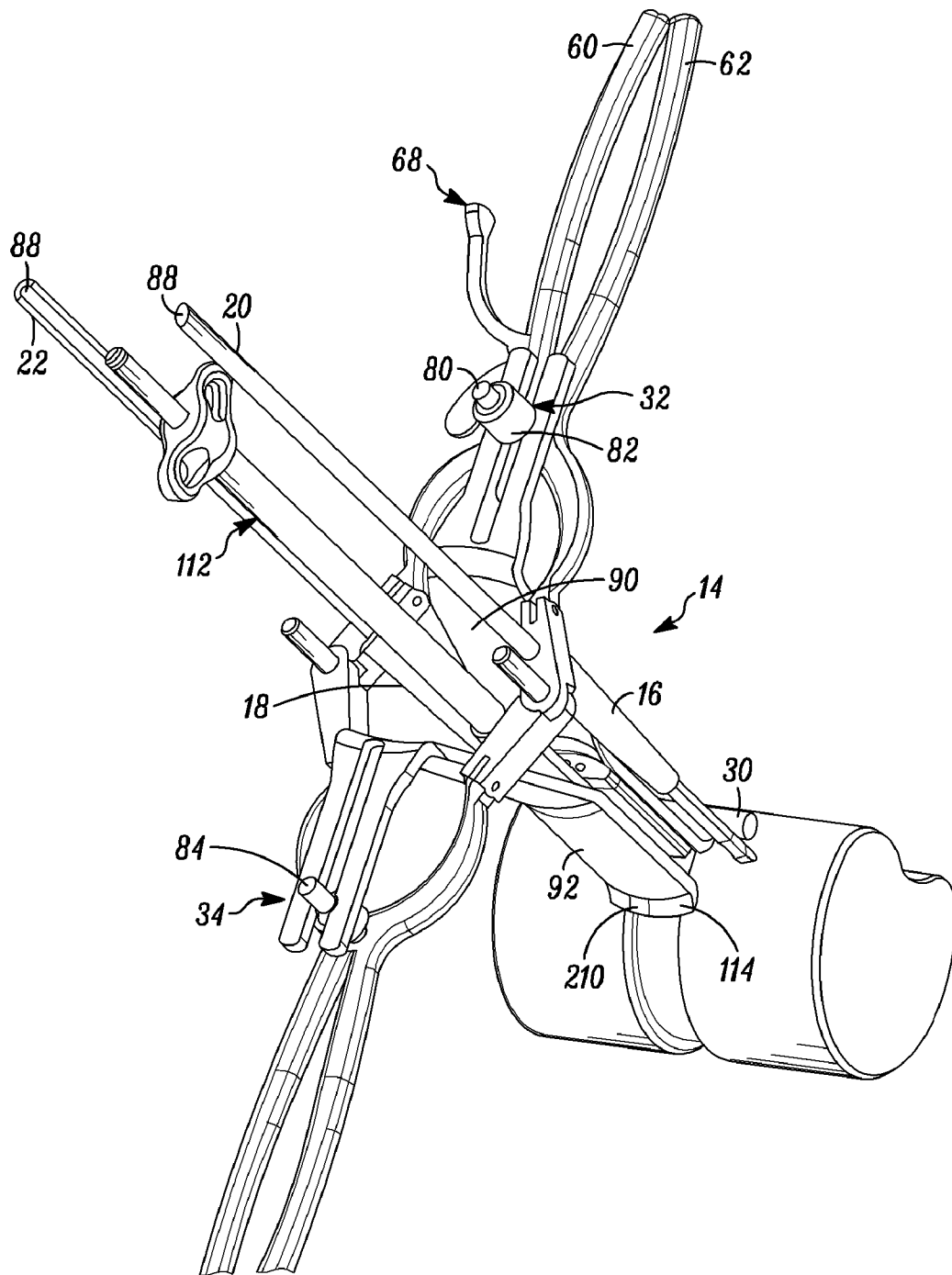
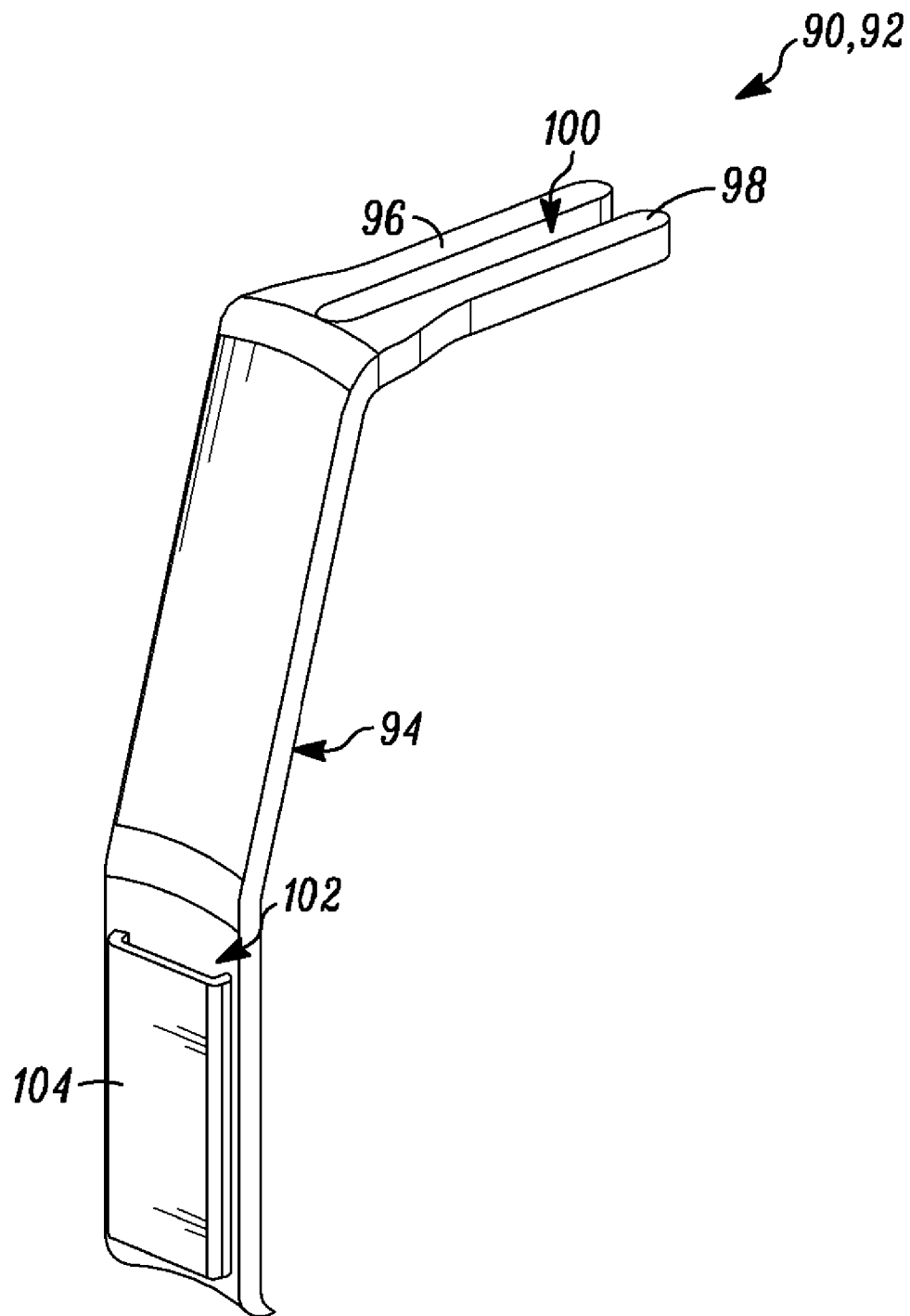


FIG. 8

*FIG. 9*

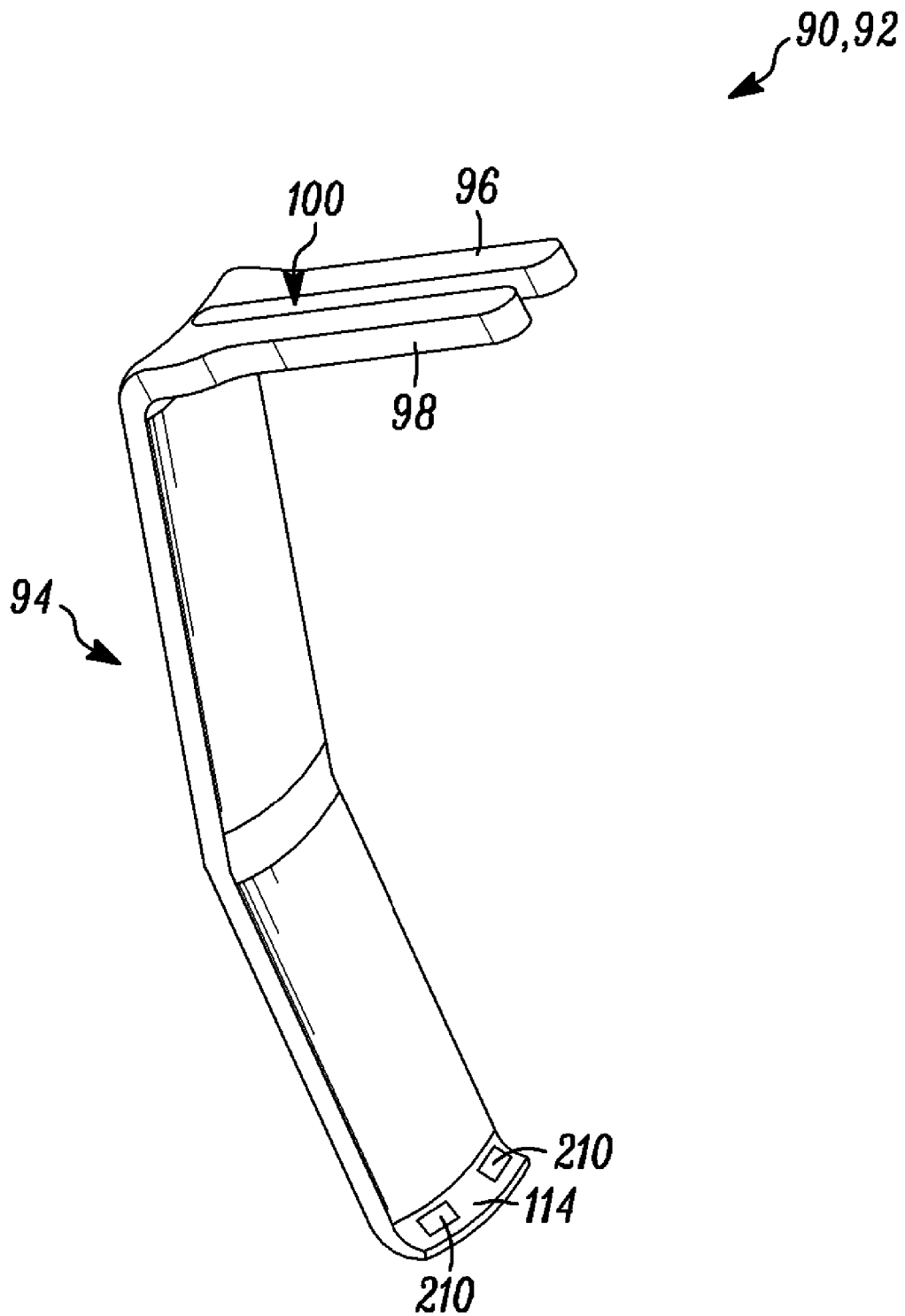
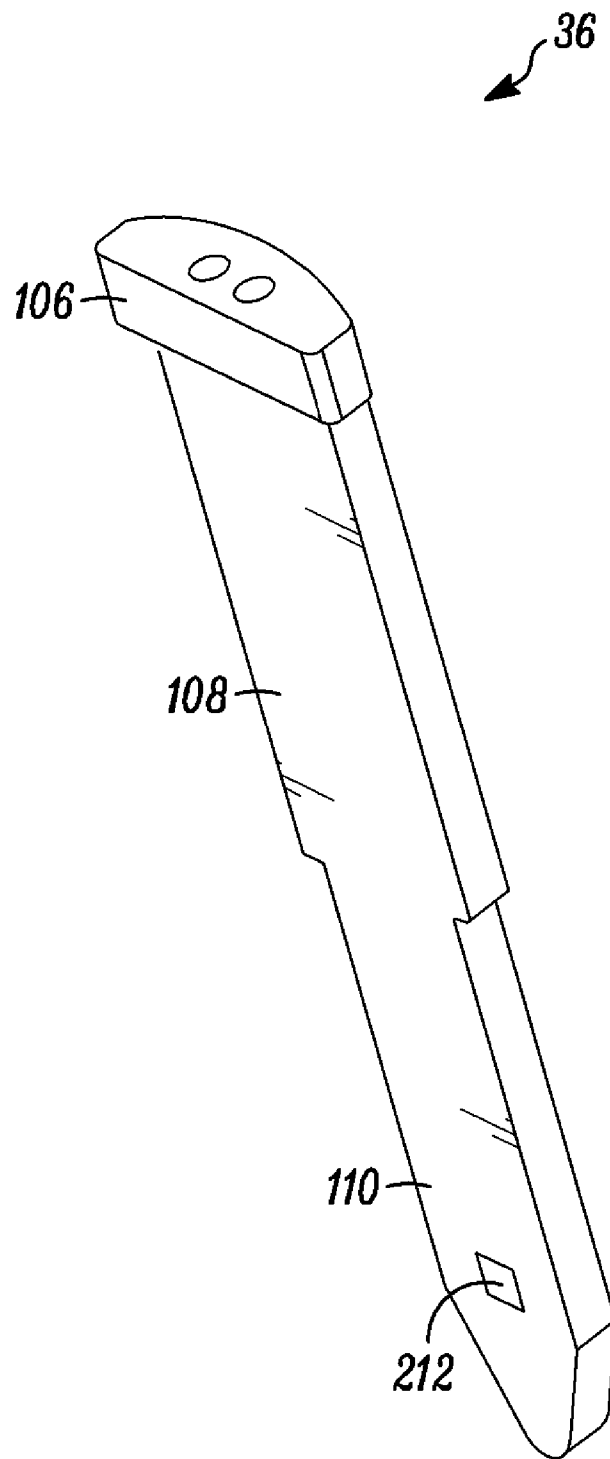
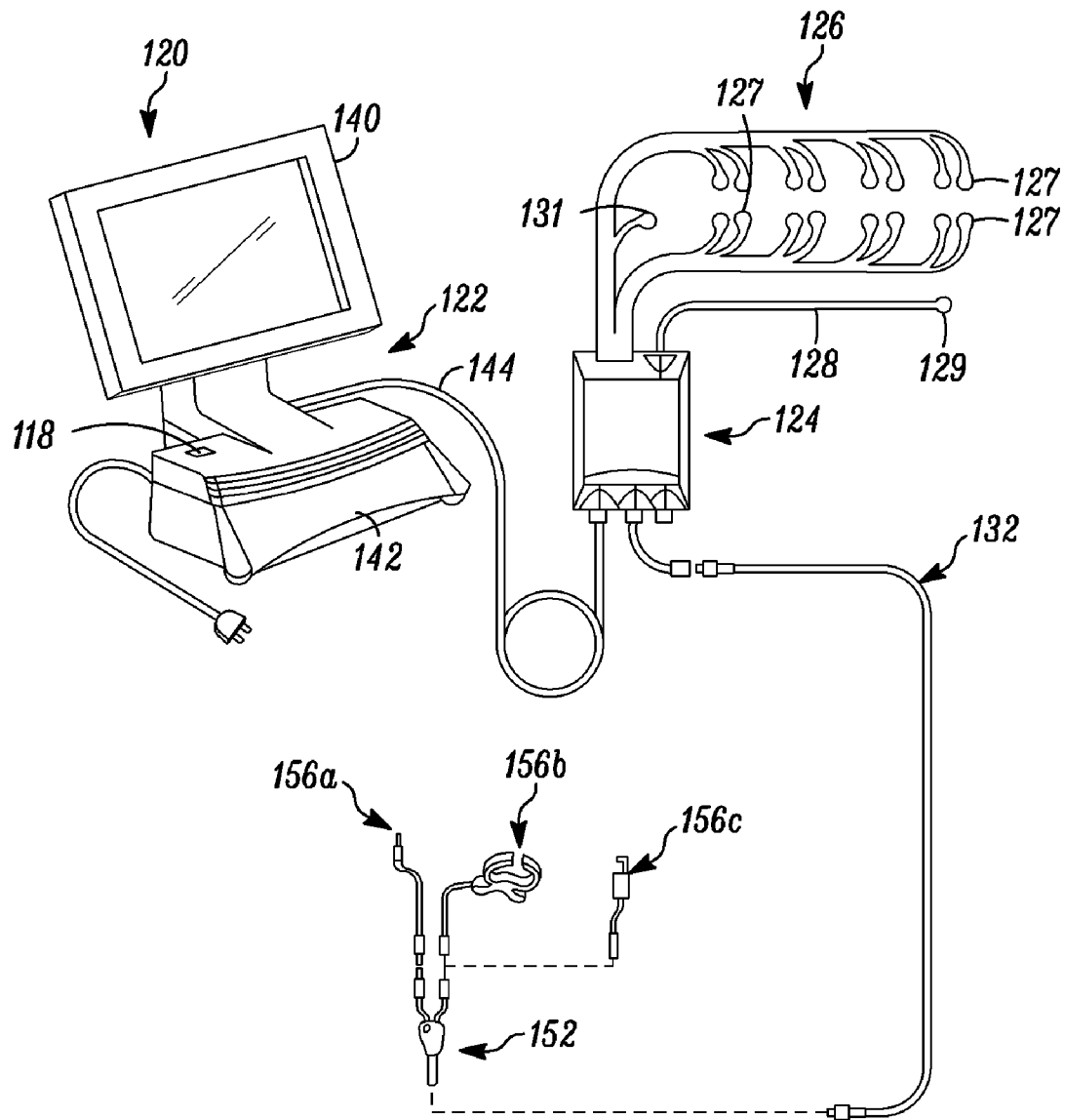


