

INVESTIGATION No. 337-TA-1356 – RESPONDENTS’ INVALIDITY CONTENTIONS

EXHIBIT A-02

INVALIDITY CLAIM CHART

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

U.S. Patent Publication No. 2007/0208340A1 (“Ganz”) qualifies as prior art under at least AIA 35 U.S.C. § 102(a)(1) because it is a patent that published before the filing of the earliest application to which the ’836 Patent could claim priority.

To the extent that the ’836 Patent is subject to pre-AIA law, Ganz qualifies as prior art under at least 35 U.S.C. § 102(b) (pre-AIA) because it is a patent that published more than one year before the filing of the earliest application to which the ’836 Patent could claim priority. Ganz also qualifies as prior art under at least 35 U.S.C. § 102(a) (pre-AIA) because it is a patent that was published prior to the alleged invention of the ’836 Patent.

The ALJ has not yet construed the claims and therefore the meaning of the terms in the claims has yet to be resolved by the ALJ. The support identified here for this limitation is responsive to Complainant’s infringement allegations, which Respondents disagree with. As such, nothing in Respondents’ claim charts should be construed as an admission regarding infringement, either literally or under the doctrine of equivalents, or as an admission regarding Respondents’ understanding of the proper scope of the asserted claims. Respondents reserve the right to rely on additional citations or sources of evidence that also may be applicable, or that may become applicable in light of claim construction, changes in Complainant’s infringement contentions, and/or information obtained during discovery as the case progresses.

To the extent Complainant alleges that Ganz does not disclose any particular limitation of the asserted claims of the ’836 Patent, either expressly or inherently, it would have been obvious to a person of ordinary skill in the art as of the priority date of the ’836 Patent to modify Ganz and/or to combine the teachings of Ganz with other prior art references, including but not limited to the present prior art references cited in the Cover Pleading and the relevant section(s) of claim charts for other prior art references for the ’836 Patent in a manner that would have rendered the asserted claims invalid as obvious.

Respondents reserve the right to amend or supplement this claim chart at a later date as more fully set forth in the Cover Pleading.

The asserted claims of the ’836 Patent are invalid under 35 U.S.C. § 102 (AIA or pre-AIA) as anticipated by Ganz, and/or are invalid under 35 U.S.C. § 103 (AIA or pre-AIA) as obvious in view of Ganz alone, or in combination with one or more other references identified herein and/or in Respondents’ Invalidity Contentions, at least based on Respondents’ understanding of Complainant’s application of the asserted claims in an effort to show infringement.

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1.0 A skin treatment apparatus, comprising:	To the extent the preamble is limiting, Ganz discloses and/or renders obvious a skin treatment apparatus according to the claim. <i>See, e.g.:</i> [0001] “The invention relates to a device and method for treating one or more layers of tissue, for example by simultaneously imparting perforations into the one or more layers. In particular, the invention relates to a device and method for treating one or more layers of the skin to elicit a healing response which produces a more desirable skin appearance.” [0027] A device and method are provided for treating one or more tissue layers by providing a plurality of vertical perforations in a simultaneous fashion. The device does not remove entire layers of tissue, but rather creates perforations in one or more layers. These perforations create holes, which extend vertically into the tissue and across one or more layers. In some cases, the holes extend deep into the tissue across several layers. In other cases, the holes are shallow, and extend across only one or two superficial layers of tissue. As used herein, the term “perforation” means vertical areas of thermal damage or ablation to the tissue causing tissue necrosis. [0063] Methods for vertically treating one or more layers of tissue in a tissue plane are also provided. The method generally includes simultaneously imparting perforations into one or more tissue layers in a tissue plane. In a preferred embodiment, a method is provided for simultaneously imparting perforations into one or more layers of skin. In many cases, skin areas along the face, neck, chest and hands will be treated. The treatment area of the skin is first cleansed using a cleanser, for example a mild, gently abrasive skin cleanser. A topical may then be applied to the treatment area to numb the skin so that a patient will not feel and prickling or heat sensation during treatment. In some cases, the topical will be a lipid based topical anesthetic ointment. A treatment device according to any of the embodiments already described is provided and the treating surface is placed in contact with a desired area of the skin. The device is activated to create a plurality of perforations in the skin. In many cases, the same area of skin will be treated several times and usually at different time intervals. <i>See also</i> Ganz claim 1, 24.

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		To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
1.1	a plurality of electrodes, the electrodes being bipolar and configured to be insertable into skin to be treated; and	Ganz discloses and/or renders obvious electrodes being [0001] “The invention relates to a device and method for treating one or more layers of tissue, for example by simultaneously imparting perforations into the one or more layers. In particular, the invention relates to a device and method for treating one or more layers of the skin to elicit a healing response which produces a more desirable skin appearance.” [0010] In some embodiments, the invention provides a device for creating a pattern of perforations in a tissue. The device comprises a treating surface configured to be positioned in contact with tissue adjacent one or more tissue planes and a plurality of electrodes extending outwardly from the treating surface and adapted for imparting simultaneous perforations into one or more tissue layers, wherein the electrodes are provided in a pattern to impart a corresponding pattern of perforations in the one or more tissue layers. The electrode pattern can be selected to create perforations which are between about 30 to about 100 microns in diameter, up to about 1000 microns deep and spaced apart by between about 50 to about 400 microns. The electrode pattern can also be selected to create a zone of coagulative tissue surrounding each perforation. In some cases, the zone of coagulative tissue has a length of between about 5 microns to about 100 microns. The electrodes can also have a depth and width for providing perforations being no more than about 2 mm in depth and about 0.5 mm in width. Likewise, the electrodes can have a spacing for providing perforations spaced apart by no more than about 5 mm or less. [0011] “The device also includes an energy source coupled to the plurality of electrodes, the energy source configured to deliver energy selected from the group consisting of radio frequency, non-ionizing ultraviolet radiation, or microwave radiation. A control device may also be coupled to the energy source. In preferred cases, the electrodes are RF electrodes and are configured for receiving RF energy. The electrodes can be provided as a plurality of electrode pairs or even as an array of electrodes. In some cases, the electrodes are monopolar electrodes whereas in other cases the

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	electrodes are bipolar electrodes.” [0016] “A method for treating human skin is also provided. The method includes identifying a target area of skin, providing a device adapted to simultaneously create a desired pattern of perforations into one or more layers of the target area of skin, and simultaneously perforating the target area to provide the desired pattern of perforations which elicit a healing response that produces a revitalized skin surface.” [0043] “The treating surface generally includes a plurality of electrodes positioned about at least a portion of its circumference so that the electrodes come into contact with the tissue. The electrodes can be provided about the entire surface of the treating surface or about a portion of the surface. The areas of tissue in contact with the electrodes are those areas which are perforated.” [0056] “In other embodiments, the electrodes are provided as a bipolar electrode arrangement. In bipolar electrode arrangements, both the positive and negative electrodes serve as treating electrodes. In some cases, the bipolar electrodes are biopolar[sic] axial interlaced finger electrodes. In embodiments wherein the electrodes are provided as electrode pairs, biopolar[sic] electrodes are desirable, with one electrode in the pair being a positive electrode and the other electrode being a negative electrode. The electrodes can be shaped in such a way that the middle portion of distal portion is enlarged in order to create a zone of injury that is greater at the distal end compared to the proximal end. The base of the treatment pad or treating surface and various portions of the proximal electrodes can also be insulated in order to limit the coagulation injury to the distal end of the electrode as well.” [0063] Methods for vertically treating one or more layers of tissue in a tissue plane are also provided. The method generally includes simultaneously imparting perforations into one or more tissue layers in a tissue plane. In a preferred embodiment, a method is provided for simultaneously imparting perforations into one or more layers of skin. In many cases, skin areas along the face, neck, chest and hands will be treated. The treatment area of the skin is first cleansed using a cleanser, for example a mild, gently abrasive skin cleanser. A topical may then be applied to the treatment area to numb the skin so that a patient will not feel and prickling or heat sensation during treatment. In some cases, the topical will be a lipid based topical anesthetic ointment. A treatment

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		device according to any of the embodiments already described is provided and the treating surface is placed in contact with a desired area of the skin. The device is activated to create a plurality of perforations in the skin. In many cases, the same area of skin will be treated several times and usually at different time intervals. <i>See also</i> Ganz claims 1-13. To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
1.2	a radio frequency (RF) generation module, the RF generation module electrically coupled to the plurality of electrodes	Ganz discloses and/or renders obvious a radio frequency (RF) generation module, the RF generation module electrically coupled to the plurality of electrodes. <i>See, e.g.,</i> [0011] “The device also includes an energy source coupled to the plurality of electrodes, the energy source configured to deliver energy selected from the group consisting of radio frequency, non-ionizing ultraviolet radiation, or microwave radiation. A control device may also be coupled to the energy source. In preferred cases, the electrodes are RF electrodes and are configured for receiving RF energy. The electrodes can be provided as a plurality of electrode pairs or even as an array of electrodes. In some cases, the electrodes are monopolar electrodes whereas in other cases the electrodes are bipolar electrodes.” [0057] “The treatment device also includes an energy source coupled to the electrodes for delivering energy to the electrodes. The energy delivery device can deliver a variety of different types of energy including but not limited to, radio frequency energy, non-ionizing ultraviolet radiation and microwave radiation. In some cases, the electrodes are configured to provide power in the range of about 50 to about 200 watts per square centimeter. In other cases, the electrodes are configured to provide an energy of at least about 1 joules per square centimeter.”

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		[0058] “In preferred embodiments, the electrodes are configured as RF electrodes and RF energy is delivered to the electrodes. RF energy is particularly desirable for creating perforations of tissue since it does not cause the entire area of tissue being treated to heat up extensively. Rather, RF energy can penetrate the body and be absorbed by deeper tissues without heating up the surrounding tissues. Thus, a boundary is created between the treated tissue and those tissues surrounding the treated tissue. RF energy is also desirable since it is safe to use on tissues in areas near sensitive body parts, e.g., areas of skin near the eyes.” [0059] The energy source is configured for powering the electrodes at levels appropriate to provide a desired diameter and depth of perforation of tissue. The energy source may be manually controlled by the user and be adapted to allow the user to select the appropriate treatment time and power setting to obtain a controlled depth and/or width of perforation. The energy source can also be coupled to a controller, which may be a digital or analog controller for use with the energy source, including but not limited to an RF source, or a computer with software. When the computer controller is used it can include a CPU coupled through a system bus. The system may include a keyboard, a disk drive, or other non-volatile memory system, a display and other peripherals known in the art. A program memory and a data memory can also be coupled to the bus. The energy source can be positioned at different positions in proximity to the treatment device. <i>See also</i> Ganz claims 7-8. To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
1.3	configured to provide an Alternating Current (AC) RF signal to the plurality of electrodes	Ganz discloses and/or renders obvious an RF generation module electrically coupled to the plurality of electrodes and configured to provide an Alternating Current (AC) RF signal to the plurality of electrodes according to the claim. <i>See, e.g.,</i>

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	[0011] “The device also includes an energy source coupled to the plurality of electrodes, the energy source configured to deliver energy selected from the group consisting of radio frequency, non-ionizing ultraviolet radiation, or microwave radiation. A control device may also be coupled to the energy source. In preferred cases, the electrodes are RF electrodes and are configured for receiving RF energy. The electrodes can be provided as a plurality of electrode pairs or even as an array of electrodes. In some cases, the electrodes are monopolar electrodes whereas in other cases the electrodes are bipolar electrodes.” [0057] “The treatment device also includes an energy source coupled to the electrodes for delivering energy to the electrodes. The energy delivery device can deliver a variety of different types of energy including but not limited to, radio frequency energy, non-ionizing ultraviolet radiation and microwave radiation. In some cases, the electrodes are configured to provide power in the range of about 50 to about 200 watts per square centimeter. In other cases, the electrodes are configured to provide an energy of at least about 1 joules per square centimeter.” [0058] “In preferred embodiments, the electrodes are configured as RF electrodes and RF energy is delivered to the electrodes. RF energy is particularly desirable for creating perforations of tissue since it does not cause the entire area of tissue being treated to heat up extensively. Rather, RF energy can penetrate the body and be absorbed by deeper tissues without heating up the surrounding tissues. Thus, a boundary is created between the treated tissue and those tissues surrounding the treated tissue. RF energy is also desirable since it is safe to use on tissues in areas near sensitive body parts, e.g., areas of skin near the eyes.” [0059] The energy source is configured for powering the electrodes at levels appropriate to provide a desired diameter and depth of perforation of tissue. The energy source may be manually controlled by the user and be adapted to allow the user to select the appropriate treatment time and power setting to obtain a controlled depth and/or width of perforation. The energy source can also be coupled to a controller, which may be a digital or analog controller for use with the energy source, including but not limited to an RF source, or a computer with software. When the computer controller is used it can include a CPU coupled through a system bus. The system may include a keyboard, a disk drive, or other non-volatile memory system, a display and other peripherals known

