Kevin C. Wheeler
Direct Dial: (202) 637-3311
Kevin.Wheeler@lw.com

555 Eleventh Street, N.W., Suite 1000
Washington, D.C. 20004-1304
Tel: +1.202.637.2200 Fax: +1.202.637.2201
www.lw.com

LATHAM & WATKINS LLP

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March 1, 2023

The Honorable Katherina M. Hiner
Acting Secretary
U.S. International Trade Commission
500 E Street, Room 112
Washington, DC 20436

Re: ***Certain Dermatological Treatment Devices and Components Thereof***

Dear Acting Secretary Hiner:

Enclosed for filing on behalf of Complainant Serendia, LLC ("Serendia" or "Complainant") are documents in support of Serendia's request that the Commission commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended. Pursuant to the Commission Rules of Practice and Procedure, a request for confidential treatment of Confidential Exhibits 14, 65-69, 118-123, and 173-176 is being transmitted with this filing. In accordance with the Commission's notice titled, "Temporary Change to Filing Procedures," 85 Fed. Reg. 15798 (March 19, 2020), enclosed are the following:

1. an electronic copy of Serendia's verified Complaint and Statement of Public Interest (Rules 210.8(a)(1)(i) and 210.8(b));

2. electronic copies of the accompanying non-confidential exhibits to the Complaint (Rules 210.4(f) and 210.8(a));

3. electronic copies of the accompanying confidential exhibits to the Complaint (Rules 201.6(c), 210.4(f) and 210.8(a));

4. electronic certified copies of U.S. Patent No. 9,480,836 (the "'836 Patent") (Exhibit 1); U.S. Patent No. 10,058,379 (the "'379 Patent") (Exhibit 2); U.S. Patent No. 11,406,444 (the "'444 Patent") (Exhibit 3); U.S. Patent No. 9,320,536 (the "'536 Patent") (Exhibit 4); U.S. Patent No. 9,775,774 (the "'774 Patent") (Exhibit 5); and U.S. Patent No. 10,869,812 (the "'812 Patent") (Exhibit 6) (collectively the "Asserted Patents") (Rule 210.12(a)(9)(ii));

5. electronic certified copies of the assignments for the '836 Patent (Exhibit 7), the '379 Patent (Exhibit 8), the '444 Patent (Exhibit 9), the '536 Patent (Exhibit 10), the '774 Patent (Exhibit 11), and the '812 Patent (Exhibit 12) (Rule 210.12(c)(1));

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6. electronic certified copies of the prosecution histories of the ’836 Patent (Appendix A), the ’379 Patent (Appendix B), the ’444 Patent (Appendix C), the ’536 Patent (Appendix D), the ’774 Patent (Appendix E), and the ’812 Patent (Appendix F) (Rule 210.12(c)(1));

7. electronic copies of the technical references cited in the prosecution histories of the ’836 Patent (Appendix G), the ’379 Patent (Appendix H), the ’444 Patent (Appendix I), the ’536 Patent (Appendix J), the ’774 Patent (Appendix K), and the ’812 Patent (Appendix L) (Rule 210.12(c)(2)); and

8. a letter and certification pursuant to commission Rules 201.6(b) and 210.5(d) requesting confidential treatment of Confidential Exhibits 14, 65-69, 118-123, and 173-176.

Thank you for your attention to this matter.

Respectfully submitted,

/s/ Kevin C. Wheeler
Kevin C. Wheeler
of LATHAM & WATKINS LLP

Counsel for Complainant Serendia, LLC

Enclosures

Kevin C. Wheeler
Direct Dial: (202) 637-3311
Kevin.Wheeler@lw.com

555 Eleventh Street, N.W., Suite 1000
Washington, D.C. 20004-1304
Tel: +1.202.637.2200 Fax: +1.202.637.2201
www.lw.com

LATHAM & WATKINS LLP

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Hong Kong	Silicon Valley
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March 1, 2023

The Honorable Katherina M. Hiner
Acting Secretary
U.S. International Trade Commission
500 E Street, Room 112
Washington, DC 20436

Re: ***Certain Dermatological Treatment Devices and Components Thereof***

Dear Acting Secretary Hiner:

I am counsel to Complainant Serendia, LLC ("Serendia" or "Complainant"). In accordance with Commission Rules 201.6 and 210.5, Serendia requests confidential treatment of business information contained in Confidential Exhibits 14, 65-69, 118-123, and 173-176 to the Complaint.

The information for which confidential treatment is sought is proprietary commercial and financial information not otherwise publicly available. Specifically, Confidential Exhibit 65 contains proprietary information regarding Complainant's domestic industry, including information relating to the financial performance and commercial operations of Complainant's licensee.

Confidential Exhibits 66-69 contain proprietary information regarding Complainant's and its licensee's financial agreements related to the Asserted Patents and the Domestic Industry Products. Additionally, Confidential Exhibits 14, 118-123, and 173-176 contain proprietary information identifying Complainant's confidential licensee(s).

The information described above qualifies as confidential business information pursuant to Rule 201.6(a) in that:

a) it is not available to the public;

b) unauthorized disclosure of such information could cause substantial harm to the competitive position of Complainant and its licensee; and

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c) the disclosure of which could impair the Commission's ability to obtain necessary information to perform its statutory function.

Respectfully submitted,

/s/ Kevin C. Wheeler
Kevin C. Wheeler
of LATHAM & WATKINS LLP

Enclosures

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

In the Matter of **CERTAIN DERMATOLOGICAL TREATMENT DEVICES AND COMPONENTS THEREOF**	**Investigation No. 337-TA-____**

COMPLAINANT'S PUBLIC INTEREST STATEMENT

Pursuant to 19 C.F.R. § 210.8(b), Serendia, LLC ("Serendia" or "Complainant") respectfully submits this public interest statement with respect to the remedial orders Complainant seeks against the Proposed Respondents. Complainant seek a limited exclusion order and a cease and desist order specifically directed to certain dermatological treatment devices and components thereof manufactured by or on behalf of, or imported by or on behalf of, the Proposed Respondents that infringe one or more of the asserted claims of the '536, '836, '774, '379, '812, and '444 Patents (the "Asserted Patents"). Proposed Respondents—Sung Hwan E&B Co., LTD. d/b/a SHEnB Co. LTD ("SHEnB"); Aesthetics Biomedical, Inc. ("AB"); Cartessa Aesthetics, LLC ("Cartessa"); Lutronic Corporation; Lutronic Aesthetics, Inc., also known as Lutronic, Inc.; Lutronic, LLC (the Lutronic entities collectively "Lutronic" or "Lutronic Respondents"); Ilooda Co., Ltd. ("Ilooda"); Cutera, Inc. ("Cutera"); Jeisys Medical Inc. ("Jeisys"); Cynosure, Inc. ("Cynosure"); Rohrer Aesthetics, LLC; Rohrer Aesthetics, Inc. (the Rohrer Aesthetics entities collectively "Rohrer"); EndyMed, Ltd.; EndyMed Medical, Ltd.; and EndyMed Medical, Inc. (collectively "EndyMed" or "EndyMed Respondents")—manufacture, sale for importation, import, and/or sale after importation certain dermatological treatment devices under the commercial names Vivace, VirtueRF, Genius, Secret RF, Secret Pro, Potenza, Pixel8 RF, Pixel8 Pro, and Intensif (the "Accused Products"). Granting Complainant's requested remedial relief would serve the public's

strong interest in protecting intellectual property rights, an interest that the Commission has routinely recognized. *See, e.g.*, *Certain Baseband Processor Chips and Chipsets*, Inv. No. 337-TA-543, Comm'n Op., 2011 WL 6121182, at *68 (Oct. 1, 2011) ("We must take into account the strong public interest in enforcing intellectual property rights.").

The remedies requested do not implicate any compelling public interest that would weigh against entry of a limited exclusion order and cease and desist orders. Specifically, the requested relief would not adversely affect the public health, safety, or welfare in the United States; competitive conditions in the U.S. economy; the production of like or directly competitive articles in the United States; or U.S. consumers. As discussed below, this is because: (1) the Accused Products are cosmetic or aesthetic devices that are not important to any public health, safety, or welfare issue; (2) third parties, including licensed third parties, manufacture and sell products that directly compete with, and are substitutes for, the Accused Products in the United States; (3) third parties could fill any void in the market created by exclusion of the Accused Products within a commercially reasonable time; and (4) the requested remedies would not adversely impact U.S. consumers. In the absence of these concerns, the public interest favors protecting Complainant's intellectual property rights by excluding the Accused Products.

I. U.S. USE OF ARTICLES POTENTIALLY SUBJECT TO REMEDIAL ORDERS

The Accused Products are aesthetic skin treatment devices used to reduce wrinkles and smooth the skin to create a more youthful looking appearance. The Accused Products use microneedles to deliver radio frequency energy into the skin, causing controlled coagulation, which in turn promotes the formation of new collagen to reduce wrinkles and smooth the skin. The Accused Products are sold directly to physicians and cosmetic dermatology clinics, and administered by medical personnel to customers.

II. THERE ARE NO PUBLIC HEALTH, SAFETY, OR WELFARE CONCERNS IN THE UNITED STATES RELATING TO THE POTENTIAL REMEDIAL ORDERS

Exclusion of the Accused Products does not implicate any particular public health, safety, or welfare concerns. *See Spansion, Inc. v. Int'l Trade Comm'n*, 629 F.3d 1331, 1360 (Fed. Cir. 2010) (nothing that the few instances in which the Commission has held that the public interest concerns outweighed the public's interest in excluding infringing goods were when "inadequate supply in the United States . . . meant an exclusion order would deprive the public of products necessary for some important health or welfare need"). No such circumstances are present here. The Accused Products reduce facial wrinkles to promote youthful-looking skin, which is purely cosmetic and a non-life-threatening concern that does not raise the type of health, safety, or welfare issues that the Commission has found may implicate the public interest. *See Certain Elec. Skin Care Devices, Brushes & Chargers Therefor & Kits Containing the Same*, Inv. No. 337-TA-959, Comm'n Op. at 35, 2017 WL 8683854 at *19 (Feb. 13, 2017) (exclusion of skin cleansing products relating to the treatment of acne, a non-life-threatening and largely cosmetic skin condition, did not raise any public interest concerns).

III. THIRD PARTIES MAKE LIKE OR COMPETITIVE ARTICLES WHICH COULD REPLACE THE ACCUSED PRODUCTS IN A COMMERCIALLY REASONABLE TIME

Third parties, including Candela, Goldskin, Sano-Laser, MicroDerma, Benev, Hironic, Lumenis, and more, make like and directly competitive articles that can replace the Accused Products if they are excluded from the United States. As such, exclusion of the Proposed Respondents' infringing products raises no public interest concerns precluding the issuance of the requested remedial orders. *See Certain Lens-Fitted Film Packages*, Inv. No. 337-TA-406, Comm'n Op., 1999 WL 436531 at *13 (June 28, 1999) (no public interest concerns precluded remedial orders where the U.S. demand for the excluded products could be supplied by other

suppliers). The public also has a wide variety of other means to achieve youthful-looking skin, including plastic surgery, skin creams and serums, sunscreen, and proper nutrition and exercise. Third parties have a demonstrated capability of supplying consumer approved substitutes, and offer numerous competing models, confirming third parties make like or competitive articles which could replace the Accused Products in a commercially reasonable time.

IV. THE REQUESTED REMEDIAL ORDERS WILL NOT HAVE A SIGNIFICANT NEGATIVE IMPACT ON CONSUMERS IN THE UNITED STATES

The requested remedial orders would not adversely impact U.S. consumers. As discussed above, third parties can replace the volume of any excluded products with their like or directly competitive offerings within a commercially reasonable time. In addition, the Accused Products are not sold directly to U.S. consumers. Instead, they are sold to dermatologists or cosmetic dermatology clinics, and any price increase that may result from the elimination of infringing competition would be spread widely across the clinic's clientele for this optional and purely aesthetic procedure. In any event, the possibility of a mere price increase is insufficient to warrant preclusion of a remedial order. *See Certain Lens-Fitted Film Packages*, Inv. No. 337-TA-406, Comm'n Op., 1999 WL 436531 at *13 ("a higher price . . . does not justify a determination that the public interest in protecting intellectual property rights is in any way outweighed"). Further, U.S. consumers will benefit from increased innovation resulting in better products, which is encouraged through the enforcement and protection of Complainant's intellectual property rights.

V. CONCLUSION

Issuing a permanent limited exclusion order and cease and desist orders in this Investigation against Proposed Respondents' infringing Accused Products will not negatively affect the public health, safety, or welfare in the United States, competitive conditions in the United States economy, the production of like or competitive articles in the United States, and the

availability of such products to consumers. The Accused Products manufactured by the Proposed Respondents are not essential to public health and safety, and third-party manufacturers can provide U.S. consumers with like or competitive articles. Accordingly, there are no public interest concerns preventing the issuance of a permanent exclusion order and cease and desist orders or that would necessitate discovery and trial on this issue by the ALJ.