FIG. 10

*FIG. 11*

*FIG. 12*

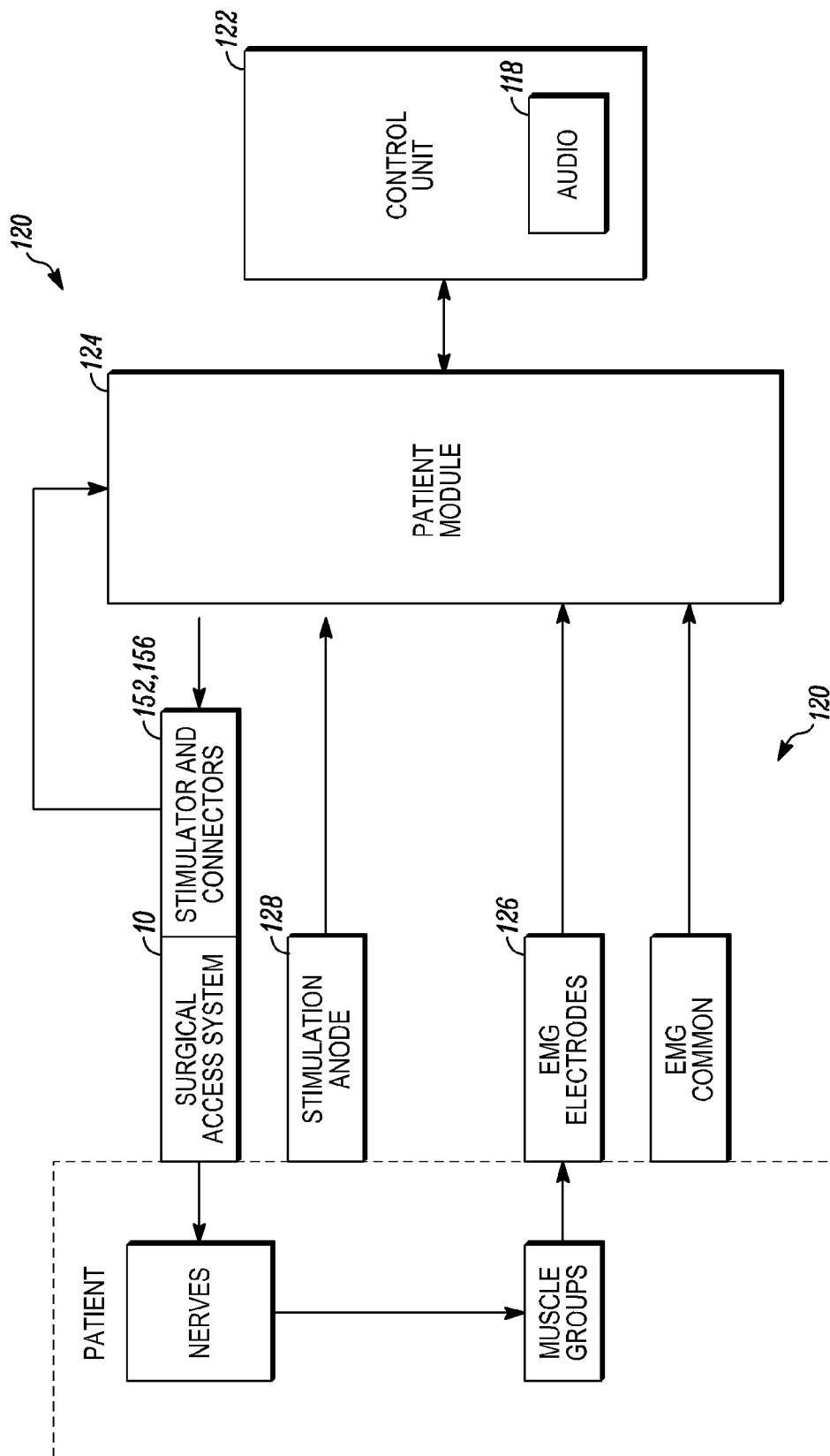


FIG. 13

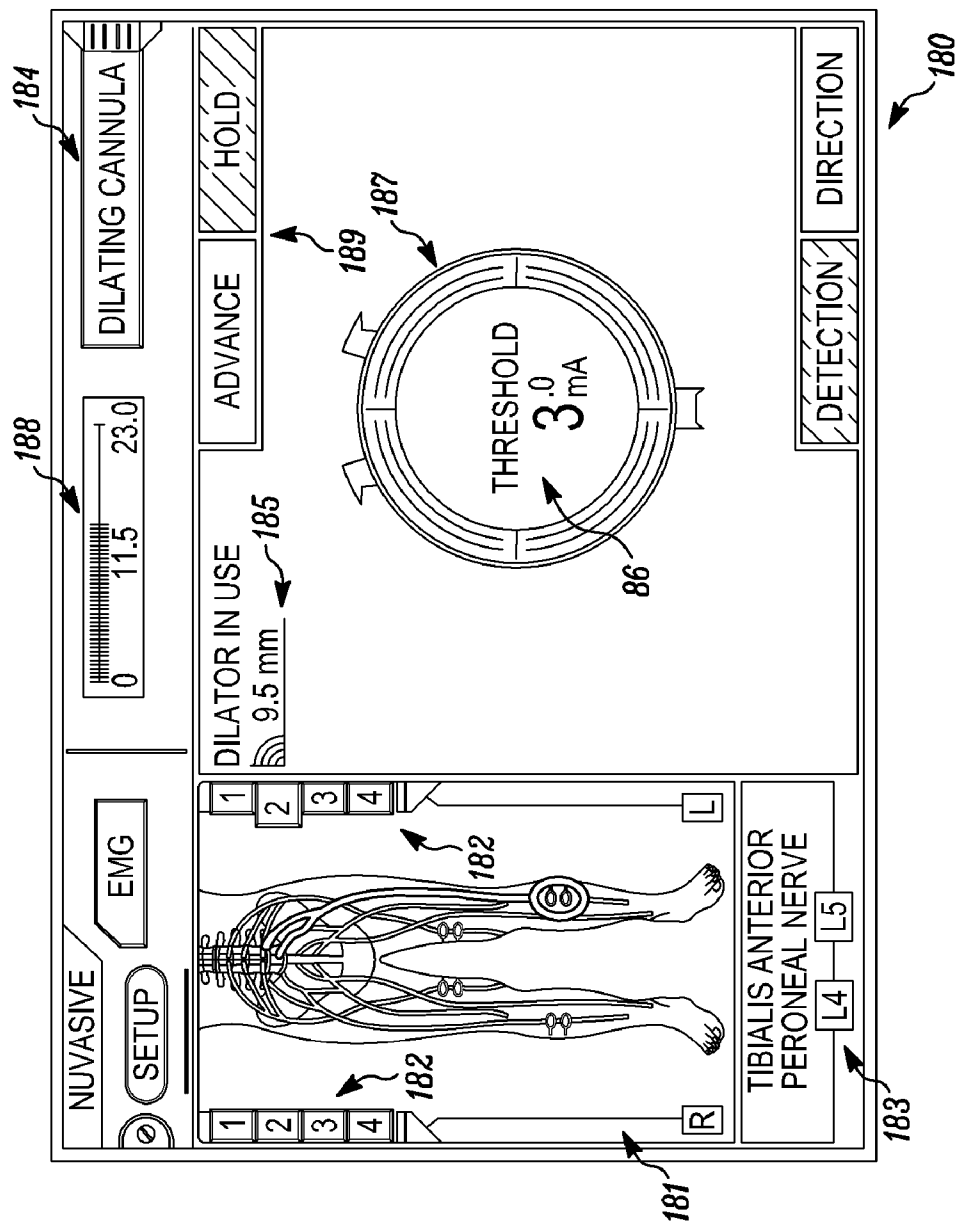


FIG. 14

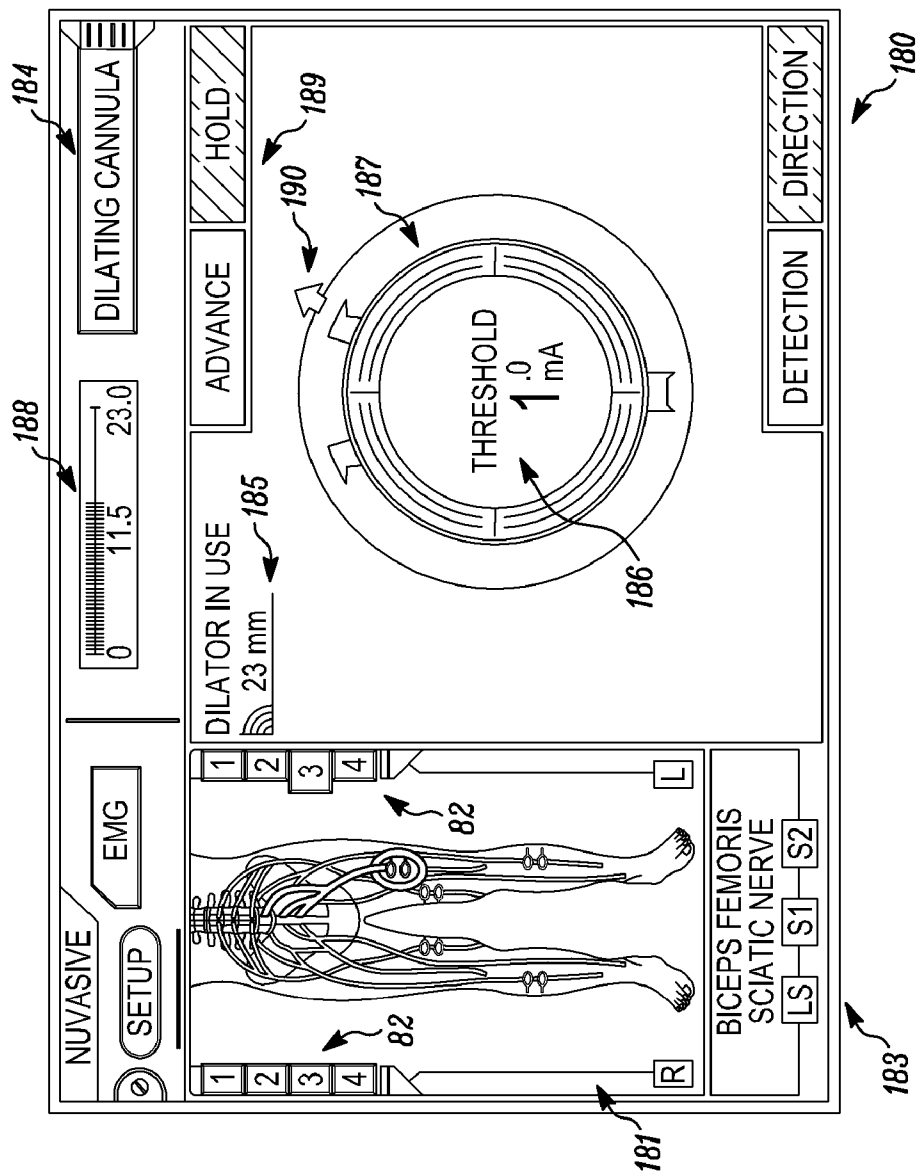


FIG. 15

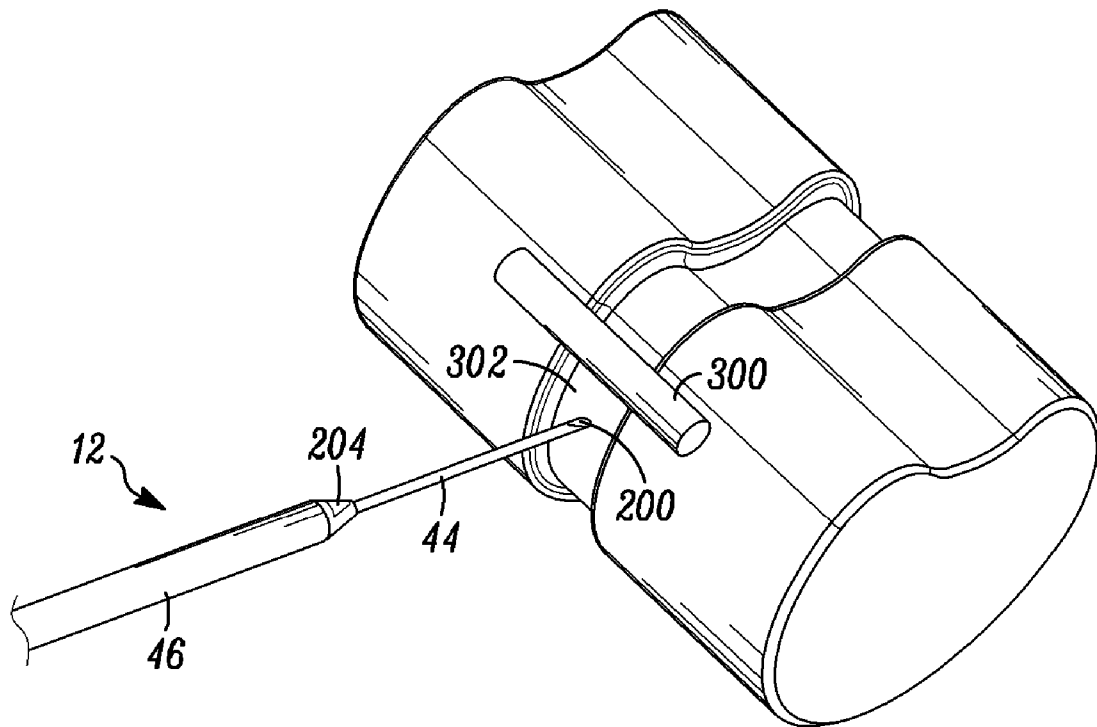
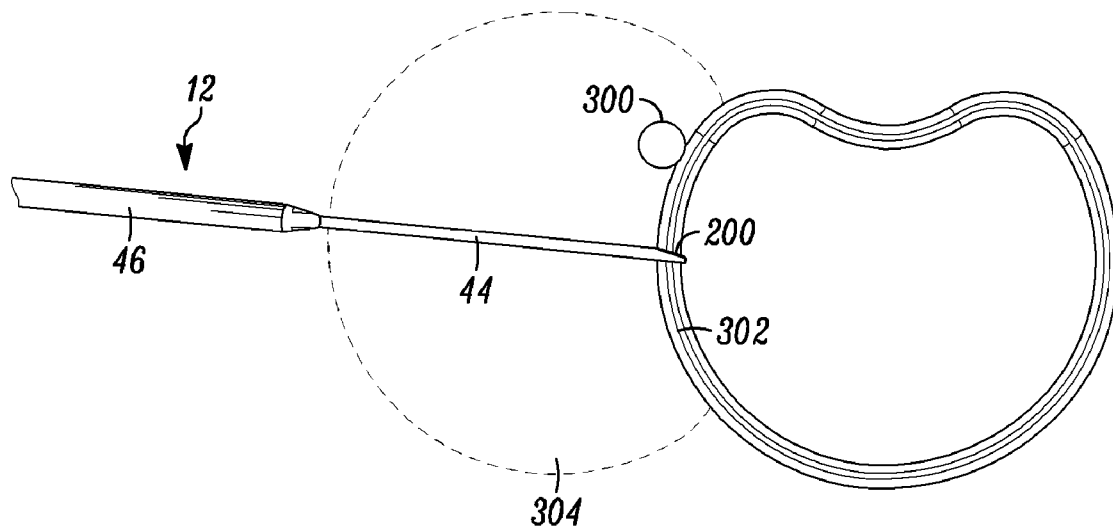
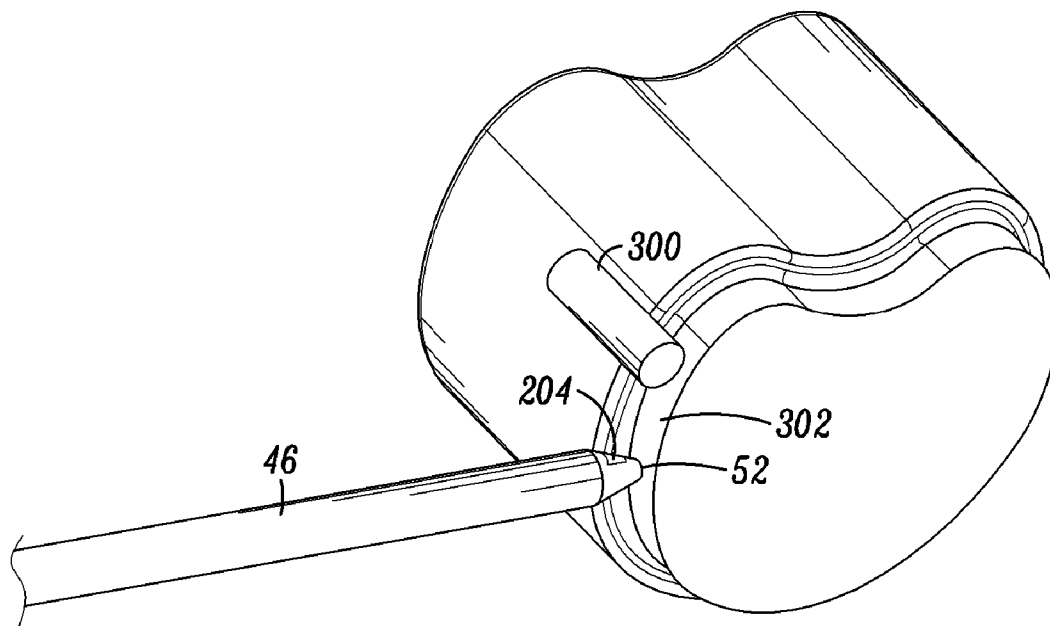