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	in the art. A program memory and a data memory can also be coupled to the bus. The energy source can be positioned at different positions in proximity to the treatment device. <i>See also</i> Ganz claims 7-8. To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
1.4 configured to cause coagulation around each electrode rather than coagulating between the electrodes.	Ganz discloses and/or renders obvious electrodes configured to cause coagulation around each electrode rather than coagulating between the electrodes according to the claim. <i>See, e.g.,</i> [0006] “Certain methods have been developed to treat one or more layers of skin without removing entire layers of tissue. One example of device which treats tissue in this manner is the FRAXEL infrared scanning laser. This device uses a scanner to direct a small 10-70 micron diameter laser beam across the tissue surface in order to create small vertical zones of coagulated tissue. One drawback with the FRAXEL laser is that the laser does not create perforations or vertical holes in the tissue, but only causes zones of coagulation. Applicant has discovered that it is desirable to create vertical perforations or ablation holes in tissue, as this prompts an even more aggressive wound healing response than is currently seen. When perforations are created, tissue layers surrounding the perforations are left untreated and contribute to tissue regeneration. Thus, the treated tissue can heal and regenerate from all edges of the perforation wound, not just from the tissue areas underneath the wound. Perforations allow for a faster regeneration and healing time. The use of perforations are also advantageous in that by leaving zones of untreated tissue in between the perforations, less scarring and/or pigmentations are visible. Thus, there is a need for a device and method which imparts actual perforations into the skin, thereby promoting more aggressive healing.” [0010] “In some embodiments, the invention provides a device for creating a pattern of perforations in a tissue. The device comprises a treating surface configured to be positioned in contact with tissue adjacent one or more tissue planes and a plurality of electrodes extending outwardly from the

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	treating surface and adapted for imparting simultaneous perforations into one or more tissue layers, wherein the electrodes are provided in a pattern to impart a corresponding pattern of perforations in the one or more tissue layers. The electrode pattern can be selected to create perforations which are between about 30 to about 100 microns in diameter, up to about 1000 microns deep and spaced apart by between about 50 to about 400 microns. The electrode pattern can also be selected to create a zone of coagulative tissue surrounding each perforation. In some cases, the zone of coagulative tissue has a length of between about about[sic] 5 microns to about 100 microns. The electrodes can also have a depth and width for providing perforations being no more than about 2 mm in depth and about 0.5 mm in width. Likewise, the electrodes can have a spacing for providing perforations spaced apart by no more than about 5 mm or less.” [0048] Zones of coagulation are also created in areas of tissue surrounding each perforation. The zones can extend from the perforation site into the tissue for a length ranging from about 5 microns to about 100 microns. The zone of coagulation can be varied by changes in energy and power levels. [0056] In other embodiments, the electrodes are provided as a bipolar electrode arrangement. In bipolar electrode arrangements, both the positive and negative electrodes serve as treating electrodes. In some cases, the bipolar electrodes are biopolar [sic] axial interlaced finger electrodes. In embodiments wherein the electrodes are provided as electrode pairs, biopolar [sic] electrodes are desirable, with one electrode in the pair being a positive electrode and the other electrode being a negative electrode. The electrodes can be shaped in such a way that the middle portion of distal portion is enlarged in order to create a zone of injury that is greater at the distal end compared to the proximal end. The base of the treatment pad or treating surface and various portions of the proximal electrodes can also be insulated in order to limit the coagulation injury to the distal end of the electrode as well. [0058] “In preferred embodiments, the electrodes are configured as RF electrodes and RF energy is delivered to the electrodes. RF energy is particularly desirable for creating perforations of tissue since it does not cause the entire area of tissue being treated to heat up extensively. Rather, RF energy can penetrate the body and be absorbed by deeper tissues without heating up the surrounding tissues. Thus, a boundary is created between the treated tissue and those tissues surrounding the treated tissue. RF energy is also desirable since it is safe to use on tissues in areas near sensitive body parts, e.g., areas of skin near the eyes.”

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	A black and white micrograph of skin tissue. A vertical perforation, labeled '4', extends from the surface into the deeper layers. Surrounding this perforation are irregular, darker, and more textured regions labeled '2', which represent areas of coagulation. A small horizontal scale bar is visible in the bottom right corner of the image. [0028] “... FIG. 9 illustrates a skin area treated in accordance with the invention. The treated area 4 is clearly a perforation, which extends vertically into the skin. Areas or zones of coagulation 2 can also be seen in the areas surrounding the perforation.” <i>See also</i> Ganz claims 1-3. To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.

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2.0 The skin treatment apparatus of claim 1,	To the extent the preamble is limiting, Ganz discloses and/or renders obvious a skin treatment apparatus according to the claim. <i>See, e.g.:</i> [0001] “The invention relates to a device and method for treating one or more layers of tissue, for example by simultaneously imparting perforations into the one or more layers. In particular, the invention relates to a device and method for treating one or more layers of the skin to elicit a healing response which produces a more desirable skin appearance.” [0027] A device and method are provided for treating one or more tissue layers by providing a plurality of vertical perforations in a simultaneous fashion. The device does not remove entire layers of tissue, but rather creates perforations in one or more layers. These perforations create holes, which extend vertically into the tissue and across one or more layers. In some cases, the holes extend deep into the tissue across several layers. In other cases, the holes are shallow, and extend across only one or two superficial layers of tissue. As used herein, the term “perforation” means vertical areas of thermal damage or ablation to the tissue causing tissue necrosis. [0063] Methods for vertically treating one or more layers of tissue in a tissue plane are also provided. The method generally includes simultaneously imparting perforations into one or more tissue layers in a tissue plane. In a preferred embodiment, a method is provided for simultaneously imparting perforations into one or more layers of skin. In many cases, skin areas along the face, neck, chest and hands will be treated. The treatment area of the skin is first cleansed using a cleanser, for example a mild, gently abrasive skin cleanser. A topical may then be applied to the treatment area to numb the skin so that a patient will not feel and prickling or heat sensation during treatment. In some cases, the topical will be a lipid based topical anesthetic ointment. A treatment device according to any of the embodiments already described is provided and the treating surface is placed in contact with a desired area of the skin. The device is activated to create a plurality of perforations in the skin. In many cases, the same area of skin will be treated several times and usually at different time intervals. <i>See also</i> Ganz claim 1, 24.

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2.1	wherein the RF generation module is configured to provide an AC RF signal to the plurality of electrodes	Ganz discloses and/or renders obvious and RF generation module is configured to provide an AC RF signal to the plurality of electrodes. <i>See, e.g.,</i> [0011] “The device also includes an energy source coupled to the plurality of electrodes, the energy source configured to deliver energy selected from the group consisting of radio frequency, non-ionizing ultraviolet radiation, or microwave radiation. A control device may also be coupled to the energy source. In preferred cases, the electrodes are RF electrodes and are configured for receiving RF energy. The electrodes can be provided as a plurality of electrode pairs or even as an array of electrodes. In some cases, the electrodes are monopolar electrodes whereas in other cases the electrodes are bipolar electrodes.” [0048] Zones of coagulation are also created in areas of tissue surrounding each perforation. The zones can extend from the perforation site into the tissue for a length ranging from about 5 microns to about 100 microns. The zone of coagulation can be varied by changes in energy and power levels. [0057] “The treatment device also includes an energy source coupled to the electrodes for delivering energy to the electrodes. The energy delivery device can deliver a variety of different types of energy including but not limited to, radio frequency energy, non-ionizing ultraviolet radiation and microwave radiation. In some cases, the electrodes are configured to provide power in the range of about 50 to about 200 watts per square centimeter. In other cases, the electrodes are configured to provide an energy of at least about 1 joules per square centimeter.” [0058] “In preferred embodiments, the electrodes are configured as RF electrodes and RF energy is delivered to the electrodes. RF energy is particularly desirable for creating perforations of tissue since it does not cause the entire area of tissue being treated to heat up extensively. Rather, RF energy can penetrate the body and be absorbed by deeper tissues without heating up the surrounding tissues. Thus, a boundary is created between the treated tissue and those tissues surrounding the

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	treated tissue. RF energy is also desirable since it is safe to use on tissues in areas near sensitive body parts, e.g., areas of skin near the eyes.” [0059] “The energy source is configured for powering the electrodes at levels appropriate to provide a desired diameter and depth of perforation of tissue. The energy source may be manually controlled by the user and be adapted to allow the user to select the appropriate treatment time and power setting to obtain a controlled depth and/or width of perforation. The energy source can also be coupled to a controller, which may be a digital or analog controller for use with the energy source, including but not limited to an RF source, or a computer with software. When the computer controller is used it can include a CPU coupled through a system bus. The system may include a keyboard, a disk drive, or other non-volatile memory system, a display and other peripherals known in the art. A program memory and a data memory can also be coupled to the bus. The energy source can be positioned at different positions in proximity to the treatment device.” <i>See also</i> Ganz claim 8. To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
2.2 for a predetermined time interval.	Ganz discloses and/or renders obvious wherein the RF generation module is configured to provide an AC RF signal to the plurality of electrodes for a predetermined time interval according to the claim. <i>See, e.g.,</i> [0011] “The device also includes an energy source coupled to the plurality of electrodes, the energy source configured to deliver energy selected from the group consisting of radio frequency, non-ionizing ultraviolet radiation, or microwave radiation. A control device may also be coupled to the energy source. In preferred cases, the electrodes are RF electrodes and are configured for receiving RF energy. The electrodes can be provided as a plurality of electrode pairs or even as an array of electrodes. In some cases, the electrodes are monopolar electrodes whereas in other cases the electrodes are bipolar electrodes.”

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	[0048] Zones of coagulation are also created in areas of tissue surrounding each perforation. The zones can extend from the perforation site into the tissue for a length ranging from about 5 microns to about 100 microns. The zone of coagulation can be varied by changes in energy and power levels. [0057] “The treatment device also includes an energy source coupled to the electrodes for delivering energy to the electrodes. The energy delivery device can deliver a variety of different types of energy including but not limited to, radio frequency energy, non-ionizing ultraviolet radiation and microwave radiation. In some cases, the electrodes are configured to provide power in the range of about 50 to about 200 watts per square centimeter. In other cases, the electrodes are configured to provide an energy of at least about 1 joules per square centimeter.” [0058] “In preferred embodiments, the electrodes are configured as RF electrodes and RF energy is delivered to the electrodes. RF energy is particularly desirable for creating perforations of tissue since it does not cause the entire area of tissue being treated to heat up extensively. Rather, RF energy can penetrate the body and be absorbed by deeper tissues without heating up the surrounding tissues. Thus, a boundary is created between the treated tissue and those tissues surrounding the treated tissue. RF energy is also desirable since it is safe to use on tissues in areas near sensitive body parts, e.g., areas of skin near the eyes.” [0059] “The energy source is configured for powering the electrodes at levels appropriate to provide a desired diameter and depth of perforation of tissue. The energy source may be manually controlled by the user and be adapted to allow the user to select the appropriate treatment time and power setting to obtain a controlled depth and/or width of perforation. The energy source can also be coupled to a controller, which may be a digital or analog controller for use with the energy source, including but not limited to an RF source, or a computer with software. When the computer controller is used it can include a CPU coupled through a system bus. The system may include a keyboard, a disk drive, or other non-volatile memory system, a display and other peripherals known in the art. A program memory and a data memory can also be coupled to the bus. The energy source can be positioned at different positions in proximity to the treatment device.” <i>See also</i> Ganz claim 7, 8.

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5.0 The skin treatment apparatus of claim 4,	To the extent the preamble is limiting, Ganz discloses and/or renders obvious a skin treatment apparatus according to the claim. <i>See, e.g.:</i> [0001] “The invention relates to a device and method for treating one or more layers of tissue, for example by simultaneously imparting perforations into the one or more layers. In particular, the invention relates to a device and method for treating one or more layers of the skin to elicit a healing response which produces a more desirable skin appearance.” [0027] A device and method are provided for treating one or more tissue layers by providing a plurality of vertical perforations in a simultaneous fashion. The device does not remove entire layers of tissue, but rather creates perforations in one or more layers. These perforations create holes, which extend vertically into the tissue and across one or more layers. In some cases, the holes extend deep into the tissue across several layers. In other cases, the holes are shallow, and extend across only one or two superficial layers of tissue. As used herein, the term “perforation” means vertical areas of thermal damage or ablation to the tissue causing tissue necrosis. [0063] Methods for vertically treating one or more layers of tissue in a tissue plane are also provided. The method generally includes simultaneously imparting perforations into one or more tissue layers in a tissue plane. In a preferred embodiment, a method is provided for simultaneously imparting perforations into one or more layers of skin. In many cases, skin areas along the face, neck, chest and hands will be treated. The treatment area of the skin is first cleansed using a cleanser, for example a mild, gently abrasive skin cleanser. A topical may then be applied to the treatment area to numb the skin so that a patient will not feel and prickling or heat sensation during treatment. In some cases, the topical will be a lipid based topical anesthetic ointment. A treatment device according to any of the embodiments already described is provided and the treating surface is

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	placed in contact with a desired area of the skin. The device is activated to create a plurality of perforations in the skin. In many cases, the same area of skin will be treated several times and usually at different time intervals. <i>See also</i> Ganz claim 24. To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
5.1 [from claim 4] each electrode of the plurality of electrodes has a length sufficient to reach skin dermis when inserted into skin	Ganz discloses and/or renders obvious wherein each electrode of the plurality of electrodes has a length sufficient to reach skin dermis when inserted into skin. <i>See, e.g.,</i> [0036] “Glycosaminoglycans are very hydrophilic, and increased amounts of these carbohydrates are associated with the increased skin vigor found in youthful skin. One major difference between the smooth, supple skin of newborns and the drier, thinned skin of older individuals is the far greater relative amount of glycosaminoglycans found in newborn skin. The glycosaminoglycans found in newborns can bind up to 1000 times their weight in water. As the skin ages and the amount of glycosaminoglycans decreases, the skin may become less hydrated and lose some of the suppleness found in youth. The treatment device can be used to create perforations and zones of coagulation across both the epidermis and dermis to activate fibroblasts which deposit increased amounts of extracellular matrix constituents (i.e., collagen and glycosaminoglycans). These increases in extracellular matrix constituents are responsible for dermal skin rejuvenation.” [0050] “In some cases, the electrodes are arranged in an orderly pattern. FIGS. 4-7 illustrate electrodes 25 provided in various electrode patterns and positioned on a portion of the treating surface 20. Each of the FIGS. 4-7 illustrate an orderly pattern of electrodes. However, in some cases, a random electrode pattern may be desired. In further cases, a feathered pattern may be desired to reduce the lines seen between the treated tissue and untreated tissue. The length of the electrode

