

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

**Before the MaryJoan McNamara
Administrative Law Judge**

In the Matter of

**CERTAIN HYDRODERMABRASION
SYSTEMS AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1408

**RESPONDENT CARTESSA AESTHETICS, LLC'S SECOND SUPPLEMENTAL
RESPONSE TO COMPLAINANT HYDRAFACIAL, LLC'S INTERROGATORY 17**

Pursuant to 19 C.F.R. §§ 210.27 and 210.29 and Ground Rule 3 *et seq.*, Respondent Cartessa Aesthetics, LLC hereby submits its second supplemental objections and responses to Complainant HydraFacial LLC f/k/a Edge Systems, LLC's Interrogatory No. 17.

Cartessa incorporates by reference, as if set forth fully herein, its Preliminary Statement and General Objections as set forth in its Initial and First Supplemental Objections and Responses to Complainant HydraFacial LLC's First Set of Interrogatories.

**SECOND SUPPLEMENTAL OBJECTIONS
AND RESPONSES TO INTERROGATORY NO. 17**

Cartessa incorporates by references, as if set forth fully herein, its specific objections to this Interrogatory as set forth in its Initial and First Supplemental Objections and Responses to Interrogatory No. 17.

Subject to and without waiving the foregoing General and specific objections, Cartessa further responds as follows:

Complainant has asserted claims 1, 2-10, 11, 12, 14-20, 22, 23-25, 26, 28-36, 37, and 39-45 of U.S. Patent No. 11,865,287 ("287 Patent") against Cartessa. *See* Complaint. Under 35

U.S.C. §§ 102 and/or 103, each Asserted Claim of the Asserted Patent is invalid as anticipated or obvious in view of the prior art or combinations of prior art identified below and in the accompanying exhibits.

I. PRELIMINARY STATEMENT

These invalidity contentions are preliminary and do not address claim construction, noninfringement, or invalidity based on 35 U.S.C. §112. Cartessa reserves all rights with respect to such issues, including their position that claims of the Asserted Patent should be construed in a particular manner and/or are not infringed. These invalidity contentions are based on Cartessa's current knowledge, understanding, and belief of the Asserted Patent and prior art, of Complainant's infringement theories (as disclosed in Exhibit 3 of the Complaint), and of the facts and other information available as of the date of these invalidity contentions. Cartessa's investigation, discovery, and analysis of information related to this action is ongoing. Additional discovery and/or orders from the Administrative Law Judge may require Cartessa to amend or supplement these invalidity contentions, and Cartessa expressly reserves the right to do so as the case proceeds. These contentions represent Cartessa's good-faith effort to provide a comprehensive identification of prior art relevant to this case, but Cartessa reserves the right to modify or supplement their prior art list and invalidity contentions later with, or based on, pertinent information that may be later discovered.

A. No Waiver.

Nothing in these invalidity contentions is intended, nor should be construed, as a waiver of any claim construction argument, noninfringement position, or argument under 35 U.S.C. § 112. Cartessa's statements herein (including the accompanying claim charts) reflect Cartessa's present understanding of the purported scope of the claims as alleged by Complainant in its Complaint (as best those contentions can be understood in light of their present deficiencies). For the avoidance

of doubt, these contentions are not intended to present or argue in favor of any construction of the Asserted Claims, and Cartessa expressly reserves the right to present constructions that differ from any construction that may be alleged to underlie these contentions. These invalidity contentions do not constitute an acquiescence to Complainant's interpretation of any claims to the extent they depart from the plain meaning of the Asserted Claims and from the proper scope of the claims as may be later construed by the Administrative Law Judge. Cartessa disagrees with Complainant's apparent positions as to the purported scope of the Asserted Claims to the extent they seek to expand the scope of the Asserted Claims beyond their proper construction and to the extent those apparent positions can be understood from Complainant's infringement contentions to date.

The Asserted Claims have not yet been construed by the Administrative Law Judge and, thus, Cartessa has not yet had the opportunity to compare the Asserted Claims of the Asserted Patent (as construed by the Administrative Law Judge) with the prior art. Cartessa reserves the right to amend, supplement, or materially modify its invalidity contentions after the claims have been construed by the Administrative Law Judge. Cartessa also reserves the right to amend, supplement, or materially modify its invalidity contentions in response to any claim construction positions that Complainant may take. Cartessa also reserves the right to assert that a claim is indefinite, not enabled, or fails to meet the written description requirement of 35 U.S.C. § 112 based on any claim construction position Complainant may take in this case or based on any claim construction the Administrative Law Judge may adopt in this case. Moreover, Cartessa reserves the right to rely on un-cited portions of the identified prior art, other prior art, or expert testimony to provide context to or aid in understanding the cited portions of the identified prior art. Furthermore, where Cartessa cites a particular figure in a reference, the citation should be understood to encompass the caption and description of the figure and any text relating to the

figure. Similarly, where Cartessa cites a particular text referring to a figure, the citation should be understood to include the corresponding figure as well. Cartessa may also rely on other documents and information, including cited references and the prosecution history for the Asserted Patent, and expert testimony to provide context or to aid in understanding the cited portions of the references. To the extent any additional documents are incorporated by reference within any prior art document, those incorporated-by-reference documents should be understood to be included within the scope of these disclosures. Cartessa incorporates by reference, in full, all prior art references cited during examination of the Asserted Patent, or any related patent or patent application. Cartessa also incorporates by reference, in full, all prior art references cited during examination of any patent application incorporated by reference or otherwise referenced in the Asserted Patent. Cartessa further incorporates by reference, in full, the Petition for Inter Partes Review of United States Patent No. 11,865,287, filed on September 30, 2024.

Cartessa has endeavored to cite the most relevant portions of the identified prior art. However, other portions of the identified prior art may additionally disclose, either expressly or inherently, and/or render obvious one or more elements of the Asserted Claims. Cartessa reserves the right to rely on un-cited portions of the identified prior art to establish the invalidity of the Asserted Claims.

B. No Admission.

Nothing disclosed herein is an admission or acknowledgment that any product accused of infringement by Complainant in its Infringement Contentions (the “Accused Products”), or any of Cartessa’s other products or services, infringes any of the Asserted Claims.