FIG. 16

*FIG. 17*

*FIG. 18*

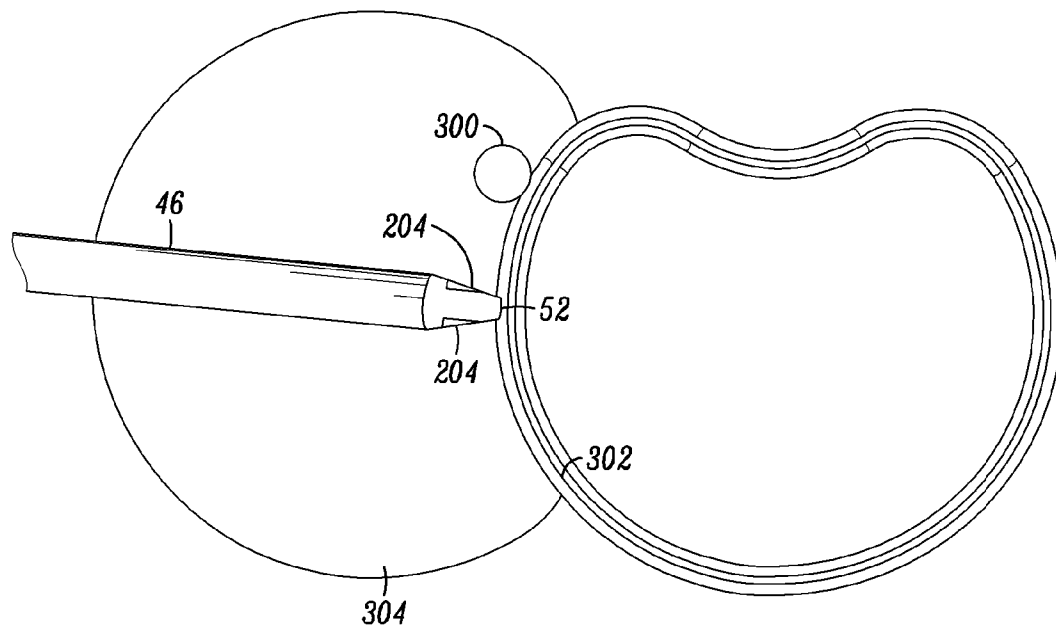
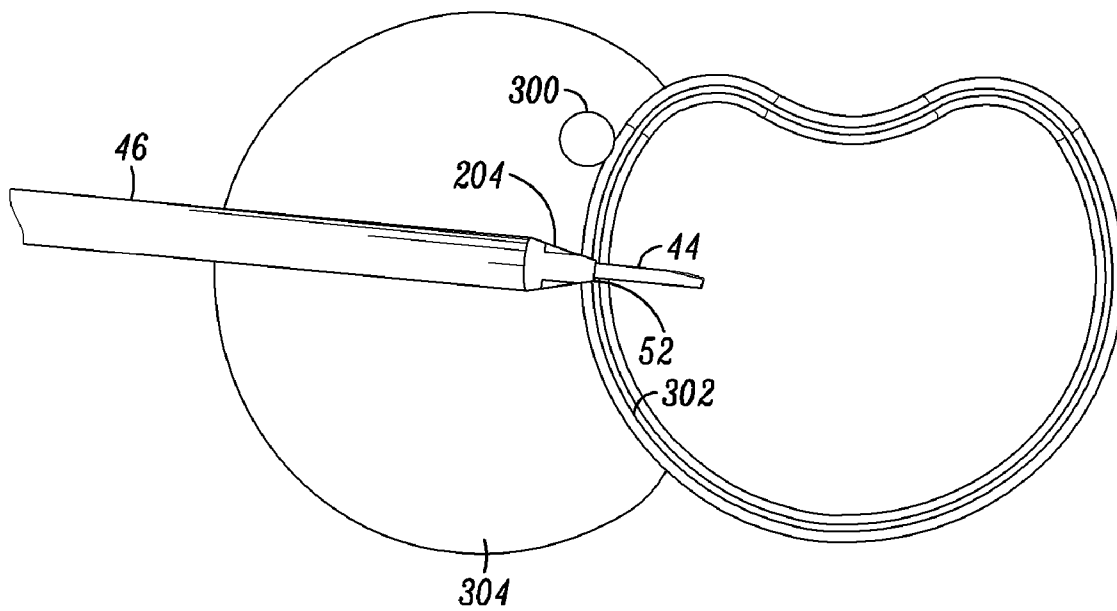


FIG. 19

*FIG. 20*

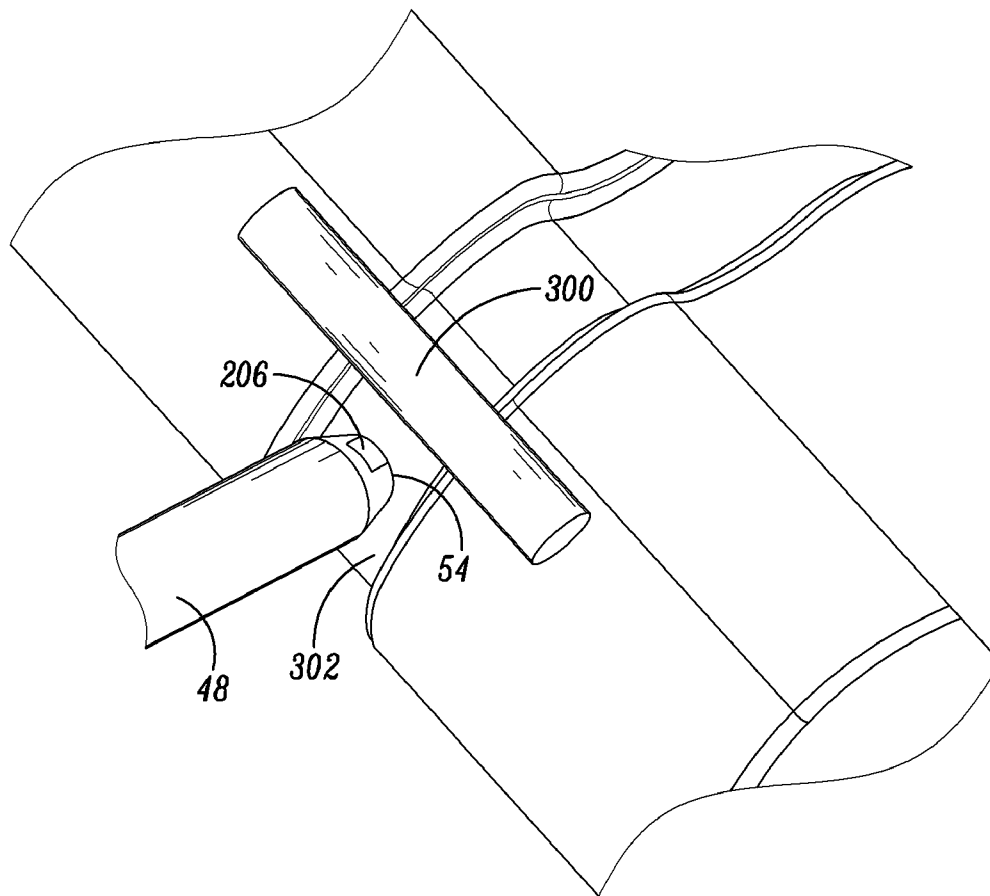


FIG. 21

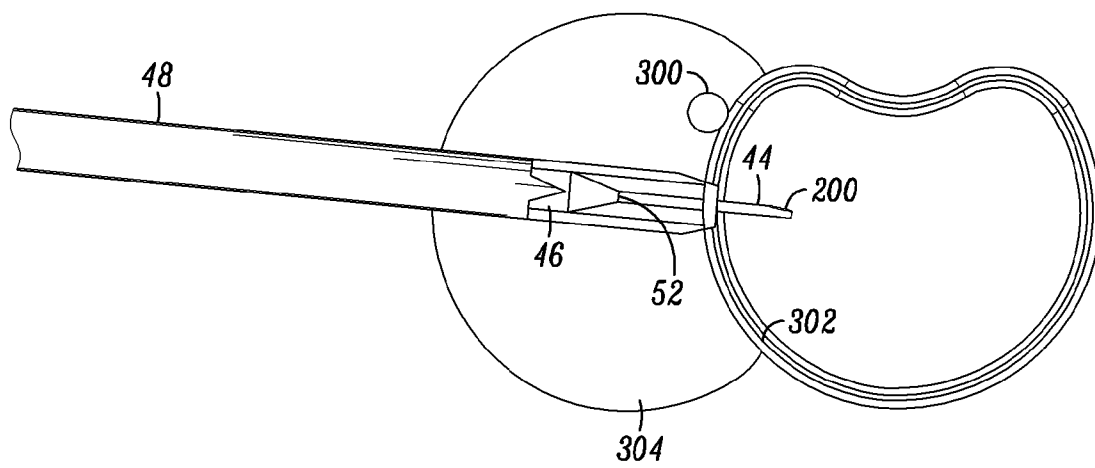


FIG. 22

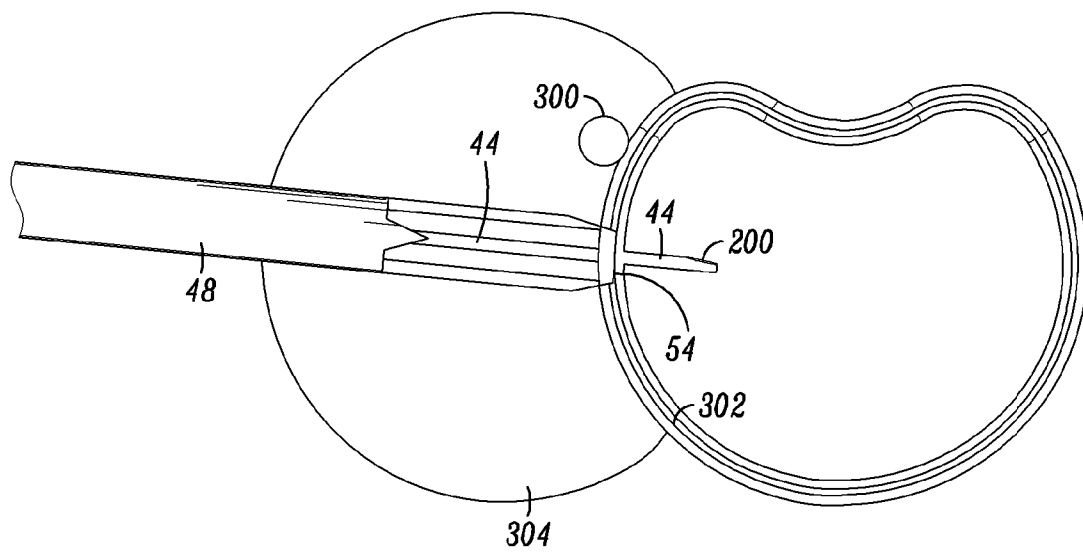
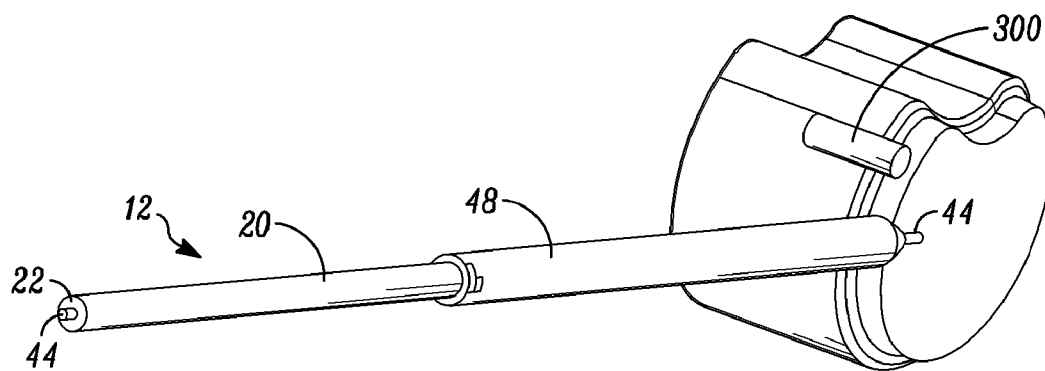


