Statement Under Article 19(1)

Independent Claims 1 and 17 are amended to include the limitation previously set forth in Claim 9, namely "wherein said inflow auxiliary tubes and said outflow auxiliary tubes define an open-basket shape." Applicant's invention comprises a plurality of inflow and outflow auxiliary tubes which, when placed within the peritoneal cavity, define an open-basket configuration which spreads the tubes apart and increases the surface area of the catheter and peritoneal membrane available for the exchange process. DeFonzo's catheter is used in hemodialysis to transport blood out and return through separate lumens within the same catheter converging into a single nose which has side openings or ports thereon. Geary's invention is "generally flat so that the catheter can be placed adjacent to the peritoneal cavity wall." Geary at col. 2, lines 25-26.

Geary does not disclose the open basket configuration presented by the present invention, since the tubes 38 are enclosed within an envelope 12 at all times. Thus, the directional flow of fluid from the tubes is constricted by the closed-off sides of the envelope, preventing distribution of dialysis fluid throughout the peritoneal cavity simultaneously. The open basket configuration of the present invention, including the apertures on inflow and outflow auxiliary tubes, allow for the constant flow of both fresh dialysis solution and spent dialysis fluid in both directions within the peritoneal cavity without obstruction. Geary's catheter has high risk of recirculation and mixing up fresh and spent dialysate within the enclosed chamber, and thereby making the exchange process inefficient. Also in Geary's catheter, passage of spent dialysate from peritoneal cavity into 3 round tubes for out flow can only take place only after crossing of the spent dialysate through slit holes of the envelope structure, imposing an unwanted barrier to out flow. In the present invention, uninterrupted inflow and outflow occurs simultaneously without any obstruction to flow and/ or mixing up of fresh dialysis solution with spent dialysate.

Independent Claims 1 and 17 have also been amended to include the limitations that "said inflow auxiliary tubes configured to transport fresh dialysis solution into the peritoneal cavity during dialysis" and that "said outflow auxiliary tubes configured to remove spent dialysis fluid and other ultra-filtered bodily fluids out of the peritoneal cavity during dialysis simultaneously with said transport by said inflow auxiliary tubes." The inflow tubes and outflow tubes of DeFonzo are not configured to participate in the exchange process between dialysate and blood, and instead transport blood to and from the body for hemodialysis, utilizing synthetic membrane

external to body. DeFonzo at [0145]. DeFonzo's catheter utilizes separate lumens within one catheter, which converge into outflow tube to withdraw blood and inflow tube that continues into central catheter lumen to return blood at the catheter tip. The present invention utilizes a plurality of inflow and outflow auxillary tubes to simultaneously provide inflow and outflow of fresh and spent dialysis solution, respectively, while increasing the surface area of the peritoneal cavity participating in the exchange process. This is not taught by DeFonzo.