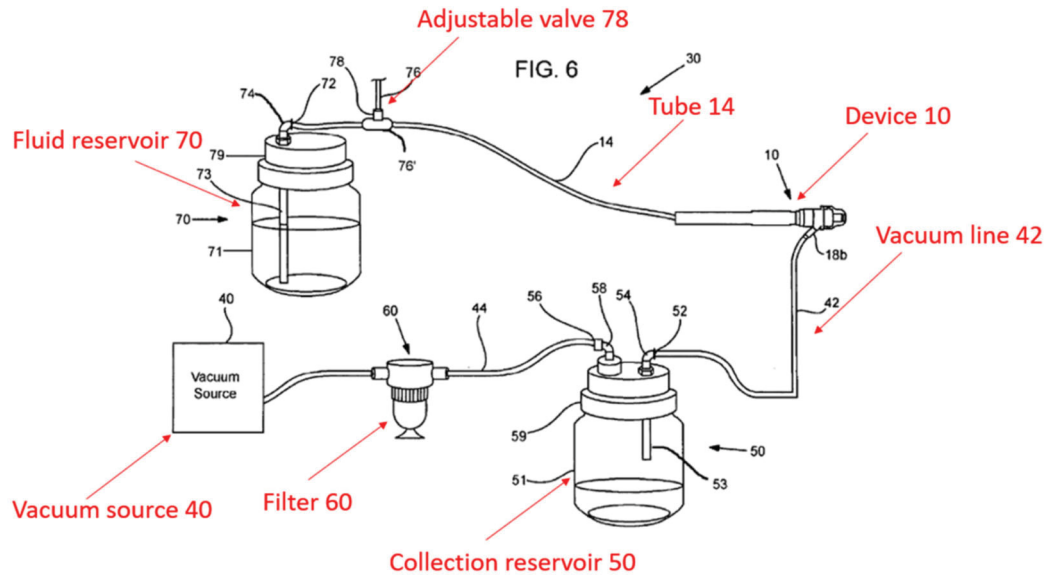
To the extent that any of the prior art references disclose the same functionality or feature of any of the Accused Products, Cartessa reserves the right to argue that said feature or functionality does not practice any element of any of the Asserted Claims, and to argue, in the

Exhibits A-D, which identify specific examples of where each limitation of the Asserted Claims is found in the prior art references. As explained above, the cited portions of prior art references identified in the attached claim charts are exemplary in nature and representative of the content and teaching of the prior art references, and should be understood in the context of the reference as a whole and as they would be understood by a person of ordinary skill in the art.

To the extent any item of prior art cited above is deemed not to disclose, explicitly or inherently, any limitation of an asserted claim of the '287 Patent, Cartessa reserves the right to argue that any difference between that prior art and the corresponding patent claim would have been either inherent in the art or obvious to a person of ordinary skill in the art, even if Cartessa has not specifically denoted that the art is to be combined with the knowledge of a person of ordinary skill in the art. To the extent that Cartessa has not identified any corresponding prior art reference disclosure for any claim limitation(s) in any of the charts identified above, that is not an admission that the reference does not anticipate or render obvious that limitation. Cartessa expressly reserves the right to contend that the reference anticipates or renders obvious the limitation based on the knowledge of a person of ordinary skill in the art.

1. Karasiuk

Karasiuk's system conducts microdermabrasion procedures using a handpiece that delivers (from fluid reservoir 70) a fluid treatment solution and retrieves the resulting waste/debris (into collection reservoir 50). Karasiuk at Abstract, 5:4-42, 7:65-8:44, FIG. 6.



Karasiuk, FIG. 6 (annotated).

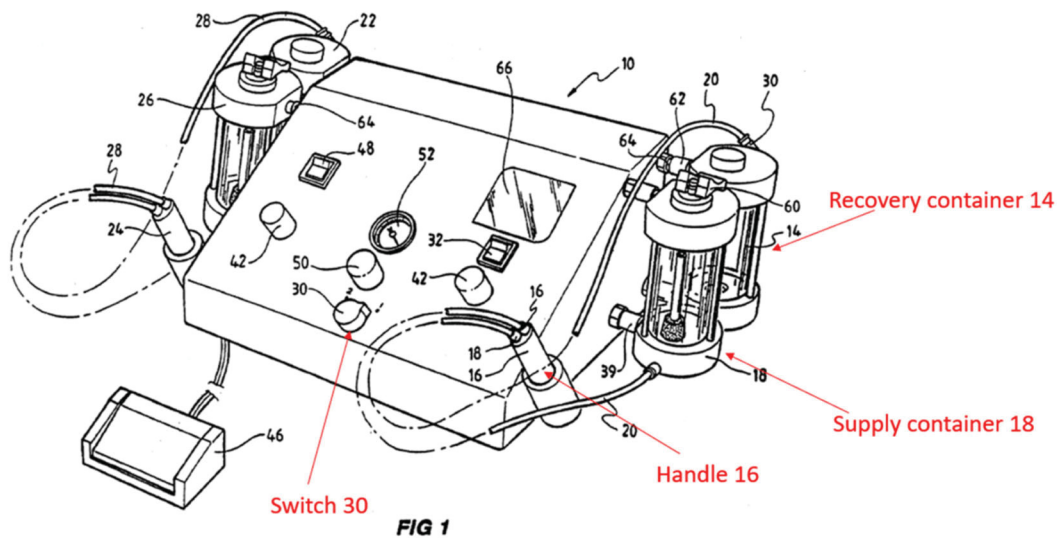
Karasiuk's system includes handpiece 10 (also referred to as "device 10"), vacuum source 40, and fluid reservoir 70. Karasiuk, 6:52-67. Handpiece 10 is connected to collection reservoir 50 and vacuum source 40 by a vacuum line (*e.g.*, vacuum lines 42, 44, and/or 46), and also connected to fluid container 70 via tube 14. Karasiuk, 7:17-45.

In operation, "the fluid contents in fluid reservoir 70 are drawn through tube 14 and into device 10 where they flow out of the functional block 16 through openings 16d and are applied to the skin." Karasiuk, 7:65-8:22. "As the flow of the fluids continues out of the vacuum head base and into vacuum line 42, it carries with it the exfoliated skin particles and any other waste that is removed through the microdermabrasion process." Karasiuk, 8:31-45.

Claims 15 and 16 of the '287 Patent are anticipated by Karasiuk, as Karasiuk teaches each and every limitation. *See* Exhibits A, B, C. Karasiuk predates the '287 Patent and constitutes prior art that renders claims 15 and 16 of the '287 Patent unpatentable for lack of novelty under 35 U.S.C. §102.