Dated: March 1, 2023

Respectfully Submitted,

/s/ Kevin C. Wheeler

Kevin C. Wheeler
Cecilia Sanabria
Michael A. David
Latham & Watkins LLP
555 11th St. NW, Suite 1000
Washington, D.C. 20004-1304
Phone: (202) 637-2200
kevin.wheeler@lw.com
cecilia.sanabria@lw.com
michael.david@lw.com

Charles H. Sanders
Latham & Watkins LLP
200 Clarendon St.
Boston, MA 02116
Phone: (617) 948-6000
charles.sanders@lw.com

Counsel for Complainant Serendia, LLC

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

In the Matter of **CERTAIN DERMATOLOGICAL TREATMENT DEVICES AND COMPONENTS THEREOF**	**Investigation No. 337-TA-____**

COMPLAINT OF SERENDIA, LLC, UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED

COMPLAINANT

Serendia, LLC
23792 Rockfield Blvd.
Lake Forest, CA 92630
Phone: (949) 677-1626

COUNSEL FOR COMPLAINANT

Kevin C. Wheeler
Cecilia Sanabria
Michael A. David
Latham & Watkins LLP
555 11th St. NW, Suite 1000
Washington, D.C. 20004-1304
Phone: (202) 637-2200
kevin.wheeler@lw.com
cecilia.sanabria@lw.com
michael.david@lw.com

Charles H. Sanders
Latham & Watkins LLP
200 Clarendon St.
Boston, MA 02116
Phone: (617) 948-6000
charles.sanders@lw.com

PROPOSED RESPONDENTS

Sung Hwan E&B Co., LTD.
d/b/a SHEnB Co. LTD.
SHENB Building, 148 Seongsui-ro
Seongdong-gu
04796 Seoul
Korea

Aesthetics Biomedical, Inc.
4602 N. 16th St., Suite 300
Phoenix, AZ 85016

Cartessa Aesthetics, LLC
175 Broadhollow Road
Melville, NY 11747

Lutronic Corporation
Lutronic Center
219 Sowon-ro
Deogyang-gu,
Goyang-si,
Gyeonggi-do 10534
Korea

Lutronic Aesthetics, Inc. AKA Lutronic, Inc.
19 Fortune Dr.
Billerica, MA 01821

Lutronic, LLC
19 Fortune Dr.
Billerica, MA 01821

Ilooda Co., Ltd.
Building B. 9 floor
IS BIZ Tower Central 25
Deokcheon-ro 152beon-gil
Manan-gu, Anyang-si, Gyeonggi-do
Korea

Cutera, Inc.
3240 Bayshore Blvd.
Brisbane, CA 94005

Jeisys Medical Inc.
Daeryung Techno Town 8th, Gasang-dong
Room 307
96 Gamasan-ro, Geumcheon-gu
Seoul 08501
Korea

Cynosure, LLC
5 Carlisle Rd.
Westford, MA 01886

Rohrer Aesthetics, LLC
105 Citation Ct.
Homewood, AL 35209

Rohrer Aesthetics, Inc.
105 Citation Ct.
Homewood, AL 35209

EndyMed Medical Ltd.
7 Bareket Street
North Industrial Park
Caesarea
3097612 Israel

EndyMed Medical, Ltd.
790 Madison Ave., Suite 402

New York, NY 10065

EndyMed Medical Inc.
4400 Route 9 South, Suite #1000
Freehold, NJ 07728

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4.	Certified Copy of U.S. Patent No. 9,320,536
5.	Certified Copy of U.S. Patent No. 9,775,774
6.	Certified Copy of U.S. Patent No. 10,869,812
7.	Certified Copy of Recorded Assignments for U.S. Patent No. 9,480,836
8.	Certified Copy of Recorded Assignments for U.S. Patent No. 10,058,379
9.	Certified Copy of Recorded Assignments for U.S. Patent No. 11,406,444
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38.	Seeking Alpha Webpage - Cutera Earnings Call Transcript
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71.	Infringement Chart for U.S. Patent No. 9,480,836 by Vivace Fractional Microneedle RF Products
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123.	Domestic Industry Chart of U.S. Patent No. 11,406,444 (the "'444 Patent") (CONFIDENTIAL)
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135.	Article: Jung JW, Kim WO, Jung HR, Kim SA, Ryoo YW. A Face-Split Study to Evaluate the Effects of Microneedle Radiofrequency with Q-Switched ND
136.	Dermatology Times RF Webpage
137.	Archived Cartessa Virtue RF Webpage
138.	FDA Form - Indications for Use Form of Virtue RF
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144.	FDA Form – Indications for Use Form of Genius
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157.	ProMed Listing of Secret Pro Webpage
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160.	Cynosure Potenza Treatment Webpage
161.	Cynosure Potenza Product Webpage
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163.	Potenza Brochure 1
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173.	Domestic Industry Brochure (CONFIDENTIAL)
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177.	Rohrer Pixel8 Pro Webpage
178.	U.S. FDA 510(k) Premarket Notification for Vivace Electrosurgical System
179.	U.S. FDA 510(k) Premarket Notification for Virtue RF
180.	U.S. FDA Adverse Event Report for the Genius Accused Products
181.	U.S. FDA 510(k) Premarket Notification for Secret RF
182.	U.S. National Library of Medicine Clinical Trial Study Record for Secret RF
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TABLE OF APPENDICES

APPENDIX	DOCUMENT
A	Certified Copy of Prosecution History for U.S. Patent No. 9,480,836
B	Certified Copy of Prosecution History for U.S. Patent No. 10,058,379
C	Certified Copy of Prosecution History for U.S. Patent No. 11,406,444
D	Certified Copy of Prosecution History for U.S. Patent No. 9,320,536
E	Certified Copy of Prosecution History for U.S. Patent No. 9,775,774
F	Certified Copy of Prosecution History for U.S. Patent No. 10,869,812
G	Copies of References Cited in Prosecution History for U.S. Patent No. 9,480,836
H	Copies of References Cited in Prosecution History for U.S. Patent No. 10,058,379
I	Copies of References Cited in Prosecution History for U.S. Patent No. 11,406,444
J	Copies of References Cited in Prosecution History for U.S. Patent No. 9,320,536
K	Copies of References Cited in Prosecution History for U.S. Patent No. 9,775,774
L	Copies of References Cited in Prosecution History for U.S. Patent No. 10,869,812

I. INTRODUCTION

1.1. Serendia, LLC ("Serendia" or "Complainant") requests that the United States International Trade Commission institute an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 ("Section 337"), to remedy the unlawful importation, sale for importation, and/or sale after importation by the Proposed Respondents of certain dermatological treatment devices and components thereof. These products infringe certain claims of U.S. Patent No. 9,480,836 (the "'836 Patent"); U.S. Patent No. 10,058,379 (the "'379 Patent"); U.S. Patent No. 11,406,444 (the "'444 Patent"); U.S. Patent No. 9,320,536 (the "'536 Patent"); U.S. Patent No. 9,775,774 (the "'774 Patent"); and U.S. Patent No. 10,869,812 (the "'812 Patent") (collectively the "Asserted Patents") as follows:

U.S. Patent No.	Asserted Claims[1]
9,480,836	**1**, 2, 5, 6, 9, 10, 11, 12, 13, **14**, 16, 17, 19, and 22
10,058,379	**1**, 2, 3, 4, 5, 7, 8, 9, **10**, and 15
11,406,444	**1**, 2, 3, 4, 5, 6, 7, 8, 9, and **10**
9,320,536	**1**, 2, 4, 5, 8, 9, **11**, 12, 13, 16, 17
9,775,774	**1**, 6, 7, 8, 9, 10, **11**, 12, 13, 14, and 15
10,869,812	**1**, 5, 6, 7, 9, 10, **12**, 13, 14, 15, 16, 17, 18, and 19

The Asserted Patents all share the same named inventor, Dr. Jongju Na, and are members of just two patent families. The '836, '379, and '444 Patents are members of one patent family with a common specification, and the '536, '774, and '812 Patents are members of another patent family with a common specification.

1.2. Certified copies of the Asserted Patents are included as **Exhibits 1-6**. Serendia is the assignee of the Asserted Patents and holds all rights, title, and interest in and to the '836, '379,

[1] Bolded claim numbers designate independent claims.

’444, ’536, ’774, and ’812 Patents. Certified copies of the Assignment Records for each of the Asserted Patents are included as **Exhibits 7-12**.

1.3. The named inventor of the Asserted Patents, Dr. Na, has been called the “Father of Microneedling” and radio frequency (RF) microneedling. Dr. Na earned a PhD in human anatomy and practiced as a medical doctor in South Korea, before moving to the United States. By 2008, Dr. Na invented an approach to treating dermatological tissue that involved extending small needles, known as microneedles, into the dermatological tissue to apply RF signals. By 2011, Dr. Na invented an approach to use these microneedles to apply RF signals such that the energy was concentrated around each electrode, causing coagulation around each electrode. In 2015, Dr. Na published an article in *Scientific Reports*, an open-access journal from the prestigious journal *Nature* that publishes rigorously peer-reviewed research, that demonstrated the RF-induced coagulation around each microneedle. In that article, the authors proposed calling this new effect of independent tissue coagulation around each electrode a “Na effect,” naming it after Dr. Na. Persons skilled in the field now refer to this “Na effect” in scientific literature. The approach Dr. Na developed allows for improving the appearance of skin while reducing pain and potential scarring and allowing for less downtime between treatments.

1.4. The Proposed Respondents are as follows: Sung Hwan E&B Co., LTD. d/b/a SHEnB Co. LTD (“SHEnB”); Aesthetics Biomedical, Inc. (“AB”); Cartessa Aesthetics, LLC (“Cartessa”); Lutronic Corporation; Lutronic Aesthetics, Inc., also known as Lutronic, Inc.; Lutronic, LLC (the Lutronic entities collectively “Lutronic” or “Lutronic Respondents”); Ilooda Co., Ltd. (“Ilooda”); Cutera, Inc. (“Cutera”); Jeisys Medical Inc. (“Jeisys”); Cynosure, LLC (“Cynosure”); Rohrer Aesthetics, LLC and Rohrer Aesthetics, Inc. (collectively “Rohrer”); EndyMed Medical Ltd. (Israel); EndyMed Medical, Ltd. (New York); and EndyMed Medical, Inc.

(collectively "EndyMed" or "EndyMed Respondents"). The Proposed Respondents are affiliated with each other and the various Accused Products as detailed in the table below:

Manufacturer	Distributor	Accused Products
SHEnB	AB	Vivace
	Cartessa	Vivace[2] and VirtueRF[3]
Lutronic	Lutronic	Genius
Ilooda	Cutera	Secret RF and Secret Pro[4]
Jeisys	Cynosure	Potenza[5]
Rohrer	Rohrer	Pixel8 RF and Pixel8 Pro
EndyMed	EndyMed	Intensif

1.5. The Proposed Respondents have used Complainant's patented inventions without payment or permission. The Vivace/VirtueRF Respondents collectively sell for importation, import, and sale after importation medical devices (and their infringing components) manufactured at SHEnB's South Korean facilities that compete with licensed devices. The Lutronic Respondents collectively sell for importation, import, and sale after importation medical devices (and their infringing components) manufactured at Lutronic's South Korean facilities that compete with licensed devices. The Secret Respondents collectively sell for importation, import, and sale after importation medical devices (and their infringing components) manufactured at Ilooda's South Korean facilities that compete with licensed devices. The Potenza Respondents collectively sell for importation, import, and sale after importation medical devices (and their infringing components) manufactured at Jeisys's South Korean facilities that compete with licensed devices. Rohrer sells for importation, imports, and sales after importation medical devices (and their infringing components) manufactured at Chinese facilities that compete with licensed devices.

[2] SHEnB, AB, and Cartessa are collectively referred to as the "Vivace Respondents."

[3] SHEnB and Cartessa are collectively referred to as the "VirtueRF Respondents."

[4] Ilooda and Cutera are collectively referred to as the "Secret Respondents."

[5] Jeisys and Cynosure are collectively referred to as the "Potenza Respondents."

Finally, the Intensif Respondents collectively sell for importation, import, and sale after importation medical devices (and their infringing components) manufactured at EndyMed's Israeli facilities that compete with licensed devices.

1.6. Complainant requests institution of this Investigation to protect their rights and put an end to the Proposed Respondents' unfair methods of competition and unfair acts in the importation of articles into the United States, the sale for importation, and sale after importation of articles that infringe the Asserted Patents.

1.7. A domestic industry as required by 19 U.S.C. § 1337(a)(2) and (3) exists in the United States relating to Complainant's licensee's exploitation of the Asserted Patents.

1.8. On information and belief, each of the Respondents currently designs, uses, tests, manufactures, imports into the United States, sells for importation into the United States, sells in the United States after importation, and/or instructs others regarding the use or manufacture of RF microneedling dermatological treatment devices and components thereof that directly infringe, contributorily infringe, and/or induce the infringement of, the Asserted Patents.

1.9. Complainant seeks, as relief, a limited exclusion order barring from entry into the United States infringing RF microneedling dermatological treatment devices and components thereof—manufactured by or on behalf of, or imported by or on behalf of, the Proposed Respondents. Complainant also seeks cease and desist orders prohibiting the sale for importation, importation, sale after importation, distribution, offering for sale, promoting, marketing, advertising, testing, demonstrating, warehousing inventory for distribution, solicitation of sales, programming, repairing, maintaining, using, transferring, and other commercial activity relating to infringing RF microneedling dermatological treatment devices and components thereof.

Complainant also seeks imposition of a bond during the Presidential Review Period pursuant to 19 U.S.C. § 1337(j).

II. COMPLAINANT

2.1. Serendia, LLC is a California LLC with a principal place of business 23792 Rockfield Blvd., Lake Forest, CA 92630. Serendia's primary business is developing and distributing dermatological medical technologies.

III. PROPOSED RESPONDENTS

A. Vivace/VirtueRF Respondents

3.1. Proposed Respondent **Sung Hwan E&B Co., LTD. d/b/a SHEnB Co. LTD** is a South Korean corporation headquartered at SHENB Building, 148 Seongsui-ro, Seongdong-gu, 04796 Seoul, Republic of Korea.

3.2. Proposed Respondent **Aesthetics Biomedical, Inc.** is a Delaware corporation and is headquartered at 4602 N. 16th St., Suite 300, Phoenix, AZ 85016.

3.3. Proposed Respondent **Cartessa Aesthetics, LLC** is a New York limited liability company and is headquartered at 175 Broadhollow Road, Melville, NY 11747.

