

From: [Trials](#)
To: [Peterson, Jacob](#); [Trials](#)
Cc: [McKeown, Scott A.](#); [PTAB Scott McKeown](#); rfernandez@foley.com; EunsungIPR@foley.com; MLB-HydraFacial-IPR-287-2
Subject: RE: IPR2025-00145 // Informing Board of Prior Determinations in Related Matters
Date: Tuesday, September 30, 2025 9:05:48 AM
Attachments: [image006.png](#)
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[image009.png](#)
[image010.png](#)
[image011.png](#)

Counsel,

We authorize Patent Owner to submit copies of the documents referenced in the email below as exhibits in IPR2025-00145. If Patent Owner discusses these new exhibits in its Sur-reply, Petitioner may file a response to Patent Owner's Sur-reply, which shall be limited solely to responding to Patent Owner's discussion of these new exhibits. Petitioner's response to Patent Owner's Sur-reply is due by January 26, 2026, and shall be no longer than 8 pages.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
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(571) 272-5366



From: Peterson, Jacob <jacob.peterson@morganlewis.com>
Sent: Friday, September 26, 2025 5:31 PM
To: Trials <Trials@USPTO.GOV>
Cc: McKeown, Scott A. <Scott.McKeown@WolfGreenfield.com>; PTAB Scott McKeown <SMcKeown-PTAB@WolfGreenfield.com>; rfernandez@foley.com; EunsungIPR@foley.com; MLB-HydraFacial-IPR-287-2 <MLB-HydraFacial-IPR-287-2@morganlewis.com>
Subject: IPR2025-00145 // Informing Board of Prior Determinations in Related Matters

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Your Honors,

In reply to the PTAB's General Order issued on September 20, 2025, the parties in IPR2025-00145 notify the Board of the following prior determinations in related matters. Upon the Board's authorization, Patent Owner will submit copies of these documents as exhibits for consideration.

- Memorandum and Order, *Edge Systems LLC v. Cartessa Aesthetics, LLC*, Case No. 2:20-cv-06082-GRB-ST, D.I. 97 (E.D.N.Y. Jun. 6, 2023)
- Explanation of Claim Terms Construed in Order Nos. 29 and 32, Order No. 50, ITC Inv. No. 337-TA-1408 (Jun. 11, 2025)

Petitioners oppose submission of irrelevant materials to the record that are not the "same or substantially the same evidence and/or arguments" as required by the Director Memo. The potential for prejudice is significant as PO has already filed its principal brief and such new issues expand the record. The Memorandum and Order of 2023 referenced above relates to a non-infringement finding that has no bearing here, does not address the '287 patent, and discusses a reference, "Shadduck" that is not present anywhere in this record. Likewise, the 2025 Explanation referenced above only addresses claim terms that have not been disputed in this record. Inclusion of such exhibits to the record now will allow PO to rely on them in its Sur-reply (for the first time), which will prejudice Petitioners. Should the Board nonetheless like to review these materials to confirm the above representations, Petitioners suggest that the documents be submitted for *in camera* review (via email only) such that the panel may assess relevance prior to authorizing submission to the IPR record.

Counsel for both Patent Owner and Petitioners are copied on this email and are available to discuss with the Board should it be helpful.

Respectfully,

Jacob Peterson

Counsel for Patent Owner HydraFacial LLC

Jacob Peterson

Morgan, Lewis & Bockius LLP

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