

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ILOODA CO., LTD. and JEISYS MEDICAL INC.,
Petitioners,

v.

SERENDIA, LLC,
Patent Owner.

Case No. IPR2024-00386
U.S. Patent No. 9,480,836

PETITIONERS' UNOPPOSED MOTION TO SUBSTITUTE EXPERT

EXHIBITS

Exhibit	Description
1001	U.S. Patent No. 9,480,836 (the “’836 patent”)
1002	File History for U.S. Patent No. 9,480,836
1003	Declaration of Dany Bérubé, Ph.D.
1004	<i>Curriculum Vitae</i> of Dany Bérubé, Ph.D.
1005	U.S. Patent Application Publication No. 2007/0208340 (“Ganz”)
1006	International Publication Number WO 2008/005477 (“Livneh”)
1007	International Publication Number WO 2007/064718 (“Hantash”)
1008	Korean Patent No. 20-0441552 (“Lee”) (translation)
1009	Korean Patent No. 20-0441552 (“Lee”) (original Korean)
1010	Macrene Alexiades-Armenakas et al., <i>Prospective Multicenter Clinical Trial of a Minimally Invasive Temperature-Controlled Bipolar Fractional Radiofrequency System for Rhytids and Laxity Treatment</i> , Dermatol. Surg. 1 (2012)
1011	Barry D. Sudbeck et al., <i>Collagen-stimulated Induction of Keratinocyte Collagenase Is Mediated via Tyrosine Kinase and Protein Kinase C Activities</i> , 269, 47 J. Biol. Chem. 30022 (1994)
1012	Sayaka Kanai et al., <i>Peptide Precursors that Acquire Denatured Collagen- hybridizing Ability by O-to-N acyl Migration at Physiological pH</i> , 18 Org. Biomol. Chem. 2823 (2020)
1013	Kristin M. Kirsch et al., <i>Ultrastructure of Collagen Thermally Denatured by Microsecond Domain Pulsed Carbon Dioxide Laser</i> , 134 Arch. Dermatol 1255 (Oct. 1998)
1014	U.S. Publication No. 2005/0222565 (“Manstein”)

Exhibit	Description
1015	Melissa A. Bogle, <i>Radiofrequency Energy and Hybrid Devices, in NON-SURGICAL SKIN TIGHTENING AND LIFTING</i> 21 (Murad Alam & Jeffrey S. Dover eds., 2009) (“Bogle”)
1016	THE IEEE STANDARD DICTIONARY OF ELECTRICAL AND ELECTRONICS TERMS (6th ed. 1997)
1017	THE ILLUSTRATED DICTIONARY OF ELECTRONICS (8th ed. 2001)
1018	BASIC ELECTRONICS THEORY (1981)
1019	R. James Koch & Brian P. Kim, <i>Radiofrequency Tissue Tightening, in Non-Invasive Cosmetic Procedures</i> 63 (2011)
1020	Heather Woolery-Lloyd & Jenna N. Kammer, <i>Skin Tightening, in BASICS IN DERMATOLOGICAL LASER APPLICATIONS</i> 147 (Inja Bogdan Allemann & David J. Goldberg eds., 2011)
1021	Antois S. Manolis et al., <i>Radiofrequency Catheter Ablation for Cardiac Tachyarrhythmias</i> , 121 Ann Intern Med. 452 (1994)
1022	David E. Haines, <i>Biophysics of Radiofrequency Lesion Formation, in CATHETER ABLATION OF CARDIAC ARRHYTHMIAS</i> 2 (Shoei K. Stephen Huang & Mark A. Wood eds., 2010)
1023	Seong Kuk Yoon, <i>Radiofrequency Ablation of Renal Cell Carcinoma: A Systematic Review, in ADVANCED LAPAROSCOPY</i> 127 (Ali Shamsa ed., 2011)
1024	Diane Irvine Duncan & Michael Kreindel, <i>Basic Radiofrequency: Physics and Safety and Application to Aesthetic Medicine, in RADIOFREQUENCY IN COSMETIC DERMATOLOGY</i> 1 (Moshe Lapidoth & Shlomit Halachmi eds., 2015)
1025	Korean Published Patent App. No. 10-2011-0074842 (translation)
1026	Korean Published Patent App. No. 10-2011-0074842 (original Korean)
1027	U.S. Patent Application Publication No. 2006/0047281 (“Kreindel”)

Exhibit	Description
1028	Order No. 35: Construing Certain Terms of the Asserted Claims, Inv. No. 337-TA-1356.
1029	U.S. Patent Application Publication No. 2010/0262135
1030	International Standard, IEC 60601-2-2, Medical electrical equipment – Part 2-2: Particular requirements for the basic safety and essential performance of high frequency surgical equipment and high frequency surgical accessories
1031	George Hruza et al., <i>Skin Rejuvenation and Wrinkle Reduction Using a Fractional Radiofrequency System</i> , Vol. 8 Issue 3 Journal of Drugs in Dermatology 259 (2009)
1032	Docket Report - Serendia, LLC v. Cutera, Inc, 1:23-cv-00222-RGA (D. Del.)
1033	Docket Report - Serendia, LLC v. Cynosure, LLC, 1:23-cv-00223-RGA (D. Del.)
1034	Birefringence Definition, https://www.merriam-webster.com/dictionary/birefringence
1035	Declaration of R. James Koch, M.D.
1036	Curriculum Vitae of R. James Koch, M.D.
1037	Substitute Declaration of Jean Woloszko, Ph.D.

Pursuant to 37 C.F.R. § 42.53(a) and (b), Petitioners respectfully request that the Board allow them to substitute their current expert, Dr. Dany Bérubé, with Dr. Jean Woloszko and to submit the Declaration of Dr. Woloszko (Ex. 1037) adopting the opinions set forth in the Declaration of Dr. Bérubé (Ex. 1003). In support of its motion, Petitioner states the following:

1. Petitioners submitted the Declaration of Dr. Bérubé on January 8, 2024, in support of their Petition filed that same day.

2. Due to contractual obligations arising after being retained by Petitioners, Dr. Bérubé will no longer be able to continue to serve as an expert in this proceeding.

3. Petitioners have identified Dr. Woloszko to serve as a substitute expert for Dr. Bérubé in the proceeding. Patent Owner does not object to the substitute expert or to this Motion.

4. Dr. Woloszko has over 30 years of experience in the medical device industry, is a recognized expert in the field of high frequency surgical systems—including those used to remodel the dermal layer of the skin, and is a named inventor on 114 U.S. Patents and over 55 European Patents for medical device technology. Dr. Woloszko's qualifications are further detailed in Ex. 1037.

5. As set forth in his declaration, Dr. Woloszko has reviewed the Declaration of Dr. Bérubé and agrees with and adopts the opinions set forth therein. Dr. Woloszko has also agreed to be deposed on those opinions.

6. For the foregoing reasons, Petitioners respectfully request that the Board allow them to substitute their expert and file as an exhibit the Woloszko Declaration.

Respectfully submitted,

Date: March 1, 2024

/s/ Wesley O. Mueller
Wesley O. Mueller (Reg. No. 33,976)
Lead Counsel for Petitioners

CERTIFICATE OF SERVICE

The undersigned certifies that a complete copy of this Motion to Substitute Expert Declaration was served via electronic email on Patent Owner's counsel of record listed below, pursuant to its January 26, 2024 Mandatory Notices, on Friday, March 1, 2024:

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