FIG. 23

*FIG. 24*

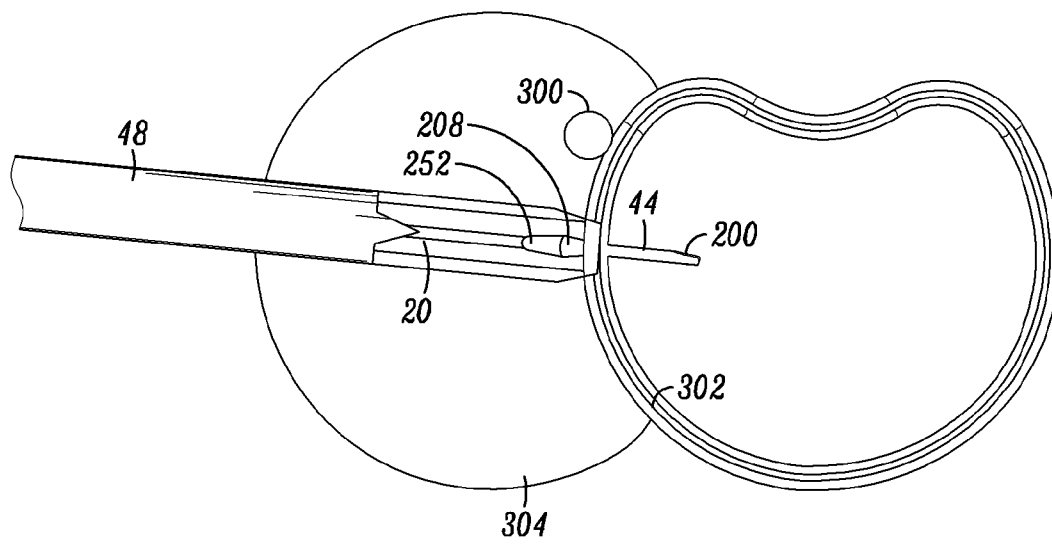
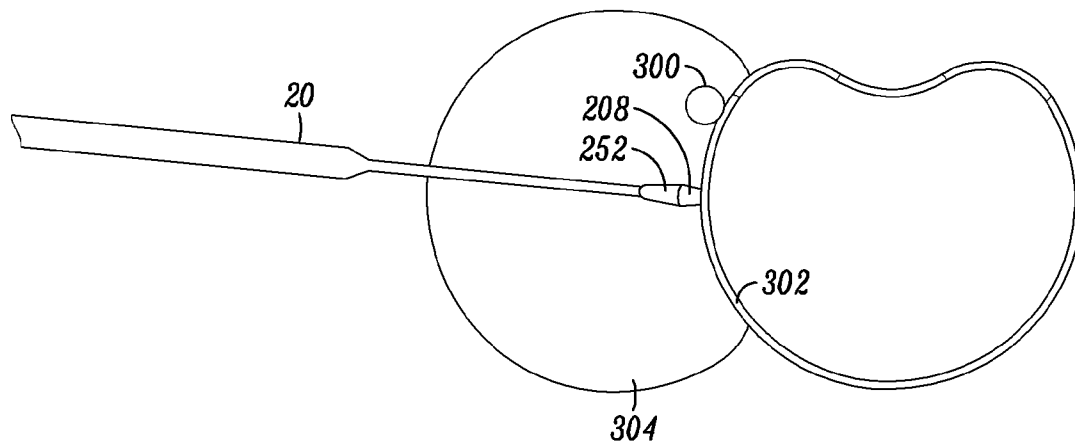
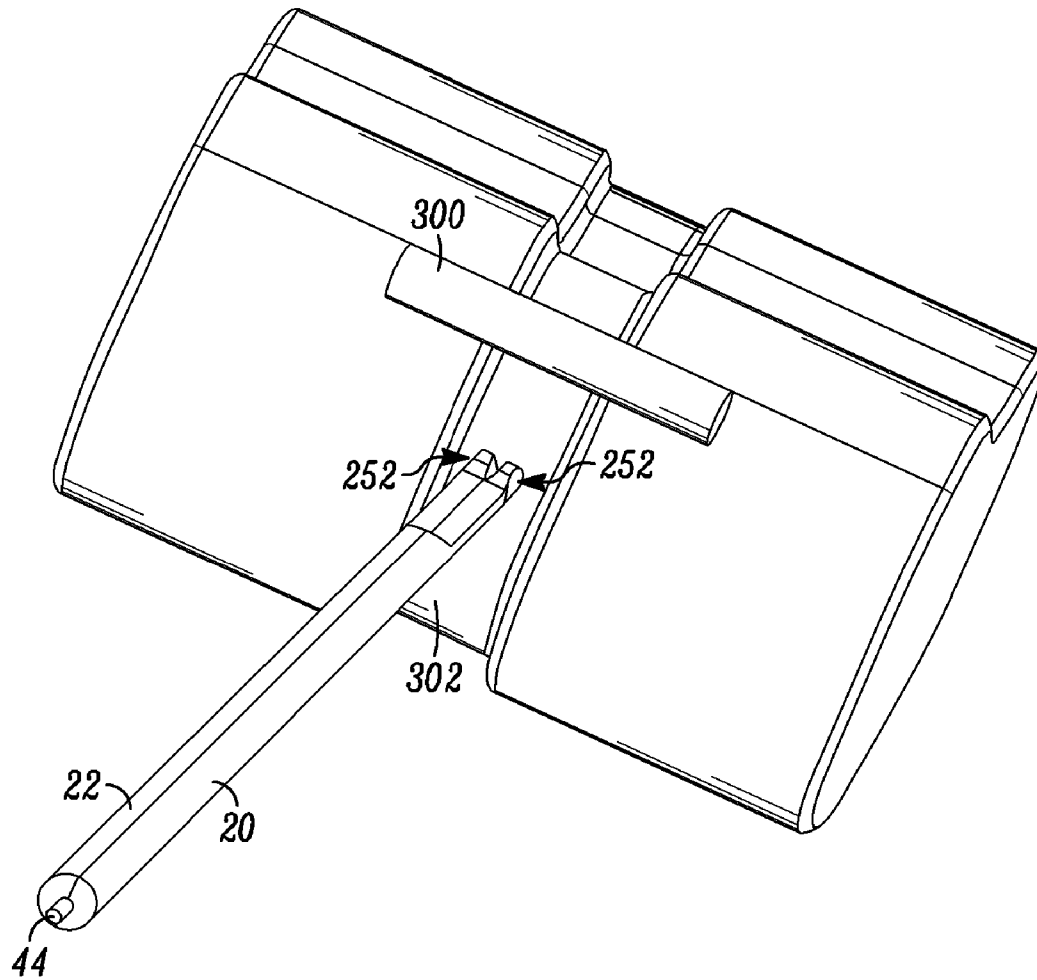


FIG. 25

*FIG. 26*

*FIG. 27*

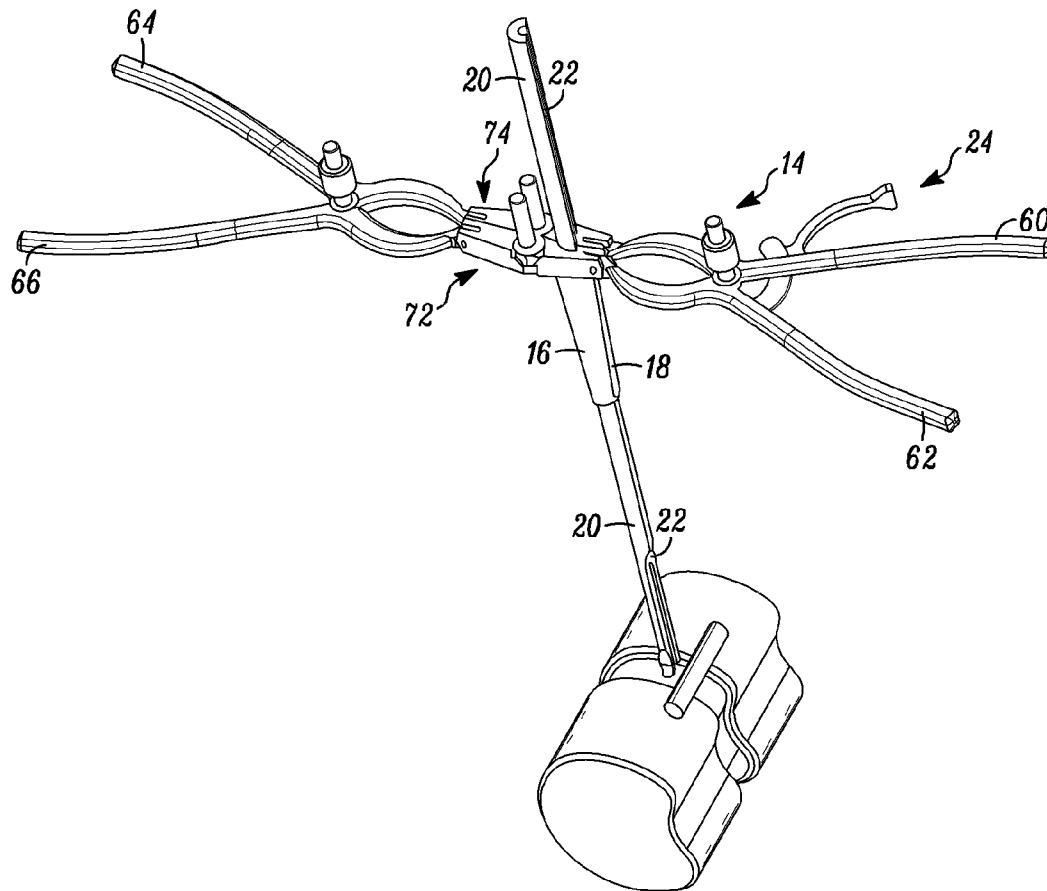


FIG. 28

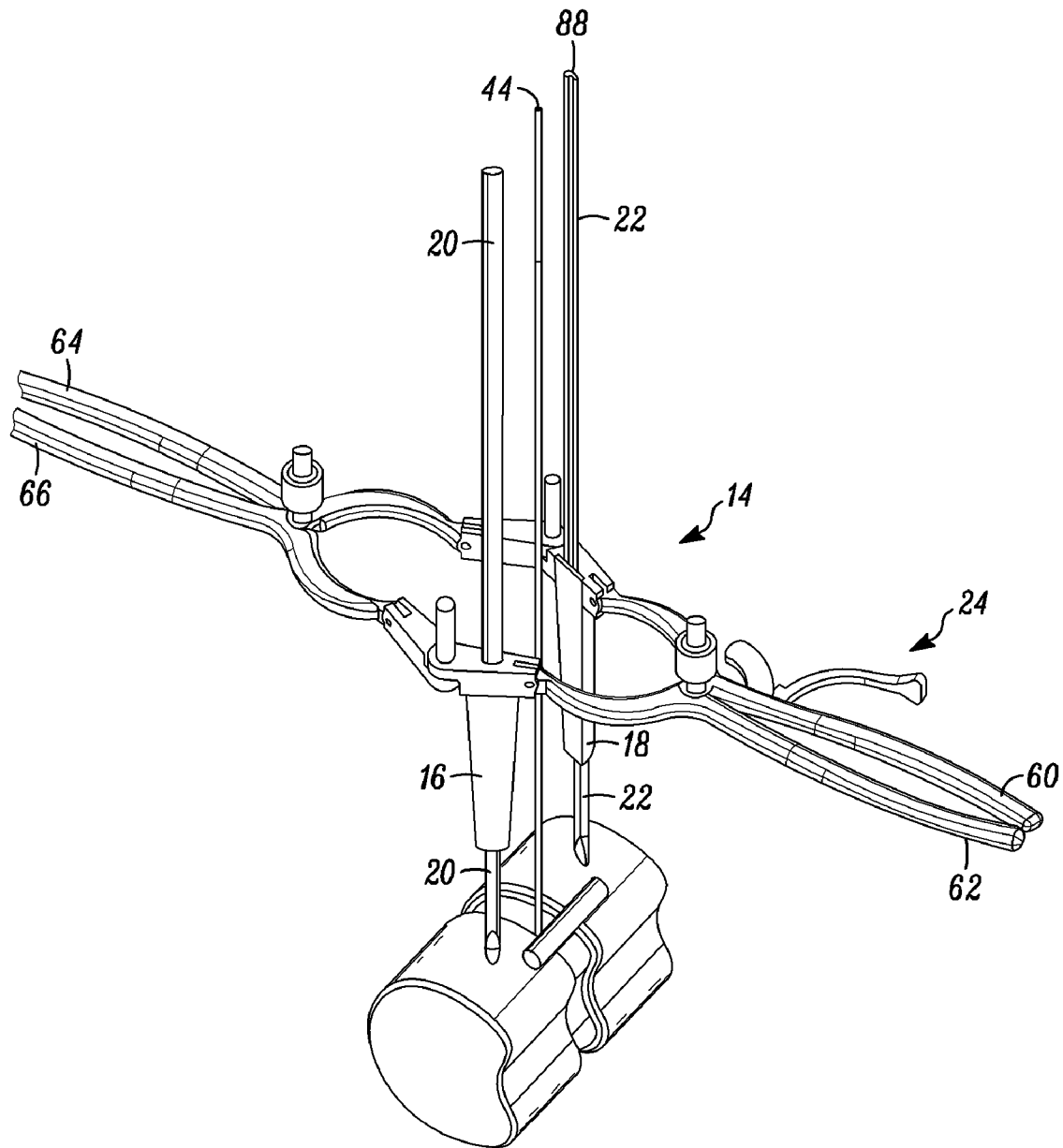


FIG. 29

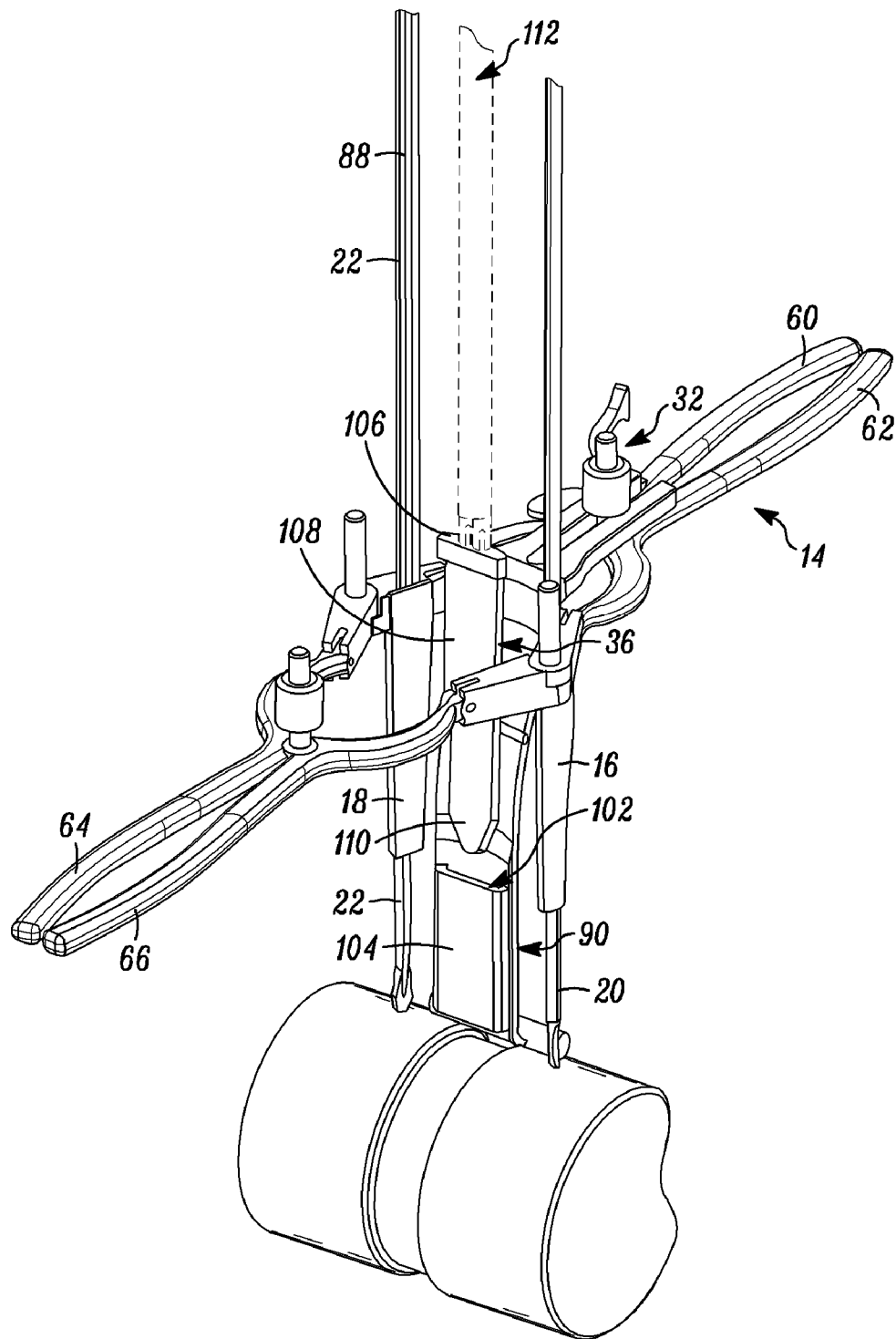
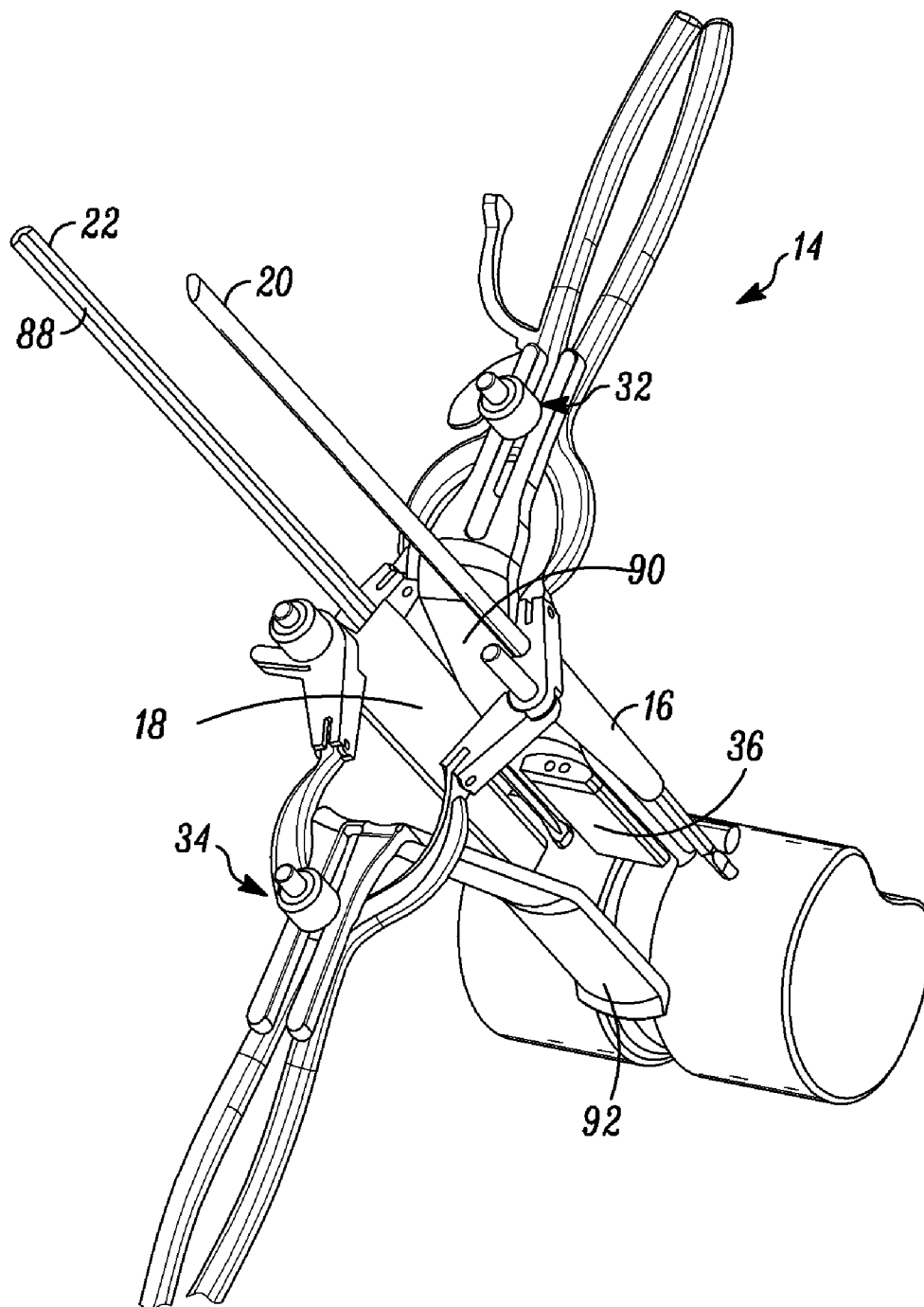