2. Greenberg

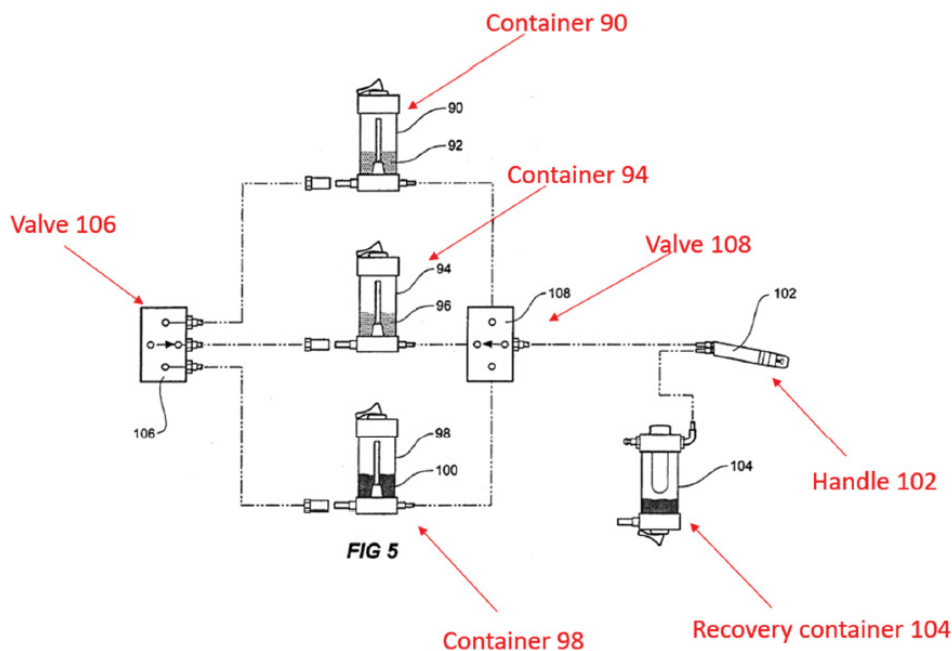
Greenberg describes a system for conducting microdermabrasion procedures using a handpiece (e.g., hand tool 16) to apply treatment materials to a targeted area of skin. Greenberg, Abstract, [0049]-[0064], FIG. 1.



Greenberg, FIG. 1 (annotated).

Greenberg's system includes: (1) "a pneumatic source operatively connected to a recovery container and to a hand tool"; (2) "a plurality of supply containers including particulates"; (3) "a valve selectively connecting said pneumatic source, recovery container and hand tool to a selected one of said supply containers." Greenberg, [0013]-[0016]. In operation, the pneumatic source, such as "vacuum pump," "provides for an air flow through the recovery container, hand tool and the selected supply container in communication with same, drawing said particles from the supply container through the hand tool and into the recovery container, said hand tool positioned on a surface to be treated and including an aperture so located that particles passing through said hand tool are caused to impinge on the surface thereby treating it." Greenberg, [0017], [0026], [0004], [0049]-[0059], [0066], FIG. 3.

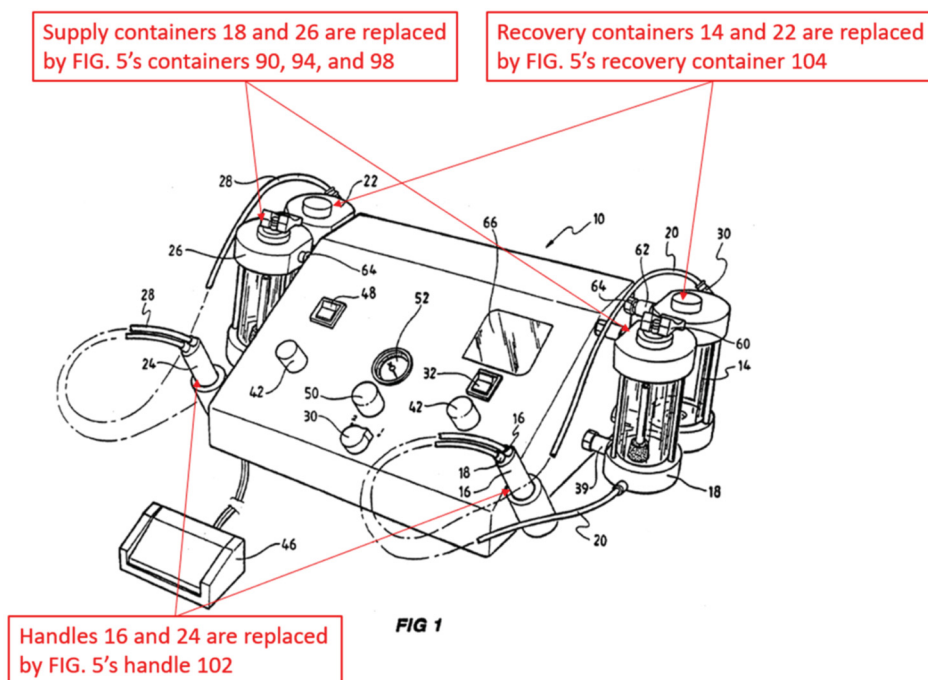
Greenberg's system allows "a choice of different particles to use in a micro-dermabrasion machine," "with a plurality of supply containers housing different particles." Greenberg, [0073]-[0077]. In FIG. 5, Greenberg's device includes three supply containers (e.g., containers 90, 94, and 98), and valves 106 and 108 control which container is connected to handpiece 102 and recovery container 104. Greenberg, [0077]. In operation, "[a] supply container can be chosen to be in communication with handle 102 and recovery container 104 by the use of valve 106 that controls air flow into the respective supply container and valve 108 that th[e]n connects that supply container to the handle 102 and recovery container 104." *Id.*



Greenberg, FIG. 5 (annotated).

As recognized in Greenberg, FIG. 5's implementation would have been readily incorporated into FIG. 1's apparatus. Greenberg, [0077] ("This can be achieved in **the present apparatus** by having an apparatus with a plurality of supply containers"). For example, as shown in FIG. 1, (1) FIG. 5's containers 90, 94, 98 and valves 106, 108 would be used instead of FIG. 1's supply containers 18 and 26; (2) FIG. 5's recovery container 104 would be used for FIG. 1's

recovery containers 14 and 22, and (3) FIG. 5's single handle 102 would replace FIG. 1's two handles 16 and 24.



Greenberg, FIG. 1 (annotated in red)

Further, to connect multiple containers 90, 94, 98 with single handle 102, FIG. 5's control valves (*e.g.*, valves 106 and 108) are used to enable selective fluid communication with each of the containers. Various other structures described with respect to FIGS. 1-4 would have been similarly applicable for the FIG. 5 implementation. Further, each of FIG. 5's containers 90, 94, 98, 104 would have been connected to FIG. 1's apparatus 10 in the same manner as FIG. 1's containers 14, 18, 22, 26. Greenberg, [0053], [0062], FIG. 1. The same mechanism and operation described for FIG. 1 would have been used for FIG. 5's implementation.

Claims 1-3, 8-12, 14-16, 22-23, 26, 28-29, 34-37, 39-40, and 45 of the '287 Patent are anticipated by Greenberg, as Greenberg teaches each and every limitation. *See* Exhibit D. Greenberg predates the '287 Patent and constitutes prior art that renders the identified claims of the '287 Patent unpatentable for lack of novelty under 35 U.S.C. §102.