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	arrangement on the treating surface can also be varied. In certain embodiments, the length of the plurality of electrodes is in the range of about 0.5 mm to about 5 cm.” [0051] “The outer tips of each electrode are designed to be placed into contact with a tissue plane. Energy is delivered to the tip to provide the perforation of tissue. In some cases, when it is desirable to provide a deeper perforation, the electrode pins are placed all the way into the tissue, so that more than one layers of tissue are treated. When it is desirable to provide an even deeper perforation, the electrode pins can be providing having longer lengths, so that the tips are placed even deeper into the tissue layers. The length and width of the electrode pins are variable and can be chosen based on the desired treatment. Again, in preferred embodiments, the electrodes are provided having a length and width which creates perforations having a depth of no more than about 2 mm and a width of no more than about 0.5 mm.” [0059] “The energy source is configured for powering the electrodes at levels appropriate to provide a desired diameter and depth of perforation of tissue. The energy source may be manually controlled by the user and be adapted to allow the user to select the appropriate treatment time and power setting to obtain a controlled depth and/or width of perforation. The energy source can also be coupled to a controller, which may be a digital or analog controller for use with the energy source, including but not limited to an RF source, or a computer with software. When the computer controller is used it can include a CPU coupled through a system bus. The system may include a keyboard, a disk drive, or other non-volatile memory system, a display and other peripherals known in the art. A program memory and a data memory can also be coupled to the bus. The energy source can be positioned at different positions in proximity to the treatment device.” [0063] “Methods for vertically treating one or more layers of tissue in a tissue plane are also provided. The method generally includes simultaneously imparting perforations into one or more tissue layers in a tissue plane. In a preferred embodiment, a method is provided for simultaneously imparting perforations into one or more layers of skin. In many cases, skin areas along the face, neck, chest and hands will be treated. The treatment area of the skin is first cleansed using a cleanser, for example a mild, gently abrasive skin cleanser. A topical may then be applied to the treatment area to numb the skin so that a patient will not feel and prickling or heat sensation during treatment. In some cases, the topical will be a lipid based topical anesthetic ointment. A treatment

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	device according to any of the embodiments already described is provided and the treating surface is placed in contact with a desired area of the skin. The device is activated to create a plurality of perforations in the skin. In many cases, the same area of skin will be treated several times and usually at different time intervals.” To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
5.2 [from claim 4] and the predetermined time interval is from 0.05 to 0.8 seconds[,]	Ganz discloses and/or renders obvious wherein and the predetermined time interval is from 0.05 to 0.8 seconds according to the claim. <i>See, e.g.,</i> [0048] “Zones of coagulation are also created in areas of tissue surrounding each perforation. The zones can extend from the perforation site into the tissue for a length ranging from about 5 microns to about 100 microns. The zone of coagulation can be varied by changes in energy and power levels.” [0059] “The energy source is configured for powering the electrodes at levels appropriate to provide a desired diameter and depth of perforation of tissue. The energy source may be manually controlled by the user and be adapted to allow the user to select the appropriate treatment time and power setting to obtain a controlled depth and/or width of perforation. The energy source can also be coupled to a controller, which may be a digital or analog controller for use with the energy source, including but not limited to an RF source, or a computer with software. When the computer controller is used it can include a CPU coupled through a system bus. The system may include a keyboard, a disk drive, or other non-volatile memory system, a display and other peripherals known in the art. A program memory and a data memory can also be coupled to the bus. The energy source can be positioned at different positions in proximity to the treatment device.” To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge

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		of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
5.3	wherein the closest neighboring electrodes have opposite polarities.	Ganz discloses and/or renders obvious the closest neighboring electrodes having opposite polarities according to the claim. <i>See, e.g.,</i> [0014] “A method for creating a pattern of perforations in tissue is also provided. The method includes the steps of providing a device having a treating surface which includes a plurality of electrodes extending outwardly from the treating surface, wherein the plurality of electrodes are arranged in a desired pattern, placing the treating surface in contact with tissue adjacent to one or more tissue planes, and delivering energy to the electrodes to simultaneously impart perforations into one or more layers of the tissue, wherein the perforations correspond to the electrode pattern.” [0047] “The electrodes are positioned on the treating surface in any manner to provide a desired pattern of perforations into the one or more tissue planes. Generally, the electrodes come into direct contact with the one or more tissue planes. So, the pattern of electrodes directly correspond to the pattern of perforations desired in the tissue. Any desired pattern or electrode arrangement is within the scope of the invention. In certain cases, the electrodes are patterned in order to create perforations being between about 30 to about 100 microns in diameter, up to about 1000 microns deep and spaced apart by between about 50 to about 400 microns. In other preferred cases, the electrodes have a depth and width for providing perforations being no more than about 2 mm in depth and about 0.5 mm in width. In yet other cases, the electrodes have a spacing for providing perforations spaced apart by no more than about 5 mm or less and more preferably no more than about 2 mm or less.” [0056] “In other embodiments, the electrodes are provided as a bipolar electrode arrangement. In bipolar electrode arrangements, both the positive and negative electrodes serve as treating electrodes. In some cases, the bipolar electrodes are biopolar[sic] axial interlaced finger electrodes. In embodiments wherein the electrodes are provided as electrode pairs, biopolar[sic] electrodes are desirable, with one electrode in the pair being a positive electrode and the other electrode being a negative electrode. The electrodes can be shaped in such a way that the middle portion of distal

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		portion is enlarged in order to create a zone of injury that is greater at the distal end compared to the proximal end. The base of the treatment pad or treating surface and various portions of the proximal electrodes can also be insulated in order to limit the coagulation injury to the distal end of the electrode as well.” To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
6.0	The skin treatment apparatus of claim 4,	To the extent the preamble is limiting, Ganz discloses and/or renders obvious a skin treatment apparatus according to the claim. <i>See, e.g.:</i> [0001] “The invention relates to a device and method for treating one or more layers of tissue, for example by simultaneously imparting perforations into the one or more layers. In particular, the invention relates to a device and method for treating one or more layers of the skin to elicit a healing response which produces a more desirable skin appearance.” [0027] A device and method are provided for treating one or more tissue layers by providing a plurality of vertical perforations in a simultaneous fashion. The device does not remove entire layers of tissue, but rather creates perforations in one or more layers. These perforations create holes, which extend vertically into the tissue and across one or more layers. In some cases, the holes extend deep into the tissue across several layers. In other cases, the holes are shallow, and extend across only one or two superficial layers of tissue. As used herein, the term “perforation” means vertical areas of thermal damage or ablation to the tissue causing tissue necrosis. [0063] Methods for vertically treating one or more layers of tissue in a tissue plane are also provided. The method generally includes simultaneously imparting perforations into one or more tissue layers in a tissue plane. In a preferred embodiment, a method is provided for simultaneously imparting perforations into one or more layers of skin. In many cases, skin areas along the face, neck, chest and hands will be treated. The treatment area of the skin is first cleansed using a

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	cleanser, for example a mild, gently abrasive skin cleanser. A topical may then be applied to the treatment area to numb the skin so that a patient will not feel and prickling or heat sensation during treatment. In some cases, the topical will be a lipid based topical anesthetic ointment. A treatment device according to any of the embodiments already described is provided and the treating surface is placed in contact with a desired area of the skin. The device is activated to create a plurality of perforations in the skin. In many cases, the same area of skin will be treated several times and usually at different time intervals. <i>See also</i> Ganz claim 1, 24. To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions
6.1 [claim 4] each electrode of the plurality of electrodes has a length sufficient to reach skin dermis when inserted into skin	Ganz discloses and/or renders obvious wherein each electrode of the plurality of electrodes has a length sufficient to reach skin dermis when inserted into skin. <i>See, e.g.,</i> [0036] “Glycosaminoglycans are very hydrophilic, and increased amounts of these carbohydrates are associated with the increased skin vigor found in youthful skin. One major difference between the smooth, supple skin of newborns and the drier, thinned skin of older individuals is the far greater relative amount of glycosaminoglycans found in newborn skin. The glycosaminoglycans found in newborns can bind up to 1000 times their weight in water. As the skin ages and the amount of glycosaminoglycans decreases, the skin may become less hydrated and lose some of the suppleness found in youth. The treatment device can be used to create perforations and zones of coagulation across both the epidermis and dermis to activate fibroblasts which deposit increased amounts of extracellular matrix constituents (i.e., collagen and glycosaminoglycans). These increases in extracellular matrix constituents are responsible for dermal skin rejuvenation.” [0050] “In some cases, the electrodes are arranged in an orderly pattern. FIGS. 4-7 illustrate electrodes 25 provided in various electrode patterns and positioned on a portion of the treating

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	surface 20. Each of the FIGS. 4-7 illustrate an orderly pattern of electrodes. However, in some cases, a random electrode pattern may be desired. In further cases, a feathered pattern may be desired to reduce the lines seen between the treated tissue and untreated tissue. The length of the electrode arrangement on the treating surface can also be varied. In certain embodiments, the length of the plurality of electrodes is in the range of about 0.5 mm to about 5 cm.” [0051] “The outer tips of each electrode are designed to be placed into contact with a tissue plane. Energy is delivered to the tip to provide the perforation of tissue. In some cases, when it is desirable to provide a deeper perforation, the electrode pins are placed all the way into the tissue, so that more than one layers of tissue are treated. When it is desirable to provide an even deeper perforation, the electrode pins can be providing having longer lengths, so that the tips are placed even deeper into the tissue layers. The length and width of the electrode pins are variable and can be chosen based on the desired treatment. Again, in preferred embodiments, the electrodes are provided having a length and width which creates perforations having a depth of no more than about 2 mm and a width of no more than about 0.5 mm.” [0059] “The energy source is configured for powering the electrodes at levels appropriate to provide a desired diameter and depth of perforation of tissue. The energy source may be manually controlled by the user and be adapted to allow the user to select the appropriate treatment time and power setting to obtain a controlled depth and/or width of perforation. The energy source can also be coupled to a controller, which may be a digital or analog controller for use with the energy source, including but not limited to an RF source, or a computer with software. When the computer controller is used it can include a CPU coupled through a system bus. The system may include a keyboard, a disk drive, or other non-volatile memory system, a display and other peripherals known in the art. A program memory and a data memory can also be coupled to the bus. The energy source can be positioned at different positions in proximity to the treatment device.” [0063] “Methods for vertically treating one or more layers of tissue in a tissue plane are also provided. The method generally includes simultaneously imparting perforations into one or more tissue layers in a tissue plane. In a preferred embodiment, a method is provided for simultaneously imparting perforations into one or more layers of skin. In many cases, skin areas along the face, neck, chest and hands will be treated. The treatment area of the skin is first cleansed using a

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	cleanser, for example a mild, gently abrasive skin cleanser. A topical may then be applied to the treatment area to numb the skin so that a patient will not feel and prickling or heat sensation during treatment. In some cases, the topical will be a lipid based topical anesthetic ointment. A treatment device according to any of the embodiments already described is provided and the treating surface is placed in contact with a desired area of the skin. The device is activated to create a plurality of perforations in the skin. In many cases, the same area of skin will be treated several times and usually at different time intervals.” To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
6.2 [from claim 4] and the predetermined time interval is from 0.05 to 0.8 seconds[,]	Ganz discloses and/or renders obvious wherein the predetermined time interval is from 0.05 to 0.8 seconds according to the claim. <i>See, e.g.,</i> [0048] “Zones of coagulation are also created in areas of tissue surrounding each perforation. The zones can extend from the perforation site into the tissue for a length ranging from about 5 microns to about 100 microns. The zone of coagulation can be varied by changes in energy and power levels.” [0059] “The energy source is configured for powering the electrodes at levels appropriate to provide a desired diameter and depth of perforation of tissue. The energy source may be manually controlled by the user and be adapted to allow the user to select the appropriate treatment time and power setting to obtain a controlled depth and/or width of perforation. The energy source can also be coupled to a controller, which may be a digital or analog controller for use with the energy source, including but not limited to an RF source, or a computer with software. When the computer controller is used it can include a CPU coupled through a system bus. The system may include a keyboard, a disk drive, or other non-volatile memory system, a display and other peripherals known in the art. A program memory and a data memory can also be coupled to the bus. The energy source can be positioned at different positions in proximity to the treatment device.”

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		To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
6.3	wherein a section of each electrode of the plurality of electrodes is non-insulated.	Ganz discloses and/or renders obvious wherein a section of each electrode of the plurality of electrodes is non-insulated according to the claim. <i>See, e.g.,</i> [0056] “In other embodiments, the electrodes are provided as a bipolar electrode arrangement. In bipolar electrode arrangements, both the positive and negative electrodes serve as treating electrodes. In some cases, the bipolar electrodes are bipolar axial interlaced finger electrodes. In embodiments wherein the electrodes are provided as electrode pairs, biopolar electrodes are desirable, with one electrode in the pair being a positive electrode and the other electrode being a negative electrode. The electrodes can be shaped in such a way that the middle portion of distal portion is enlarged in order to create a zone of injury that is greater at the distal end compared to the proximal end. The base of the treatment pad or treating surface and various portions of the proximal electrodes can also be insulated in order to limit the coagulation injury to the distal end of the electrode as well.” To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
9.0	The skin treatment apparatus of claim 1,	To the extent the preamble is limiting, Ganz discloses and/or renders obvious a skin treatment apparatus according to the claim. <i>See, e.g.:</i> [0001] “The invention relates to a device and method for treating one or more layers of tissue, for example by simultaneously imparting perforations into the one or more layers. In particular, the invention relates to a device and method for treating one or more layers of the skin to elicit a healing response which produces a more desirable skin appearance.”