FIG. 30

*FIG. 31*

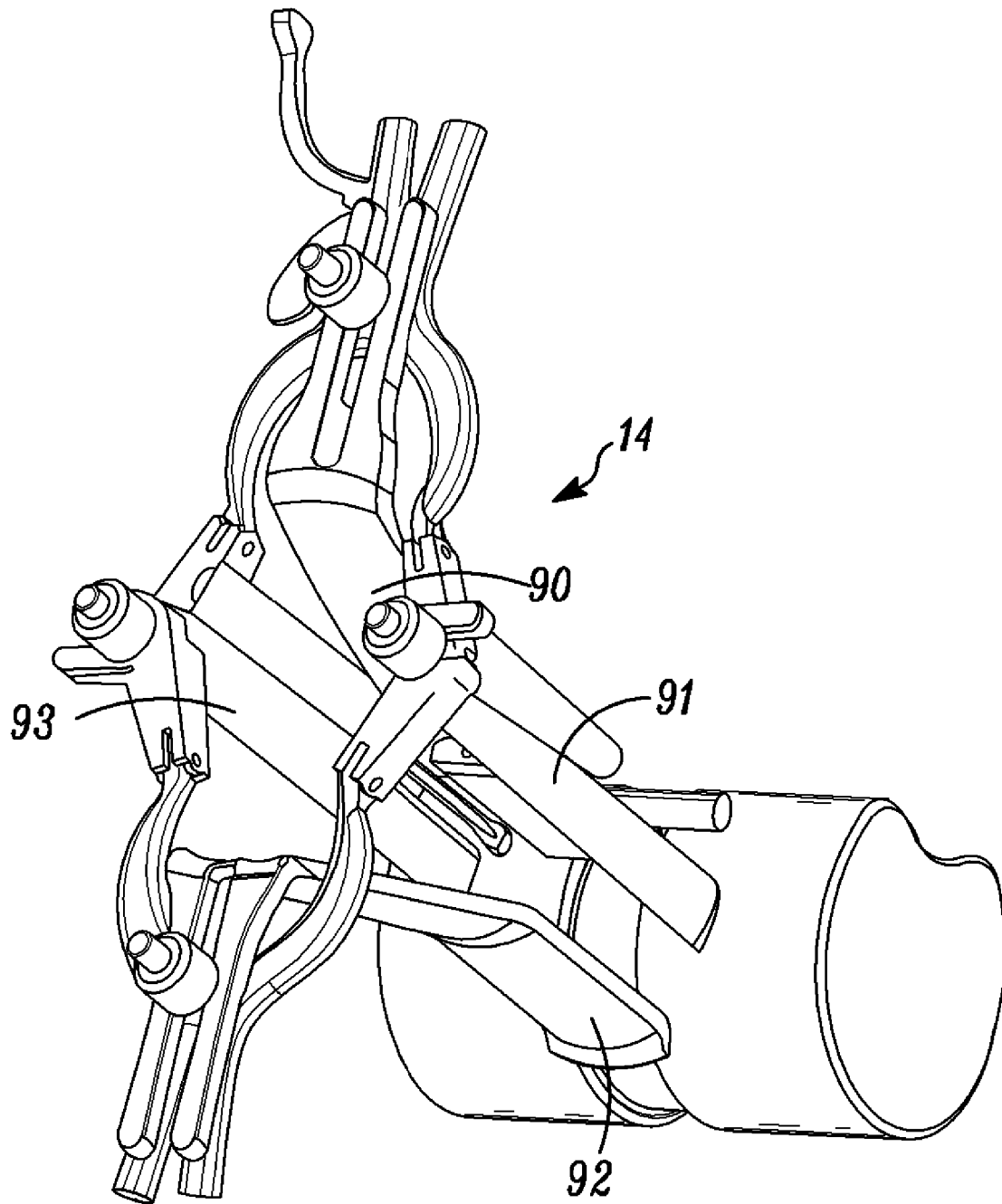


FIG. 32

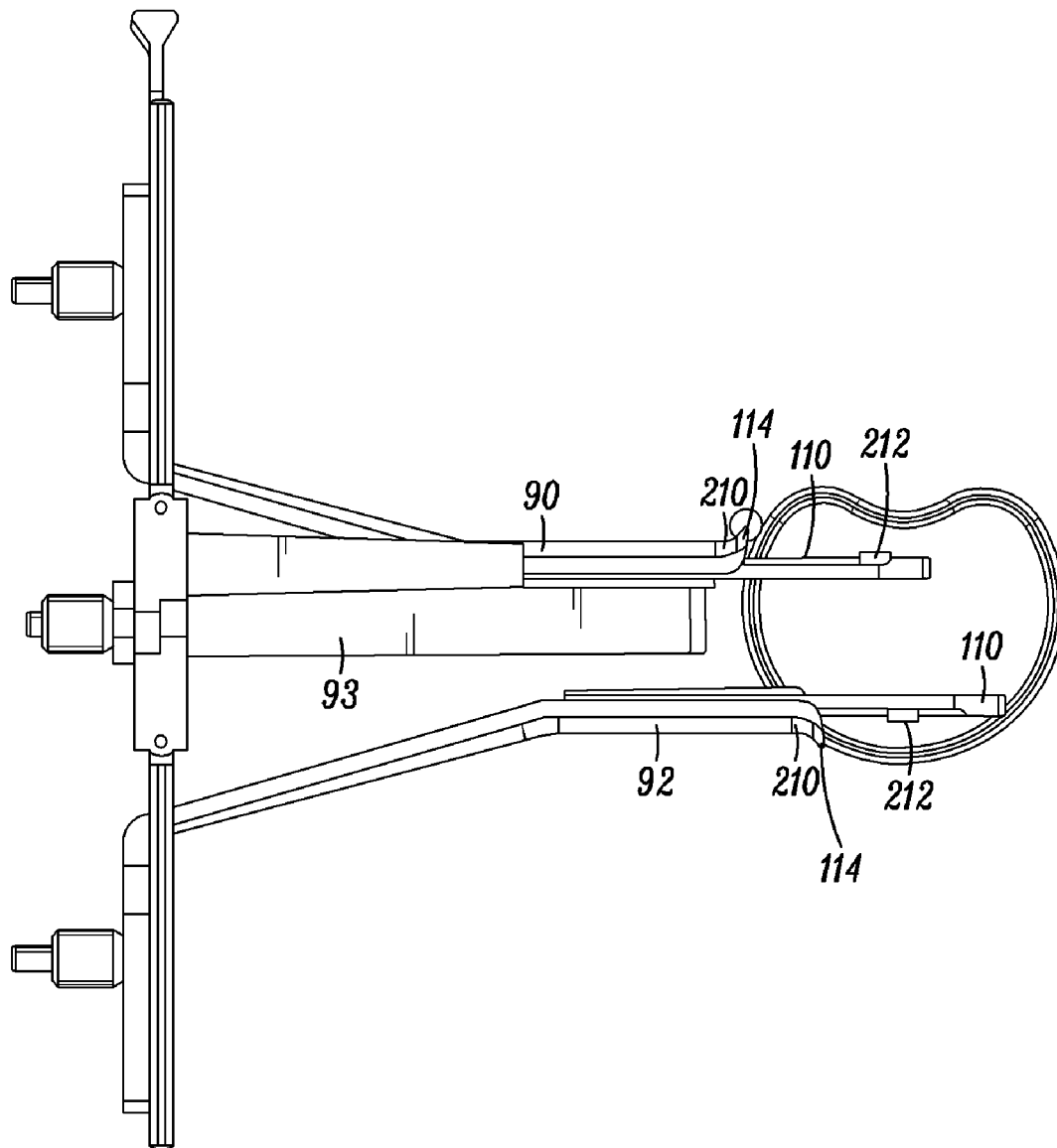


FIG. 33

1

SURGICAL ACCESS SYSTEM AND RELATED METHODS

CROSS-REFERENCES TO RELATED APPLICATIONS

This application is a continuation of U.S. patent Ser. No. 12/428,081 filed on Apr. 22, 2009, which is a continuation of U.S. patent application Ser. No. 10/608,362 filed on Jun. 26, 2003 (now U.S. Pat. No. 7,582,058), which claims priority to U.S. Provisional Patent Application Ser. No. 60/392,214 filed Jun. 26, 2002 (the contents being incorporated herein by reference). The present application also incorporates by reference the following co-assigned patent applications in their entireties: PCT App. Ser. No. PCT/US02/22247, entitled "System and Methods for Determining Nerve Proximity, Direction, and Pathology During Surgery," filed on Jul. 11, 2002 (published as WO03/005887); PCT App. Ser. No. PCT/US02/30617, entitled "System and Methods for Performing Surgical Procedures and Assessments," filed on Sep. 25, 2002 (published as WO 03/026482); PCT App. Ser. No. PCT/US02/35047, entitled "System and Methods for Performing Percutaneous Pedicle Integrity Assessments," filed on Oct. 30, 2002 (published as WO/03037170); and PCT App. Ser. No. PCT/US03/02056, entitled "System and Methods for Determining Nerve Direction to a Surgical Instrument," filed Jan. 15, 2003 (published as WO/2004064634).

BACKGROUND

I. Field

The present invention relates generally to systems and methods for performing surgical procedures and, more particularly, for accessing a surgical target site in order to perform surgical procedures.

II. Description of Related Art

A noteworthy trend in the medical community is the move away from performing surgery via traditional "open" techniques in favor of minimally invasive or minimal access techniques. Open surgical techniques are generally undesirable in that they typically require large incisions and high amounts of tissue displacement to gain access to the surgical target site, which produces concomitantly high amounts of pain, lengthened hospitalization (increasing health care costs), and high morbidity in the patient population. Less-invasive surgical techniques (including so-called "minimal access" and "minimally invasive" techniques) are gaining favor due to the fact that they involve accessing the surgical target site via incisions of substantially smaller size with greatly reduced tissue displacement requirements. This, in turn, reduces the pain, morbidity and cost associated with such procedures. The access systems developed to date, however, fail in various respects to meet all the needs of the surgeon population.

One drawback associated with prior art surgical access systems relates to the ease with which the operative corridor can be created, as well as maintained over time, depending upon the particular surgical target site. For example, when accessing surgical target sites located beneath or behind musculature or other relatively strong tissue (such as, by way of example only, the psoas muscle adjacent to the spine), it has been found that advancing an operative corridor-establishing instrument directly through such tissues can be challenging and/or lead to unwanted or undesirable effects (such as stressing or tearing the tissues). While certain efforts have been undertaken to reduce the trauma to tissue while creating an operative corridor, such as (by way of example only) the sequential dilation system of U.S. Pat. No. 5,792,044 to Foley

2

et al., these attempts are nonetheless limited in their applicability based on the relatively narrow operative corridor. More specifically, based on the generally cylindrical nature of the so-called "working cannula," the degree to which instruments can be manipulated and/or angled within the cannula can be generally limited or restrictive, particularly if the surgical target site is a relatively deep within the patient.

Efforts have been undertaken to overcome this drawback, such as shown in U.S. Pat. No. 6,524,320 to DiPoto, wherein an expandable portion is provided at the distal end of a cannula for creating a region of increased cross-sectional area adjacent to the surgical target site. While this system may provide for improved instrument manipulation relative to sequential dilation access systems (at least at deep sites within the patient), it is nonetheless flawed in that the deployment of the expandable portion may inadvertently compress or impinge upon sensitive tissues adjacent to the surgical target site. For example, in anatomical regions having neural and/or vasculature structures, such a blind expansion may cause the expandable portion to impinge upon these sensitive tissues and cause neural and/or vasculature compromise, damage and/or pain for the patient.

This highlights yet another drawback with the prior art surgical access systems, namely, the challenges in establishing an operative corridor through or near tissue having major neural structures which, if contacted or impinged, may result in neural impairment for the patient. Due to the threat of contacting such neural structures, efforts thus far have largely restricted to establishing operative corridors through tissue having little or substantially reduced neural structures, which effectively limits the number of ways a given surgical target site can be accessed. This can be seen, by way of example only, in the spinal arts, where the exiting nerve roots and neural plexus structures in the psoas muscle have rendered a lateral or far lateral access path (so-called trans-psoas approach) to the lumbar spine virtually impossible. Instead, spine surgeons are largely restricted to accessing the spine from the posterior (to perform, among other procedures, posterior lumbar interbody fusion (PLIF)) or from the anterior (to perform, among other procedures, anterior lumbar interbody fusion (ALIF)).

Posterior-access procedures involve traversing a shorter distance within the patient to establish the operative corridor, albeit at the price of oftentimes having to reduce or cut away part of the posterior bony structures (i.e. lamina, facets, spinous process) in order to reach the target site (which typically comprises the disc space). Anterior-access procedures are relatively simple for surgeons in that they do not involve reducing or cutting away bony structures to reach the surgical target site. However, they are nonetheless disadvantageous in that they require traversing through a much greater distance within the patient to establish the operative corridor, oftentimes requiring an additional surgeon to assist with moving the various internal organs out of the way to create the operative corridor.

The present invention is directed at eliminating, or at least minimizing the effects of, the above-identified drawbacks in the prior art.

SUMMARY

The present invention accomplishes this goal by providing a novel access system and related methods which involve: (1) distracting the tissue between the patient's skin and the surgical target site to create an area of distraction (otherwise referred to herein as a "distraction corridor"); (2) retracting the distraction corridor to establish and maintain an operative

3

corridor; and/or (3) detecting the existence of (and optionally the distance and/or direction to) neural structures before, during and after the establishment of the operative corridor through (or near) any of a variety of tissues having such neural structures which, if contacted or impinged, may otherwise result in neural impairment for the patient.

As used herein, "distraction" or "distracting" is defined as the act of creating a corridor (extending to a location at or near the surgical target site) having a certain cross-sectional area and shape ("distraction corridor"), and "retraction" or "retracting" is defined as the act of creating an operative corridor by increasing the cross-sectional area of the distraction corridor (and/or modifying its shape) with at least one retractor blade and thereafter maintaining that increased cross-sectional area and/or modified shape such that surgical instruments can be passed through operative corridor to the surgical target site. It is expressly noted that, although described herein largely in terms of use in spinal surgery, the access system of the present invention is suitable for use in any number of additional surgical procedures, including those wherein tissue having significant neural structures must be passed through (or near) in order to establish an operative corridor.

According to one aspect, the present invention provides a surgical access system having an initial tissue distraction assembly and a pivot linkage assembly forming part of a secondary distraction assembly and a retraction assembly. The secondary distraction assembly includes first and second distraction arms forming part of the pivot linkage assembly, first and second speculum blades extending through receiving passageways formed within the first and second distraction arms, and a handle assembly forming part of the pivot linkage. As will be described below, the distraction arms may be advanced over the initial distraction assembly such that the speculum blades are passed into the tissue to be secondarily distracted. Thereafter, the handle assembly may be activated to perform the necessary distraction. That is, the handle assembly can be manipulated by a user to move the first and second distraction arms away from one another, which will at the same time move the distal ends of the speculum blades to create a full distraction corridor.