(8) Claims 15, 16 (Karasiuk)

Claim 15: Karasiuk teaches delivery of a single treatment material from the first container to the handpiece at the user's skin. Karasiuk teaches a supply conduit 14 between the fluid source and the handpiece assembly 10. Karasiuk, FIG. 6.

Claim 16: Karasiuk teaches that different fluids are appropriate for different skin treatments, e.g., fluids of different viscosities. Specifically, Karasiuk states “This feature not only allows the amount of vacuum to be adjusted for a given fluid, but allows fluids having different viscosities to be applied at the same vacuum level.” *See* Karasiuk, 7:17-45.

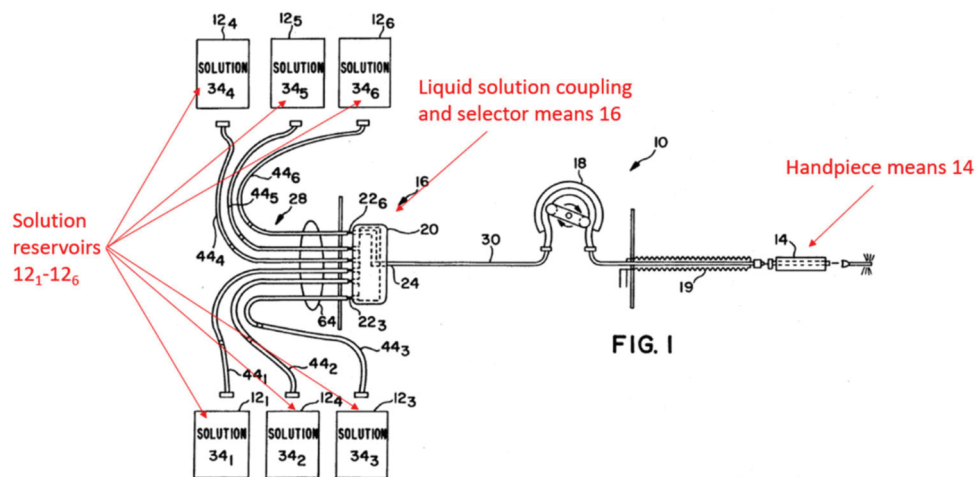
2. Karasiuk in view of Palmer

a) Karasiuk

See §IV(B)(1).

b) Palmer

Palmer discloses a medical device system for delivering a selected fluid treatment solution to an application site through a handpiece. Palmer, Abstract, 4:50-68, FIG. 1.



Palmer, FIG. 1

Palmer's system comprises handpiece means 14 in fluid communication with six solution reservoirs 12 and selector means 16 for selecting the fluid container. Palmer, Abstract, 4:50-68.

FIG. IIB

Mobile cart 170

Control unit enclosure 35

Reservoir storage means 32

32

170

c) Karasiuk-Palmer Combination

The diagram illustrates a complex fluid handling system. At the top, three boxes labeled 'SOLUTION 34₄', 'SOLUTION 34₅', and 'SOLUTION 34₆' are connected to a central manifold. Below this, another set of three boxes labeled 'SOLUTION 34₁', 'SOLUTION 34₂', and 'SOLUTION 34₃' is connected to a similar manifold. A central vertical component, likely a selector valve, is connected to a horizontal tube labeled '14'. This tube leads to a 'Karasiuk's device 10' on the right. A 'Vacuum Source' box is connected to a 'Karasiuk's filter 60', which is in turn connected to a 'Karasiuk's collection reservoir 50'. Various numbered components (e.g., 12, 16, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100) are labeled throughout the diagram, indicating specific parts of the system.

-44-

In the combination, Karasiuk's vacuum source would be used to pump treatment solutions from Palmer's multiple fluid containers and collect waste/debris. Karasiuk, 2:66-3:3, 6:57-67; 8:6-44. Instead of being connected to single reservoir 70, Karasiuk's tube 14 (*e.g.*, upstream of breather line 76) would replace, or be connected to, Palmer's second tubing means 30 to achieve benefits resulting from selection of different treatment solutions. *Id.* In the resulting system, the vacuum source performs pumping the treatment solution and removing waste/debris. Karasiuk, *Id.* Additionally, a POSITA would have been motivated and found it obvious to place (1) multiple containers and selector means (as taught by Palmer) and (2) handheld device 10, collection reservoir 50, vacuum source 40, and other relevant components (as taught by Karasiuk) in a modular structure (*e.g.*, Palmer's mobile cart 170) for known benefits, such as increased portability and organization. Palmer recognizes that "[b]y providing the reservoir storage means 32 in the form of modular single-shelf racks, a high degree of flexibility is provided." Palmer, 9:63-10:2, FIGS. 11A-11C. Indeed, such a modular configuration for medical devices was well-known before the Priority Date. Several reasons would have prompted a POSITA to modify Karasiuk's system based on Palmer's teachings. As discussed in §IV.B.1, Karasiuk's system uses a handpiece for applying a fluid treatment solution to a treatment site and a vacuum for collecting waste during microdermabrasion. Karasiuk, Abstract, 5:4-42; 6:2-7:45; 7:65-8:44, FIG. 6. Based on general knowledge and Karasiuk's disclosure, a POSITA would have recognized the desirability of using multiple types of treatment solutions during microdermabrasion. Karasiuk, 3:24-28 ("other solutions or compounds offering various benefit(s)."), 5:56-58 ("application of lotions/vitamins or other fluids"). Further, Karasiuk appreciates that "various changes may be made and equivalents may be substituted without departing from the true spirit and scope of the invention." Karasiuk, 9:6-10. From this disclosure and POSITA's general knowledge, a POSITA would have been

motivated to consider use of multiple containers of treatment solutions to improve the flexibility and functionality offered by Karasiuk's system. *In re Harza*, 274 F.2d 669, 671 (CCPA 1960) (mere duplication of parts carries no patentable significance). Fluid delivery techniques required to use multiple containers with Karasiuk's handpiece would have been well known and part of a POSITA's general knowledge. With this motivation and knowledge, a POSITA would have investigated other references such as Palmer to achieve benefits offered by multiple treatment solutions. First, a POSITA would have been motivated to modify Karasiuk based on Palmer's multiple containers and selector means to allow easy selection among multiple treatment solutions. Palmer, 1:30-53, 2:48-4:2. Palmer recognizes that "[c]onventional irrigation arrangements . . . generally do not provide the opportunity of easy selection among several irrigant solutions." Palmer, 1:30-53. "If circumstances require the use of a different treatment solution . . . the solution remaining in the tank is usually discarded and the tank must be cleaned and refilled with the new solution," which "is time-consuming and costly, not to mention messy." *Id.* Palmer's solution with multiple containers and selector means addresses this problem. Palmer, Abstract, 2:48-4:2, cl.1, FIG. 1.