3.4. Upon information and belief, SHEnB Co. LTD., itself and through its subsidiaries and related entities, designs, develops, manufactures, sells for importation, imports into the United States, and/or sells after importation into the United States health care equipment, including RF microneedling dermatological treatment devices and components thereof. Upon information and belief, this is the primary nature of its business.

3.5. Upon information and belief, Aesthetics Biomedical, Inc., itself and through its subsidiaries and related entities, sells for importation, imports into the United States, sells after importation into the United States, and/or uses health care equipment, including RF microneedling

dermatological treatment devices and components thereof. Upon information and belief, this is the primary nature of its business.

3.6. Upon information and belief, Cartessa Aesthetics, LLC, itself and through its subsidiaries and related entities, sells for importation, imports into the United States, sells after importation into the United States, and/or uses health care equipment, including RF microneedling dermatological treatment devices and components thereof. Upon information and belief, this is the primary nature of its business.

B. Lutronic Respondents

3.7. Proposed Respondent **Lutronic Corp.** is a South Korean corporation and is headquartered at 219 Sowon-ro, Deogyang-gu, Goyang-si, Gyeonggi-do 10534, Republic of Korea. Lutronic Corp. has as its wholly owned subsidiaries **Lutronic Aesthetics, Inc., also known as Lutronic, Inc.**, and **Lutronic, LLC**, both headquartered at 19 Fortune Dr., Billerica, MA 01821. Lutronic Aesthetics, Inc. is a Delaware corporation and Lutronic LLC is a Massachusetts limited liability company.

3.8. Upon information and belief, Lutronic Corp., itself and through its subsidiaries and related entities, designs, develops, manufactures, sells for importation, imports into the United States, and/or sells after importation into the United States health care equipment, including RF microneedling dermatological treatment devices and components thereof. Upon information and belief, this is the primary nature of its business. **Exhibit 13**.

3.9. Upon information and belief, Lutronic Aesthetics, Inc., itself and through its subsidiaries and related entities, designs, develops, manufactures, sells for importation, imports into the United States, sells after importation into the United States, and/or uses health care equipment, including RF microneedling dermatological treatment devices and components thereof. Upon information and belief, this is the primary nature of its business. **Exhibit 13**.

3.10. Upon information and belief, Lutronic LLC, itself and through its subsidiaries and related entities, designs, develops, manufactures, sells for importation, imports into the United States, sells after importation into the United States, and/or uses health care equipment, including RF microneedling dermatological treatment devices and components thereof. Upon information and belief, this is the primary nature of its business. **Exhibit 13**.

C. Secret Respondents

3.11. Proposed Respondent **Ilooda Co., Ltd.** is a South Korean corporation and is headquartered at Building B. 9 floor, IS BIZ Tower Central 25, Deokcheon-ro 152beon-gil, Manan-gu, Anyang-si, Gyeonggi-do, Republic of Korea.

3.12. Proposed Respondent **Cutera, Inc.** is a Delaware corporation and is headquartered at 3240 Bayshore Blvd., Brisbane, CA 94005.

3.13. Upon information and belief, Ilooda Co., Ltd., itself and through its subsidiaries and related entities, designs, develops, manufactures, sells for importation, imports into the United States, and/or sells after importation into the United States health care equipment, including RF microneedling dermatological treatment devices and components thereof. Upon information and belief, this is the primary nature of its business.

3.14. Upon information and belief, Cutera, Inc., itself and through its subsidiaries and related entities, sells for importation, imports into the United States, and/or sells after importation into the United States health care equipment, including RF microneedling dermatological treatment devices and components thereof. Upon information and belief, this is the primary nature of its business.

D. Potenza Respondents

3.15. Proposed Respondent **Jeisys Medical Inc.** is a South Korean corporation and is headquartered at Daeryung Techno Town 8th, Gasang-dong, Room 307, 96 Gamasan-ro, Geumcheon-gu, Seoul 08501, Republic of Korea.

3.16. Proposed Respondent **Cynosure, LLC** is a Delaware corporation and is headquartered at 5 Carlisle Rd., Westford, MA 01886.

3.17. Upon information and belief, Jeisys Medical Inc., itself and through its subsidiaries and related entities, designs, develops, manufactures, sells for importation, imports into the United States, and/or sells after importation into the United States health care equipment, including RF microneedling dermatological treatment devices and components thereof. Upon information and belief, this is the primary nature of its business.

3.18. Upon information and belief, Cynosure, LLC, itself and through its subsidiaries and related entities, sells for importation, imports into the United States, and/or sells after importation into the United States health care equipment, including RF microneedling dermatological treatment devices and components thereof. Upon information and belief, this is the primary nature of its business.

E. Pixel8 Respondent

3.19. Proposed Respondent **Rohrer Aesthetics, LLC** is an Alabama limited liability company and is headquartered at 105 Citation Ct., Homewood, AL 35209. Proposed Respondent **Rohrer Aesthetics, Inc.** is a Delaware corporation and is headquartered at 105 Citation Ct., Homewood, AL 35209.

3.20. Upon information and belief, Rohrer Aesthetics, LLC / Rohrer Aesthetics, Inc., itself and through its subsidiaries and related entities, designs, develops, manufactures abroad, sells for importation, imports into the United States, and/or sells after importation into the United States

health care equipment, including RF microneedling dermatological treatment devices and components thereof. Upon information and belief, this is the primary nature of its business.

F. Intensif Respondents

3.21. Proposed Respondent **EndyMed Medical Ltd.** is an Israeli corporation and is headquartered at 7 Bareket Street, North Industrial Park, Caesarea 3097612, Israel. Upon information and belief Proposed Respondent **EndyMed Medical, Ltd.** is an Israeli corporation and is headquartered at 790 Madison Ave., Suite 402, New York, NY 10065. Proposed Respondent **EndyMed Medical, Inc.** is a Delaware corporation and is headquartered at 4400 Route 9 South, Suite #1000, Freehold, NJ 07728.

3.22. Upon information and belief, EndyMed Medical Ltd. (Israel), itself and through its subsidiaries and related entities, designs, develops, manufactures, sells for importation, imports into the United States, and/or sells after importation into the United States health care equipment, including RF microneedling dermatological treatment devices and components thereof. Upon information and belief, this is the primary nature of its business.

3.23. Upon information and belief, EndyMed Medical, Ltd. (New York), itself and through its subsidiaries and related entities, designs, develops, manufactures, sells for importation, imports into the United States, and/or sells after importation into the United States health care equipment, including radio frequency microneedling dermatological treatment devices and components thereof. Upon information and belief, this is the primary nature of its business.

3.24. Upon information and belief, EndyMed Medical Inc., itself and through its subsidiaries and related entities, designs, develops, manufactures, sells for importation, imports into the United States, and/or sells after importation into the United States health care equipment, including radio frequency microneedling dermatological treatment devices and components thereof. Upon information and belief, this is the primary nature of its business.

IV. THE TECHNOLOGY AND PRODUCTS-AT-ISSUE

4.1. Pursuant to 19 C.F.R. § 210.12(a)(12), the category of products accused are RF microneedling dermatological treatment devices and components thereof.

4.2. Complainant currently accuses the following dermatological treatment devices and components thereof (collectively, "the Accused Products"):

(a) Vivace, which upon information and belief, is manufactured abroad and sold for importation by Proposed Respondent SHEnB and imported, sold after importation, and distributed by Proposed Respondents AB and Cartessa;

(b) VirtueRF, which upon information and belief, is manufactured abroad and sold for importation by Proposed Respondent SHEnB and imported, sold after importation, and distributed by Proposed Respondent Cartessa;

(c) Genius, which upon information and belief is manufactured abroad, sold for importation, imported, sold after importation, and distributed by Proposed Respondent Lutronic;

(d) Secret RF and Secret Pro, which upon information and belief, is manufactured abroad and sold for importation by Proposed Respondent Ilooda and imported, sold after importation, and distributed by Proposed Respondent Cutera;

(e) Potenza, which upon information and belief, is manufactured abroad and sold for importation by Proposed Respondent Jeisys and imported, sold after importation, and distributed by Proposed Respondent Cynosure;

(f) Pixel8 RF and Pixel8 Pro, which upon information and belief, is manufactured abroad, sold for importation, imported, sold after importation, and distributed by Proposed Respondent Rohrer; and

(g) Intensif, which upon information and belief, is manufactured abroad, sold for importation, imported, sold after importation, and distributed by Proposed Respondent EndyMed.

4.3. The Accused Products are imported into, sold for importation into, and sold after importation into the United States by or on behalf of Respondents. Without discovery, Complainant cannot exhaustively identify all devices sold for importation into the United States, imported, and/or sold within the United States after importation that infringe or are used to infringe the Asserted Patents. Complainant reserves its right to supplement their allegations, to further amend this Complaint, and to add respondents and accused products in the future if appropriate based on discovery received during the Investigation.

V. THE ASSERTED PATENTS AND NON-TECHNICAL DESCRIPTION OF THE INVENTIONS[6]

A. Patent Family One

1. U.S. Patent No. 9,480,836

a. Identification of the Patent and Ownership by Complainant

5.1. The United States Patent and Trademark Office, after full and fair examination, duly and legally issued U.S. Patent No. 9,480,836, titled "Skin Treatment Apparatus and Method,"

[6] All non-technical descriptions of the patents are for the purposes of providing general information only and should not be interpreted as a representation regarding the scope or applicability of any patent, or the requirements or meaning of any patent claims.

to inventor Jongju Na on Nov. 1, 2016.[7] *See* **Exhibit 1**, ’836 Patent. The ’836 Patent issued from Application No. 14/006,930, filed on June 14, 2012. **Exhibit 1**.

5.2. The ’836 Patent has 2 independent claims and 27 dependent claims. *Id*. Complainant is asserting claims 1, 2, 5, 6, 9-14, 16, 17, 19, and 22 of the ’836 Patent in this Investigation. Further investigation and discovery may lead to the assertion of additional claims.

5.3. The Asserted Claims of the ’836 Patent are valid, enforceable, and currently in full force and effect until the expiration of the ’836 Patent on July 10, 2032. Complainant holds all rights, title, and interest in the ’836 Patent with full rights to enforce the same. **Exhibit 7**, ’836 Patent Assignment.

5.4. Pursuant to Commission Rule 210.12(c), copies of the certified prosecution history of the ’836 Patent have been submitted with this Complaint as **Appendix A**. Pursuant to Commission Rule 210.12(c), the cited references for the ’836 Patent also have been submitted with this Complaint as **Appendix G**.

b. Non-Technical Description of the Patent

5.5. The ’836 Patent generally relates to methods and apparatuses for treating skin using bipolar electrodes that can be inserted into the skin to deliver an alternating current RF signal to cause coagulation around each electrode, rather than between electrodes.

c. Foreign Counterparts to the Patent

5.6. The foreign patents and patent applications corresponding to the ’836 Patent are:

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[7] Dr. Na is the named inventor for all of the Asserted Patents, which fall into two patent families, as detailed herein. The ’536, ’774, and ’812 Patents are members of one patent family with a common specifications and the ’836, ’379, and ’444 Patent are members of another patent family with a common specification.

U.S. Patent No. 9,480,836					
Application Date	**Application Number**	**Status**	**Patent Date**	**Patent No.**	**Country**
6/14/2012	2012270349	Granted	03/03/2016	2012270349 B2	AU
6/14/2012	112013032080	Filed	12/5/2017	112013032080 A2	BR
6/14/2012	112013032080	Granted	1/11/2022	112013032080-0 B1	BR
6/14/2012	112013032080	Granted	11/08/2022	112013032080-0 B8	BR
6/14/2012	2839440A	Filed	12/20/2012	2839440 A1	CA
6/14/2012	2839440A	Granted	1/2/2018	2839440 C	CA
6/14/2012	201280029640.4	Filed	2/26/2014	103608068 A	CN
6/14/2012	201280029640.4	Granted	12/14/2016	103608068 B	CN
6/14/2012	12800448	Filed	4/23/2014	2722072 A2	EP
6/14/2012	12800448	Filed	2/25/2015	2722072 A4	EP
12/17/2013	22999913A	Filed	1/31/2018	229999B	IL
6/14/2012	P2014-515749	Filed	8/21/2014	2014-519921 A	JP
6/14/2012	P2014-515749	Granted	4/26/2016	5908977 B2	JP
12/13/2013	2013014703	Filed	12/4/2014	2013014703 A	MX
12/13/2013	2013014703	Granted	11/11/2016	343603 B	MX
6/14/2012	2014100956/14	Filed	7/20/2015	2014100956 A	RU
6/14/2012	2014100956/14	Granted	8/10/2015	2559219 C1	RU
6/14/2012	PCT/KR2012/004695	Filed	12/20/2012	2012/173405 A2	WO
6/14/2012	PCT/KR2012/004695	Filed	04/04/2013	2012/173405 A3	WO

d. Licenses

5.7. Pursuant to Commission Rule 210.12(a)(9)(iii), the licensed entities for the ’836 Patent are listed in **Confidential Exhibit 14** to this Complaint. There are no other licensed entities to the ’836 Patent other than those listed in **Confidential Exhibit 14.**

2. U.S. Patent No. 10,058,379

a. Identification of the Patent and Ownership by Complainant

5.8. The United States Patent and Trademark Office, after full and fair examination, duly and legally issued U.S. Patent No. 10,058,379, titled “Electrically Based Medical Treatment Device and Method,” to inventor Jongju Na on August 28, 2018. *See* **Exhibit 2**, ’379 Patent. The ’379 Patent issued from Application No. 15/202,511, filed on July 5, 2016. **Exhibit 2**. Application No. 15/202,511 is a continuation of Application No. 14/006,930, which is now the ’836 Patent.