After the secondary distraction, a pair of retractors blades may be introduced into the distraction corridor and positioned to create an operative corridor to the surgical target site. In a preferred embodiment, retractor blade is introduced first and positioned such that its distal end is generally located towards the posterior region of the spinal target site, which forms a useful barrier to prevent any exiting nerve roots 30 from entering the surgical target site, as well as to prevent any surgical instruments from passing outside the surgical target site and into contact with the exiting nerve roots 30 or other sensitive tissue. The retractor blade may thereafter be introduced and moved in a generally anterior direction away from the retractor blade, effectively creating the operative corridor. The retractor blades may be locked in relation to the pivot linkage assembly in any number of suitable fashions, including but not limited to the use of the nut-bolt assemblies well known in the art. To lock the retractor blades in relation to the surgical target site, optional locking members may be advanced through receiving passageways formed in one or more of the retractor blades such that a distal region of the locking member is brought into a press-fit, secure engagement between the adjacent vertebral bodies to thereby maintain the respective retractor blade in position. With the operative corridor established, any of a variety of surgical instruments, devices, or implants may be passed through

4

and/or manipulated at or near the surgical target site depending upon the given surgical procedure.

According to yet another aspect of the present invention, any number of distraction assemblies and/or retraction assemblies (including but not limited to those described herein) may be equipped to detect the presence of (and optionally the distance and/or direction to) neural structures during the steps tissue distraction and/or retraction. To accomplish this, one or more stimulation electrodes are provided on the various components of the distraction assemblies and/or retraction assemblies, a stimulation source (e.g. voltage or current) is coupled to the stimulation electrodes, a stimulation signal is emitted from the stimulation electrodes as the various components are advanced towards the surgical target site, and the patient is monitored to determine if the stimulation signal causes muscles associated with nerves or neural structures within the tissue to innervate. If the nerves innervate, this indicates that neural structures may be in close proximity to the distraction and/or retraction assemblies.

This monitoring may be accomplished via any number of suitable fashions, including but not limited to observing visual twitches in muscle groups associated with the neural structures likely to found in the tissue, as well as any number of monitoring systems. In either situation (traditional EMG or surgeon-driven EMG monitoring), the access system of the present invention may advantageously be used to traverse tissue that would ordinarily be deemed unsafe or undesirable, thereby broadening the number of manners in which a given surgical target site may be accessed.

BRIEF DESCRIPTION OF THE DRAWINGS

Many advantages of the present invention will be apparent to those skilled in the art with a reading of this specification in conjunction with the attached drawings, wherein like reference numerals are applied to like elements and wherein:

FIG. 1 is a perspective view of a surgical access system according to one aspect of the present invention;

FIG. 2 is a perspective view of an initial tissue distraction assembly forming part of a surgical access system according to the present invention;

FIGS. 3-4 are exploded views detailing the distal portions of the initial tissue distraction assembly shown in FIG. 2;

FIG. 5 is a perspective view of a pivot linkage assembly equipped with speculum blades according to the present invention;

FIG. 6 is a side view of the pivot linkage assembly shown in FIG. 5;

FIGS. 7-8 are perspective views showing the pivot linkage assembly of FIG. 5 in use;

FIGS. 9-10 are perspective views of a retractor blade forming part of a surgical access system according to the present invention;

FIG. 11 is a perspective view of a locking member for use with the retractor blade of FIGS. 9-10 according to the present invention;

FIG. 12 is a perspective view of an exemplary nerve monitoring system capable of performing nerve monitoring before, during and after the creating of an operative corridor to a surgical target site using the surgical access system in accordance with the present invention;

FIG. 13 is a block diagram of the nerve monitoring system shown in FIG. 12;

FIGS. 14-15 are screen displays illustrating exemplary features and information communicated to a user during the use of the nerve monitoring system of FIG. 12;

5

FIGS. 16-33 illustrate the various method steps (some optional) involved in accessing (by way of example only) a surgical target site in the spine according to the present invention.

DETAILED DESCRIPTION

Illustrative embodiments of the invention are described below. In the interest of clarity, not all features of an actual implementation are described in this specification. It will of course be appreciated that in the development of any such actual embodiment, numerous implementation-specific decisions must be made to achieve the developers' specific goals, such as compliance with system-related and business-related constraints, which will vary from one implementation to another. Moreover, it will be appreciated that such a development effort might be complex and time-consuming, but would nevertheless be a routine undertaking for those of ordinary skill in the art having the benefit of this disclosure. It is furthermore to be readily understood that, although discussed below primarily within the context of spinal surgery, the surgical access system of the present invention may be employed in any number of anatomical settings to provide access to any number of different surgical target sites throughout the body. The surgical access system disclosed herein boasts a variety of inventive features and components that warrant patent protection, both individually and in combination.

The present invention is directed at a novel surgical access system and related methods which involve creating a distraction corridor to a surgical target site, thereafter retracting the distraction corridor to establish and maintain an operative corridor to the surgical target site, and optionally detecting the existence of (and optionally the distance and/or direction to) neural structures before, during and/or after the formation of the distraction and/or operative corridors. The steps of distraction followed by retraction are advantageous because they provide the ability to more easily position an operative corridor-establishing device through tissue that is strong, thick or otherwise challenging to traverse in order to access a surgical target site. The various distraction systems of the present invention are advantageous in that they provide an improved manner of atraumatically establishing a distraction corridor prior to the use of the refraction systems of the present invention. The various retractor systems of the present invention are advantageous in that they provide an operative corridor having improved cross-sectional area and shape (including customization thereof) relative to the prior art surgical access systems. Moreover, by optionally equipping the various distraction systems and/or refraction systems with one or more electrodes, an operative corridor may be established through (or near) any of a variety of tissues having such neural structures which, if contacted or impinged, may otherwise result in neural impairment for the patient.

FIG. 1 illustrates a surgical access system 10 according to one aspect of the present invention. The surgical access system 10 includes an initial tissue distraction assembly 12 and a pivot linkage assembly 14 forming part of a secondary distraction assembly and a retraction assembly. The secondary distraction assembly includes first and second distraction arms 16, 18 forming part of the pivot linkage assembly 14, first and second speculum blades 20, 22 extending through receiving passageways formed within the first and second distraction arms 16, 18, and a handle assembly 24 forming part of the pivot linkage 14. As will be described below, the distraction arms 16, 18 may be advanced over the initial distraction assembly 12 such that the speculum blades 20, 22

6

are passed into the tissue to be secondarily distracted. Thereafter, the handle assembly 24 may be activated to perform the necessary distraction. That is, the handle assembly 24 can be manipulated by a user to move the first and second distraction arms 16, 18 away from one another, which will at the same time move the distal ends of the speculum blades 20, 22 to create a full distraction corridor.

After the secondary distraction, a pair of retractors blades 26, 28 may be introduced into the distraction corridor and positioned to create an operative corridor to the surgical target site. In a preferred embodiment, retractor blade 26 is introduced first and positioned such that its distal end is generally located towards the posterior region of the spinal target site, which forms a useful barrier to prevent any exiting nerve roots 30 from entering the surgical target site, as well as to prevent any surgical instruments from passing outside the surgical target site and into contact with the exiting nerve roots 30 or other sensitive tissue. The retractor blade 28 may thereafter be introduced and moved in a generally anterior direction away from the retractor blade 26, effectively creating the operative corridor. The retractor blades 26, 28 may be locked in relation to the pivot linkage assembly 14 in any number of suitable fashions, including but not limited to the use of the nut-bolt assemblies 32, 34 well known in the art. To lock the retractor blades 26, 28 in relation to the surgical target site, optional locking members 36 may be advanced through receiving passageways formed in one or more of the retractor blades 26, 28 such that a distal region of the locking member 36 is brought into a press-fit, secure engagement between the adjacent vertebral bodies to thereby maintain the respective retractor blade 26, 28 in position. With the operative corridor established, any of a variety of surgical instruments, devices, or implants may be passed through and/or manipulated at or near the surgical target site depending upon the given surgical procedure.

Distraction

FIG. 2 illustrates the initial tissue distraction assembly 12, which is designed to perform an initial distraction of tissue from the skin of the patient down to or near the surgical target site. The initial tissue distraction assembly 12 may be constructed from any number of materials suitable for medical applications, including but not limited to plastics, metals, ceramics or any combination thereof. Depending on the construction, some or all of the tissue distraction assembly 12 may be disposable (i.e. single use) and/or reusable (i.e. multi-use).

The initial tissue distraction assembly 12 may include any number of components capable of performing the necessary initial distraction. By way of example, with combined reference to FIGS. 2-4, this may be accomplished by providing the initial distraction assembly 12 as including a K-wire 44 and one or more dilators 46, 48. The K-wire 44 is preferably constructed having generally narrow diameter (such as, by way of example only, 1.5 mm) and sufficient rigidity and strength such that it can pierce the skin of the patient and be advanced through the intervening tissue to reach the surgical target site. The K-wire 44 also preferably includes indicia for determining the distance between a distal end 50 and the skin of the patient. The dilators 46, 48 are inner and outer dilating elements, respectively, capable of being sequentially introduced over the K-wire 44 for the purpose of further distracting the tissue previously distracted by the K-wire 44.

The inner dilator 46 is preferably constructed having an inner diameter approximating the diameter of the K-wire 44 (such as, by way of example only, 1.5 mm), an outer diameter

of increased dimension (such as, by way of example only, 6.5 mm), and indicia for determining the distance between a distal end **52** and the skin of the patient. The outer dilator **48** is similarly preferably constructed having an inner diameter approximating the outer diameter of the inner dilator **46** (such as, by way of example only, 6.5 mm), an outer diameter of increased dimension (such as, by way of example only, 9 mm), and indicia for determining the distance between a distal end **54** and the skin of the patient. The respective lengths of the K-wire **44** and dilators **46**, **48** may vary depending upon the given surgical target site (that is, the "depth" of the surgical target site within the patient). It will be similarly appreciated that the diameters and dimensions for these elements may also vary depending upon the particular surgical procedure. All such surgically appropriate variations (length, diameter, etc. . . .) are contemplated as falling within the scope of the present invention. It is further contemplated and within the scope of the present invention that additional dilators of increasing diameters may be employed to sequentially dilate to the point where a bladed retractor or retraction assembly may be employed to thereafter create an operative corridor according to the present invention (without the need for secondary distraction as described below).

Referring to FIGS. 5-6, the secondary tissue distraction is preferably performed using the pivot linkage assembly **14** in conjunction with the first and second distraction arms **16**, **18** and first and second speculum blades **20**, **22**. The speculum blades **20**, **22** extend through receiving passageways **38** (FIG. 6) formed within the first and second distraction arms **16**, **18**. The handle assembly **24** includes first and second pivot arms **60**, **62** disposed on one end of the assembly, and third and fourth pivot arms **64**, **66** on the opposite end. First and second pivot arms **60**, **62** are pivotably coupled via a rod **80** forming part of the locking assembly **32** (a locking nut **82** forms the remainder of the locking assembly **32**). Second and third pivot arms **64**, **66** are pivotably coupled via a rod **84** forming part of the locking assembly **34** (a locking nut **86** forms the remainder of the locking assembly **34**).

First and second linkage assemblies **70**, **72** extend between the distal ends of the pivot arms **60-66**, each including a pair of linkages **74**, **76** pivotably coupled together via a rod **78**. A ratchet member **68** may be used to maintain the first pivot arms **60** relative to the second pivot arm **62** as they are separated during use. As the pivot arms **60**, **62** are moved away from one another, the first and second distraction arms **16**, **18** (being coupled to or integrally formed with the linkages **76** of first and second linkage assemblies **72**, **74**) will similarly move away from one another. With the speculum blades **20**, **22** disposed within the passageways **38** (FIG. 5), the relative movement of the pivot arms **16**, **18** will cause the speculum blades **20**, **22** to move apart and thus perform the desired secondary distraction.

The pivot linkage assembly **14** may be constructed from any number of materials suitable for medical applications, including but not limited to plastics, metals, ceramics or any combination thereof. Depending on the construction, some or all of the pivot linkage assembly **14** may be disposable (i.e. single use) and/or reusable (i.e. multi-use).

The speculum blades **20**, **22** are generally elongate in nature and include a pair of mating grooves **88** formed along the inwardly facing surfaces of the speculum blades **20**, **22** which, when mated together, form a lumen capable of passing over the K-wire **44**. In a preferred embodiment, the speculum blades **20**, **22** are separable from distraction arms **16**, **18** such that the blades **20**, **22** can be introduced into the patient and thereafter engaged with the handle assembly **24** to effectuate the secondary distraction. As will be described in greater

detail below, this separable construction allows the speculum blades **20**, **22** to be introduced down to the surgical target site by passing them through the outer dilator **48** and over with the K-wire **44** (the latter by virtue of the lumen formed by the pair of mating grooves **88** along the inwardly facing surfaces of the speculum blades **20**, **22**). This is obviously only possible by first removing the inner dilator **46** from within the second dilator **48** while leaving the K-wire **44** in place. Although shown and described herein as being of separable construction, it will be appreciated by those skilled in the art that the speculum blades **20**, **22** may be of generally non-separable or fixed construction with the pivot arms **16**, **18** of the handle assembly **24**.

Retraction

The retraction of the present invention is performed by expanding and/or modifying the distraction corridor to establish and maintain an operative corridor to the surgical target site. As shown in FIGS. 7-10, the pivot linkage **14** is configured to receive (and have coupled thereto) a pair of retractor blades **90**, **92** of the type shown in FIGS. 9-10. The retractor blades **90**, **92** include a main body element **94** extending downwardly and angularly away from a pair of mounting arms **96**, **98**. The mounting arms **96**, **98** are spaced apart from one another so as to create a channel **100** dimensioned to receive the respective rods **80**, **84** of the locking assemblies **32**, **34**. Once positioned within the channel **100**, the retractor blades **90**, **92** may be locked in a desired position by tightening the respective nuts **82**, **86** of the locking assemblies **32**, **34**.

In a preferred embodiment, one or more of the retractor blades **90**, **92** may be equipped with a passageway **102** at or near the distal end of the main body **94**, such as by providing a generally planar member **104** along the generally curved distal region of the retractor blade **90**, **92**. This passageway **102** is dimensioned to receive a locking member **36** of the type shown in FIG. 11. The locking member **36** includes a coupling region **106** for engagement with an introducer tool **112** (FIG. 8), a main body region **108** to be disposed generally within the passageway **102** in use, and a distal region **110** to be introduced into the disc space and engaged between the adjacent vertebral bodies to secure the distal ends of the retractor blades **90**, **92** during use. In addition to securing the retractor blades **90**, **92** relative to the surgical target site, the distal region **110** also serves to prevent the ingress of unwanted or sensitive biological structures (e.g., nerve roots and/or vasculature) into the surgical target site, as well as prevent instruments from passing outside the surgical target site and contacting surrounding tissues or structures.

The retractor blades **90**, **92** may also be optionally provided with at least one guard member **114** extending in a curved fashion (and/or, although not shown, in a generally straight fashion) from the distal end of the retractor blade **90**, **92**. The guard member **114** may be provided, by way of example, for the purpose of preventing tissue (such as nerve roots in spinal surgery applications) from entering into the operative corridor during surgery and for preventing instruments from extending outside the operative corridor and/or the general vicinity of the surgical target site.

The retractor blades **90**, **92** may also be equipped with any number of different mechanisms for transporting or emitting light at or near the surgical target site to aid the surgeon's ability to visualize the surgical target site, instruments and/or implants during the given surgical procedure. For example, one or more strands of fiber optic cable may be coupled to the retractor blades **90**, **92** such that light may be delivered from a light source and selectively emitted into the operative cor-

ridor and/or the surgical target site. This may be accomplished by constructing the retractor blades **90, 92** of suitable material (such as clear polycarbonate) and configuration such that light may be transmitted generally distally through a light exit region formed along the entire inner periphery of the retractor blade **90, 92** and located in the general vicinity as the distal opening of the passageway **102**. This may be performed by providing the retractor blade **90, 92** having light-transmission characteristics (such as with clear polycarbonate construction) and transmitting the light almost entirely within the walls of the refractor blade **90, 92** (such as by frosting or otherwise rendering opaque portions of the exterior and/or interior and coupling the light source thereto such as via a port) until it exits a portion along the interior of the retractor blades **90, 92** to shine at or near the surgical target site.

In one embodiment, a variety of sets of retractor blades **90, 92** may be provided, each having a different length to account for any number of possible surgical target sites. In a further embodiment, each set of retractor blades **90, 92** may be marked or color-coded to aid in indicating to the surgeon the particular length of the blade **90, 92** or the depth of the surgical target site.