Second, the combination would enable sequential delivery of different treatment solutions. In this regard, Palmer discloses "[w]hen treatment with the particular irrigating solution is completed, the system can be either switched to another solution," so that "a patient may be treated with two or more solutions during the same procedure, one after the other." Palmer, 11:9-12, 6:46-51.

Third, the combination would minimize refilling downtime because when a particular container runs out mid-operation, the combined system can quickly switch to a second container to keep the supply flowing.

Fourth, a POSITA would have been motivated to adopt Palmer’s modular design to provide added flexibility, organization, and portability. Palmer, 9:58-10:2. Palmer discloses “[b]y providing the reservoir storage means 32 in the form of modular single-shelf racks, a high degree of flexibility is provided” and “the reservoir storage means 32 can be placed on a countertop 168 (FIG. 11A), or on a mobile cart 170 (FIG. 11B) or in a cabinet 172 underneath a counter (FIG. 11C).” Palmer, 9:58-10:2. A POSITA would have viewed these modular/mobile benefits of Palmer as applicable to microdermabrasion systems like Karasiuk’s and would have been motivated to use Palmer’s console design in the microdermabrasion system resulting from the combination.

A POSITA would have had a reasonable expectation of success in such a combination. Both Karasiuk and Palmer are directed to medical devices that deliver treatment solutions to treatment sites via a handpiece. Karasiuk, Abstract, 2:21-42, FIG. 6; Palmer, Abstract, 1:10-15, FIG. 1; Greenberg, [0003]; ’287 Patent, 6:53-56. Although Palmer describes an example of dental work, Palmer’s disclosure “relates generally to methods and apparatus for delivering liquid solutions to treatment sites.” Palmer, 1:10-11. From this, a POSITA would have understood and found obvious that Palmer’s teachings are applicable to delivering fluids for other medical procedures (*e.g.*, microdermabrasion). Fluid delivery systems and techniques were largely compatible and were used interchangeably across various applications without undue experimentation. Replacement of Karasiuk’s reservoir 70 with Palmer’s multiple containers and selector means reflects a simple substitution of a known element for another to obtain predictable results—allowing selection of different treatment solutions. This replacement would also reflect the use of a known technique to improve similar devices in the same way.

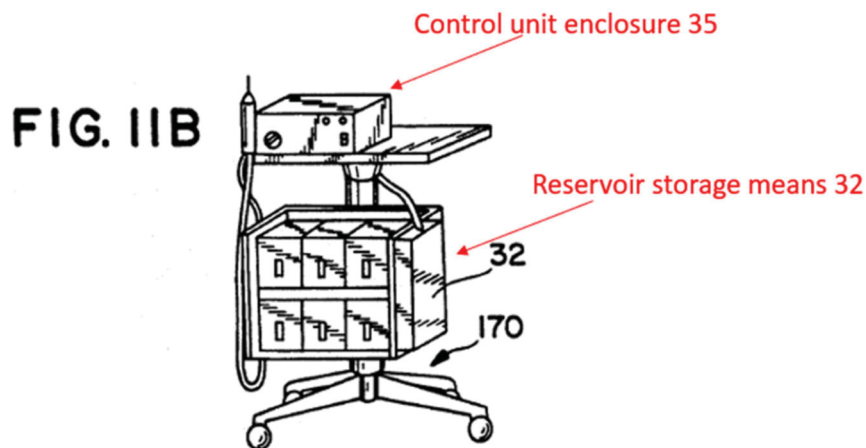
(1) Claim 1

[1pre]

To the extent the preamble is limiting, Karasiuk describes “microdermabrasion device, microdermabrasion system employing the device.” Karasiuk, 2:21-23, Abstract, FIG. 6.

[1.1]

The Karasiuk-Palmer system includes a console in the form of, for example, “mobile cart 170” that receives Palmer’s multiple containers (reservoir storage means 32 receiving multiple reservoirs) and selector means (control unit enclosure 35), and also receives Karasiuk’s handheld device 10, collection reservoir 50, vacuum source 40, and other relevant components in a modular structure. Palmer, 9:58-10:2, FIGS. 11A-11C.



Palmer, FIG. 11B (annotated).

This aligns with the '287 patent's disclosure of console that receives multiple containers, valve system, handpiece, vacuum pump, and waste container, and is placed on four casters for “easy movement.” '287 Patent, 14:38-48, 9:18-20, 18:38-55, 11:5-6, 6:6-14, 7:47-48. Further, a POSITA would have been motivated and found it obvious to place Karasiuk-Palmer's system in a console for known benefits, such as increased portability and organization. Using a console to

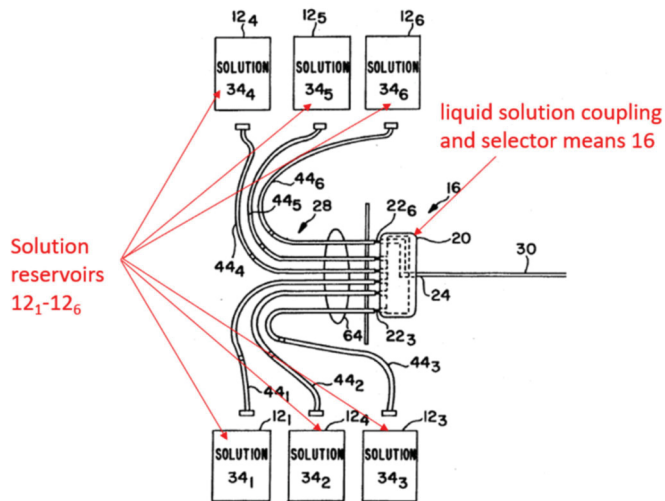
house similar medical devices was well-known and would have been within a POSITA's general knowledge. A POSITA would have had a reasonable expectation of success in placing Karasiuk-Palmer's components in a console, as it would constitute the use of a known technique to improve similar devices in the same way. *Id.* Again, Karasiuk-Palmer describes six solution reservoirs in the modular structure (*console*), which would have been understood as *first and at least one additional containers* received at the console.

[1.2]

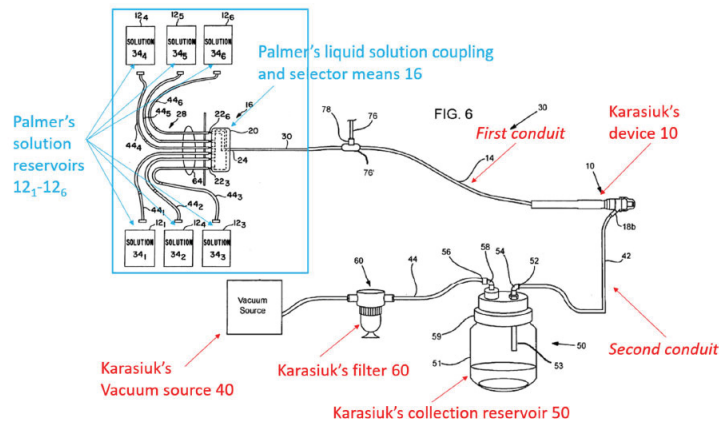
Karasiuk-Palmer includes a handpiece configured to contact skin tissue of a subject, such as Karasiuk's "[d]evice 10" (FIG. 6) designed to be "**handheld by a user** for its application to the skin of a patient." Karasiuk, 5:4-6:5, 7:65-8:5. Similarly, Palmer describes "handpiece means 14" (FIG. 1) for "delivering a selected one of the liquid solutions contained in one of the reservoirs 12 directly to a treatment site." Palmer, 4:57-60.