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		[0027] A device and method are provided for treating one or more tissue layers by providing a plurality of vertical perforations in a simultaneous fashion. The device does not remove entire layers of tissue, but rather creates perforations in one or more layers. These perforations create holes, which extend vertically into the tissue and across one or more layers. In some cases, the holes extend deep into the tissue across several layers. In other cases, the holes are shallow, and extend across only one or two superficial layers of tissue. As used herein, the term “perforation” means vertical areas of thermal damage or ablation to the tissue causing tissue necrosis. [0063] Methods for vertically treating one or more layers of tissue in a tissue plane are also provided. The method generally includes simultaneously imparting perforations into one or more tissue layers in a tissue plane. In a preferred embodiment, a method is provided for simultaneously imparting perforations into one or more layers of skin. In many cases, skin areas along the face, neck, chest and hands will be treated. The treatment area of the skin is first cleansed using a cleanser, for example a mild, gently abrasive skin cleanser. A topical may then be applied to the treatment area to numb the skin so that a patient will not feel and prickling or heat sensation during treatment. In some cases, the topical will be a lipid based topical anesthetic ointment. A treatment device according to any of the embodiments already described is provided and the treating surface is placed in contact with a desired area of the skin. The device is activated to create a plurality of perforations in the skin. In many cases, the same area of skin will be treated several times and usually at different time intervals. <i>See also</i> Ganz claim 1, 24. To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
9.1	wherein the electrodes are needles and have a diameter from 0.25 mm to 0.30 mm.	Ganz discloses and/or renders obvious wherein the electrodes are needles and have a diameter from 0.25 mm to 0.30 mm according to the claim. <i>See, e.g.,</i>

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	[0010] “... The electrodes can also have a depth and width for providing perforations being no more than about 2 mm in depth and about 0.5 mm in width. Likewise, the electrodes can have a spacing for providing perforations spaced apart by no more than about 5 mm or less.” [0053] “The width or diameter of each electrode pin can also be varied to provide a perforation having a desired width. For example, the electrodes of FIG. 5 and 6 have a larger width than the electrodes of FIGS. 3 and 4. In most cases, the width of each electrode pin on a particular treating surface will be the same, although this is not necessary. Electrode pins having different widths can be provided. The width of the perforation created will be at least the width of the electrode, and in many cases larger. The width of the perforation created depends not only on the width of the electrode, but also the level of energy discharged form the electrode. When more energy is discharged from the electrode, a larger perforation width and depth is created. Additionally, the width of perforation may be tapered with depth.” [0065] “A freshly exercised pig skin was obtained. A monopolar electrode array was placed upon the skin. The array consisted of two 0.3 mm length needles placed in a row 500 microns apart. The array was hooked up to an electrical generator. A power of 50 watts and an energy of 1 joule were delivered to the electrode array. A 4 mm punch biopsy was taken and process for routine light microscopy. Upon examination of the tissue, both the epidermis and dermis were perforated by two equivalent vertical perforations. The perforations were widest at the top (50 to 100 microns in diameter) and tapered to a point at a depth of 250-300 microns. Throughout the edge of the injury, a 10-50 micron zone of coagulation was also seen.” To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
10.0 The skin treatment apparatus of claim 9,	To the extent the preamble is limiting, Ganz discloses and/or renders obvious a skin treatment apparatus according to the claim. <i>See, e.g.:</i>

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	[0001] “The invention relates to a device and method for treating one or more layers of tissue, for example by simultaneously imparting perforations into the one or more layers. In particular, the invention relates to a device and method for treating one or more layers of the skin to elicit a healing response which produces a more desirable skin appearance.” [0027] A device and method are provided for treating one or more tissue layers by providing a plurality of vertical perforations in a simultaneous fashion. The device does not remove entire layers of tissue, but rather creates perforations in one or more layers. These perforations create holes, which extend vertically into the tissue and across one or more layers. In some cases, the holes extend deep into the tissue across several layers. In other cases, the holes are shallow, and extend across only one or two superficial layers of tissue. As used herein, the term “perforation” means vertical areas of thermal damage or ablation to the tissue causing tissue necrosis. [0063] Methods for vertically treating one or more layers of tissue in a tissue plane are also provided. The method generally includes simultaneously imparting perforations into one or more tissue layers in a tissue plane. In a preferred embodiment, a method is provided for simultaneously imparting perforations into one or more layers of skin. In many cases, skin areas along the face, neck, chest and hands will be treated. The treatment area of the skin is first cleansed using a cleanser, for example a mild, gently abrasive skin cleanser. A topical may then be applied to the treatment area to numb the skin so that a patient will not feel and prickling or heat sensation during treatment. In some cases, the topical will be a lipid based topical anesthetic ointment. A treatment device according to any of the embodiments already described is provided and the treating surface is placed in contact with a desired area of the skin. The device is activated to create a plurality of perforations in the skin. In many cases, the same area of skin will be treated several times and usually at different time intervals. <i>See also</i> Ganz claim 1, 24. To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.

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10.1 wherein the needles have a length from 1 mm to 4 mm.	Ganz discloses and/or renders obvious wherein the electrodes are needles and have a length from between 1 mm to 4 mm according to the claim. <i>See, e.g.,</i> [0010] “In some embodiments, the invention provides a device for creating a pattern of perforations in a tissue. The device comprises a treating surface configured to be positioned in contact with tissue adjacent one or more tissue planes and a plurality of electrodes extending outwardly from the treating surface and adapted for imparting simultaneous perforations into one or more tissue layers, wherein the electrodes are provided in a pattern to impart a corresponding pattern of perforations in the one or more tissue layers. The electrode pattern can be selected to create perforations which are between about 30 to about 100 microns in diameter, up to about 1000 microns deep and spaced apart by between about 50 to about 400 microns. The electrode pattern can also be selected to create a zone of coagulative tissue surrounding each perforation. In some cases, the zone of coagulative tissue has a length of between about 5 microns to about 100 microns. The electrodes can also have a depth and width for providing perforations being no more than about 2 mm in depth and about 0.5 mm in width. Likewise, the electrodes can have a spacing for providing perforations spaced apart by no more than about 5 mm or less.” [0051] “The outer tips of each electrode are designed to be placed into contact with a tissue plane. Energy is delivered to the tip to provide the perforation of tissue. In some cases, when it is desirable to provide a deeper perforation, the electrode pins are placed all the way into the tissue, so that more than one layers of tissue are treated. When it is desirable to provide an even deeper perforation, the electrode pins can be providing having longer lengths, so that the tips are placed even deeper into the tissue layers. The length and width of the electrode pins are variable and can be chosen based on the desired treatment. Again, in preferred embodiments, the electrodes are provided having a length and width which creates perforations having a depth of no more than about 2 mm and a width of no more than about 0.5 mm.” To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge

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	of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
11.0 The skin treatment apparatus of claim 1,	To the extent the preamble is limiting, Ganz discloses and/or renders obvious a skin treatment apparatus according to the claim. <i>See, e.g.:</i> [0001] “The invention relates to a device and method for treating one or more layers of tissue, for example by simultaneously imparting perforations into the one or more layers. In particular, the invention relates to a device and method for treating one or more layers of the skin to elicit a healing response which produces a more desirable skin appearance.” [0027] A device and method are provided for treating one or more tissue layers by providing a plurality of vertical perforations in a simultaneous fashion. The device does not remove entire layers of tissue, but rather creates perforations in one or more layers. These perforations create holes, which extend vertically into the tissue and across one or more layers. In some cases, the holes extend deep into the tissue across several layers. In other cases, the holes are shallow, and extend across only one or two superficial layers of tissue. As used herein, the term “perforation” means vertical areas of thermal damage or ablation to the tissue causing tissue necrosis. [0063] Methods for vertically treating one or more layers of tissue in a tissue plane are also provided. The method generally includes simultaneously imparting perforations into one or more tissue layers in a tissue plane. In a preferred embodiment, a method is provided for simultaneously imparting perforations into one or more layers of skin. In many cases, skin areas along the face, neck, chest and hands will be treated. The treatment area of the skin is first cleansed using a cleanser, for example a mild, gently abrasive skin cleanser. A topical may then be applied to the treatment area to numb the skin so that a patient will not feel and prickling or heat sensation during treatment. In some cases, the topical will be a lipid based topical anesthetic ointment. A treatment device according to any of the embodiments already described is provided and the treating surface is placed in contact with a desired area of the skin. The device is activated to create a plurality of perforations in the skin. In many cases, the same area of skin will be treated several times and usually at different time intervals. <i>See also</i> Ganz claim 1, 24.

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		To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
11.1	wherein the closest neighboring electrodes are separated by a distance of 1.3 mm to 3.0 mm.	The '836 Patent fails support the criticality of the claimed separation distance. Among other things, the specification purports to include a formula for calculating electrode separation distance, but the formula is nonsensical. The claimed separation distances add nothing of patentable significance. Ganz nonetheless discloses and/or renders obvious the closest neighboring electrodes are separated by a distance of 1.3 mm to 3.0 mm according to the claim. <i>See, e.g.,</i> [0052] “The electrodes can also be spaced apart at a desired length so that the perforations in tissue will also be spaced apart at that length. Any length between electrodes is within the scope of the invention. In some cases, each of the electrodes on a treating surface are spaced apart evenly whereas in other cases, some electrodes on a treating surface are space apart at a smaller length than other electrodes. The spacing of the electrodes can be adjusted in order to provide any desired spacing of perforations. With reference to the Figures, the electrodes of FIG. 3 have a larger spacing than the electrodes of FIG. 4. In certain embodiments, electrodes are provided on a treating surface have a spacing of less than about 5 mm, and preferably less than about 2 mm.” <i>See also</i> Ganz claim 6. To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
12.0	The skin treatment apparatus of claim 1,	To the extent the preamble is limiting, Ganz discloses and/or renders obvious a skin treatment apparatus according to the claim. <i>See, e.g.:</i>

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	[0001] “The invention relates to a device and method for treating one or more layers of tissue, for example by simultaneously imparting perforations into the one or more layers. In particular, the invention relates to a device and method for treating one or more layers of the skin to elicit a healing response which produces a more desirable skin appearance.” [0027] A device and method are provided for treating one or more tissue layers by providing a plurality of vertical perforations in a simultaneous fashion. The device does not remove entire layers of tissue, but rather creates perforations in one or more layers. These perforations create holes, which extend vertically into the tissue and across one or more layers. In some cases, the holes extend deep into the tissue across several layers. In other cases, the holes are shallow, and extend across only one or two superficial layers of tissue. As used herein, the term “perforation” means vertical areas of thermal damage or ablation to the tissue causing tissue necrosis. [0063] Methods for vertically treating one or more layers of tissue in a tissue plane are also provided. The method generally includes simultaneously imparting perforations into one or more tissue layers in a tissue plane. In a preferred embodiment, a method is provided for simultaneously imparting perforations into one or more layers of skin. In many cases, skin areas along the face, neck, chest and hands will be treated. The treatment area of the skin is first cleansed using a cleanser, for example a mild, gently abrasive skin cleanser. A topical may then be applied to the treatment area to numb the skin so that a patient will not feel and prickling or heat sensation during treatment. In some cases, the topical will be a lipid based topical anesthetic ointment. A treatment device according to any of the embodiments already described is provided and the treating surface is placed in contact with a desired area of the skin. The device is activated to create a plurality of perforations in the skin. In many cases, the same area of skin will be treated several times and usually at different time intervals. <i>See also</i> Ganz claim 1, 24. To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.