5.9. The ’379 Patent has 2 independent claims and 16 dependent claims. *Id*. Complainant is asserting claims 1-5, 7-10, and 15 of the ’379 Patent in this Investigation. Further investigation and discovery may lead to the assertion of additional claims.

5.10. The Asserted Claims of the ’379 Patent are valid, enforceable, and currently in full force and effect until the expiration of the ’379 Patent on August 19, 2032. Complainant holds all rights, title, and interest in the ’379 Patent with full rights to enforce the same. **Exhibit 8**, ’379 Patent Assignment.

5.11. Pursuant to Commission Rule 210.12(c), copies of the certified prosecution history of the ’379 Patent have been submitted with this Complaint as **Appendix B**. Pursuant to Commission Rule 210.12(c), the cited references for the ’379 Patent also have been submitted with this Complaint as **Appendix H**.

b. Non-Technical Description of the Patent

5.12. The ’379 Patent generally relates to treatment apparatuses and methods that involve bipolar electrodes that can be inserted into a portion of the body to be treated to apply RF signal with oscillating current such that energy is applied around each electrode rather than between the electrodes.

c. Foreign Counterparts to the Patent

5.13. The foreign patents and patent applications corresponding to the ’379 Patent are:

U.S. Patent No. 10,058,379					
Application Date	**Application Number**	**Status**	**Patent Date**	**Patent No.**	**Country**
6/14/2012	2012270349	Granted	03/03/2016	2012270349 B2	AU
6/14/2012	112013032080	Filed	12/5/2017	112013032080 A2	BR
6/14/2012	112013032080	Granted	1/11/2022	112013032080-0 B1	BR
6/14/2012	112013032080	Granted	11/08/2022	112013032080-0 B8	BR
6/14/2012	2839440A	Filed	12/20/2012	2839440 A1	CA
6/14/2012	2839440A	Granted	1/2/2018	2839440 C	CA
6/14/2012	201280029640.4	Filed	2/26/2014	103608068 A	CN

U.S. Patent No. 10,058,379					
Application Date	**Application Number**	**Status**	**Patent Date**	**Patent No.**	**Country**
6/14/2012	201280029640.4	Granted	12/14/2016	103608068 B	CN
6/14/2012	12800448	Filed	4/23/2014	2722072 A2	EP
6/14/2012	12800448	Filed	2/25/2015	2722072 A4	EP
12/17/2013	22999913A	Filed	1/31/2018	229999B	IL
6/14/2012	P2014-515749	Filed	8/21/2014	2014-519921 A	JP
6/14/2012	P2014-515749	Granted	4/26/2016	5908977 B2	JP
12/13/2013	2013014703	Filed	12/4/2014	2013014703 A	MX
12/13/2013	2013014703	Granted	11/11/2016	343603 B	MX
6/14/2012	2014100956/14	Filed	7/20/2015	2014100956 A	RU
6/14/2012	2014100956/14	Granted	8/10/2015	2559219 C1	RU
6/14/2012	PCT/KR2012/004695	Filed	12/20/2012	2012/173405 A2	WO
6/14/2012	PCT/KR2012/004695	Filed	04/04/2013	2012/173405 A3	WO

d. Licenses

1.1. Pursuant to Commission Rule 210.12(a)(9)(iii), the licensed entities for the ’379 Patent are listed in **Confidential Exhibit 14** to this Complaint. There are no other licensed entities to the ’379 Patent other than those listed in **Confidential Exhibit 14**.

2. U.S. Patent No. 11,406,444

a. Identification of the Patent and Ownership by Complainant

5.14. The United States Patent and Trademark Office, after full and fair examination, duly and legally issued U.S. Patent No. 11,406,444, titled “Electrically Based Medical Treatment Device and Method,” to inventor Jongju Na on August 9, 2022. *See* **Exhibit 3.** The ’444 Patent issued from Application No. 17/061,523, filed on October 1, 2020. **Exhibit 3**. Application No. 17/061,523 is a continuation of Application No. 16/111,616, which is a continuation of Application No. 15,/205,511, which is now the ’379 Patent. Application No. 15/202,511 is a continuation of Application No. 14/006,930, which is now the ’836 Patent.

5.15. The ’444 Patent has 2 independent claims and 16 dependent claims. *Id*. Complainant is asserting claims 1-10 of the ’444 Patent in this Investigation. Further investigation and discovery may lead to the assertion of additional claims.

5.16. The Asserted Claims of the ’444 Patent are valid, enforceable, and currently in full force and effect until the expiration of the ’444 Patent on July 24, 2032. Complainant holds all rights, title, and interest in the ’444 Patent with full rights to enforce the same. **Exhibit 9**, ’444 Patent Assignment.

5.17. Pursuant to Commission Rule 210.12(c), copies of the certified prosecution history of the ’444 Patent have been submitted with this Complaint as **Appendix C**. Pursuant to Commission Rule 210.12(c), the cited references for the ’444 Patent also have been submitted with this Complaint as **Appendix I**.

b. Non-Technical Description of the Patent

5.18. The ’444 Patent generally relates to a treatment apparatus where nearest electrodes have opposite polarities and can be deployed into a portion of the body to be treated to apply a RF signal with oscillating current from an RF generation module, such that the energy is substantially applied around each electrode.

c. Foreign Counterparts to the Patent

5.19. The foreign patents and patent applications corresponding to the ’444 Patent are:

U.S. Patent No. 11,406,444					
Application Date	**Application Number**	**Status**	**Patent Date**	**Patent No.**	**Country**
6/14/2012	2012270349	Granted	03/03/2016	2012270349 B2	AU
6/14/2012	112013032080A	Filed	12/5/2017	112013032080 A2	BR
6/14/2012	112013032080	Granted	1/11/2022	112013032080-0 B1	BR

U.S. Patent No. 11,406,444					
Application Date	**Application Number**	**Status**	**Patent Date**	**Patent No.**	**Country**
6/14/2012	112013032080	Granted	11/08/2022	112013032080-0 B8	BR
6/14/2012	2839440A	Filed	12/20/2012	2839440 A1	CA
6/14/2012	2839440A	Granted	1/2/2018	2839440C	CA
6/14/2012	201280029640.4	Filed	2/26/2014	103608068 A	CN
6/14/2012	201280029640.4	Granted	12/14/2016	103608068 B	CN
6/14/2012	12800448	Filed	4/23/2014	2722072 A2	EP
6/14/2012	12800448	Filed	2/25/2015	2722072 A4	EP
12/17/2013	22999913 A	Filed	1/31/2018	229999 B	IL
6/14/2012	P2014-515749	Filed	8/21/2014	2014-519921	JP
6/14/2012	P2014-515749	Granted	4/26/2016	5908977	JP
12/13/2013	2013014703	Filed	12/4/2014	2013014703 A	MX
12/13/2013	2013014703	Granted	11/11/2016	343603 B	MX
6/14/2012	2014100956/14	Filed	7/20/2015	2014100956 A	RU
6/14/2012	20141009556/14	Granted	8/10/2015	2559219 C1	RU
6/14/2012	PCT/KR2012/004695	Filed	12/20/2012	2012/173405 A2	WO
6/14/2012	PCT/KR2012/004695	Filed	04/04/2013	2012/173405 A3	WO

d. Licenses

5.20. Pursuant to Commission Rule 210.12(a)(9)(iii), the licensed entities for the ’444 Patent are listed in **Confidential Exhibit 14** to this Complaint. There are no other licensed entities to the ’444 Patent other than those listed in **Confidential Exhibit 14**.

B. Patent Family Two

1. U.S. Patent No. 9,320,536

a. Identification of the Patent and Ownership by Complainant

5.21. The United States Patent and Trademark Office, after full and fair examination, duly and legally issued U.S. Patent No. 9,320,536, titled “Method, System, and Apparatus for Dermatological Treatment,” to inventor Jongju Na on April 26, 2016. *See* **Exhibit 4**, ’536 Patent. The ’536 Patent issued from Application No. 13/825,083, filed on February 22, 2012. **Exhibit 4**.

5.22. The ’536 Patent has 2 independent claims and 18 dependent claims. *Id*. Complainant is asserting claims 1, 2, 4, 5, 8, 9, 11-13, 16, and 17 of the ’536 Patent in this Investigation. Further investigation and discovery may lead to the assertion of additional claims.

5.23. The Asserted Claims of the ’536 Patent are valid, enforceable, and currently in full force and effect until the expiration of the ’536 Patent on July 24, 2031. Complainant holds all rights, title, and interest in the ’536 Patent with full rights to enforce the same. **Exhibit 10**, ’536 Patent Assignment.

5.24. Pursuant to Commission Rule 210.12(c), copies of the certified prosecution history of the ’536 Patent have been submitted with this Complaint as **Appendix D**. Pursuant to Commission Rule 210.12(c), the cited references for the ’536 Patent also have been submitted with this Complaint as **Appendix J**.

b. Non-Technical Description of the Patent

5.25. The ’536 Patent generally relates to methods and apparatuses for treating dermatological tissue with a user holdable device that can be releasably coupled to a needle assembly, where a motor can extend the needles into the skin while maintaining electrical contact so that an electrical signal can be applied to the needles.

c. Foreign Counterparts to the Patent

5.26. The foreign patents and patent applications corresponding to the ’536 Patent are:

U.S. Patent No. 9,320,536					
Application Date	**Application Number**	**Status**	**Patent Date**	**Patent No.**	**Country**
2/22/2012	10-2012-0017822	Withdrawn	2/24/2014	10-1363000	KR
2/22/2012	10-2012-0017822	Filed	11/30/2012	10-2012-0130314	KR
2/22/2012	PCT/KR2012/001335	Filed	7/9/2012	2012/118293 A2	WO
2/22/2012	PCT/KR2012/001335	Filed	12/20/2012	2012/118293 A3	WO

d. Licenses

5.27. Pursuant to Commission Rule 210.12(a)(9)(iii), the licensed entities for the ’536 Patent are listed in **Confidential Exhibit 14** to this Complaint. There are no other licensed entities to the ’536 Patent other than those listed in **Confidential Exhibit 14**.

2. U.S. Patent No. 9,775,774

a. Identification of the Patent and Ownership by Complainant

5.28. The United States Patent and Trademark Office, after full and fair examination, duly and legally issued U.S. Patent No. 9,775,774, titled “Method, System, and Apparatus for Dermatological Treatment,” to inventor Jongju Na on October 3, 2017. *See* **Exhibit 5**, ’774 Patent. The ’774 Patent issued from Application No. 15/096,686, filed on April 12, 2016. **Exhibit 5**. Application No. 15/096,686 is a continuation of Application No. 13/825,083, which is now the ’536 Patent.

5.29. The ’774 Patent has 2 independent claims and 18 dependent claims. *Id*. Complainant is asserting claims 1, 6-11, and 12-15 of the ’774 Patent in this Investigation. Further investigation and discovery may lead to the assertion of additional claims.

5.30. The Asserted Claims of the ’774 Patent are valid, enforceable, and currently in full force and effect until the expiration of the ’774 Patent on January 20, 2034. Complainant holds all rights, title, and interest in the ’774 Patent with full rights to enforce the same. **Exhibit 11**, ’774 Patent Assignment.

5.31. Pursuant to Commission Rule 210.12(c), copies of the certified prosecution history of the ’774 Patent have been submitted with this Complaint as **Appendix E**. Pursuant to Commission Rule 210.12(c), the cited references for the ’774 Patent also have been submitted with this Complaint as **Appendix K**.

b. Non-Technical Description of the Patent

5.32. The ’774 Patent generally relates to methods and apparatuses for treating dermatological tissue with a device that can deliver pulsed RF signals across multiple needles that are extendable into the skin a desired distance, to affect the tissue near the needles.

c. Foreign Counterparts to the Patent

5.33. The foreign patents and patent applications corresponding to the ’774 Patent are:

U.S. Patent No. 9,775,774					
Application Date	**Application Number**	**Status**	**Patent Date**	**Patent No.**	**Country**
8/22/2008	2008800131378.8	Filed	9/7/2011	102176877 A	CN
8/22/2008	08798567A	Filed	5/25/2011	2323580 A1	EP
8/22/2008	08798567A	Filed	5/9/2012	2323580 A4	EP
8/6/2008	10-2008-0076993	Granted	2/14/2011	10-1013581	KR
8/22/2008	10-2011-7005052	Granted	9/19/2012	10-1169747	KR
8/6/2008	10-2008-0076993	Filed	2/17/2010	10-2010-0018288	KR
8/22/2008	10-2011-7005052	Filed	7/4/2011	10-2011-0074842	KR
8/22/2008	10-2012-7002669	Filed	4/5/2012	10-2012-0032549	KR
8/22/2008	PCT/US2008/074131	Filed	2/11/2010	2010/016848 A1	WO

d. Licenses

5.34. Pursuant to Commission Rule 210.12(a)(9)(iii), the licensed entities for the ’774 Patent are listed in **Confidential Exhibit 14** to this Complaint. There are no other licensed entities to the ’774 Patent other than those listed in **Confidential Exhibit 14**.

3. U.S. Patent No. 10,869,812

a. Identification of the Patent and Ownership by Complainant

5.35. The United States Patent and Trademark Office, after full and fair examination, duly and legally issued U.S. Patent No. 10,869,812, titled “Method, System, and Apparatus for Dermatological Treatment,” to inventor Jongju Na on December 22, 2020. *See* **Exhibit 6.** The ’812 Patent issued from Application No. 15/724,261, filed on October 3, 2017. **Exhibit 6**. Application No. 15/724,261 is a continuation of Application No. 15/096,686, which is now the

’774 Patent. Application No. 15/096,686 is a continuation of Application No. 13/825,083, which is now the ’536 Patent.