The retractor blades **90, 92** and the locking member **36** may be constructed from any number of materials suitable for medical applications, including but not limited to plastics, metals, ceramics or any combination thereof. Depending on the construction, some or all of these devices may be disposable (i.e. single use) and/or reusable (i.e. multi-use).

Any number of suitable mounting units (not shown) may be employed to maintain the pivot linkage assembly **14** in a fixed and rigid fashion relative to the patient. By way of example only, this may be accomplished by providing the mounting unit as a generally U-shaped mounting arm for lockable engagement with the pivot linkage assembly **14**, and a coupling mechanism (not shown) extending between the mounting arm and a rigid structure (such as the operating table) for maintaining the U-shaped mounting arm in a fixed and rigid position.

Nerve Surveillance

According to yet another aspect of the present invention, any number of distraction components and/or retraction components (including but not limited to those described herein) may be equipped to detect the presence of (and optionally the distance and/or direction to) neural structures during the steps tissue distraction and/or retraction. This is accomplished by employing the following steps: (1) one or more stimulation electrodes are provided on the various distraction and/or retraction components; (2) a stimulation source (e.g. voltage or current) is coupled to the stimulation electrodes; (3) a stimulation signal is emitted from the stimulation electrodes as the various components are advanced towards or maintained at or near the surgical target site; and (4) the patient is monitored to determine if the stimulation signal causes muscles associated with nerves or neural structures within the tissue to innervate. If the nerves innervate, this may indicate that neural structures may be in close proximity to the distraction and/or retraction components.

Neural monitoring may be accomplished via any number of suitable fashions, including but not limited to observing visual twitches in muscle groups associated with the neural structures likely to found in the tissue, as well as any number of monitoring systems, including but not limited to any commercially available "traditional" electromyography (EMG) system (that is, typically operated by a neurophysiologist. Such monitoring may also be carried out via the surgeon-

driven EMG monitoring system shown and described in the following commonly owned and co-pending PCT Applications (collectively "NeuroVision PCT Applications"): PCT App. Ser. No. PCT/US02/22247, entitled "System and Methods for Determining Nerve Proximity, Direction, and Pathology During Surgery," filed on Jul. 11, 2002; PCT App. Ser. No. PCT/US02/30617, entitled "System and Methods for Performing Surgical Procedures and Assessments," filed on Sep. 25, 2002; PCT App. Ser. No. PCT/US02/35047, entitled "System and Methods for Performing Percutaneous Pedicle Integrity Assessments," filed on Oct. 30, 2002; and PCT App. Ser. No. PCT/US03/02056, entitled "System and Methods for Determining Nerve Direction to a Surgical Instrument," filed Jan. 15, 2003. The entire contents of each of the above-enumerated NeuroVision PCT Applications is hereby expressly incorporated by reference into this disclosure as if set forth fully herein.

In any case (visual monitoring, traditional EMG and/or surgeon-driven EMG monitoring), the access system of the present invention may advantageously be used to traverse tissue that would ordinarily be deemed unsafe or undesirable, thereby broadening the number of manners in which a given surgical target site may be accessed.

FIGS. **12-13** illustrate, by way of example only, a monitoring system **120** of the type disclosed in the NeuroVision PCT Applications suitable for use with the surgical access system **10** of the present invention. The monitoring system **120** includes a control unit **122**, a patient module **124**, and an EMG harness **126** and return electrode **128** coupled to the patient module **124**, and a cable **132** for establishing electrical communication between the patient module **124** and the surgical access system **10** (FIG. **1**). More specifically, this electrical communication can be achieved by providing, by way of example only, a hand-held stimulation controller **152** capable of selectively providing a stimulation signal (due to the operation of manually operated buttons on the hand-held stimulation controller **152**) to one or more connectors **156a, 156b, 156c**. The connectors **156a, 156b, 156c** are suitable to establish electrical communication between the hand-held stimulation controller **152** and (by way of example only) the stimulation electrodes on the K-wire **44**, the dilators **46, 46**, the speculum blades **20, 22**, the retractor blades **90, 92**, and/or the guard members **114** (collectively "surgical access instruments").

In order to use the monitoring system **120**, then, these surgical access instruments must be connected to the connectors **156a, 156b** and/or **156c**, at which point the user may selectively initiate a stimulation signal (preferably, a current signal) from the control unit **122** to a particular surgical access instruments. Stimulating the electrode(s) on these surgical access instruments before, during and/or after establishing operative corridor will cause nerves that come into close or relative proximity to the surgical access instruments to depolarize, producing a response in a myotome associated with the innervated nerve.

The control unit **122** includes a touch screen display **140** and a base **142**, which collectively contain the essential processing capabilities (software and/or hardware) for controlling the monitoring system **120**. The control unit **122** may include an audio unit **118** that emits sounds according to a location of a surgical element with respect to a nerve. The patient module **124** is connected to the control unit **122** via a data cable **144**, which establishes the electrical connections and communications (digital and/or analog) between the control unit **122** and patient module **124**. The main functions of the control unit **122** include receiving user commands via the touch screen display **140**, activating stimulation electrodes on

11

the surgical access instruments, processing signal data according to defined algorithms, displaying received parameters and processed data, and monitoring system status and report fault conditions. The touch screen display **140** is preferably equipped with a graphical user interface (GUI) capable of communicating information to the user and receiving instructions from the user. The display **140** and/or base **142** may contain patient module interface circuitry (hardware and/or software) that commands the stimulation sources, receives digitized signals and other information from the patient module **124**, processes the EMG responses to extract characteristic information for each muscle group, and displays the processed data to the operator via the display **140**.

In one embodiment, the monitoring system **120** is capable of determining nerve direction relative to one or more of the K-wire **44**, dilation cannula **46**, **48**, speculum blades **20**, **22**, the retractor blades **90**, **92**, and/or the guard members **114** before, during and/or following the creation of an operative corridor to a surgical target site. Monitoring system **120** accomplishes this by having the control unit **122** and patient module **124** cooperate to send electrical stimulation signals to one or more of the stimulation electrodes provided on these instruments. Depending upon the location of the surgical access system **10** within a patient (and more particularly, to any neural structures), the stimulation signals may cause nerves adjacent to or in the general proximity of the surgical access system **10** to depolarize. This causes muscle groups to innervate and generate EMG responses, which can be sensed via the EMG harness **126**. The nerve direction feature of the system **120** is based on assessing the evoked response of the various muscle myotomes monitored by the system **120** via the EMG harness **126**.

By monitoring the myotomes associated with the nerves (via the EMG harness **126** and recording electrode **127**) and assessing the resulting EMG responses (via the control unit **122**), the surgical access system **10** is capable of detecting the presence of (and optionally the distant and/or direction to) such nerves. This provides the ability to actively negotiate around or past such nerves to safely and reproducibly form the operative corridor to a particular surgical target site, as well as monitor to ensure that no neural structures migrate into contact with the surgical access system **10** after the operative corridor has been established. In spinal surgery, for example, this is particularly advantageous in that the surgical access system **10** may be particularly suited for establishing an operative corridor to an intervertebral target site in a postero-lateral, trans-psoas fashion so as to avoid the bony posterior elements of the spinal column.

FIGS. **14-15** are exemplary screen displays (to be shown on the display **140**) illustrating one embodiment of the nerve direction feature of the monitoring system shown and described with reference to FIGS. **12-13**. These screen displays are intended to communicate a variety of information to the surgeon in an easy-to-interpret fashion. This information may include, but is not necessarily limited to, a display of the function **180** (in this case "DIRECTION"), a graphical representation of a patient **181**, the myotome levels being monitored **182**, the nerve or group associated with a displayed myotome **183**, the name of the instrument being used **184** (in this case, a dilator **46**, **48**), the size of the instrument being used **185**, the stimulation threshold current **186**, a graphical representation of the instrument being used **187** (in this case, a cross-sectional view of a dilator **46**, **48**) to provide a reference point from which to illustrate relative direction of the instrument to the nerve, the stimulation current being applied to the stimulation electrodes **188**, instructions for the user **189** (in this case, "ADVANCE" and/or "HOLD"), and (in FIG. **15**)

12

an arrow **190** indicating the direction from the instrument to a nerve. This information may be communicated in any number of suitable fashions, including but not limited to the use of visual indicia (such as alpha-numeric characters, light-emitting elements, and/or graphics) and audio communications (such as a speaker element). Although shown with specific reference to a dilating cannula (such as at **184**), it is to be readily appreciated that the present invention is deemed to include providing similar information on the display **140** during the use of any or all of the various instruments forming the surgical access system **10** of the present invention, including the initial distraction assembly **12** (i.e. the K-wire **44** and dilators **46**, **48**), the speculum blades **20**, **22** and/or the retractor blades **90**, **92** and/or the guard members **114**.

The initial distraction assembly **12** (FIGS. **2-4**) may be provided with one or more electrodes for use in providing the neural monitoring capabilities of the present invention. By way of example only, the K-wire **44** may be equipped with a distal electrode **200**. This may be accomplished by constructing the K-wire **44** for a conductive material, providing outer layer of insulation **202** extending along the entire length with the exception of an exposure that defines the electrode **200**. As best shown in FIGS. **3-4**, the electrode **200** has an angled configuration relative to the rest of the K-wire **44** (such as, by way of example only, in the range of between 15 and 75 degrees from the longitudinal axis of the K-wire **44**). The angled nature of the electrode **200** is advantageous in that it aids in piercing tissue as the K-wire **44** is advanced towards the surgical target site.

The angled nature of the distal electrode **200** is also important in that it provides the ability to determine the location of nerves or neural structures relative to the K-wire **44** as it is advanced towards or resting at or near the surgical target site. This "directional" capability is achieved by the fact that the angled nature of the electrode **200** causes the electrical stimulation to be projected away from the distal portion of the K-wire **44** in a focused, or directed fashion. The end result is that nerves or neural structures which are generally closer to the side of the K-wire **44** on which the electrode **200** is disposed will have a higher likelihood of firing or being innervated than nerves or neural structures on the opposite side as the electrode **200**.

The direction to such nerves or neural structures may thus be determined by physically rotating the K-wire **44** at a particular point within the patient's tissue and monitoring to see if any neural stimulation occurs at a given point within the rotation. Such monitoring can be performed via visual observation, a traditional EMG monitoring, as well as the nerve surveillance system disclosed in the above-referenced NeuroVision PCT Applications. If the signals appear more profound or significant at a given point within the rotation, the surgeon will be able tell where the corresponding nerves or neural structures are, by way of example only, by looking at reference information (such as the indicia) on the exposed part of the K-wire **44** (which reference point is preferably set forth in the exact same orientation as the electrode **200**).

Dilators **46**, **48** may also be provided with angled electrodes **204**, **206**, respectively, for the purpose of determining the location of nerves or neural structures relative to the dilators **46**, **48** as they are advanced over the K-wire **44** towards or positioned at or near the surgical target site. Due to this similarity in function with the electrode **200** of the K-wire **44**, a repeat explanation is not deemed necessary. The dilators **46**, **48** may be equipped with the electrodes **204**, **206** via any number of suitable methods, including but not limited to providing electrically conductive elements within the walls of the dilators **46**, **48**, such as by manufacturing the dilators **46**,

13

48 from plastic or similar material capable of injection molding or manufacturing the dilators 46, 48 from aluminum (or similar metallic substance) and providing outer insulation layer with exposed regions (such as by anodizing the exterior of the aluminum dilator).

According to one aspect of the present invention, additional neural monitoring equipment may be employed so as to further prevent inadvertent contact with neural structures. For example, after the initial dilator 46 has been withdrawn in order to subsequently receive the mated speculum blades 20, 22, a confirmation probe (providing a stimulation signal) may be inserted through the outer dilator 48 and to a point at or near the surgical target site. The confirmation probe may thereafter be stimulated for the purpose of double-checking to ensure that no nerves or neural structures are disposed in the tissue near (or have migrated into the vicinity of) the distal end 54 of the outer dilator 48 before introducing the speculum blades 20, 22. By confirming in this fashion, the outer dilator 48 may be removed following the introduction of the speculum blades 20, 22 and the secondary distraction performed (by coupling the handle assembly 24 to the blades 20, 22 and expanding) without fear of inadvertently causing the speculum blades 20, 22 to contact nerves or neural structures.

The secondary distraction of the present invention (FIGS. 5-6) may be provided with one or more electrodes for use in providing the neural monitoring capabilities of the present invention. By way of example only, it may be advantageous to provide one or more electrodes along the speculum blades 20, 22 and/or on the concave region 252 (such as stimulation electrode 208) for the purpose of conducting neural monitoring before, during and/or after the secondary distraction.

The retractor blades 90, 92 of the present invention (FIGS. 7-10) may also be provided with one or more electrodes for use in providing the neural monitoring capabilities of the present invention. By way of example only, it may be advantageous to provide one or more electrodes 210 on the guard members 114 and/or the stimulation electrodes 212 on the locking members 36 (preferably on the side facing away from the surgical target site) for the purpose of conducting neural monitoring before, during and/or after the retractor blades 90, 92 have been positioned at or near the surgical target site.

The surgical access system 10 of the present invention may be sold or distributed to end users in any number of suitable kits or packages (sterile and/or non-sterile) containing some or all of the various components described herein. For example, the pivot linkage assembly 14 may be provided such that the pivot arms 16, 18 and speculum blades 20, 22 are disposable and the retractor blades 90, 92 are re-usable. In a further embodiment, an initial kit may include these materials, including a variety of sets of retractor blades 90, 92 having varying (or "incremental") lengths to account for surgical target sites of varying locations within the patient.

Spine Surgery Example

The surgical access system 10 of the present invention will now be described, by way of example, with reference to the spinal application shown in FIGS. 16-_. It will, of course, be appreciated that the surgical access system and related methods of the present invention may find applicability in any of a variety of surgical and/or medical applications such that the following description relative to the spine is not to be limiting of the overall scope of the present invention. More specifically, while described below employing the nerve monitoring features described above (otherwise referred to as "nerve surveillance") during spinal surgery, it will be appreciated

14

that such nerve surveillance will not be required in all situations, depending upon the particular surgical target site.

FIGS. 16-22 illustrate the method steps involved in using the initial tissue distraction assembly 12 of the present invention. The K-wire 44 is first introduced along a given pathway towards the surgical target site (which, in this case, is an intervertebral disc level of the lumbar spine). Determining the preferred angle of incidence into the surgical target site (as well as the advancement or positioning of any required surgical instruments (such as the surgical access system of the present invention), devices and/or implants) may be facilitated through the use of surgical imaging systems (such as fluoroscopy) as well as any number of stereotactic guide systems, including but not limited to those shown and described in co-pending and commonly owned U.S. patent application Ser. No. 09/888,223, filed Jun. 22, 2001 and entitled "Polar Coordinate Surgical Guideframe," the entire contents of which is incorporated by reference as if set forth in its entirety herein.

Nerve surveillance is preferably conducted during this step (via electrode 200) to monitor for the existence of (and optionally the distance and direction to) nerves or neural structures in the tissue through which the K-wire 44 must pass to reach the surgical target site. According to a preferred embodiment of the present invention, it is generally desired to advance the K-wire 44 such the distal electrode 200 is disposed a distance anterior to the exiting nerve root 300 (such as, by way of example, 10 mm). As shown in FIGS. 16-17, it is preferred to advance the K-wire 44 to the annulus 302 of the disc before advancing the inner dilator 46. This is to prevent the unnecessary distraction of the psoas muscle 304 (which must be passed through in order to approach the surgical target site in the lateral or far-lateral approach shown) in the instance significant nerves or neural structures are encountered in the initial advancement of the K-wire 44. If such nerves or neural structures are encountered, the K-wire 44 may simply be removed and re-advanced along a different approach path.

As shown in FIGS. 18-19, once the K-wire 44 is safely introduced to the surgical target site, the inner dilator 46 may thereafter be advanced over the K-wire 44 until the distal end 52 abuts the annulus 302 of the disc. Nerve surveillance is also conducted during this step (via electrode 204 shown in FIGS. 3-4) to monitor for the existence of (and optionally the distance and direction to) nerves or neural structures in the tissue through which the inner dilator 46 must pass to reach the surgical target site. Next, as shown in FIG. 22, the K-wire 44 may be advanced through the annulus 302 such that the electrode 200 is disposed within the interior (nucleus pulposus region) of the disc (such as, by way of example, an internal distance of 15 to 20 mm).

With reference to FIGS. 21-22, the outer dilator 48 is next advanced over the inner dilator 46 to further distract the tissue leading down to the surgical target site. As with the K-wire 44 and inner dilator 46, nerve surveillance is conducted during this step (via electrode 206 shown in FIGS. 3-4) to monitor for the existence of (and optionally the distance and direction to) nerves or neural structures in the tissue through which the outer dilator 48 must pass to reach the surgical target site.