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12.1	wherein the plurality of electrodes are non-insulated.	Ganz discloses and/or renders obvious that the plurality of electrodes are non-insulated according to the claim. <i>See, e.g.,</i> [0056] “In other embodiments, the electrodes are provided as a bipolar electrode arrangement. In bipolar electrode arrangements, both the positive and negative electrodes serve as treating electrodes. In some cases, the bipolar electrodes are biopolar axial interlaced finger electrodes. In embodiments wherein the electrodes are provided as electrode pairs, biopolar electrodes are desirable, with one electrode in the pair being a positive electrode and the other electrode being a negative electrode. The electrodes can be shaped in such a way that the middle portion of distal portion is enlarged in order to create a zone of injury that is greater at the distal end compared to the proximal end. The base of the treatment pad or treating surface and various portions of the proximal electrodes can also be insulated in order to limit the coagulation injury to the distal end of the electrode as well.” To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
13.0	The skin treatment apparatus of claim 1,	To the extent the preamble is limiting, Ganz discloses and/or renders obvious a skin treatment apparatus according to the claim. <i>See, e.g.:</i> [0001] “The invention relates to a device and method for treating one or more layers of tissue, for example by simultaneously imparting perforations into the one or more layers. In particular, the invention relates to a device and method for treating one or more layers of the skin to elicit a healing response which produces a more desirable skin appearance.” [0027] A device and method are provided for treating one or more tissue layers by providing a plurality of vertical perforations in a simultaneous fashion. The device does not remove entire layers of tissue, but rather creates perforations in one or more layers. These perforations create holes, which extend vertically into the tissue and across one or more layers. In some cases, the holes extend

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	deep into the tissue across several layers. In other cases, the holes are shallow, and extend across only one or two superficial layers of tissue. As used herein, the term “perforation” means vertical areas of thermal damage or ablation to the tissue causing tissue necrosis. [0063] Methods for vertically treating one or more layers of tissue in a tissue plane are also provided. The method generally includes simultaneously imparting perforations into one or more tissue layers in a tissue plane. In a preferred embodiment, a method is provided for simultaneously imparting perforations into one or more layers of skin. In many cases, skin areas along the face, neck, chest and hands will be treated. The treatment area of the skin is first cleansed using a cleanser, for example a mild, gently abrasive skin cleanser. A topical may then be applied to the treatment area to numb the skin so that a patient will not feel and prickling or heat sensation during treatment. In some cases, the topical will be a lipid based topical anesthetic ointment. A treatment device according to any of the embodiments already described is provided and the treating surface is placed in contact with a desired area of the skin. The device is activated to create a plurality of perforations in the skin. In many cases, the same area of skin will be treated several times and usually at different time intervals. <i>See also</i> Ganz claim 1, 24. To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
13.1 wherein each electrode of the plurality of electrodes is insulated except at its tip.	Ganz discloses and/or renders obvious wherein each electrode of the plurality of electrodes is insulated except at its tip according to the claim. <i>See, e.g.,</i> [0056] “In other embodiments, the electrodes are provided as a bipolar electrode arrangement. In bipolar electrode arrangements, both the positive and negative electrodes serve as treating electrodes. In some cases, the bipolar electrodes are bipolar axial interlaced finger electrodes. In embodiments wherein the electrodes are provided as electrode pairs, bipolar electrodes are desirable, with one electrode in the pair being a positive electrode and the other electrode being a

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	negative electrode. The electrodes can be shaped in such a way that the middle portion of distal portion is enlarged in order to create a zone of injury that is greater at the distal end compared to the proximal end. The base of the treatment pad or treating surface and various portions of the proximal electrodes can also be insulated in order to limit the coagulation injury to the distal end of the electrode as well.” To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
14.0 A method of treating skin, comprising:	See claim element 1.0, above. To the extent the preamble is limiting, Ganz discloses a method of treating skin according to the claim. See, e.g., [0001] “The invention relates to a device and method for treating one or more layers of tissue, for example by simultaneously imparting perforations into the one or more layers. In particular, the invention relates to a device and method for treating one or more layers of the skin to elicit a healing response which produces a more desirable skin appearance.” [0029] “The device and method also allow for controlled placement of perforations having a predetermined depth, width and degree of separation. Such perforations are so small that they cannot be seen with the naked eye. The treatment device is advantageous because it creates several perforations simultaneously with one or a few discharges of energy.” [0030] “Many conditions can be treated by imparting a plurality of vertical perforations into tissue. In most cases, skin conditions are treated by creating perforations into the skin. For example, the device can be used on skin areas suffering from photo-aging or sun-damage. The device can also be used on skin areas exhibiting acne scars, burn scars, erythema, fine lines, wrinkles, irregular pigmentations, precancerous or cancerous lesions or other irregular conditions. The creation of perforations in the skin helps to revitalize or rejuvenate these irregular areas to make them more

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	desirable in appearance. The zones of coagulation created in the tissue area surrounding each perforation also help to revitalize and rejuvenate skin.” [0033] “The treatment device includes a treating surface, which is adapted to be placed in direct contact with a tissue adjacent a tissue plane to be treated. The treating surface is generally positioned adjacent to a tissue plane of the tissue to be treated. One or more layers of the tissue in the tissue plane can be treated. In some cases, it is desirable to only treat the outermost layer of tissue, while leaving the deeper layers untreated. In other cases, it is desirable to treat the deeper layers of tissue as well. The tissue to be treated can include almost any tissue. In some cases, the tissue includes one or more layers of organ tissue. In other cases, the tissue includes one or more layers of skin.” [0063] Methods for vertically treating one or more layers of tissue in a tissue plane are also provided. The method generally includes simultaneously imparting perforations into one or more tissue layers in a tissue plane. In a preferred embodiment, a method is provided for simultaneously imparting perforations into one or more layers of skin. In many cases, skin areas along the face, neck, chest and hands will be treated. The treatment area of the skin is first cleansed using a cleanser, for example a mild, gently abrasive skin cleanser. A topical may then be applied to the treatment area to numb the skin so that a patient will not feel and prickling or heat sensation during treatment. In some cases, the topical will be a lipid based topical anesthetic ointment. A treatment device according to any of the embodiments already described is provided and the treating surface is placed in contact with a desired area of the skin. The device is activated to create a plurality of perforations in the skin. In many cases, the same area of skin will be treated several times and usually at different time intervals. <i>See also</i> Ganz claim 24. To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.

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14.1 inserting a plurality of electrodes,	Ganz discloses and/or renders obvious inserting a plurality of electrodes. <i>See, e.g.,</i> [0010] “In some embodiments, the invention provides a device for creating a pattern of perforations in a tissue. The device comprises a treating surface configured to be positioned in contact with tissue adjacent one or more tissue planes and a plurality of electrodes extending outwardly from the treating surface and adapted for imparting simultaneous perforations into one or more tissue layers, wherein the electrodes are provided in a pattern to impart a corresponding pattern of perforations in the one or more tissue layers.” [0043] “The treating surface generally includes a plurality of electrodes positioned about at least a portion of its circumference so that the electrodes come into contact with the tissue. The electrodes can be provided about the entire surface of the treating surface or about a portion of the surface. The areas of tissue in contact with the electrodes are those areas which are perforated.” [0001] “The invention relates to a device and method for treating one or more layers of tissue, for example by simultaneously imparting perforations into the one or more layers. In particular, the invention relates to a device and method for treating one or more layers of the skin to elicit a healing response which produces a more desirable skin appearance.” [0010] In some embodiments, the invention provides a device for creating a pattern of perforations in a tissue. The device comprises a treating surface configured to be positioned in contact with tissue adjacent one or more tissue planes and a plurality of electrodes extending outwardly from the treating surface and adapted for imparting simultaneous perforations into one or more tissue layers, wherein the electrodes are provided in a pattern to impart a corresponding pattern of perforations in the one or more tissue layers. The electrode pattern can be selected to create perforations which are between about 30 to about 100 microns in diameter, up to about 1000 microns deep and spaced apart by between about 50 to about 400 microns. The electrode pattern can also be selected to create a zone of coagulative tissue surrounding each perforation. In some cases, the zone of coagulative tissue has a length of between about 5 microns to about 100 microns. The electrodes can also have a depth and width for providing perforations being no more than about 2 mm in depth and about 0.5 mm in width. Likewise, the electrodes can have a spacing for providing perforations spaced apart by no more than about 5 mm or less.

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	[0011] “The device also includes an energy source coupled to the plurality of electrodes, the energy source configured to deliver energy selected from the group consisting of radio frequency, non-ionizing ultraviolet radiation, or microwave radiation. A control device may also be coupled to the energy source. In preferred cases, the electrodes are RF electrodes and are configured for receiving RF energy. The electrodes can be provided as a plurality of electrode pairs or even as an array of electrodes. In some cases, the electrodes are monopolar electrodes whereas in other cases the electrodes are bipolar electrodes.” [0016] “A method for treating human skin is also provided. The method includes identifying a target area of skin, providing a device adapted to simultaneously create a desired pattern of perforations into one or more layers of the target area of skin, and simultaneously perforating the target area to provide the desired pattern of perforations which elicit a healing response that produces a revitalized skin surface.” [0056] “In other embodiments, the electrodes are provided as a bipolar electrode arrangement. In bipolar electrode arrangements, both the positive and negative electrodes serve as treating electrodes. In some cases, the bipolar electrodes are biopolar[sic] axial interlaced finger electrodes. In embodiments wherein the electrodes are provided as electrode pairs, biopolar[sic] electrodes are desirable, with one electrode in the pair being a positive electrode and the other electrode being a negative electrode. The electrodes can be shaped in such a way that the middle portion of distal portion is enlarged in order to create a zone of injury that is greater at the distal end compared to the proximal end. The base of the treatment pad or treating surface and various portions of the proximal electrodes can also be insulated in order to limit the coagulation injury to the distal end of the electrode as well.” [0063] Methods for vertically treating one or more layers of tissue in a tissue plane are also provided. The method generally includes simultaneously imparting perforations into one or more tissue layers in a tissue plane. In a preferred embodiment, a method is provided for simultaneously imparting perforations into one or more layers of skin. In many cases, skin areas along the face, neck, chest and hands will be treated. The treatment area of the skin is first cleansed using a cleanser, for example a mild, gently abrasive skin cleanser. A topical may then be applied to the

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	treatment area to numb the skin so that a patient will not feel and prickling or heat sensation during treatment. In some cases, the topical will be a lipid based topical anesthetic ointment. A treatment device according to any of the embodiments already described is provided and the treating surface is placed in contact with a desired area of the skin. The device is activated to create a plurality of perforations in the skin. In many cases, the same area of skin will be treated several times and usually at different time intervals. <i>See also</i> Ganz claims 11, 13. To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
14.2 the electrodes being bipolar into a section of skin to be treated; and	<i>See</i> claim elements 1.1-1.2, above. Ganz discloses and/or renders obvious a plurality of electrodes, the electrodes being bipolar into a section of skin to be treated according to the claim. <i>See, e.g.,</i> [0010] “In some embodiments, the invention provides a device for creating a pattern of perforations in a tissue. The device comprises a treating surface configured to be positioned in contact with tissue adjacent one or more tissue planes and a plurality of electrodes extending outwardly from the treating surface and adapted for imparting simultaneous perforations into one or more tissue layers, wherein the electrodes are provided in a pattern to impart a corresponding pattern of perforations in the one or more tissue layers.” [0043] “The treating surface generally includes a plurality of electrodes positioned about at least a portion of its circumference so that the electrodes come into contact with the tissue. The electrodes can be provided about the entire surface of the treating surface or about a portion of the surface. The areas of tissue in contact with the electrodes are those areas which are perforated.”

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	[0001] “The invention relates to a device and method for treating one or more layers of tissue, for example by simultaneously imparting perforations into the one or more layers. In particular, the invention relates to a device and method for treating one or more layers of the skin to elicit a healing response which produces a more desirable skin appearance.” [0010] In some embodiments, the invention provides a device for creating a pattern of perforations in a tissue. The device comprises a treating surface configured to be positioned in contact with tissue adjacent one or more tissue planes and a plurality of electrodes extending outwardly from the treating surface and adapted for imparting simultaneous perforations into one or more tissue layers, wherein the electrodes are provided in a pattern to impart a corresponding pattern of perforations in the one or more tissue layers. The electrode pattern can be selected to create perforations which are between about 30 to about 100 microns in diameter, up to about 1000 microns deep and spaced apart by between about 50 to about 400 microns. The electrode pattern can also be selected to create a zone of coagulative tissue surrounding each perforation. In some cases, the zone of coagulative tissue has a length of between about 5 microns to about 100 microns. The electrodes can also have a depth and width for providing perforations being no more than about 2 mm in depth and about 0.5 mm in width. Likewise, the electrodes can have a spacing for providing perforations spaced apart by no more than about 5 mm or less. [0011] “The device also includes an energy source coupled to the plurality of electrodes, the energy source configured to deliver energy selected from the group consisting of radio frequency, non-ionizing ultraviolet radiation, or microwave radiation. A control device may also be coupled to the energy source. In preferred cases, the electrodes are RF electrodes and are configured for receiving RF energy. The electrodes can be provided as a plurality of electrode pairs or even as an array of electrodes. In some cases, the electrodes are monopolar electrodes whereas in other cases the electrodes are bipolar electrodes.” [0016] “A method for treating human skin is also provided. The method includes identifying a target area of skin, providing a device adapted to simultaneously create a desired pattern of perforations into one or more layers of the target area of skin, and simultaneously perforating the target area to provide the desired pattern of perforations which elicit a healing response that produces a revitalized skin surface.”

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	[0056] “In other embodiments, the electrodes are provided as a bipolar electrode arrangement. In bipolar electrode arrangements, both the positive and negative electrodes serve as treating electrodes. In some cases, the bipolar electrodes are biopolar[sic] axial interlaced finger electrodes. In embodiments wherein the electrodes are provided as electrode pairs, biopolar[sic] electrodes are desirable, with one electrode in the pair being a positive electrode and the other electrode being a negative electrode. The electrodes can be shaped in such a way that the middle portion of distal portion is enlarged in order to create a zone of injury that is greater at the distal end compared to the proximal end. The base of the treatment pad or treating surface and various portions of the proximal electrodes can also be insulated in order to limit the coagulation injury to the distal end of the electrode as well.” [0063] Methods for vertically treating one or more layers of tissue in a tissue plane are also provided. The method generally includes simultaneously imparting perforations into one or more tissue layers in a tissue plane. In a preferred embodiment, a method is provided for simultaneously imparting perforations into one or more layers of skin. In many cases, skin areas along the face, neck, chest and hands will be treated. The treatment area of the skin is first cleansed using a cleanser, for example a mild, gently abrasive skin cleanser. A topical may then be applied to the treatment area to numb the skin so that a patient will not feel and prickling or heat sensation during treatment. In some cases, the topical will be a lipid based topical anesthetic ointment. A treatment device according to any of the embodiments already described is provided and the treating surface is placed in contact with a desired area of the skin. The device is activated to create a plurality of perforations in the skin. In many cases, the same area of skin will be treated several times and usually at different time intervals. <i>See also</i> Ganz claims 11, 13. To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.