5.36. The ’812 Patent has 2 independent claims and 18 dependent claims. *Id*. Complainant is asserting claims 1, 5-7, 9, 10, and 12-19 of the ’812 Patent in this Investigation. Further investigation and discovery may lead to the assertion of additional claims.

5.37. The Asserted Claims of the ’812 Patent are valid, enforceable, and currently in full force and effect until the expiration of the ’812 Patent on August 22, 2028. Complainant holds all rights, title, and interest in the ’812 Patent with full rights to enforce the same. **Exhibit 12**, ’812 Patent Assignment.

5.38. Pursuant to Commission Rule 210.12(c), copies of the certified prosecution history of the ’812 Patent have been submitted with this Complaint as **Appendix F**. Pursuant to Commission Rule 210.12(c), the cited references for the ’812 Patent also have been submitted with this Complaint as **Appendix L**.

b. Non-Technical Description of the Patent

5.39. The ’812 Patent generally relates to methods and apparatuses for treating dermatological tissue with a user holdable device that can have a needle module releasably coupled to it, where the needles can be extended while maintaining electrical contact to the user holdable device.

c. Foreign Counterparts to the Patent

5.40. The foreign patents and patent applications corresponding to the ’812 Patent are:

U.S. Patent No. 10,869,812					
Application Date	**Application Number**	**Status**	**Patent Date**	**Patent No.**	**Country**
8/22/2008	200880131378.8	Filed	9/7/2011	102176877 A	CN
8/22/2008	08798567 A	Filed	05/25/2011	2323580 A1	EP
8/22/2008	08798567 A	Filed	5/9/2012	2323580 A4	EP

U.S. Patent No. 10,869,812					
Application Date	**Application Number**	**Status**	**Patent Date**	**Patent No.**	**Country**
8/6/2008	10-2008-0076993	Granted	2/14/2011	10-1013581	KR
8/22/2008	10-2011-7005052	Granted	9/19/2012	10-1169747	KR
8/6/2008	10-2008-0076993	Filed	2/17/2010	10-2010-0018288	KR
8/22/2008	10-2011-7005052	Filed	7/4/2011	10-2011-0074842	KR
8/22/2008	10-2012-7002669	Filed	4/5/2012	10-2012-0032549	KR
8/22/2008	PCT/US2008/074131	Filed	2/11/2010	2010/016848 A1	WO

d. Licenses

5.41. Pursuant to Commission Rule 210.12(a)(9)(iii), the licensed entities for the ’812 Patent are listed in **Confidential Exhibit 14** to this Complaint. There are no other licensed entities to the ’812 Patent other than those listed in **Confidential Exhibit 14**.

VI. UNLAWFUL AND UNFAIR ACTS OF RESPONDENTS

A. Vivace

6.1. On information and belief, the Vivace Respondents collectively import, sell for importation, and/or sell after importation into the United States, Accused Products that infringe the asserted claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents, as follows:

Asserted Patent	Asserted Claims
U.S. Patent No. 9,480,836	1, 2, 5, 6, 9-14, 16, 17, 19, and 22
U.S. Patent No. 10,058,379	1-5, 7-10, and 15
U.S. Patent No. 11,406,444	1-10
U.S. Patent No. 9,320,536	1, 2, 4, 5, 8, 9, 11-13, 16, and 17
U.S. Patent No. 9,775,774	1 and 6-15
U.S. Patent No. 10,869,812	1, 5-7, 9, 10, and 12-19

6.2. On information and belief, SHEnB, AB, and Cartessa import, sell for importation, and/or sell after importation into the United States, the Vivace Accused Products that infringe the Asserted Claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents, literally or under the doctrine of equivalents.

6.3. On information and belief, SHEnB, AB, and Cartessa knowingly and intentionally induce users of one or more of the Vivace Accused Products to directly infringe one or more claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents by encouraging, instructing, and aiding one or more persons in the United States, including but not limited to SHEnB, AB, and Cartessa employees who test and operate Accused Products at the direction of SHEnB, AB, and Cartessa to make, use (including testing those devices and methods), sell, or offer to sell one or more of the Vivace Accused Products, during or after such article’s importation into the United States, in a manner that infringes the ’836, ’379, ’444, ’536, ’774, and ’812 Patents. On information and belief, SHEnB, AB, and Cartessa were aware of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents or acted with willful blindness as to its existence at least as a result of the filing and service of Complainant’s parallel district court complaints alleging infringement of the Asserted Patents, Cartessa’s filing an *inter partes* review (IPR) petition, and/or the filing and service of this Complaint.[8]

6.4. On information and belief SHEnB, AB, and Cartessa contribute to the infringement of one or more of the Asserted Claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents by offering to sell or selling and/or importing a patented component, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an

[8] The ’536 Patent, ’836 Patent, ’379 Patent, and ’812 Patents were asserted against SHEnB and Cartessa in various district courts on August 6, 2021. Additionally, the ’774 Patent was also asserted against Cartessa on August 6, 2021 in the same district court action. The ’536 Patent, ’836 Patent, ’379 Patent, and ’812 Patents were asserted against AB in a district court on January 4, 2022. Further, Cartessa filed IPRs on the ’536, ’836, ’774, ’379, and ’812 Patents on December 28, 2021 (’536, ’774, and ’812) and February 10, 2022 (’836 and ’379). *See* § X *infra*. The ’444 Patent was not asserted against Cartessa AB, or SHEnB in the prior related district court actions. Similarly, the ’774 Patent was not asserted against SHEnB or AB in the prior related district court actions. Finally, although only Cartessa filed the IPR petition, SHEnB was named as a real party-in-interest in the petition.

infringement and not a staple article or commodity of commerce suitable for substantial non-infringing use.

6.5. Complainant has not yet had the benefit of discovery, and thus this identification of models or types of products is not intended to limit the scope of the investigation. Any remedy should extend to all infringing products.

6.6. Exemplary claim charts comparing certain claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents to the Vivace Accused Products are attached as **Exhibit 70-75**.

B. VirtueRF

6.7. On information and belief, the VirtueRF Respondents collectively import, sell for importation, and/or sell after importation into the United States, Accused Products that infringe the asserted claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents, as follows:

Asserted Patent	Asserted Claims
U.S. Patent No. 9,480,836	1, 2, 5, 6, 9-14, 16, 17, 19, and 22
U.S. Patent No. 10,058,379	1-5, 7-10, and 15
U.S. Patent No. 11,406,444	1-10
U.S. Patent No. 9,320,536	1, 2, 4, 5, 8, 9, 11-13, 16, and 17
U.S. Patent No. 9,775,774	1 and 6-15
U.S. Patent No. 10,869,812	1, 5-7, 9, 10, and 12-19

6.8. On information and belief, SHEnB and Cartessa import, sell for importation, and/or sell after importation into the United States, the VirtueRF Accused Products that infringe the Asserted Claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents, literally or under the doctrine of equivalents.

6.9. On information and belief, SHEnB and Cartessa knowingly and intentionally induce users of one or more of the VirtueRF Accused Products to directly infringe one or more claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents by encouraging, instructing, and aiding one or more persons in the United States, including but not limited to SHEnB and Cartessa

employees who test and operate Accused Products at the direction of SHEnB and Cartessa to make, use (including testing those devices and methods), sell, or offer to sell one or more of the VirtueRF Accused Products, during or after such article's importation into the United States, in a manner that infringes the '836, '379, '444, '536, '774, and '812 Patents. On information and belief, SHEnB and Cartessa were aware of the '836, '379, '444, '536, '774, and '812 Patents or acted with willful blindness as to its existence at least as a result of the filing and service of Complainant's parallel district court complaints alleging infringement of the Asserted Patents, Cartessa's filing an IPR petition, and/or the filing and service of this Complaint.[9]

6.10. On information and belief SHEnB and Cartessa contribute to the infringement of one or more of the Asserted Claims of the '836, '379, '444, '536, '774, and '812 Patents by offering to sell or selling and/or importing a patented component, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement and not a staple article or commodity of commerce suitable for substantial non-infringing use.

6.11. Complainant has not yet had the benefit of discovery, and thus this identification of models or types of products is not intended to limit the scope of the investigation. Any remedy should extend to all infringing products.

6.12. Exemplary claim charts comparing certain claims of the '836, '379, '444, '536, '774, and '812 Patents to the VirtueRF Accused Products are attached as **Exhibit 76-81**.

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[9] The '536 Patent, '836 Patent, '379 Patent, and '812 Patents were asserted against SHEnB and Cartessa in various district courts on August 6, 2021. Additionally, the '774 Patent was also asserted against Cartessa on August 6, 2021 in the same district court action. Further, Cartessa filed IPRs on the '536, '836, '774, '379, and '812 Patents on December 28, 2021 ('536, '774, and '812) and February 10, 2022 ('836 and '379). *See* § X *infra*. The '444 Patent was not asserted against Cartessa or SHEnB in the prior related district court actions. Similarly, the '774 Patent was not asserted against SHEnB in the prior related district court actions. Finally, although only Cartessa filed the IPR petition, SHEnB was named as a real party-in-interest in the petition.

C. Genius

6.13. On information and belief, the Lutronic Respondents collectively import, sell for importation, and/or sell after importation into the United States, Accused Products that infringe the asserted claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents, as follows:

Asserted Patent	Asserted Claims
U.S. Patent No. 9,480,836	1, 2, 5, 6, 9-14, 16, 17, 19, and 22
U.S. Patent No. 10,058,379	1-5, 7-10, and 15
U.S. Patent No. 11,406,444	1-10
U.S. Patent No. 9,320,536	1, 2, 4, 5, 8, 9, 11-13, 16, and 17
U.S. Patent No. 9,775,774	1 and 6-15
U.S. Patent No. 10,869,812	1, 5-7, 9, 10, and 12-19

6.14. On information and belief, Lutronic imports, sells for importation, and/or sells after importation into the United States, the Genius Accused Products that infringe the Asserted Claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents, literally or under the doctrine of equivalents.

6.15. On information and belief, Lutronic knowingly and intentionally induces users of one or more of the Genius Accused Products to directly infringe one or more claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents by encouraging, instructing, and aiding one or more persons in the United States, including but not limited to Lutronic employees who test and operate Accused Products at the direction of Lutronic to make, use (including testing those devices and methods), sell, or offer to sell one or more of the Genius Accused Products, during or after such article’s importation into the United States, in a manner that infringes the ’836, ’379, ’444, ’536, ’774, and ’812 Patents. On information and belief, Lutronic was aware of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents or acted with willful blindness as to its existence at least as a result of the filing of Complainant’s parallel district court complaints alleging infringement of the Asserted Patents, and/or the filing and service of this Complaint.

6.16. On information and belief Lutronic contributes to the infringement of one or more of the Asserted Claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents by offering to sell or selling and/or importing a patented component, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement and not a staple article or commodity of commerce suitable for substantial non-infringing use.

6.17. Complainant has not yet had the benefit of discovery, and thus this identification of models or types of products is not intended to limit the scope of the investigation. Any remedy should extend to all infringing products.

6.18. Exemplary claim charts comparing certain claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents to the Genius Accused Products are attached as **Exhibit 82-87**.

D. Secret RF and Secret Pro

6.19. On information and belief, the Secret Respondents collectively import, sell for importation, and/or sell after importation into the United States, Accused Products that infringe the asserted claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents, as follows:

Asserted Patent	Asserted Claims
U.S. Patent No. 9,480,836	1, 2, 5, 6, 9-14, 16, 17, 19, and 22
U.S. Patent No. 10,058,379	1-5, 7-10, and 15
U.S. Patent No. 11,406,444	1-10
U.S. Patent No. 9,320,536	1, 2, 4, 5, 8, 9, 11-13, 16, and 17
U.S. Patent No. 9,775,774	1 and 6-15
U.S. Patent No. 10,869,812	1, 5-7, 9, 10, and 12-19

6.20. On information and belief, Ilooda and Cutera import, sell for importation, and/or sell after importation into the United States, the Secret RF and Secret Pro Accused Products that infringe the Asserted Claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents, literally or under the doctrine of equivalents.

6.21. On information and belief, Ilooda and Cutera knowingly and intentionally induce users of one or more of the Secret RF and Secret Pro Accused Products to directly infringe one or more claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents by encouraging, instructing, and aiding one or more persons in the United States, including but not limited to Ilooda and Cutera employees who test and operate Accused Products at the direction of Ilooda and Cutera to make, use (including testing those devices and methods), sell, or offer to sell one or more of the Secret RF and Secret Pro Accused Products, during or after such article’s importation into the United States, in a manner that infringes the ’836, ’379, ’444, ’536, ’774, and ’812 Patents. On information and belief, Ilooda and Cutera were aware of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents or acted with willful blindness as to its existence at least as a result of the filing of Complainant’s parallel district court complaints alleging infringement of the Asserted Patents, and/or the filing and service of this Complaint.

6.22. On information and belief Ilooda and Cutera contribute to the infringement of one or more of the Asserted Claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents by offering to sell or selling and/or importing a patented component, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement and not a staple article or commodity of commerce suitable for substantial non-infringing use.

6.23. Complainant has not yet had the benefit of discovery, and thus this identification of models or types of products is not intended to limit the scope of the investigation. Any remedy should extend to all infringing products.

6.24. Exemplary claim charts comparing certain claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents to the Secret RF and Secret Pro Accused Products are attached as **Exhibit 88-99**.