With reference to FIG. 23, the inner dilator 48 is next removed, leaving the K-wire 44 and outer dilator 48 in position. This creates a space therebetween which, in one embodiment of the present invention, is dimensioned to receive the speculum blades 20, 22 as shown in FIGS. 24-25. To accomplish this step, the speculum blades 20, 22 must be disposed in an abutting relationship so as to form an inner lumen (via corresponding grooves 88 shown in FIG. 5) dimensioned to

15

be slideably advancing over the stationary K-wire **44**. Once again, as noted above, it may be desired at this step to advance a confirmation probe down the outer dilator **48** to interrogate the tissue surrounding the surgical target site to ensure that no nerves or neural structures are present in (or have migrated into) this vicinity before the speculum blades **20**, **22** are advanced into the outer dilator **48**.

Turning to FIGS. **26-27**, the outer dilator **48** may then be removed, leaving the speculum blades **20**, **22** in abutting relationship within the tissue previously distracted by the outer dilator **48**. As shown in FIGS. **28-29**, the pivot linkage assembly **14** may be advanced such that the pivot arms **16**, **18** slideably (or otherwise) pass over the speculum blades **20**, **22**. In one embodiment, the pivot arms **16**, **18** are dimensioned such that each distal end comes into general abutment with the exterior of the psoas muscle **304**. That said, it is within the scope of the invention to provide the pivot arms **16**, **18** such that each distal end extends downward into the psoas **304** towards the surgical target site (which may be advantageous from the standpoint of adding rigidity to the distal portions of the speculum blades **20**, **22** for the purpose of facilitating the process of secondary tissue distraction). Once positioned over the speculum blades **20**, **22**, the handle assembly **24** may be operate to distract tissue from the position shown in FIG. **28** to that shown in FIG. **29**.

As shown in FIG. **30**, the first retractor **90** is then introduced into the distracted region, positioned adjacent to the posterior region of the disc space, and locked to the pivot linkage **14** via the locking assembly **32**. At that point, the locking member **36** may be advanced via the tool **112** and engaged with the retractor blade **90** such that the middle region **108** resides at least partially within the passageway **102** and the distal region **110** extends into the disc space. Thereafter, as shown in FIG. **31**, the refractor blade **92** may be introduced into the distracted region, positioned adjacent to the anterior region of the disc space, and locked to the pivot linkage **14** via the locking assembly **34**. At that point, another locking member **36** may be engaged in the same fashion as with the retractor blade **90**, with the distal region **110** extending into the disc space. As shown in FIG. **32**, additional retractor blades **91**, **93** may be coupled to the pivot linkage **14** to provide retraction in the caudal and cephalad directions, respectively.

The end result is shown in FIG. **33**, wherein an operative corridor has been created to the spinal target site (in this case, the disc space) defined by the retractor blades **90**, **92** (and optionally **91**, **93**). The distal regions **110** of the locking each locking member **36** advantageously extends into the disc space to prevent the ingress of tissue (e.g., neural, vasculature, etc. . . .) into the surgical target site and/or operative corridor and the egress of instruments or implants out of the surgical target site and/or operative corridor.

In a further protective measure, each retractor blade **90**, **92** is equipped with a guard member **114** to prevent similar ingress and egress. Both guard members **114** (as well as additional regions of the distal region **110** of the locking member **36**) may be provided with electrodes **210**, **212**, respectively, capable of performing nerve surveillance to monitor for the existence of (and optionally the distance and direction to) nerves or neural structures in the tissue or region surrounding or adjacent to these components while disposed in the general vicinity of the surgical target site. The electrode **210** on the guard member **114** of the posterior retractor blade **90**, in particular, may be used to assess the status or health of the nerve root **300**, especially if the nerve root **300** is in close proximity to that guard member **114**. This may be performed by using the nerve status determination systems or techniques

16

disclosed in co-pending and commonly assigned U.S. Pat. No. 6,500,128, entitled "Nerve Proximity and Status Detection System and Method," the entire contents of which is hereby incorporated by reference as is set forth fully herein.

As evident from the above discussion and drawings, the present invention accomplishes the goal of providing a novel surgical access system and related methods which involve creating a distraction corridor to a surgical target site, thereafter retracting the distraction corridor to establish and maintain an operative corridor to the surgical target site, and optionally detecting the existence of (and optionally the distance and/or direction to) neural structures before, during and/or after the formation of the distraction and/or operative corridors.

The steps of distraction followed by retraction are advantageous because they provide the ability to more easily position an operative corridor-establishing device through tissue that is strong, thick or otherwise challenging to traverse in order to access a surgical target site. The various distraction systems of the present invention are advantageous in that they provide an improved manner of atraumatically establishing a distraction corridor prior to the use of the retraction systems of the present invention. The various retractor systems of the present invention are advantageous in that they provide an operative corridor having improved cross-sectional area and shape (including customization thereof) relative to the prior art surgical access systems. Moreover, by optionally equipping the various distraction systems and/or retraction systems with one or more electrodes, an operative corridor may be established through (or near) any of a variety of tissues having such neural structures which, if contacted or impinged, may otherwise result in neural impairment for the patient.

The surgical access system of the present invention can be used in any of a wide variety of surgical or medical applications, above and beyond the spinal applications discussed herein. By way of example only, in spinal applications, any number of implants and/or instruments may be introduced through the working cannula **50**, including but not limited to spinal fusion constructs (such as allograft implants, ceramic implants, cages, mesh, etc.), fixation devices (such as pedicle and/or facet screws and related tension bands or rod systems), and any number of motion-preserving devices (including but not limited to nucleus replacement and/or total disc replacement systems).

While certain embodiments have been described, it will be appreciated by those skilled in the art that variations may be accomplished in view of these teachings without deviating from the spirit or scope of the present application. For example, with regard to the monitoring system **120**, it may be implemented using any combination of computer programming software, firmware or hardware. As a preparatory act to practicing the system **120** or constructing an apparatus according to the application, the computer programming code (whether software or firmware) according to the application will typically be stored in one or more machine readable storage mediums such as fixed (hard) drives, diskettes, optical disks, magnetic tape, semiconductor memories such as ROMs, PROMs, etc., thereby making an article of manufacture in accordance with the application. The article of manufacture containing the computer programming code may be used by either executing the code directly from the storage device, by copying the code from the storage device into another storage device such as a hard disk, RAM, etc. or by transmitting the code on a network for remote execution. As can be envisioned by one of skill in the art, many different

combinations of the above may be used and accordingly the present application is not limited by the scope of the appended claims.

What is claimed is:

1. A system for accessing a spinal disc of a lumbar spine through an operative corridor, comprising:

a distraction assembly to create a tissue distraction corridor to a lumbar spine, wherein said distraction assembly comprises an elongate stimulation member deliverable to a spinal disc along a lateral, trans-psoas path to the lumbar spine such that a distal tip region of the elongate stimulation member is configured to engage an annulus of a spinal disc in the lumbar spine, the distal tip region of the elongate stimulation member including a stimulation electrode to deliver electrical stimulation for nerve monitoring when the elongate stimulation member is positioned in the lateral, trans-psoas path to the lumbar spine, the distraction assembly further comprising a dilator system comprising at least one dilator that slidably engages an exterior of the elongate stimulation member, the at least one dilator being deliverable to the spinal disc along the lateral, trans-psoas path to the lumbar spine; and

a retraction assembly comprising a plurality of retractor blades that enlarge the tissue distraction corridor to thereby form an operative corridor along the lateral, trans-psoas path to the lumbar spine when the plurality of retractor blades are delivered to the lumbar spine, wherein one of the retractor blades is a posterior-most retractor blade when the plurality of retractor blades are delivered to the lumbar spine, the retraction assembly further comprising a locking member that releasably and slidably engages with the posterior-most retractor blade so that a distal portion of the locking member extends distally from the posterior-most retractor blade, wherein the distal portion of the locking member anchors into the spinal disc between adjacent vertebral bodies and secures the posterior-most retractor blade relative to the adjacent vertebral bodies when the plurality of retractor blades are delivered to the lumbar spine,

wherein when the plurality of retractor blades enlarge the tissue distraction corridor to form the operative corridor along the lateral, trans-psoas path to the lumbar spine, the operative corridor is dimensioned so as to pass an implant through the operative corridor along the lateral, trans-psoas path to the lumbar spine.

2. The system of claim 1, further comprising an introducer tool the releasably engages a coupling region of the locking member during engagement of the locking member to the posterior-most retractor blade.

3. The system of claim 2, wherein locking member releasably and slidably engages a receiving passageway formed in the posterior-most retractor blade.

4. The system of claim 3, wherein when the plurality of retractor blades are delivered to the lumbar spine, the distal portion of the locking member is movable into a press-fit, secure engagement between the adjacent vertebrae to thereby maintain a position of the posterior-most retractor blade relative to the adjacent vertebrae.

5. The system of claim 4, wherein the distal portion of the locking member comprises a narrowed tip portion that is smaller than the coupling region of the locking member.

6. The system of claim 5, wherein the locking member has a smallest width at a rounded distal tip of the narrowed tip portion.

7. The system of claim 6, wherein the retractor assembly further comprises a plurality of light emitting devices to direct

light through the operative corridor toward the spinal disc, the plurality of light emitting devices being coupled to the plurality of retractor blades.

8. The system of claim 1, wherein the plurality of retractor blades comprises a second retractor blade that is spaced apart from the posterior-most retractor blade when the plurality of retractor blades enlarge the tissue distraction corridor to form the operative corridor along the lateral, trans-psoas path to the lumbar spine.

9. The system of claim 8, wherein the second retractor blade is an anterior-most retractor blade when the plurality of retractor blades are delivered to the lumbar spine.

10. The system of claim 8, wherein the retractor assembly further comprises a second locking member that releasably and slidably engages with the second retractor blade so that a distal portion of the second locking member extends distally from the second retractor blade.

11. The system of claim 10, wherein the distal portion of the second locking member anchors into the lumbar spine and secures the second retractor blade relative to the lumbar spine when the plurality of retractor blades are delivered to the lumbar spine.

12. The system of claim 1, wherein the elongate stimulation member comprises a K-wire.

13. The system of claim 1, wherein the dilator system of the distraction assembly further comprises a second dilator that slidably engages an exterior of the at least one dilator which slidably engages the exterior of the elongate stimulation member.

14. The system of claim 13, wherein each of the dilators of the dilator system comprises a stimulation electrode to deliver electrical stimulation for nerve monitoring.

15. The system of claim 1, wherein the distraction assembly further comprises a secondary distraction assembly.

16. The system of claim 15, wherein the second distraction assembly comprises a speculum instrument that is slidable along the dilator system to prepare the tissue distraction corridor for receipt of the plurality of retractor blades.

17. The system of claim 1, wherein each of the plurality of retractor blades comprises a stimulation electrode to deliver electrical stimulation for nerve monitoring.

18. The system of claim 1, further comprising a monitoring system that delivers an electrical stimulation signal to the stimulation electrode of the elongate stimulation member, monitors electromyographic activity detected by a set of sensor electrodes in muscle myotomes associated with nerves in the vicinity of the spinal disc, and displays to a user: a numeric stimulation threshold required to obtain the electromyographic activity in at least one of said muscle myotomes, and myotomes levels being monitored.

19. The system of claim 18, wherein the monitoring system comprises a control unit having a video display device, a patient module connected to the control unit via a data cable, an EMG sensor harness having the set of sensor electrodes connected to the patient module.

20. The method of claim 19, wherein the control unit receives signals from the patient module and processes EMG responses output from the sensor electrodes to extract characteristic information for each of said muscle myotomes.

21. A system for accessing a spinal disc of a lumbar spine through an operative corridor, comprising:

a distraction assembly to create a tissue distraction corridor to a lumbar spine, wherein said distraction assembly comprises: an elongate penetration member deliverable to a spinal disc along a lateral, trans-psoas path to the lumbar spine such that a distal tip region of the elongate penetration member penetrates into an annulus of a spi-

19

nal disc in the lumbar spine, and at least two dilators of sequentially larger diameter deliverable to the spinal disc along the lateral, trans-psoas path to the lumbar spine, a first dilator of the at least two dilators having a lumen configured to slidably receive the elongate penetration member, at least one of said at least two dilators including a stimulation electrode to deliver electrical stimulation for nerve monitoring when said stimulation electrode is positioned in the lateral, trans-psoas path to the lumbar spine; and

a retraction assembly comprising a plurality of retractor blades that enlarge the tissue distraction corridor to thereby form an operative corridor along the lateral, trans-psoas path to the lumbar spine when the plurality of retractor blades are delivered to the lumbar spine, the retraction assembly further comprising a blade holder apparatus that is configured to releasably lock with the plurality of retractor blades,

wherein when the plurality of retractor blades enlarge the tissue distraction corridor to form the operative corridor along the lateral, trans-psoas path to the lumbar spine, the operative corridor is dimensioned so as to pass an implant through the operative corridor along the lateral, trans-psoas path to the lumbar spine.

22. The system of claim 21, further comprising a plurality of extension members, each extension member releasably and slidably engaging with a respective retractor blade of the plurality of retractor blades so that a distal portion of each extension member extends distally from its respective retractor blade, wherein the distal portion of each extension member engages with the lumbar spine when the plurality of retractor blades are delivered to the lumbar spine.

23. The system of claim 22, wherein when the plurality of retractor blades are delivered to the lumbar spine, the distal portion of the each extension is adapted to anchor into the spinal disc between adjacent vertebral bodies and secures its respective retractor blade relative to the adjacent vertebral bodies.

24. The system of claim 22, wherein the distal portion of each extension member comprises a narrowed tip portion that is smaller than a proximal region of the extension member.

25. The system of claim 24, wherein each extension member has a smallest width at a rounded distal tip of the narrowed tip portion.

26. The system of claim 25, wherein the retractor assembly further comprises a plurality of light emitting devices to direct light through the operative corridor toward the spinal disc, the plurality of light emitting devices being coupled to the plurality of retractor blades.

20

27. The system of claim 21, wherein the plurality of retractor blades comprises a first retractor blade and a second retractor blade that is spaced apart from the first retractor blade when the plurality of retractor blades enlarge the tissue distraction corridor to form the operative corridor along the lateral, trans-psoas path to the lumbar spine.

28. The system of claim 27, wherein the first retractor blade is a posterior-most retractor blade and the second retractor blade is an anterior-most retractor blade when the plurality of retractor blades are delivered to the lumbar spine.

29. The system of claim 21, wherein the elongate penetration member comprises a K-wire.

30. The system of claim 21, wherein a second dilator of the at least two dilators slidably engages an exterior of the first dilator which slidably engages the exterior of the elongate penetration member.

31. The system of claim 21, wherein the distraction assembly further comprises a secondary distraction assembly.

32. The system of claim 31, wherein the secondary distraction assembly comprises a speculum instrument that is slidable along the dilator system to prepare the tissue distraction corridor for receipt of the plurality of retractor blades.

33. The system of claim 21, wherein each retractor blade of the plurality of retractor blades comprises a stimulation electrode to deliver electrical stimulation for nerve monitoring.

34. The system of claim 21, further comprising a monitoring system that delivers an electrical stimulation signal to the stimulation electrode of the at least two dilators, monitors electromyographic activity detected by a set of sensor electrodes in muscle myotomes associated with nerves in the vicinity of the spinal disc.

35. The system of claim 34, wherein the monitoring system displays to a user a numeric stimulation threshold value required to obtain the electromyographic activity in at least one of said muscle myotomes along with the myotomes levels being monitored.

36. The system of claim 34, wherein the monitoring system comprises a control unit having a video display device, a patient module connected to the control unit via a data cable, an EMG sensor harness having the set of sensor electrodes connected to the patient module.

37. The method of claim 36, wherein the control unit receives signals from the patient module and processes EMG responses output from the sensor electrodes to extract characteristic information for each of said muscle myotomes.

* * * * *

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 8,192,356 B2
APPLICATION NO. : 12/635418
DATED : June 5, 2012
INVENTOR(S) : Patrick Miles et al.

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 (75);

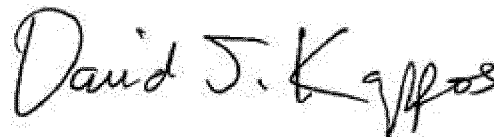
Column 1 (Inventors), Line 7, delete “Jeffrey Blewett, San Diego, CA (US);” and insert -- Jeffrey Blewett, deceased, San Diego, CA (US); --, therefor.

Column 18, Line 56 (Claim 20), delete “method” and insert -- system --, therefor.

Column 19, Line 35 (Claim 23), delete “anchorinto” and insert -- anchor into --, therefor.

Column 20, Line 43 (Claim 37), delete “method” and insert -- system --, therefor.

Signed and Sealed this
Eighteenth Day of September, 2012

A handwritten signature in black ink that reads "David J. Kappos". The signature is written in a cursive, flowing style.

David J. Kappos
Director of the United States Patent and Trademark Office