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14.3 applying a [sic] Alternating Current (AC) Radio Frequency (RF) signal to the plurality of electrodes	Ganz discloses and/or renders applying an Alternating Current (AC) Radio Frequency (RF) signal to the plurality of electrodes according to the claim. <i>See, e.g.,</i> [0011] “The device also includes an energy source coupled to the plurality of electrodes, the energy source configured to deliver energy selected from the group consisting of radio frequency, non-ionizing ultraviolet radiation, or microwave radiation. A control device may also be coupled to the energy source. In preferred cases, the electrodes are RF electrodes and are configured for receiving RF energy. The electrodes can be provided as a plurality of electrode pairs or even as an array of electrodes. In some cases, the electrodes are monopolar electrodes whereas in other cases the electrodes are bipolar electrodes.” [0057] “The treatment device also includes an energy source coupled to the electrodes for delivering energy to the electrodes. The energy delivery device can deliver a variety of different types of energy including but not limited to, radio frequency energy, non-ionizing ultraviolet radiation and microwave radiation. In some cases, the electrodes are configured to provide power in the range of about 50 to about 200 watts per square centimeter. In other cases, the electrodes are configured to provide an energy of at least about 1 joules per square centimeter.” [0058] “In preferred embodiments, the electrodes are configured as RF electrodes and RF energy is delivered to the electrodes. RF energy is particularly desirable for creating perforations of tissue since it does not cause the entire area of tissue being treated to heat up extensively. Rather, RF energy can penetrate the body and be absorbed by deeper tissues without heating up the surrounding tissues. Thus, a boundary is created between the treated tissue and those tissues surrounding the treated tissue. RF energy is also desirable since it is safe to use on tissues in areas near sensitive body parts, e.g., areas of skin near the eyes.” [0059] The energy source is configured for powering the electrodes at levels appropriate to provide a desired diameter and depth of perforation of tissue. The energy source may be manually controlled by the user and be adapted to allow the user to select the appropriate treatment time and power setting to obtain a controlled depth and/or width of perforation. The energy source can also be coupled to a controller, which may be a digital or analog controller for use with the energy source,

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	including but not limited to an RF source, or a computer with software. When the computer controller is used it can include a CPU coupled through a system bus. The system may include a keyboard, a disk drive, or other non-volatile memory system, a display and other peripherals known in the art. A program memory and a data memory can also be coupled to the bus. The energy source can be positioned at different positions in proximity to the treatment device. <i>See also</i> Ganz claims 7-8. Further, it was well-known in the art that a radio frequency signal is generated from alternating current (AC). <i>Radiofrequency Catheter Ablation for Cardiac Tachyarrhythmias</i>, Manolis, A.S., et al., Ann Intern Med. (1994) 121:452-461 at 452 (“Radiofrequency energy is a form of electrical energy, generated from low-power (15 to 60 V), high-frequency (30 KHz to 300 MHz) alternating current.”). To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
14.4 configured to cause coagulation around each electrode rather than coagulating between the electrodes.	<i>See</i> claim element 1.4, above. Ganz discloses and/or renders obvious a method...configured to cause coagulation around each electrode rather than coagulating between the electrodes according to the claim. <i>See, e.g.,</i> [0006] “Certain methods have been developed to treat one or more layers of skin without removing entire layers of tissue. One example of device which treats tissue in this manner is the FRAXEL infrared scanning laser. This device uses a scanner to direct a small 10-70 micron diameter laser beam across the tissue surface in order to create small vertical zones of coagulated tissue. One drawback with the FRAXEL laser is that the laser does not create perforations or vertical holes in the tissue, but only causes zones of coagulation. Applicant has discovered that it is desirable to create

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	vertical perforations or ablation holes in tissue, as this prompts an even more aggressive wound healing response than is currently seen. When perforations are created, tissue layers surrounding the perforations are left untreated and contribute to tissue regeneration. Thus, the treated tissue can heal and regenerate from all edges of the perforation wound, not just from the tissue areas underneath the wound. Perforations allow for a faster regeneration and healing time. The use of perforations are also advantageous in that by leaving zones of untreated tissue in between the perforations, less scarring and/or pigmentations are visible. Thus, there is a need for a device and method which imparts actual perforations into the skin, thereby promoting more aggressive healing.” [0010] “In some embodiments, the invention provides a device for creating a pattern of perforations in a tissue. The device comprises a treating surface configured to be positioned in contact with tissue adjacent one or more tissue planes and a plurality of electrodes extending outwardly from the treating surface and adapted for imparting simultaneous perforations into one or more tissue layers, wherein the electrodes are provided in a pattern to impart a corresponding pattern of perforations in the one or more tissue layers. The electrode pattern can be selected to create perforations which are between about 30 to about 100 microns in diameter, up to about 1000 microns deep and spaced apart by between about 50 to about 400 microns. The electrode pattern can also be selected to create a zone of coagulative tissue surrounding each perforation. In some cases, the zone of coagulative tissue has a length of between about about[sic] 5 microns to about 100 microns. The electrodes can also have a depth and width for providing perforations being no more than about 2 mm in depth and about 0.5 mm in width. Likewise, the electrodes can have a spacing for providing perforations spaced apart by no more than about 5 mm or less.” [0048] Zones of coagulation are also created in areas of tissue surrounding each perforation. The zones can extend from the perforation site into the tissue for a length ranging from about 5 microns to about 100 microns. The zone of coagulation can be varied by changes in energy and power levels. [0056] In other embodiments, the electrodes are provided as a bipolar electrode arrangement. In bipolar electrode arrangements, both the positive and negative electrodes serve as treating electrodes. In some cases, the bipolar electrodes are bipolar axial interlaced finger electrodes. In embodiments wherein the electrodes are provided as electrode pairs, bipolar electrodes are

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		desirable, with one electrode in the pair being a positive electrode and the other electrode being a negative electrode. The electrodes can be shaped in such a way that the middle portion of distal portion is enlarged in order to create a zone of injury that is greater at the distal end compared to the proximal end. The base of the treatment pad or treating surface and various portions of the proximal electrodes can also be insulated in order to limit the coagulation injury to the distal end of the electrode as well. [0058] “In preferred embodiments, the electrodes are configured as RF electrodes and RF energy is delivered to the electrodes. RF energy is particularly desirable for creating perforations of tissue since it does not cause the entire area of tissue being treated to heat up extensively. Rather, RF energy can penetrate the body and be absorbed by deeper tissues without heating up the surrounding tissues. Thus, a boundary is created between the treated tissue and those tissues surrounding the treated tissue. RF energy is also desirable since it is safe to use on tissues in areas near sensitive body parts, e.g., areas of skin near the eyes.”

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	A black and white micrograph of skin tissue. A vertical perforation, labeled with the number 4 and an arrow, extends from the surface into the underlying tissue. Surrounding this perforation are irregular, darker, textured regions labeled with the number 2 and an arrow, representing areas of coagulation. A small horizontal scale bar is visible in the bottom right corner of the image. [0028] “... FIG. 9 illustrates a skin area treated in accordance with the invention. The treated area 4 is clearly a perforation, which extends vertically into the skin. Areas or zones of coagulation 2 can also be seen in the areas surrounding the perforation.” <i>See also</i> Ganz claims 1-3. To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.

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16.0 The method of treating skin of claim 15,	<i>See</i> claim elements 1.0 and 14.0, above. To the extent the preamble is limiting, Ganz discloses a method of treating skin according to the claim. <i>See, e.g.,</i> [0001] “The invention relates to a device and method for treating one or more layers of tissue, for example by simultaneously imparting perforations into the one or more layers. In particular, the invention relates to a device and method for treating one or more layers of the skin to elicit a healing response which produces a more desirable skin appearance.” [0029] “The device and method also allow for controlled placement of perforations having a predetermined depth, width and degree of separation. Such perforations are so small that they cannot be seen with the naked eye. The treatment device is advantageous because it creates several perforations simultaneously with one or a few discharges of energy.” [0030] “Many conditions can be treated by imparting a plurality of vertical perforations into tissue. In most cases, skin conditions are treated by creating perforations into the skin. For example, the device can be used on skin areas suffering from photo-aging or sun-damage. The device can also be used on skin areas exhibiting acne scars, burn scars, erythema, fine lines, wrinkles, irregular pigmentations, precancerous or cancerous lesions or other irregular conditions. The creation of perforations in the skin helps to revitalize or rejuvenate these irregular areas to make them more desirable in appearance. The zones of coagulation created in the tissue area surrounding each perforation also help to revitalize and rejuvenate skin.” [0033] “The treatment device includes a treating surface, which is adapted to be placed in direct contact with a tissue adjacent a tissue plane to be treated. The treating surface is generally positioned adjacent to a tissue plane of the tissue to be treated. One or more layers of the tissue in the tissue plane can be treated. In some cases, it is desirable to only treat the outermost layer of tissue, while leaving the deeper layers untreated. In other cases, it is desirable to treat the deeper layers of tissue as well. The tissue to be treated can include almost any tissue. In some cases, the tissue includes one or more layers of organ tissue. In other cases, the tissue includes one or more layers of skin.”

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	[0063] Methods for vertically treating one or more layers of tissue in a tissue plane are also provided. The method generally includes simultaneously imparting perforations into one or more tissue layers in a tissue plane. In a preferred embodiment, a method is provided for simultaneously imparting perforations into one or more layers of skin. In many cases, skin areas along the face, neck, chest and hands will be treated. The treatment area of the skin is first cleansed using a cleanser, for example a mild, gently abrasive skin cleanser. A topical may then be applied to the treatment area to numb the skin so that a patient will not feel and prickling or heat sensation during treatment. In some cases, the topical will be a lipid based topical anesthetic ointment. A treatment device according to any of the embodiments already described is provided and the treating surface is placed in contact with a desired area of the skin. The device is activated to create a plurality of perforations in the skin. In many cases, the same area of skin will be treated several times and usually at different time intervals. <i>See also</i> Ganz claim 24. To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
16.1 [from claim 15] including providing an AC RF signal to the plurality of electrodes for a predetermined time interval[,]	Ganz discloses and/or renders obvious providing an AC RF signal to the plurality of electrodes for a predetermined time interval, as claimed. <i>See, e.g.,</i> [0011] “The device also includes an energy source coupled to the plurality of electrodes, the energy source configured to deliver energy selected from the group consisting of radio frequency, non-ionizing ultraviolet radiation, or microwave radiation. A control device may also be coupled to the energy source. In preferred cases, the electrodes are RF electrodes and are configured for receiving RF energy. The electrodes can be provided as a plurality of electrode pairs or even as an array of electrodes. In some cases, the electrodes are monopolar electrodes whereas in other cases the electrodes are bipolar electrodes.”

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	[0048] Zones of coagulation are also created in areas of tissue surrounding each perforation. The zones can extend from the perforation site into the tissue for a length ranging from about 5 microns to about 100 microns. The zone of coagulation can be varied by changes in energy and power levels. [0057] “The treatment device also includes an energy source coupled to the electrodes for delivering energy to the electrodes. The energy delivery device can deliver a variety of different types of energy including but not limited to, radio frequency energy, non-ionizing ultraviolet radiation and microwave radiation. In some cases, the electrodes are configured to provide power in the range of about 50 to about 200 watts per square centimeter. In other cases, the electrodes are configured to provide an energy of at least about 1 joules per square centimeter.” [0058] “In preferred embodiments, the electrodes are configured as RF electrodes and RF energy is delivered to the electrodes. RF energy is particularly desirable for creating perforations of tissue since it does not cause the entire area of tissue being treated to heat up extensively. Rather, RF energy can penetrate the body and be absorbed by deeper tissues without heating up the surrounding tissues. Thus, a boundary is created between the treated tissue and those tissues surrounding the treated tissue. RF energy is also desirable since it is safe to use on tissues in areas near sensitive body parts, e.g., areas of skin near the eyes.” [0059] The energy source is configured for powering the electrodes at levels appropriate to provide a desired diameter and depth of perforation of tissue. The energy source may be manually controlled by the user and be adapted to allow the user to select the appropriate treatment time and power setting to obtain a controlled depth and/or width of perforation. The energy source can also be coupled to a controller, which may be a digital or analog controller for use with the energy source, including but not limited to an RF source, or a computer with software. When the computer controller is used it can include a CPU coupled through a system bus. The system may include a keyboard, a disk drive, or other non-volatile memory system, a display and other peripherals known in the art. A program memory and a data memory can also be coupled to the bus. The energy source can be positioned at different positions in proximity to the treatment device. <i>See also</i> Ganz claims 7-8.

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		To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
16.2	wherein the predetermined time interval is from 0.05 to 0.8 seconds.	Ganz discloses and/or renders obvious wherein the predetermined time interval is from 0.05 to 0.8 seconds according to the claim. <i>See, e.g.,</i> [0011] “The device also includes an energy source coupled to the plurality of electrodes, the energy source configured to deliver energy selected from the group consisting of radio frequency, non-ionizing ultraviolet radiation, or microwave radiation. A control device may also be coupled to the energy source. In preferred cases, the electrodes are RF electrodes and are configured for receiving RF energy. The electrodes can be provided as a plurality of electrode pairs or even as an array of electrodes. In some cases, the electrodes are monopolar electrodes whereas in other cases the electrodes are bipolar electrodes.” [0057] “The treatment device also includes an energy source coupled to the electrodes for delivering energy to the electrodes. The energy delivery device can deliver a variety of different types of energy including but not limited to, radio frequency energy, non-ionizing ultraviolet radiation and microwave radiation. In some cases, the electrodes are configured to provide power in the range of about 50 to about 200 watts per square centimeter. In other cases, the electrodes are configured to provide an energy of at least about 1 joules per square centimeter.” [0058] “In preferred embodiments, the electrodes are configured as RF electrodes and RF energy is delivered to the electrodes. RF energy is particularly desirable for creating perforations of tissue since it does not cause the entire area of tissue being treated to heat up extensively. Rather, RF energy can penetrate the body and be absorbed by deeper tissues without heating up the surrounding tissues. Thus, a boundary is created between the treated tissue and those tissues surrounding the treated tissue. RF energy is also desirable since it is safe to use on tissues in areas near sensitive body parts, e.g., areas of skin near the eyes.”