E. Potenza

6.25. On information and belief, the Potenza Respondents collectively import, sell for importation, and/or sell after importation into the United States, Accused Products that infringe the asserted claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents, as follows:

Asserted Patent	Asserted Claims
U.S. Patent No. 9,480,836	1, 2, 5, 6, 9-14, 16, 17, 19, and 22
U.S. Patent No. 10,058,379	1-5, 7-10, and 15
U.S. Patent No. 11,406,444	1-10
U.S. Patent No. 9,320,536	1, 2, 4, 5, 8, 9, 11-13, 16, and 17
U.S. Patent No. 9,775,774	1 and 6-15
U.S. Patent No. 10,869,812	1, 5-7, 9, 10, and 12-19

6.26. On information and belief, Jeisys and Cynosure import, sell for importation, and/or sell after importation into the United States, the Potenza Accused Products that infringe the Asserted Claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents, literally or under the doctrine of equivalents.

6.27. On information and belief, Jeisys and Cynosure knowingly and intentionally induce users of one or more of the Potenza Accused Products to directly infringe one or more claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents by encouraging, instructing, and aiding one or more persons in the United States, including but not limited to Jeisys and Cynosure employees who test and operate Accused Products at the direction of Jeisys and Cynosure to make, use (including testing those devices and methods), sell, or offer to sell one or more of the Potenza Accused Products, during or after such article’s importation into the United States, in a manner that infringes the ’836, ’379, ’444, ’536, ’774, and ’812 Patents. On information and belief, Jeisys and Cynosure were aware of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents or acted with willful blindness as to its existence at least as a result of the filing of Complainant’s parallel district court

complaints alleging infringement of the Asserted Patents, and/or the filing and service of this Complaint.

6.28. On information and belief Jeisys and Cynosure contribute to the infringement of one or more of the Asserted Claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents by offering to sell or selling and/or importing a patented component, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement and not a staple article or commodity of commerce suitable for substantial non-infringing use.

6.29. Complainant has not yet had the benefit of discovery, and thus this identification of models or types of products is not intended to limit the scope of the investigation. Any remedy should extend to all infringing products.

6.30. Exemplary claim charts comparing certain claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents to the Potenza Accused Products are attached as **Exhibit 100-105**.

F. Pixel8 RF and Pixel8 Pro

6.31. On information and belief, the Pixel8 Respondent collectively imports, sells for importation, and/or sells after importation into the United States, Accused Products that infringe the asserted claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents, as follows:

Asserted Patent	Asserted Claims
U.S. Patent No. 9,480,836	1, 2, 5, 6, 9-14, 16, 17, 19, and 22
U.S. Patent No. 10,058,379	1-5, 7-10, and 15
U.S. Patent No. 11,406,444	1-10
U.S. Patent No. 9,320,536	1, 2, 4, 5, 8, 9, 11-13, 16, and 17
U.S. Patent No. 9,775,774	1 and 6-15
U.S. Patent No. 10,869,812	1, 5-7, 9, 10, and 12-19

6.32. On information and belief, Rohrer imports, sells for importation, and/or sells after importation into the United States, the Pixel8 RF and Pixel8 Pro Accused Products that infringe

the Asserted Claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents, literally or under the doctrine of equivalents.

6.33. On information and belief, Rohrer knowingly and intentionally induces users of one or more of the Pixel8 RF and Pixel8 Pro Accused Products to directly infringe one or more claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents by encouraging, instructing, and aiding one or more persons in the United States, including but not limited to Rohrer employees who test and operate Accused Products at the direction of Rohrer to make, use (including testing those devices and methods), sell, or offer to sell one or more of the Pixel8 RF and Pixel8 Pro Accused Products, during or after such article’s importation into the United States, in a manner that infringes the ’836, ’379, ’444, ’536, ’774, and ’812 Patents. On information and belief, Rohrer was aware of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents or acted with willful blindness as to its existence at least as a result of the filing of Complainant’s parallel district court complaints alleging infringement of the Asserted Patents, and/or the filing and service of this Complaint.

6.34. On information and belief Rohrer contributes to the infringement of one or more of the Asserted Claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents by offering to sell or selling and/or importing a patented component, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement and not a staple article or commodity of commerce suitable for substantial non-infringing use.

6.35. Complainant has not yet had the benefit of discovery, and thus this identification of models or types of products is not intended to limit the scope of the investigation. Any remedy should extend to all infringing products.

6.36. Exemplary claim charts comparing certain claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents to the Pixel8 RF and Pixel8 Pro Accused Products are attached as **Exhibit 106-111**.

G. Intensif

6.37. On information and belief, the Intensif Respondents collectively import, sell for importation, and/or sell after importation into the United States, Accused Products that infringe the asserted claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents, as follows:

Asserted Patent	Asserted Claims
U.S. Patent No. 9,480,836	1, 2, 5, 6, 9-14, 16, 17, 19, and 22
U.S. Patent No. 10,058,379	1-5, 7-10, and 15
U.S. Patent No. 11,406,444	1-10
U.S. Patent No. 9,320,536	1, 2, 4, 5, 8, 9, 11-13, 16, and 17
U.S. Patent No. 9,775,774	1 and 6-15
U.S. Patent No. 10,869,812	1, 5-7, 9, 10, and 12-19

6.38. On information and belief, EndyMed imports, sells for importation, and/or sells after importation into the United States, the Intensif Accused Products that infringe the Asserted Claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents, literally or under the doctrine of equivalents.

6.39. On information and belief, EndyMed knowingly and intentionally induces users of one or more of the Intensif Accused Products to directly infringe one or more claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents by encouraging, instructing, and aiding one or more persons in the United States, including but not limited to EndyMed employees who test and operate Accused Products at the direction of EndyMed to make, use (including testing those devices and methods), sell, or offer to sell one or more of the Intensif Accused Products, during or after such article’s importation into the United States, in a manner that infringes the ’836, ’379, ’444, ’536, ’774, and ’812 Patents. On information and belief, EndyMed was aware of the ’836, ’379, ’444,

’536, ’774, and ’812 Patents or acted with willful blindness as to its existence at least as a result of the filing of Complainant’s parallel district court complaints alleging infringement of the Asserted Patents, and/or the filing and service of this Complaint.

6.40. On information and belief EndyMed contributes to the infringement of one or more of the Asserted Claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents by offering to sell or selling and/or importing a patented component, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement and not a staple article or commodity of commerce suitable for substantial non-infringing use.

6.41. Complainant has not yet had the benefit of discovery, and thus this identification of models or types of products is not intended to limit the scope of the investigation. Any remedy should extend to all infringing products.

6.42. Exemplary claim charts comparing certain claims of the ’836, ’379, ’444, ’536, ’774, and ’812 Patents to the Intensif Accused Products are attached as **Exhibit 112-117**.

VII. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

7.1. On information and belief, Respondents’ Accused Products and infringing components are manufactured and assembled at foreign facilities. The Accused Products are then sold for importation into the United States, imported into the United States, and/or sold within the United States after importation by Respondents. On information and belief, numerous models of Respondents’ Accused Products are available for purchase in the United States and are used in the United States by medical and skincare practices.

B. Vivace

7.2. On information and belief, SHEnB’s Vivace products are manufactured and assembled in Korea. Used models of the Vivace Accused Products that are currently available for resale are stamped “MADE IN KOREA” as show below:

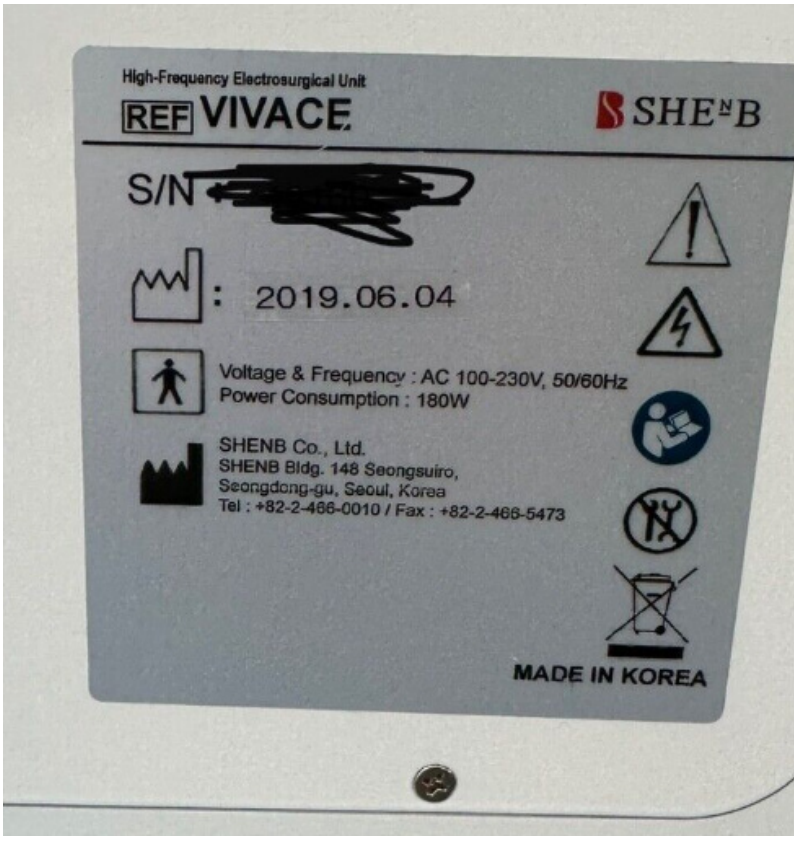

Exhibit 15 at 3, 7. This eBay seller is located in the United States, indicating that this Vivace Accused Product was imported into the United States from Korea. *Id.* (The listing indicates the device "[s]hips from United States" and is available for "[f]ree local pickup from New York, New York, United States.").

7.3. On information and belief, the Vivace Accused Products are then sold for importation into the United States, imported into the United States, and/or sold within the United States after importation by SHEnB, AB, and Cartessa.

7.4. On information and belief, SHEnB sells the Vivace Accused Products specifically for importation into the United States. *See* **Exhibit 178** (U.S. FDA 510(k) premarket notification identifying SHEnB as the applicant with a Korean address). *See also* **Exhibit 15** at 7 (Vivace device has an English label and the Vivace device has electrical compatibility of "100-230V, 50/60Hz" which is compatible with the U.S. market).

7.5. AB's website includes a physician finder that allows individuals to search for practitioners using Vivace Accused Products by U.S. zip code. **Exhibit 16**. A search for physicians identifies, for example, 17 practices within 25 miles of Washington, D.C. that offer treatments with AB's Vivace. **Exhibit 16**. The Vivace Accused Products are used at practices throughout the United States. *See e.g.*, **Exhibit 17** (advertising use of an AB Vivace at an Illinois practice), **Exhibit 18** (advertising use of an AB Vivace at a California practice).

7.6. Cartessa is a U.S. distributor for the Vivace Accused Products. **Exhibit 19.** Cartessa's website also includes a "find a provider" feature that allows individuals to search by U.S. zip code and product. **Exhibit 20**. A search for RF Microneedling products identifies practices within 50 miles of Washington, D.C. that offer treatments with Cartessa's Vivace Accused Products. **Exhibit 21** (advertising use of Vivace at a Washington, D.C. area practice); **Exhibit 22** (advertising same). A similar search for the Los Angeles area identified additional practices offering services with Vivace Accused Products. *See* **Exhibit 23** (advertising use of Vivace at a California practice).

C. VirtueRF

7.7. On information and belief, SHEnB's VirtueRF products are manufactured and assembled in Korea. Used models of the VirtueRF Accused Products that were sold on resale sites were stamped "MADE IN KOREA" as shown below:

Exhibit 24 at 10, 11**.**

7.8. On information and belief, the VirtueRF Accused Products are then sold for importation into the United States, imported into the United States, and/or sold within the United States after importation by SHEnB and Cartessa.

7.9. On information and belief, SHEnB sells the VirtueRF Accused Products specifically for importation into the United States. *See* **Exhibit 179** (U.S. FDA 510(k) premarket notification identifying SHEnB as the applicant with a Korean address). *See also* **Exhibit 24** at 11 (VirtueRF device has an English label and the VirtueRF device has electrical compatibility of "100-230V, 50/60Hz" which is compatible with the U.S. market).

7.10. Cartessa's website includes a "find a provider" feature that allows individuals to search by U.S. zip code and product. **Exhibit 25**. A search for VirtueRF products identifies, for example, at least 5 practices within 50 miles of Washington, D.C. that offer treatments with Cartessa's VirtueRF Accused Products. **Exhibit 25**. The VirtueRF Accused Products are used at

practices throughout the United States. *See e.g.*, **Exhibit 26** (advertising use of VirtueRF at an Illinois practice), **Exhibit 27** (advertising use of VirtueRF at a California practice).

D. Genius

7.11. On information and belief, Lutronic's Genius products are manufactured and assembled in Korea.[10] For example, online listings for used Genius Accused Product in the United States had a label indicating it was "MADE IN KOREA."