[1.3], [1.3a], [1.3b]

As discussed in [1.1], Karasiuk-Palmer's solution reservoirs (first and at least one additional containers) and device 10 (handpiece) are connected to its modular structure (e.g., "mobile cart 170") (console). Karasiuk-Palmer describes a block based on Palmer's teaching of "liquid solution coupling and selector means 16" that is included in the control unit enclosure 35 and configured for coupling handpiece means 14 to a selected one of the liquid solutions in a respective solution reservoir 12. Palmer, 4:60-63, 5:1-14. As shown in Palmer's FIG. 1 and Modified Karasiuk's FIG. 6, Palmer's "liquid solution coupling and selector means 16 include[s] selector valve means 20 having a plurality of inputs 22, an output 24, and means for coupling a selected one of the inputs 22 to the output 24." Palmer, 5:1-9.



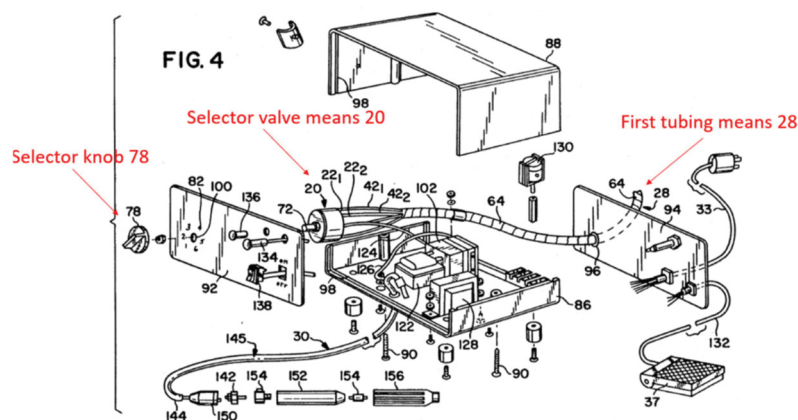
Palmer, FIG. 1 (annotated)



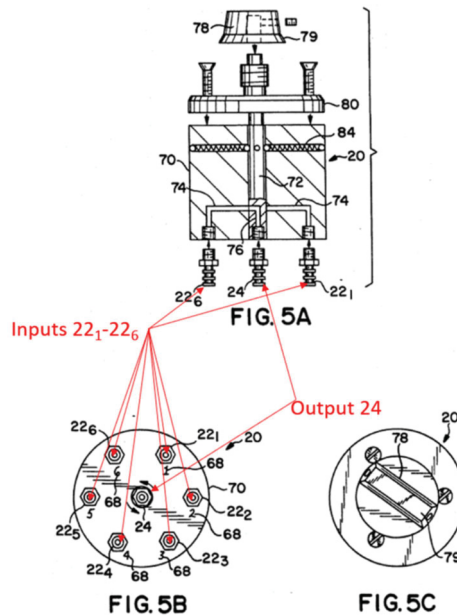
Palmer and Karasiuk, Modified FIG. 6.

Therefore, a POSITA would have understood and found obvious that (1) Palmer's selector valve 20, (2) Palmer's liquid solution coupling and selector means 16 (including the valve 20), or (3) Palmer's control unit enclosure 35 (housing the coupling and selector means 16) correspond to, and perform the operations of, the **block**. These components are (1) configured to selectively receive fluid from the first container (e.g., Palmer's reservoir 121) when the first container is connected to the console, (2) configured to selectively receive fluid from the at least one additional container (e.g., Palmer's reservoir 122) when the at least one additional container is connected to

the console, and (3) configured to selectively be in fluid communication with the handpiece (e.g., Karasiuk's device 10) through a first conduit (e.g., Karasiuk's tube 14 or collectively Palmer's second tubing means 30, Karasiuk's T joint 76', and Karasiuk's tube 14) when the handpiece is connected to the console (e.g., Palmer's mobile cart 170). *Id.*; Palmer, 5:1-18. Additionally, Karasiuk-Palmer describes "manifold," which the '287 patent allegedly describes as corresponding to the **block**. '287 Patent, 5:28-30. For example, Palmer's FIG. 4 shows an exploded view of control unit enclosure 35 including first tubing means 28, **selector valve means 20** (connected via valve inputs 221-226 to solution reservoirs 121-126), and selector knob 78. Palmer, 8: 22-9:16, FIG. 4.



Palmer illustrates an exemplary selector valve means 20 in FIGS. 5A-5C.



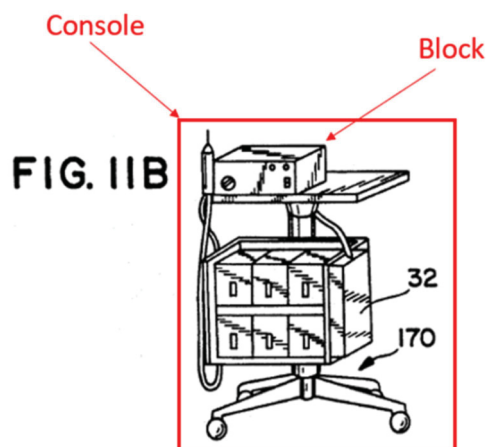
Palmer, FIGs. 5A-5C (annotated in red).

Referring to FIGS. 5A-5B, selector valve means 20 includes main body 70 defining multiple “liquid inlet passages 74” with multiple “input port[s] 22” and “liquid outlet passage 76” with “selector valve output port 24.” Palmer, 8:6-21. Further, main body 70 defines a “bore which receives the rotatable core 72 in a plane common with the inner ends of the other inlet passages 74.” *Id.* The “liquid outlet passage 76 is formed in the rotatable core 72 having one end opening into the selector valve output port 24 and another end opening onto the cylindrical core surface in the plane of the inner ends of passages 74.” *Id.* This structure corresponds to the “manifold” described in the ’287 patent.

