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**SOFT TISSUE FIXATION AND IMPLANT DEVELOPMENT  
 INTELLECTUAL PROPERTY**

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Everyday, people are inventing new products with hopes of someday bringing the products to the marketplace. Often times, people believe their new products are so innovative that they can potentially revolutionize an entire industry. Many entrepreneurs dream of starting new companies founded on their inventive products, and some may even succeed.

Unfortunately, entrepreneurs often find it very difficult to bring their innovative products to market. And even those who successfully start a company founded on the most innovative of products encounter problems that can result in complete failure of the company. While the inability to bring a product to market or the failure of a company can be attributed to many factors, one increasingly common reason is lack of understanding of intellectual property (IP) rights.

While IP encompasses copyright protection (e.g., for literary works), trademark protection (e.g., for brand names), and trade secret protection (e.g., for formulas generally not known or ascertainable), the focus of this presentation will be on patent protection for ideas, specifically those related to medical device technology. In particular, the presentation will focus on how to obtain patent protection and on issues to consider when attempting to obtain investor funding and bring a new product to market. The goals of the presentation are to provide a guide for obtaining and maximizing patent protection for those who may have patentable ideas, as well as to provide awareness of potential patent pitfalls to avoid when trying to obtain patent protection.

For the presentation, we will present a hypothetical case study on how to preserve and protect the intellectual property for a hypothetical soft tissue anchor invention. We will begin by discussing what measures should be taken after conceiving of the invention, such as proper notebook practice and non-disclosure agreements. We will then discuss the importance of conducting prior art searches (both in-house and externally) for identifying prior art relevant to patentability or infringement. Within the context of this discussion, we will provide examples on how to conduct a comprehensive search. We will address particular strategies for filing U.S. and foreign

patents for the invention, including timing and costs involved. Finally, we will discuss what steps might be taken to assess potential infringement risk in bringing the soft tissue anchor invention to market.

Figure 1

**United States Patent** [19] [11] **Patent Number:** 5,500,000  
 Feagin et al. [45] **Date of Patent:** Mar. 19, 1996

**5,500,000**

[54] **SOFT TISSUE REPAIR SYSTEM AND METHOD**

[75] Inventors: John Feagin, Durham; Richard Gisson, Bahama, both of N.C.

[73] Assignee: United States Surgical Corporation, Norwalk, Conn.

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[51] Int. Cl.<sup>6</sup> A61B 17/04

[52] U.S. Cl. 606/232; 606/224; 606/213; 606/220

[58] Field of Search 606/232, 60, 72-73, 606/79, 219, 213, 224; 24453; 411/393

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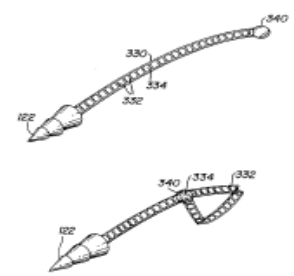
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**ABSTRACT**

A soft tissue repair system and method are provided. The soft tissue repair system includes a barbed suture anchoring member attached to at least one suture member. A suture retaining member engages the suture member such that the length and tension of the suture may be selectively adjusted before the suture is permanently engaged in the retaining member. In use, the barbed suture anchoring member and suture member are inserted into the soft tissue repair site and across a tear. The suture member extends back through the original entry side of the tear. A retaining member is applied to the suture member followed by tensioning of the suture member to draw the sides of the tear into apposition. Following tensioning, the retaining member is permanently affixed to the suture member to maintain the selected tension and length of the suture member.

**6 Claims, 4 Drawing Sheets**



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