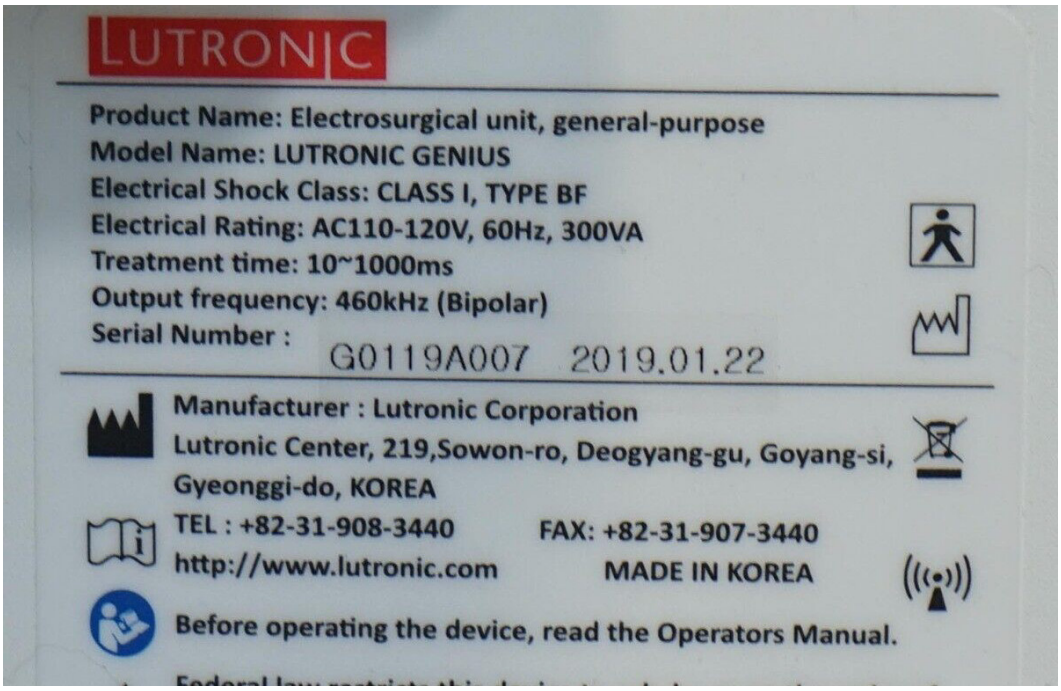

Exhibit 28 at 21. This eBay seller is located in the United States while the Genius Accused Product was made in Korea, indicating that the device was imported into the United States. *Id.* at 2 (The listing indicates the device is located in "Park City, Utah, United States").

[10] Upon information and belief, in some instances Genius products are also assembled in the United States from infringing imported components and/or accessories, including the microneedling tips.

7.12. On information and belief, the Genius Accused Products are then sold for importation into the United States, imported into the United States, and/or sold within the United States after importation by Lutronic.

7.13. On information and belief, Lutronic sells the Genius Accused Products specifically for importation into the United States. *See* **Exhibit 29** (U.S. FDA 510(k) premarket notification identifying Lutronic as the applicant with a Korean address). *See also* **Exhibit 28** at 22 (Genius device has an English label and the Genius device has electrical compatibility of "110-120V, 60Hz" which is compatible with the U.S. market); **Exhibit 180** (U.S. FDA adverse event report for the Genius Accused Products).

7.14. Lutronic's website includes a provider locator feature that allows individuals to search by U.S. zip code and product. **Exhibit 30**. A search for Genius products identifies, for example, at least 20 practices within 50 miles of Washington, D.C. that offer treatments with Lutronic's Genius Accused Products. **Exhibit 30**. The Genius Accused Products are used at practices throughout the United States. *See e.g.*, **Exhibit 31** (advertising use of Genius at Missouri and Texas practices).

E. Secret RF

7.15. On information and belief, Ilooda's Secret RF products are manufactured and assembled in Korea. For example, publicly available information states the Secret RF Accused Products have South Korea as a place of origin. **Exhibit 32** at 1. Used models of the Secret RF Accused Product available for sale in the United States state that the manufacturer, Ilooda, is in Korea. **Exhibit 33**. Further, additional used models of the Secret RF Accused Products that are available for resale identify Ilooda as the company and include a Korean address.

Exhibit 34 at 23. This eBay seller is located in the United States, indicating that this Secret RF Accused Product was imported into the United States from Korea. *Id.* at 1. (The listing indicates the device "[s]hips from United States" and is located in "Park City, Utah, United States.").

7.16. On information and belief, the Secret RF Accused Products are then sold for importation into the United States, imported into the United States, and/or sold within the United States after importation by Ilooda and Cutera.

7.17. On information and belief, Ilooda sells the Secret RF Accused Products specifically for importation into the United States. *See* **Exhibit 181** (U.S. FDA 510(k) premarket notification identifying Ilooda as the applicant with a Korean address). *See also* **Exhibit 34** at 23 (Secret RF device has an English label and the Secret RF device has electrical compatibility of "100-240V-, 50/60 Hz" which is compatible with the U.S. market); **Exhibit 182** (U.S. National Library of Medicine clinical trial study record for Secret RF devices).

7.18. On information and belief, Cutera is the U.S. distributor of Ilooda's Secret RF devices. **Exhibit 35**. The Secret RF Accused Products are used at practices throughout the United States. *See e.g.*, **Exhibit 36** (advertising use of Secret RF at an Illinois practice), **Exhibit 37** (advertising use of Secret RF at a California practice).

F. Secret Pro

7.19. On information and belief, Ilooda's RF products, including the Secret Pro products, are manufactured and assembled in Korea. The Secret Pro was formerly known as the Fraxis Pro and/or the Fraxis Duo. *See* **Exhibit 38** at 7 (Cutera COO Jason Richey stating, "[t]his includes our secret RF microneedling device as well as the secret pro device formerly known as Fraxis™ PRO."); **Exhibit 39** (FDA Establishment Registration & Device listing for Secret Pro with Premarket submission number ***K160312***); **Exhibit 40** (FDA 510(k) Premarket Notification for Fraxis Duo with 510(k) number ***K160312***). Third-party sellers of the Ilooda Fraxis Accused Product identify the place of origin as Korea. *See* **Exhibit 41** at 2; **Exhibit 42** at 3**.** Further, on information and belief, used models of Fraxis devices, now known as the Secret RF Accused Product, that are available for resale identify Ilooda as the company and state that the product was "Made in Korea."

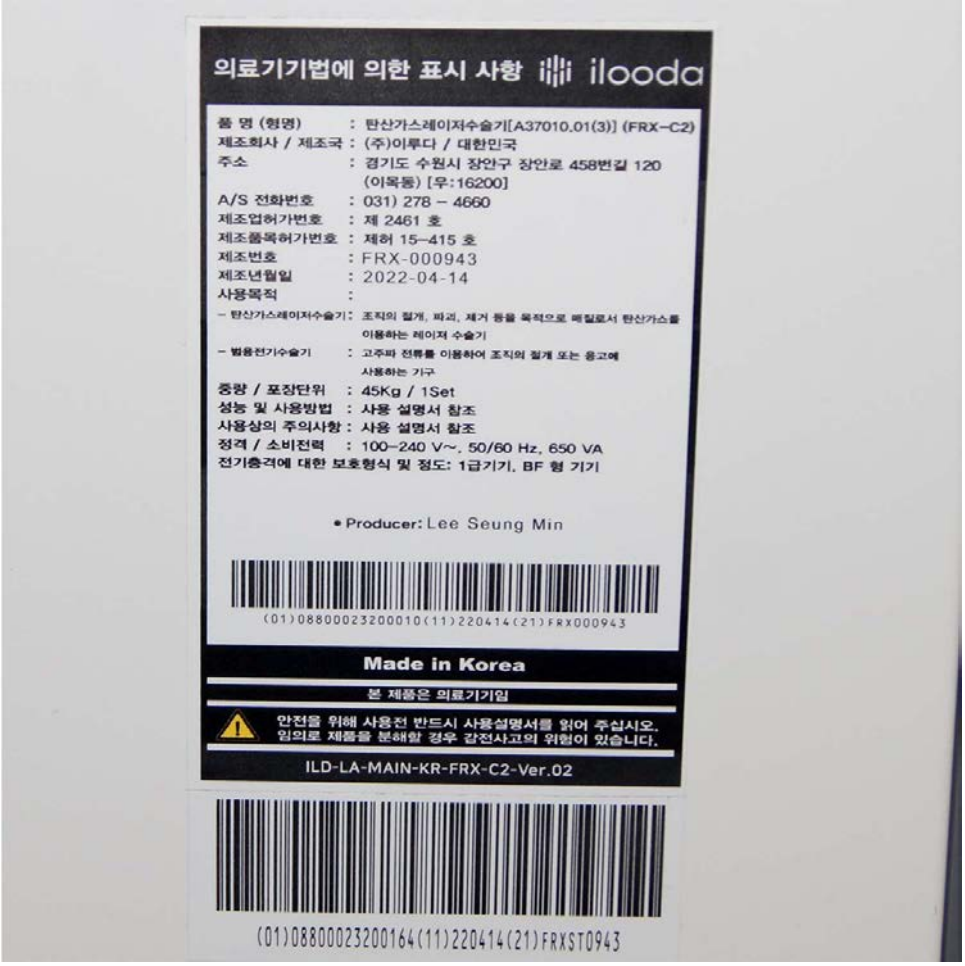

Exhibit 43 at 19**.** This eBay seller is located in the United States, indicating that this Secret Pro, formerly known as Fraxis Duo, Accused Product was imported into the United States from Korea. *Id.* at 2 (The listing indicates the device "[s]hips from United States" and is located in "Park City, Utah, United States.").

7.20. On information and belief, the Secret Pro Accused Products are then sold for importation into the United States, imported into the United States, and/or sold within the United States after importation by Ilooda and Cutera.

7.21. On information and belief, Ilooda sells the Secret Pro Accused Products specifically for importation into the United States. *See* **Exhibit 40** (U.S. FDA 510(k) premarket notification identifying Ilooda as the applicant with a Korean address). *See also* **Exhibit 43** at 19 (Secret

Pro/Fraxis Duo device is compatible with "110-240VAC, 50Hz or 60Hz" for electricity, compatible with the U.S. market); **Exhibit 182** (U.S. National Library of Medicine clinical trial study record for Secret RF devices).

7.22. On information and belief, Cutera is the U.S. distributor of Ilooda's Secret Pro devices. **Exhibit 44**. The Secret Pro Accused Products are used at practices throughout the United States. *See e.g.*, **Exhibit 45** (advertising use of Secret Pro at a Texas practice), **Exhibit 46** (advertising use of Secret Pro at a South Carolina practice).

G. Potenza

7.23. On information and belief, Jeisys's Potenza products are manufactured and assembled in Korea. Used models of the Potenza Accused Products that are currently available for resale identify Jeisys as the manufacturer and include a Korean address.

7.24. **Exhibit 47** at 3. Further, Jeisys filed 510(k) premarket notifications with the Federal Drug Administration for the Potenza device identifying Jeisys as the applicant seeking to bring the Potenza to market and including a Korean address on the forms. *See* **Exhibit 48 and Exhibit 49**. Further, publicly available information shows imports of "instruments for

dermatologic uses" imported by Jeisys from Busan, South Korea for Cynosure in the United States for 2021-2022. **Exhibit 50.**

7.25. On information and belief, the Potenza Accused Products are then sold for importation into the United States, imported into the United States, and/or sold within the United States after importation by Jeisys and Cynosure.

7.26. On information and belief, Jeisys sells the Potenza Accused Products specifically for importation into the United States. *See* **Exhibit 48 and Exhibit 49** (U.S. FDA 510(k) premarket notification identifying Jeisys as the applicant with a Korean address). *See also* **Exhibit 47** at 3 (The Potenza device has an English label indicating that the device was manufactured "***by Jeisys for Cynosure LLC,***" a U.S. company. The Potenza device has electrical compatibility of "100-240 V, 50/60 Hz" which is compatible with the U.S. market.) (emphasis added).

7.27. On information and belief, Cynosure is the U.S. distributor of Jeisys's Potenza devices. **Exhibit 51**. The Potenza Accused Products are used at practices throughout the United States. *See e.g.*, **Exhibit 52** (advertising use of Potenza at a California practice), **Exhibit 53** (advertising use of Potenza at a Virginia practice).

H. Pixel8 RF

7.28. On information and belief, Rohrer's Pixel8 RF products are manufactured and assembled in China. Used models of the Pixel8 Accused Products that are currently available for resale are stamped "Manufactured for Rohrer Aesthetics, Alabama in China" as show below:

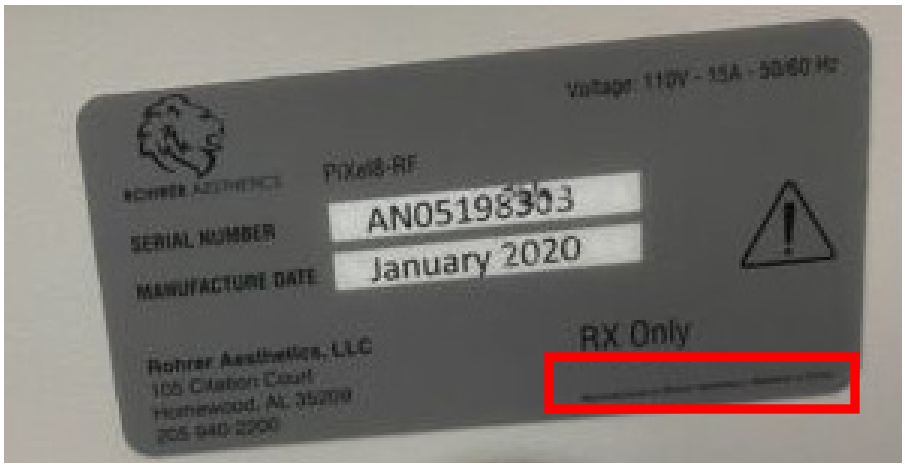

Exhibit 54 at 3, 7. This eBay seller is located in the United States, indicating that this Pixel8 RF Accused Product was imported into the United States from China. *Id.* at 2 (The listing indicates the device is "located in Dotham, Alabama" and is available for "[f]ree local pickup from Dothan, Alabama, United States.").

7.29. On information and belief, the Pixel8 RF Accused Products are then sold for importation into the United States, imported into the United States, and/or sold within the United States after importation by Rohrer.

7.30. On information and belief, Rohrer sells for importation and/or imports the Pixel8 RF Accused Products into the United States. *See* **Exhibit 54** at 3, 7 (Pixel8 RF device has an English label and the Pixel8 RF device has electrical compatibility of "110V . . . 50/60 Hz" which is compatible with the U.S. market).