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	[0059] “The energy source is configured for powering the electrodes at levels appropriate to provide a desired diameter and depth of perforation of tissue. The energy source may be manually controlled by the user and be adapted to allow the user to select the appropriate treatment time and power setting to obtain a controlled depth and/or width of perforation. The energy source can also be coupled to a controller, which may be a digital or analog controller for use with the energy source, including but not limited to an RF source, or a computer with software. When the computer controller is used it can include a CPU coupled through a system bus. The system may include a keyboard, a disk drive, or other non-volatile memory system, a display and other peripherals known in the art. A program memory and a data memory can also be coupled to the bus. The energy source can be positioned at different positions in proximity to the treatment device.” To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
17.0 The method of treating skin of claim 15,	See claim elements 1.0 and 14.0, above. To the extent the preamble is limiting, Ganz discloses a method of treating skin according to the claim. See, e.g., [0001] “The invention relates to a device and method for treating one or more layers of tissue, for example by simultaneously imparting perforations into the one or more layers. In particular, the invention relates to a device and method for treating one or more layers of the skin to elicit a healing response which produces a more desirable skin appearance.” [0029] “The device and method also allow for controlled placement of perforations having a predetermined depth, width and degree of separation. Such perforations are so small that they cannot be seen with the naked eye. The treatment device is advantageous because it creates several perforations simultaneously with one or a few discharges of energy.”

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	[0030] “Many conditions can be treated by imparting a plurality of vertical perforations into tissue. In most cases, skin conditions are treated by creating perforations into the skin. For example, the device can be used on skin areas suffering from photo-aging or sun-damage. The device can also be used on skin areas exhibiting acne scars, burn scars, erythema, fine lines, wrinkles, irregular pigmentations, precancerous or cancerous lesions or other irregular conditions. The creation of perforations in the skin helps to revitalize or rejuvenate these irregular areas to make them more desirable in appearance. The zones of coagulation created in the tissue area surrounding each perforation also help to revitalize and rejuvenate skin.” [0033] “The treatment device includes a treating surface, which is adapted to be placed in direct contact with a tissue adjacent a tissue plane to be treated. The treating surface is generally positioned adjacent to a tissue plane of the tissue to be treated. One or more layers of the tissue in the tissue plane can be treated. In some cases, it is desirable to only treat the outermost layer of tissue, while leaving the deeper layers untreated. In other cases, it is desirable to treat the deeper layers of tissue as well. The tissue to be treated can include almost any tissue. In some cases, the tissue includes one or more layers of organ tissue. In other cases, the tissue includes one or more layers of skin.” [0063] Methods for vertically treating one or more layers of tissue in a tissue plane are also provided. The method generally includes simultaneously imparting perforations into one or more tissue layers in a tissue plane. In a preferred embodiment, a method is provided for simultaneously imparting perforations into one or more layers of skin. In many cases, skin areas along the face, neck, chest and hands will be treated. The treatment area of the skin is first cleansed using a cleanser, for example a mild, gently abrasive skin cleanser. A topical may then be applied to the treatment area to numb the skin so that a patient will not feel and prickling or heat sensation during treatment. In some cases, the topical will be a lipid based topical anesthetic ointment. A treatment device according to any of the embodiments already described is provided and the treating surface is placed in contact with a desired area of the skin. The device is activated to create a plurality of perforations in the skin. In many cases, the same area of skin will be treated several times and usually at different time intervals. <i>See also</i> Ganz claim 24.

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	To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
17.1 [from claim 15] including providing an AC RF signal to the plurality of electrodes for a predetermined time interval[,]	Ganz discloses and/or renders obvious providing an AC RF signal to the plurality of electrodes for a predetermined time interval, as claimed. <i>See, e.g.,</i> [0011] “The device also includes an energy source coupled to the plurality of electrodes, the energy source configured to deliver energy selected from the group consisting of radio frequency, non-ionizing ultraviolet radiation, or microwave radiation. A control device may also be coupled to the energy source. In preferred cases, the electrodes are RF electrodes and are configured for receiving RF energy. The electrodes can be provided as a plurality of electrode pairs or even as an array of electrodes. In some cases, the electrodes are monopolar electrodes whereas in other cases the electrodes are bipolar electrodes.” [0048] Zones of coagulation are also created in areas of tissue surrounding each perforation. The zones can extend from the perforation site into the tissue for a length ranging from about 5 microns to about 100 microns. The zone of coagulation can be varied by changes in energy and power levels. [0057] “The treatment device also includes an energy source coupled to the electrodes for delivering energy to the electrodes. The energy delivery device can deliver a variety of different types of energy including but not limited to, radio frequency energy, non-ionizing ultraviolet radiation and microwave radiation. In some cases, the electrodes are configured to provide power in the range of about 50 to about 200 watts per square centimeter. In other cases, the electrodes are configured to provide an energy of at least about 1 joules per square centimeter.” [0058] “In preferred embodiments, the electrodes are configured as RF electrodes and RF energy is delivered to the electrodes. RF energy is particularly desirable for creating perforations of tissue since it does not cause the entire area of tissue being treated to heat up extensively. Rather, RF energy can penetrate the body and be absorbed by deeper tissues without heating up the surrounding tissues. Thus, a boundary is created between the treated tissue and those tissues surrounding the

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	treated tissue. RF energy is also desirable since it is safe to use on tissues in areas near sensitive body parts, e.g., areas of skin near the eyes.” [0059] The energy source is configured for powering the electrodes at levels appropriate to provide a desired diameter and depth of perforation of tissue. The energy source may be manually controlled by the user and be adapted to allow the user to select the appropriate treatment time and power setting to obtain a controlled depth and/or width of perforation. The energy source can also be coupled to a controller, which may be a digital or analog controller for use with the energy source, including but not limited to an RF source, or a computer with software. When the computer controller is used it can include a CPU coupled through a system bus. The system may include a keyboard, a disk drive, or other non-volatile memory system, a display and other peripherals known in the art. A program memory and a data memory can also be coupled to the bus. The energy source can be positioned at different positions in proximity to the treatment device. <i>See also</i> Ganz claims 7-8. To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
17.2 wherein the skin segment to be treated is skin dermis	Ganz discloses and/or renders obvious wherein the skin segment to be treated is skin dermis according to the claim. <i>See, e.g.,</i> [0036] “Glycosaminoglycans are very hydrophilic, and increased amounts of these carbohydrates are associated with the increased skin vigor found in youthful skin. One major difference between the smooth, supple skin of newborns and the drier, thinned skin of older individuals is the far greater relative amount of glycosaminoglycans found in newborn skin. The glycosaminoglycans found in newborns can bind up to 1000 times their weight in water. As the skin ages and the amount of glycosaminoglycans decreases, the skin may become less hydrated and lose some of the suppleness found in youth. The treatment device can be used to create perforations and zones of coagulation across both the epidermis and dermis to activate fibroblasts which deposit increased amounts of

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	extracellular matrix constituents (i.e., collagen and glycosaminoglycans). These increases in extracellular matrix constituents are responsible for dermal skin rejuvenation.” [0059] “The energy source is configured for powering the electrodes at levels appropriate to provide a desired diameter and depth of perforation of tissue. The energy source may be manually controlled by the user and be adapted to allow the user to select the appropriate treatment time and power setting to obtain a controlled depth and/or width of perforation. The energy source can also be coupled to a controller, which may be a digital or analog controller for use with the energy source, including but not limited to an RF source, or a computer with software. When the computer controller is used it can include a CPU coupled through a system bus. The system may include a keyboard, a disk drive, or other non-volatile memory system, a display and other peripherals known in the art. A program memory and a data memory can also be coupled to the bus. The energy source can be positioned at different positions in proximity to the treatment device.” [0063] “Methods for vertically treating one or more layers of tissue in a tissue plane are also provided. The method generally includes simultaneously imparting perforations into one or more tissue layers in a tissue plane. In a preferred embodiment, a method is provided for simultaneously imparting perforations into one or more layers of skin. In many cases, skin areas along the face, neck, chest and hands will be treated. The treatment area of the skin is first cleansed using a cleanser, for example a mild, gently abrasive skin cleanser. A topical may then be applied to the treatment area to numb the skin so that a patient will not feel and prickling or heat sensation during treatment. In some cases, the topical will be a lipid based topical anesthetic ointment. A treatment device according to any of the embodiments already described is provided and the treating surface is placed in contact with a desired area of the skin. The device is activated to create a plurality of perforations in the skin. In many cases, the same area of skin will be treated several times and usually at different time intervals.” To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.

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17.3 and each electrode of the plurality of electrodes has a length sufficient to reach skin dermis when inserted into skin	Ganz discloses and/or renders obvious wherein each electrode of the plurality of electrodes has a length sufficient to reach skin dermis when inserted into skin. <i>See, e.g.,</i> [0036] “Glycosaminoglycans are very hydrophilic, and increased amounts of these carbohydrates are associated with the increased skin vigor found in youthful skin. One major difference between the smooth, supple skin of newborns and the drier, thinned skin of older individuals is the far greater relative amount of glycosaminoglycans found in newborn skin. The glycosaminoglycans found in newborns can bind up to 1000 times their weight in water. As the skin ages and the amount of glycosaminoglycans decreases, the skin may become less hydrated and lose some of the suppleness found in youth. The treatment device can be used to create perforations and zones of coagulation across both the epidermis and dermis to activate fibroblasts which deposit increased amounts of extracellular matrix constituents (i.e., collagen and glycosaminoglycans). These increases in extracellular matrix constituents are responsible for dermal skin rejuvenation.” [0050] “In some cases, the electrodes are arranged in an orderly pattern. FIGS. 4-7 illustrate electrodes 25 provided in various electrode patterns and positioned on a portion of the treating surface 20. Each of the FIGS. 4-7 illustrate an orderly pattern of electrodes. However, in some cases, a random electrode pattern may be desired. In further cases, a feathered pattern may be desired to reduce the lines seen between the treated tissue and untreated tissue. The length of the electrode arrangement on the treating surface can also be varied. In certain embodiments, the length of the plurality of electrodes is in the range of about 0.5 mm to about 5 cm.” [0051] “The outer tips of each electrode are designed to be placed into contact with a tissue plane. Energy is delivered to the tip to provide the perforation of tissue. In some cases, when it is desirable to provide a deeper perforation, the electrode pins are placed all the way into the tissue, so that more than one layers of tissue are treated. When it is desirable to provide an even deeper perforation, the electrode pins can be provided having longer lengths, so that the tips are placed even deeper into the tissue layers. The length and width of the electrode pins are variable and can be chosen based on the desired treatment. Again, in preferred embodiments, the electrodes are provided having a length and width which creates perforations having a depth of no more than about 2 mm and a width of no more than about 0.5 mm.”

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	[0063] “Methods for vertically treating one or more layers of tissue in a tissue plane are also provided. The method generally includes simultaneously imparting perforations into one or more tissue layers in a tissue plane. In a preferred embodiment, a method is provided for simultaneously imparting perforations into one or more layers of skin. In many cases, skin areas along the face, neck, chest and hands will be treated. The treatment area of the skin is first cleansed using a cleanser, for example a mild, gently abrasive skin cleanser. A topical may then be applied to the treatment area to numb the skin so that a patient will not feel and prickling or heat sensation during treatment. In some cases, the topical will be a lipid based topical anesthetic ointment. A treatment device according to any of the embodiments already described is provided and the treating surface is placed in contact with a desired area of the skin. The device is activated to create a plurality of perforations in the skin. In many cases, the same area of skin will be treated several times and usually at different time intervals.” To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
17.4 and the predetermined time interval is from 0.05 to 0.8 seconds.	Ganz discloses and/or renders obvious wherein the predetermined time interval is from 0.05 to 0.8 seconds according to the claim. <i>See, e.g.,</i> [0011] “The device also includes an energy source coupled to the plurality of electrodes, the energy source configured to deliver energy selected from the group consisting of radio frequency, non-ionizing ultraviolet radiation, or microwave radiation. A control device may also be coupled to the energy source. In preferred cases, the electrodes are RF electrodes and are configured for receiving RF energy. The electrodes can be provided as a plurality of electrode pairs or even as an array of electrodes. In some cases, the electrodes are monopolar electrodes whereas in other cases the electrodes are bipolar electrodes.” [0057] “The treatment device also includes an energy source coupled to the electrodes for delivering energy to the electrodes. The energy delivery device can deliver a variety of different types of

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	energy including but not limited to, radio frequency energy, non-ionizing ultraviolet radiation and microwave radiation. In some cases, the electrodes are configured to provide power in the range of about 50 to about 200 watts per square centimeter. In other cases, the electrodes are configured to provide an energy of at least about 1 joules per square centimeter.” [0058] “In preferred embodiments, the electrodes are configured as RF electrodes and RF energy is delivered to the electrodes. RF energy is particularly desirable for creating perforations of tissue since it does not cause the entire area of tissue being treated to heat up extensively. Rather, RF energy can penetrate the body and be absorbed by deeper tissues without heating up the surrounding tissues. Thus, a boundary is created between the treated tissue and those tissues surrounding the treated tissue. RF energy is also desirable since it is safe to use on tissues in areas near sensitive body parts, e.g., areas of skin near the eyes.” [0059] “The energy source is configured for powering the electrodes at levels appropriate to provide a desired diameter and depth of perforation of tissue. The energy source may be manually controlled by the user and be adapted to allow the user to select the appropriate treatment time and power setting to obtain a controlled depth and/or width of perforation. The energy source can also be coupled to a controller, which may be a digital or analog controller for use with the energy source, including but not limited to an RF source, or a computer with software. When the computer controller is used it can include a CPU coupled through a system bus. The system may include a keyboard, a disk drive, or other non-volatile memory system, a display and other peripherals known in the art. A program memory and a data memory can also be coupled to the bus. The energy source can be positioned at different positions in proximity to the treatment device.” To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
19.0 The method of treating skin of claim 14,	See claim elements 1.0 and 14.0, above.