Alternatively, to the extent Complainant argues that the **block** requires a manifold and that Karasiuk-Palmer does not disclose it, a POSITA would have found it obvious to use a manifold to implement Palmer’s functionality of switching treatment fluids. Indeed, manifolds were well known devices for selecting between different fluids and would have been within a POSITA’s general knowledge. Indeed, a POSITA would have viewed a manifold as one of a finite number of options to achieve the functionality described by Palmer that would have been obvious to try.

Id. A POSITA would have had a reasonable expectation of success in implementing Palmer's switching between different fluids and providing a single fluid output using a manifold as it would have merely involved a simple substitution of one well-known element for another to obtain predictable results. *Id.*

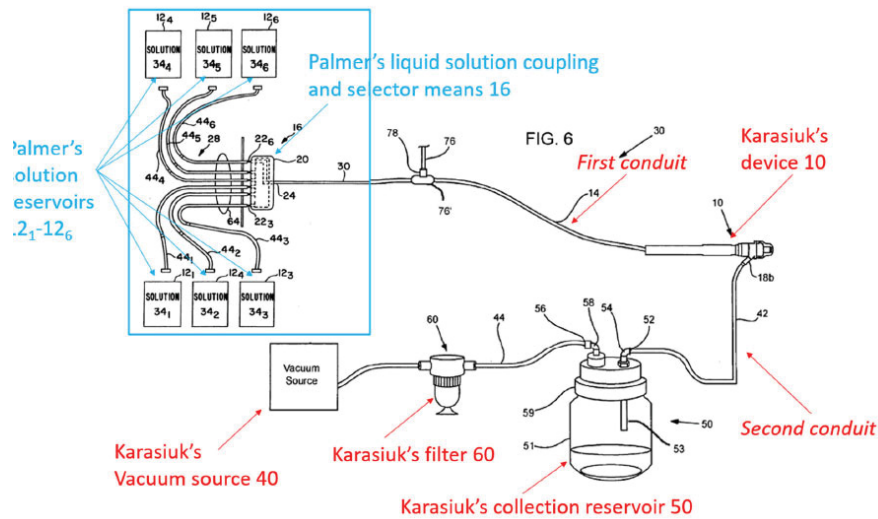
Lastly, Palmer's control unit enclosure 35 (**block**), which includes the coupling and selector means 16 having the valve 20, is included in "mobile cart 170" (**console**). Palmer, 9:58-10:16, 4:53-5:14, 8:22-9:16, FIG. 11B. Further, a POSITA would have found obvious that Karasiuk's device 10 (**handpiece**) is connected to "mobile cart 170" (**console**), as illustrated in Palmer. Palmer, FIG. 11B.



Palmer, FIG. 11B.

[1.4]

As discussed in §IV.C.2, the Karasiuk-Palmer system uses Karasiuk’s “vacuum source 40” to pump the treatment fluids and remove waste/debris as intended in Karasiuk. Karasiuk, 6:52-67.

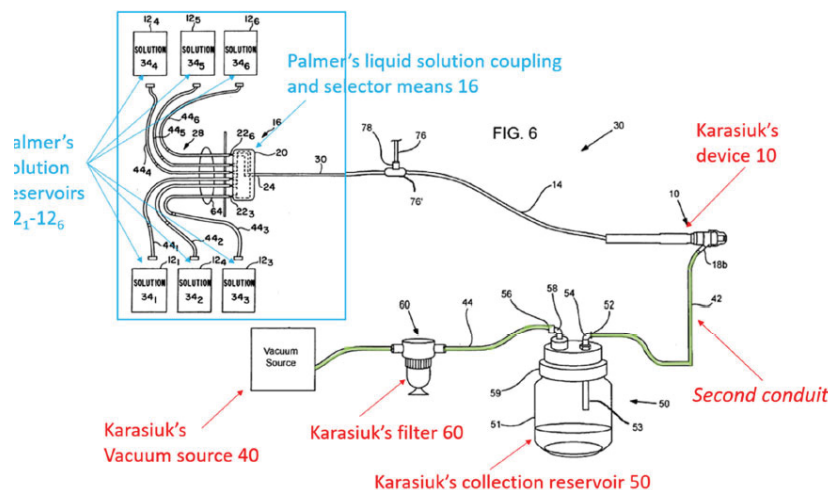


Palmer and Karasiuk, modified FIG. 1 and FIG. 6.

As discussed in §IV.C, a POSITA would have been motivated and found it obvious to include the vacuum source in the console (e.g., Palmer’s mobile cart 170) for known benefits.

[1.5]

In Karasiuk-Palmer, Karasiuk’s handpiece includes “[v]acuum opening 18b” in fluid communication with “vacuum source 40” through the “vacuum line between device 10 and vacuum source 40” (e.g., collectively vacuum line 42, second vacuum line 44, vacuum line 46) (respectively or collectively a second conduit) when the handpiece is connected to Palmer’s “liquid solution coupling and selector means 16” arranged at “mobile cart 170” (console; see [1.1]). Karasiuk, 6:52-67, FIG. 6; Palmer, 4:50-68, 9:58-10:2, FIGS. 1, 11B.



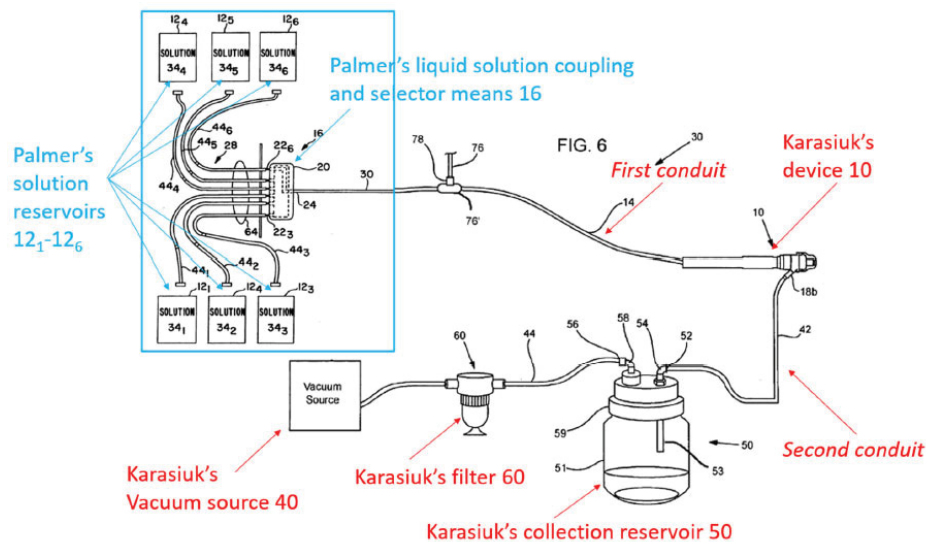
Palmer and Karasiuk, modified FIG. 1 and FIG. 6.