7.31. On information and belief, Rohrer also distributes the Pixel8 RF devices in the United States. **Exhibit 55**. The Pixel8 RF Accused Products are used at practices throughout the United States. *See e.g.*, **Exhibit 56** (advertising use of Pixel8 RF at an Alabama practice), **Exhibit 57** (advertising use of Pixel8 RF at an Illinois practice).

I. Pixel8 Pro

7.32. On information and belief, Rohrer's RF products, including the Pixel8 Pro products, are manufactured and assembled in China. Further, Rohrer advertises that the Pixel8 Pro is comprised of additional features added to the Pixel8 RF, which is made in China. *See* Section VII.H, *supra*. *See also*, **Exhibit 58** and **Exhibit 59.**

7.33. On information and belief, the Pixel8 Pro Accused Products are then sold for importation into the United States, imported into the United States, and/or sold within the United States after importation by Rohrer.

7.34. On information and belief, Rohrer distributes the Pixel8 Pro devices in the United States. **Exhibit 58**. The Pixel8 Pro Accused Products are used at practices throughout the United States. *See e.g.*, **Exhibit 60** (advertising use of Pixel8 Pro at a North Carolina practice).

J. Intensif

7.35. On information and belief, EndyMed's RF products, including its Intensif products, are manufactured in Israel. Used models of the EndyMed Pro with Intensif hand pieces are stamped as "MADE IN ISRAEL," as shown below:

Exhibit 61 at 24. This eBay seller is located in the United States while the machine is marked as made in Israel, indicating that this Intensif Accused Product was imported into the United States from Israel. *Id.* at 2 (The listing indicates the device "[s]hips from United States" and is located in "Park City, Utah, United States.").

7.36. On information and belief, the Intensif Accused Products are then sold for importation into the United States, imported into the United States, and/or sold within the United States after importation by Endymed.

7.37. On information and belief, EndyMed sells for importation and/or imports the Intensif Accused Products into the United States. *See* **Exhibit 183** (U.S. FDA 510(k) premarket notification identifying EndyMed as the applicant). *See also* **Exhibit 61** at 24 (Intensif device has an English label and the Intensif device has electrical compatibility of "110-120V, 50/60 Hz" which is compatible with the U.S. market).

7.38. On information and belief, EndyMed distributes the Intensif devices in the United States. **Exhibit 62**. The Intensif Accused Products are used at practices throughout the United States. *See e.g.*, **Exhibit 63** (advertising use of Intensif at a Virginia practice), **Exhibit 64** (advertising use of Intensif at a Georgia practice).

VIII. HARMONIZED TARIFF SCHEDULE ITEM NUMBERS

8.1. On information and belief, the Harmonized Tariff Schedule of the United States item numbers under which the infringing dermatological treatment devices and components thereof may be imported into the United States may be at least HTSUS 9018.90.60 (electro-surgical instruments and appliances, parts, and accessories), 9018.90.75 (electro-medical instruments and appliances not elsewhere specified or indicated, and parts and accessories), 9018.90.75.80 (electro-medical instruments, appliances, and parts not elsewhere specified or indicated), 9018.90.80 (instruments and appliances used for medical and surgical not elsewhere

specified or indicated), and 9019.10.40 (electrically operated apparatus and parts). These classifications are intended for illustration only and are not intended to be restrictive of the accused products or of products subject to the relief requested.

IX. THE DOMESTIC INDUSTRY

9.1. In accordance with Section 337(a)(2) and (a)(3), a domestic industry exists in the United States in connection with the Asserted Patents comprising significant investments in plant and equipment and significant employment of labor and capital in the United States in products that practice the Asserted Patents. The Asserted Patents are practiced by the Domestic Industry Product. The Domestic Industry Product is protected by the Asserted Patents.

A. The Economic Prong of the Domestic Industry Requirement Is Satisfied

9.2. Serendia's licensee is a U.S.-based global supplier of dermatological medical equipment. Utilizing Dr. Na's patented technology, Serendia's licensee has sold significant volumes of its products in the United States as detailed in **Confidential Exhibit 65** at 2. Serendia's licensee has made significant domestic investments in the Domestic Industry Product. These investments relate to a wide range of domestic activities including research and development; customer service; quality assurance; warranty, service, and repair; installation; and customer training for the Domestic Industry Product.

9.3. Serendia's licensee has a significant U.S. presence. Serendia's licensee sells its products throughout the U.S. market. In addition to products sold, Serendia's licensee continues to service and support the products sold in the U.S. market. Serendia's licensee employs numerous individuals in the United States. **Confidential Exhibit 65** at 4.

9.4. Serendia's licensee has made and continues to make (a) significant investment in plant and equipment, and/or (b) significant investment in labor or capital in its Domestic Industry Product.

9.5. Serendia's licensee has made and continues to make significant investments in plant and equipment in the United States for the Domestic Industry Product. Serendia's licensee's significant investments in plant and equipment for the Domestic Industry Product are set forth in **Confidential Exhibit 65** at 2-3. For example, Serendia's licensee maintains and operates headquarters facilities associated with the Domestic Industry Product in the United States.

9.6. Serendia's licensee has also invested significantly in the employment of labor and capital in the United States in the Domestic Industry Products. Serendia's licensee's significant investments in labor and capital in the Domestic Industry Product are set forth in **Confidential Exhibit 65** at 4-7. For example, Serendia's licensee employs individuals who, among other tasks, work on research design, service, repair, maintenance, warranty, training, quality assurance, installation, and customer support related to the Domestic Industry Product in the United States.

B. The Technical Prong of the Domestic Industry Requirement Is Satisfied

9.7. In accordance with Section 337(a)(2) and (a)(3), a domestic industry exists in the United States in connection with the Asserted Patents.

9.8. Claim charts and explanatory information for products and processes that practice at least one valid asserted claim of the Asserted Patents accompany this complaint. Complainants currently assert that the Domestic Industry Products practice at least the following asserted claims:

U.S. Patent No.	Domestic Industry Asserted Claims
U.S. Patent No. 9,480,836	1-29
U.S. Patent No. 10,058,379	1-18
U.S. Patent No. 11,406,444	1-18
U.S. Patent No. 9,320,536	1-9, 11-19
U.S. Patent No. 9,775,774	1-20
U.S. Patent No. 10,869,812	1-20

9.9. **Exhibit 118** includes claim charts that disclose how the Domestic Industry Product practices at least one claim of the '536 Patent.

9.10. **Exhibit 119** includes claim charts that disclose how the Domestic Industry Product practices at least one claim of the ’836 Patent.

9.11. **Exhibit 120** includes claim charts that disclose how the Domestic Industry Product practices at least one claim of the ’774 Patent.

9.12. **Exhibit 121** includes claim charts that disclose how the Domestic Industry Product practices at least one claim of the ’379 Patent.

9.13. **Exhibit 122** includes claim charts that disclose how the Domestic Industry Product practices at least one claim of the ’812 Patent.

9.14. **Exhibit 123** includes claim charts that disclose how the Domestic Industry Product practices at least one claim of the ’444 Patent.

X. RELATED LITIGATION

10.1. The ’536 Patent, ’836 Patent, ’379 Patent, and ’812 Patents are the subject of a civil action in the United States District Court for the Western District of Texas, *SynKloud Technologies, LLC, et al. v. Sung Hwan E&B Co., LTD.*, 6:21-cv-811, filed on August 6, 2021 by Complainants naming SHEnB as Defendant.

10.2. The ’536 Patent, ’836 Patent, ’774 Patent, ’379 Patent, and ’812 Patents are the subject of a civil action in the United States District Court for the Eastern District of New York, *SynKloud Technologies, LLC, et al. v. Cartessa Aesthetics, LLC*, 21-cv-4423, filed on August 6, 2021 by Complainants naming Cartessa as Defendant.

10.3. The ’536 Patent, ’836 Patent, ’379 Patent, and ’812 Patents are the subject of a civil action in the United States District Court for the District of Arizona, *SynKloud Technologies, LLC, et al. v. Aesthetics Biomedical, Inc.*, 2:22-cv-15, filed on January 4, 2022 by Complainants naming AB as Defendant.

10.4. The ’536, ’836, ’774, ’379, ’812, and ’444 Patents are the subject of a civil action in the United States District Court for the District of Delaware, *Serendia, LLC v. Lutronic Aesthetics, Inc.*, being filed contemporaneously, naming Lutronic as Defendant.

10.5. The ’536, ’836, ’774, ’379, ’812, and ’444 Patents are the subject of a civil action in the United States District Court for the District of Delaware, *Serendia, LLC v. Cutera, Inc.*, being filed contemporaneously, naming Cutera as Defendant.

10.6. The ’536, ’836, ’774, ’379, ’812, and ’444 Patents are the subject of a civil action in the United States District Court for the District of Delaware, *Serendia, LLC v. Cynosure, LLC.*, being filed contemporaneously, naming Cynosure as Defendant.

10.7. The ’536, ’836, ’774, ’379, ’812, and ’444 Patents are the subject of a civil action in the United States District Court for the District of Delaware, *Serendia, LLC v. Rohrer Aesthetics, Inc.*, being filed contemporaneously, naming Rohrer as Defendant.

10.8. The ’536, ’836, ’774, ’379, ’812, and ’444 Patents are the subject of a civil action in the United States District Court for the District of Delaware, *Serendia, LLC v. EndyMed Medical, Inc.*, being filed contemporaneously, naming EndyMed as Defendant.

10.9. The ’536 Patent was the subject of an IPR petition before the Patent Trial and Appeal Board: *Cartessa Aesthetics, LLC v. Serendia, LLC*, PTAB-IPR2022-00378, filed on December 28, 2021. The PTAB denied institution.

10.10. The ’836 Patent was the subject of an IPR petition before the Patent Trial and Appeal Board: *Cartessa Aesthetics, LLC v. Serendia, LLC*, PTAB-IPR2022-00594, filed on February 10, 2022. The PTAB denied institution.

10.11. The ’774 Patent was the subject of an IPR petition before the Patent Trial and Appeal Board: *Cartessa Aesthetics, LLC v. Serendia, LLC*, PTAB-IPR2022-00376, filed on December 28, 2021. The PTAB denied institution.

10.12. The ’379 Patent was the subject of an IPR petition before the Patent Trial and Appeal Board: *Cartessa Aesthetics, LLC v. Serendia, LLC*, PTAB-IPR2022-00593, filed on February 10, 2022. The PTAB denied institution.

10.13. The ’812 Patent was the subject of an IPR petition before the Patent Trial and Appeal Board: *Cartessa Aesthetics, LLC v. Serendia, LLC*, PTAB-IPR2022-00377, filed on December 28, 2021. The PTAB denied institution.

10.14. As of the filing of this Complaint, the ’444 Patent has not been the subject of any Commission investigation, federal district action, or agency action.

XI. RELIEF REQUESTED

11.1. WHEREFORE, by reason of the foregoing, Complainants respectfully request that the U.S. International Trade Commission:

(a) Institute an immediate investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337(a)(1)(B)(i) and (b)(1) with respect to violations of Section 337 based upon the importation, sale for importation, and sale after importation into the United States by the proposed respondents of dermatological treatment devices and components thereof, that infringe one or more of the asserted claims of U.S. Patent No. 9,480,836 (the “’836 Patent”); U.S. Patent No. 10,058,379 (the “’379 Patent”); U.S. Patent No. 11,406,444 (the “’444 Patent”); U.S. Patent No. 9,320,536 (the “’536 Patent”); U.S. Patent No. 9,775,774 (the “’774 Patent”); and U.S. Patent No. 10,869,812 (the “’812 Patent”).

(b) Find a violation of Section 337 based on said unlawful acts;

(c) Issue a permanent limited exclusion order under 19 U.S.C. § 1337(d)(1) barring from entry into the United States all infringing dermatological treatment devices and components thereof manufactured by or on behalf of, or imported by or on behalf of, each of the Respondents or their affiliates;

(d) Issue permanent cease and desist orders, under 19 U.S.C. § 1337(f), directing each respondent to cease and desist from the sale for importation, importation, sale after importation, distribution, offering for sale, promoting, marketing, advertising, testing, demonstrating, warehousing inventory for distribution, solicitation of sales, programming, repairing, maintaining, using, transferring, and other commercial activity relating to infringing dermatological treatment devices and components thereof;

(e) Impose a bond upon the proposed respondents who continue to import infringing articles, including dermatological treatment devices and components thereof, during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j); and

(f) Grant such other and further relief as the Commission deems just and proper based on the facts determined by the investigation and the authority of the Commission.

Dated: March 1, 2023

Respectfully Submitted,

/s/ Kevin C. Wheeler
Kevin C. Wheeler
Cecilia Sanabria
Michael A. David

Latham & Watkins LLP
555 11th St. NW, Suite 1000
Washington, D.C. 20004-1304
Phone: (202) 637-2200
kevin.wheeler@lw.com
cecilia.sanabria@lw.com
michael.david@lw.com

Charles H. Sanders
Latham & Watkins LLP
200 Clarendon St.
Boston, MA 02116
Phone: (617) 948-6000
charles.sanders@lw.com

Counsel for Complainant Serendia, LLC

VERIFICATION

I, Jongju Na, declare in accordance with 19 C.F.R. §§ 210.4 and 210.12(a), under penalty of perjury, that the following statements are true:

1. I am the named inventor of the Asserted Patents and the sole member of Serendia, LLC, and I am duly authorized to verify this Complaint under Section 337 of the Tariff Act of 1930, as Amended ("Complaint");

2. I have read the Complaint and am aware of its contents;

3. To the best of my knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, (a) the claims and other legal contentions in the Complaint are warranted by existing law or by a non-frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law, and (b) the allegations and other factual contentions in the Complaint have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

4. The Complaint is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of the Investigation or related proceedings.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on February 27, 2023.

Jongju Na