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	To the extent the preamble is limiting, Ganz discloses a method of treating skin according to the claim. <i>See, e.g.,</i> [0001] “The invention relates to a device and method for treating one or more layers of tissue, for example by simultaneously imparting perforations into the one or more layers. In particular, the invention relates to a device and method for treating one or more layers of the skin to elicit a healing response which produces a more desirable skin appearance.” [0029] “The device and method also allow for controlled placement of perforations having a predetermined depth, width and degree of separation. Such perforations are so small that they cannot be seen with the naked eye. The treatment device is advantageous because it creates several perforations simultaneously with one or a few discharges of energy.” [0030] “Many conditions can be treated by imparting a plurality of vertical perforations into tissue. In most cases, skin conditions are treated by creating perforations into the skin. For example, the device can be used on skin areas suffering from photo-aging or sun-damage. The device can also be used on skin areas exhibiting acne scars, burn scars, erythema, fine lines, wrinkles, irregular pigmentations, precancerous or cancerous lesions or other irregular conditions. The creation of perforations in the skin helps to revitalize or rejuvenate these irregular areas to make them more desirable in appearance. The zones of coagulation created in the tissue area surrounding each perforation also help to revitalize and rejuvenate skin.” [0033] “The treatment device includes a treating surface, which is adapted to be placed in direct contact with a tissue adjacent a tissue plane to be treated. The treating surface is generally positioned adjacent to a tissue plane of the tissue to be treated. One or more layers of the tissue in the tissue plane can be treated. In some cases, it is desirable to only treat the outermost layer of tissue, while leaving the deeper layers untreated. In other cases, it is desirable to treat the deeper layers of tissue as well. The tissue to be treated can include almost any tissue. In some cases, the tissue includes one or more layers of organ tissue. In other cases, the tissue includes one or more layers of skin.” [0063] Methods for vertically treating one or more layers of tissue in a tissue plane are also provided. The method generally includes simultaneously imparting perforations into one or more

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	tissue layers in a tissue plane. In a preferred embodiment, a method is provided for simultaneously imparting perforations into one or more layers of skin. In many cases, skin areas along the face, neck, chest and hands will be treated. The treatment area of the skin is first cleansed using a cleanser, for example a mild, gently abrasive skin cleanser. A topical may then be applied to the treatment area to numb the skin so that a patient will not feel and prickling or heat sensation during treatment. In some cases, the topical will be a lipid based topical anesthetic ointment. A treatment device according to any of the embodiments already described is provided and the treating surface is placed in contact with a desired area of the skin. The device is activated to create a plurality of perforations in the skin. In many cases, the same area of skin will be treated several times and usually at different time intervals. <i>See also</i> Ganz claim 24. To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
19.1 wherein the RF is about 2.0 MHz	The '836 Patent fails support the criticality of the claimed frequency, which is a purported limitation that adds nothing of patentable significance. Ganz nonetheless discloses and/or renders obvious wherein the RF energy is applied and RF energy includes about a 2.0 MHz frequency. <i>See, e.g.,</i> [0058] “In preferred embodiments, the electrodes are configured as RF electrodes and RF energy is delivered to the electrodes. RF energy is particularly desirable for creating perforations of tissue since it does not cause the entire area of tissue being treated to heat up extensively. Rather, RF energy can penetrate the body and be absorbed by deeper tissues without heating up the surrounding tissues. Thus, a boundary is created between the treated tissue and those tissues surrounding the treated tissue. RF energy is also desirable since it is safe to use on tissues in areas near sensitive body parts, e.g., areas of skin near the eyes.”

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	[0059] “The energy source is configured for powering the electrodes at levels appropriate to provide a desired diameter and depth of perforation of tissue. The energy source may be manually controlled by the user and be adapted to allow the user to select the appropriate treatment time and power setting to obtain a controlled depth and/or width of perforation. The energy source can also be coupled to a controller, which may be a digital or analog controller for use with the energy source, including but not limited to an RF source, or a computer with software. When the computer controller is used it can include a CPU coupled through a system bus. The system may include a keyboard, a disk drive, or other non-volatile memory system, a display and other peripherals known in the art. A program memory and a data memory can also be coupled to the bus. The energy source can be positioned at different positions in proximity to the treatment device.” Furthermore, it was well-known in the art that a radio frequency signal is generated from alternating current (AC). <i>Radiofrequency Catheter Ablation for Cardiac Tachyarrhythmias</i>, Manolis, A.S., et al., Ann Intern Med. (1994) 121:452-461 at 452 (“Radiofrequency energy is a form of electrical energy, generated from low-power (15 to 60 V), high-frequency (30 KHz to 300 MHz) alternating current.”). To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
19.2 and the coagulated area around each electrode is oval shaped.	The '836 Patent fails support the criticality of the claimed “oval shaped” body segment, which is a purported limitations that adds nothing of patentable significance. Ganz nonetheless discloses and/or renders obvious treatments to different types of body segments, including a body segment around each electrodes where energy is applied is oval shaped. <i>See, e.g.</i>, [0048] Zones of coagulation are also created in areas of tissue surrounding each perforation. The zones can extend from the perforation site into the tissue for a length ranging from about 5 microns to about 100 microns. The zone of coagulation can be varied by changes in energy and power levels.

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		[0058] “In preferred embodiments, the electrodes are configured as RF electrodes and RF energy is delivered to the electrodes. RF energy is particularly desirable for creating perforations of tissue since it does not cause the entire area of tissue being treated to heat up extensively. Rather, RF energy can penetrate the body and be absorbed by deeper tissues without heating up the surrounding tissues. Thus, a boundary is created between the treated tissue and those tissues surrounding the treated tissue. RF energy is also desirable since it is safe to use on tissues in areas near sensitive body parts, e.g., areas of skin near the eyes.” [0059] “The energy source is configured for powering the electrodes at levels appropriate to provide a desired diameter and depth of perforation of tissue. The energy source may be manually controlled by the user and be adapted to allow the user to select the appropriate treatment time and power setting to obtain a controlled depth and/or width of perforation. The energy source can also be coupled to a controller, which may be a digital or analog controller for use with the energy source, including but not limited to an RF source, or a computer with software. When the computer controller is used it can include a CPU coupled through a system bus. The system may include a keyboard, a disk drive, or other non-volatile memory system, a display and other peripherals known in the art. A program memory and a data memory can also be coupled to the bus. The energy source can be positioned at different positions in proximity to the treatment device.” To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
22.0	The method of treating skin of claim 14,	See claim elements 1.0 and 14.0, above. To the extent the preamble is limiting, Ganz discloses a method of treating skin according to the claim. See, e.g., [0001] “The invention relates to a device and method for treating one or more layers of tissue, for example by simultaneously imparting perforations into the one or more layers. In particular, the

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	invention relates to a device and method for treating one or more layers of the skin to elicit a healing response which produces a more desirable skin appearance.” [0029] “The device and method also allow for controlled placement of perforations having a predetermined depth, width and degree of separation. Such perforations are so small that they cannot be seen with the naked eye. The treatment device is advantageous because it creates several perforations simultaneously with one or a few discharges of energy.” [0030] “Many conditions can be treated by imparting a plurality of vertical perforations into tissue. In most cases, skin conditions are treated by creating perforations into the skin. For example, the device can be used on skin areas suffering from photo-aging or sun-damage. The device can also be used on skin areas exhibiting acne scars, burn scars, erythema, fine lines, wrinkles, irregular pigmentations, precancerous or cancerous lesions or other irregular conditions. The creation of perforations in the skin helps to revitalize or rejuvenate these irregular areas to make them more desirable in appearance. The zones of coagulation created in the tissue area surrounding each perforation also help to revitalize and rejuvenate skin.” [0033] “The treatment device includes a treating surface, which is adapted to be placed in direct contact with a tissue adjacent a tissue plane to be treated. The treating surface is generally positioned adjacent to a tissue plane of the tissue to be treated. One or more layers of the tissue in the tissue plane can be treated. In some cases, it is desirable to only treat the outermost layer of tissue, while leaving the deeper layers untreated. In other cases, it is desirable to treat the deeper layers of tissue as well. The tissue to be treated can include almost any tissue. In some cases, the tissue includes one or more layers of organ tissue. In other cases, the tissue includes one or more layers of skin.” [0063] Methods for vertically treating one or more layers of tissue in a tissue plane are also provided. The method generally includes simultaneously imparting perforations into one or more tissue layers in a tissue plane. In a preferred embodiment, a method is provided for simultaneously imparting perforations into one or more layers of skin. In many cases, skin areas along the face, neck, chest and hands will be treated. The treatment area of the skin is first cleansed using a cleanser, for example a mild, gently abrasive skin cleanser. A topical may then be applied to the treatment area to numb the skin so that a patient will not feel and prickling or heat sensation during

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	treatment. In some cases, the topical will be a lipid based topical anesthetic ointment. A treatment device according to any of the embodiments already described is provided and the treating surface is placed in contact with a desired area of the skin. The device is activated to create a plurality of perforations in the skin. In many cases, the same area of skin will be treated several times and usually at different time intervals. <i>See also</i> Ganz claim 24. To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
22.1 wherein the RF is from 0.5 to 10 Mhz	Ganz discloses and/or renders obvious wherein the RF is from 0.5 to 10 Mhz according to the claim. <i>See, e.g.,</i> [0058] “In preferred embodiments, the electrodes are configured as RF electrodes and RF energy is delivered to the electrodes. RF energy is particularly desirable for creating perforations of tissue since it does not cause the entire area of tissue being treated to heat up extensively. Rather, RF energy can penetrate the body and be absorbed by deeper tissues without heating up the surrounding tissues. Thus, a boundary is created between the treated tissue and those tissues surrounding the treated tissue. RF energy is also desirable since it is safe to use on tissues in areas near sensitive body parts, e.g., areas of skin near the eyes.” [0059] “The energy source is configured for powering the electrodes at levels appropriate to provide a desired diameter and depth of perforation of tissue. The energy source may be manually controlled by the user and be adapted to allow the user to select the appropriate treatment time and power setting to obtain a controlled depth and/or width of perforation. The energy source can also be coupled to a controller, which may be a digital or analog controller for use with the energy source, including but not limited to an RF source, or a computer with software. When the computer controller is used it can include a CPU coupled through a system bus. The system may include a keyboard, a disk drive, or other non-volatile memory system, a display and other peripherals known

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	in the art. A program memory and a data memory can also be coupled to the bus. The energy source can be positioned at different positions in proximity to the treatment device.” Furthermore, it was well-known in the art that a radio frequency signal is generated from alternating current (AC). <i>Radiofrequency Catheter Ablation for Cardiac Tachyarrhythmias</i>, Manolis, A.S., et al., Ann Intern Med. (1994) 121:452-461 at 452 (“Radiofrequency energy is a form of electrical energy, generated from low-power (15 to 60 V), high-frequency (30 KHz to 300 MHz) alternating current.”). To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.
22.2 and the predetermined time interval is from 0.05 to 0.8 seconds.	Ganz discloses and/or renders obvious wherein the predetermined time interval is from 0.05 to 0.8 seconds according to the claim. <i>See, e.g.</i>, [0058] “In preferred embodiments, the electrodes are configured as RF electrodes and RF energy is delivered to the electrodes. RF energy is particularly desirable for creating perforations of tissue since it does not cause the entire area of tissue being treated to heat up extensively. Rather, RF energy can penetrate the body and be absorbed by deeper tissues without heating up the surrounding tissues. Thus, a boundary is created between the treated tissue and those tissues surrounding the treated tissue. RF energy is also desirable since it is safe to use on tissues in areas near sensitive body parts, e.g., areas of skin near the eyes.” [0059] “The energy source is configured for powering the electrodes at levels appropriate to provide a desired diameter and depth of perforation of tissue. The energy source may be manually controlled by the user and be adapted to allow the user to select the appropriate treatment time and power setting to obtain a controlled depth and/or width of perforation. The energy source can also be coupled to a controller, which may be a digital or analog controller for use with the energy source, including but not limited to an RF source, or a computer with software. When the computer controller is used it can include a CPU coupled through a system bus. The system may include a

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		keyboard, a disk drive, or other non-volatile memory system, a display and other peripherals known in the art. A program memory and a data memory can also be coupled to the bus. The energy source can be positioned at different positions in proximity to the treatment device.” To the extent this limitation is not explicitly or inherently disclosed by this reference, or rendered obvious by the references disclosed herein, it would have further been obvious given the knowledge of a person of ordinary skill in the art and/or other references disclosed and/or charted in Respondents’ Invalidity Contentions, at least for the reasons set forth in these Contentions.

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