As discussed in [1.3], [1.3a], [1.3b], Karasiuk's *handpiece* is connected to the *console* ([1.1]). As discussed in [1.4], Karasiuk's "vacuum source 40" is used to pump treatment fluids and remove waste/debris. As shown in Karasiuk's modified FIG. 6, a POSITA would have understood and found obvious that Karasiuk's "vacuum source 40" is fluidly connected to Karasiuk's collection reservoir 50, which is *in fluid communication with* Karasiuk's vacuum source 40. *Id.*

[1.6]

As discussed in §IV.C.2, Karasiuk-Palmer replaces Karasiuk's reservoir 70 with Palmer's multiple reservoirs and "liquid solution coupling and selector means 16" to thereby allow selection of different treatment solutions. As discussed in [1.3], [1.3a], and [1.3b], Karasiuk's handpiece and Palmer's reservoirs (*first and at least one additional containers*) are each connected to

Palmer's "liquid solution coupling and selector means 16" arranged at "mobile cart 170" (*console*; *see supra* [1.1]).



Palmer and Karasiuk, modified FIG. 1 and FIG. 6

As discussed in [1.5], Karasiuk describes "collection reservoir 50" (including "reservoir 51") (*waste container*) for receiving "waste materials (abraded skin particles, and optionally, fluids)" "removed through the microdermabrasion process." Karasiuk, 6:52-67, 8:6-44. As shown in FIG. 6, "reservoir 51" is connected to "opening or port 18b" of the handpiece via "vacuum line 42," and the handpiece is connected to Palmer's "liquid solution coupling and selector means 16" (part of the *console*; *supra* [1.1]) via "tube 14." Karasiuk, 6:52-67. Thus, Karasiuk's reservoir 51 (*waste container*) is connected to the *console*. Further, in the resulting system, Karasiuk's collection reservoir would have been placed in Palmer's modular structure (e.g., "mobile cart") for similar reasons discussed in §IV.B.1. *Id.* Also, Palmer's reservoirs each include "a respective liquid solution" with a unique color coding. Palmer, 4:53-57, 5:37-6:32. Karasiuk also recognizes the desirability of using multiple types of skin treatment solutions during microdermabrasion. Karasiuk, 3:24-28, 5:3-6:5. In Karasiuk-Palmer, it would have been obvious to use Palmer's multiple containers to hold different treatment fluids as taught by Karasiuk and Palmer—for

example, a first container holding an antioxidant formulation and a second container holding a hydrating formulation.

[1.7]

As discussed in [1.5]-[1.6], Karasiuk's handpiece is in fluid communication with "vacuum source 40" through a vacuum line (e.g., collectively vacuum line 42, second vacuum line 44, vacuum line 46) (respectively or collectively *second conduit*). Karasiuk, 6:52-67, FIG. 6. Further, Karasiuk's "collection reservoir 50" (*waste container*) is "connected in the vacuum line between [handpiece] 10 and vacuum source 40." Karasiuk, 6:57-58, 6:52-7:8.

[1.8]

As discussed in §IV.C.2, Karasiuk-Palmer includes "**a selector valve** for fluidly coupling the handpiece to a selected one of the liquid solutions" contained in "a plurality of solution reservoirs 12," as taught by Palmer. Palmer, Abstract, 4:50-63, 8:6-21, FIGS. 1, 5A-5C. As discussed in [1.6], the reservoirs in the combination (*first and at least one additional containers*) contain different solutions (*first and additional treatment fluids*). Palmer, 4:50-6. In operation, "a patient may be treated with two or more solutions during the same procedure, **one after the other**," and "[w]hen treatment with the particular irrigating solution is completed, **the system can be ... switched to another solution.**" Palmer, 6:46-51, 11:9-12 (emphasis added). Karasiuk recognizes desirability of using multiple types of skin treatment solutions during microdermabrasion. Karasiuk, 3:24-28, 5:3-6:5. Therefore, the Karasiuk-Palmer system would have used Palmer's multiple containers to *sequentially* deliver different skin treatment solutions—for example, a first container holding an antioxidant formulation (e.g., vitamin) and a second container holding a hydrating formulation (e.g., lotion).

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As to objections:



Ric Macchiaroli

Theresa Roozen

PILLSBURY WINTHROP SHAW PITTMAN LLP

7900 Tysons One Place, Suite 500

Tysons, VA 22102

(703) 770-7900

cartessa1408@pillsburylaw.com

Steven Tepera

Luke Hartman

PILLSBURY WINTHROP SHAW PITTMAN LLP

401 Congress Avenue, Suite 1700

Austin, TX 78701-3797

(512) 580-9600

cartessa1408@pillsburylaw.com

David G. Keyko

PILLSBURY WINTHROP SHAW PITTMAN LLP

31 W 52nd St

New York, NY 10019

(212) 858-1000

cartessa1408@pillsburylaw.com

Aya Hatori

PILLSBURY WINTHROP SHAW PITTMAN LLP

2550 Hanover Street

Palo Alto, CA 94304-1115

(650) 233-4500

cartessa1408@pillsburylaw.com

Counsel for Respondent

Cartessa Aesthetics, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this day, true and correct copies of the foregoing **CARTESSA AESTHETICS, LLC'S SECOND SUPPLEMENTAL RESPONSE TO COMPLAINANT HYDRAFACIAL, LLC'S INTERROGATORY 17** were served by means indicated to the persons at the addresses below:

<i>Counsel for Complainant HydraFacial LLC</i>	
Ali S. Razai Craig S. Summers Benjamin J. Everton Christian D. Boettcher KNOBBE, MARTENS, OLSON & BEAR, LLP 2040 Main Street, 14th Floor Irvine, CA 92614 Tel: (949) 760-0404 Benjamin B. Anger KNOBBE, MARTENS, OLSON & BEAR, LLP 3579 Valley Centre Drive, Suite 300 San Diego, CA 92130 Tel: 858-707-4000 Jonathan E. Bachand KNOBBE, MARTENS, OLSON & BEAR, LLP 1717 Pennsylvania Ave NW, Suite 900 Washington DC, 20006 Tel: (202) 640-6400	Via email: HydraFacial-ITC-141L2@knobbe.com
<i>Counsel for Respondent Eunsung Global Corp.</i>	
Lauren A. Degnan Joseph V. Colaianni Linhong Zhang April Sunyoung Park FISH & RICHARDSON P.C. 1000 Maine Avenue, S.W. Suite 1000 Washington, D.C. 20024 Tel: (202) 783-5070 Wonjoon Chung FISH & RICHARDSON P.C. 1180 Peachtree Street, NE	Via email: ServiceEunsungHydraFacialITC@fr.com

21st Floor Atlanta, GA 30309 Tel: (404) 892-5005	
Dated: October 22, 2024	By: <u>/s/ Stacey L. Campbell</u> Stacey L. Campbell