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7 Attorneys for Plaintiffs
EDGE SYSTEMS LLC and
8 AXIA MEDSCIENCES, LLC

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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13 WESTERN DIVISION

14 EDGE SYSTEMS LLC, a California
15 limited liability company, and AXIA
16 MEDSCIENCES, LLC, a Delaware
limited liability company,

17 Plaintiffs,

18 v.

19 IMAGE MICRODERM INC., a
20 Nevada corporation,

21 Defendant.

) Case No.: 2:17-cv-8699

) **COMPLAINT FOR PATENT**
) **INFRINGEMENT**

) **DEMAND FOR JURY TRIAL**

1 Plaintiffs Edge Systems LLC (“Edge”) and Axia MedSciences, LLC
2 (“Axia”) (collectively, “Plaintiffs”) hereby complain of Image MicroDerm Inc.
3 (“IMD”) and allege as follows:

4 **I. THE PARTIES**

5 1. Edge is a California limited liability company having a principal
6 place of business at 2277 Redondo Avenue, Signal Hill, California, 90755.

7 2. Edge manufactures spa and skin treatment products, including
8 Edge’s HydraFacial™ hydradermabrasion systems and Delphia™
9 microdermabrasion systems, and sells and distributes them throughout the
10 United States, including in this Judicial District.

11 3. Axia is a Delaware limited liability company having a principal
12 place of business at 23 Hallmark Circle, Menlo Park, California, 94025.

13 4. Plaintiffs are informed and believe and, based thereon, allege that
14 IMD is a Nevada corporation that has a regular and established place of business
15 in this district at 632 W. Elk Ave., Glendale, California, 91204.

16 **II. JURISDICTION AND VENUE**

17 5. This action arises under the Patent Laws of the United States, 35
18 U.S.C. §§ 100, *et seq.* Accordingly, this Court has original subject matter
19 jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

20 6. Because IMD has a regular and established place of business in
21 this district at 632 W. Elk Ave., Glendale, California, 91204, this Court has
22 personal jurisdiction over IMD due to IMD’s continuous, systematic, and
23 substantial presence within this judicial district.

24 7. In addition, this Court has personal jurisdiction over IMD because
25 IMD is selling and offering for sale infringing products in this judicial district,
26 and by committing acts of infringement in this judicial district, including but not
27 limited to selling infringing products directly to consumers and/or retailers in
28 this district and selling infringing products into the stream of commerce

1 knowing such products would be sold in this district, which acts form a
2 substantial part of the events or omissions giving rise to Plaintiffs' claim.

3 8. Venue is proper in this Judicial District pursuant to 28 U.S.C.
4 § 1400(b). IMD has a regular and established place of business in this district at
5 632 W. Elk Ave., Glendale, California, 91204, and has committed acts of
6 infringement in this district.

7 **III. GENERAL ALLEGATIONS**

8 9. Edge is a worldwide leader in microdermabrasion and
9 hydradermabrasion systems. Edge has spent considerable time, effort and
10 money to develop its proprietary technology, including the HydraFacial MD®
11 hydradermabrasion system.

12 10. To protect its substantial investment, Edge has obtained the rights
13 to various patents and patent applications throughout the world.

14 11. On November 4, 2003, the United States Patent and Trademark
15 Office ("USPTO") duly and lawfully issued U.S. Patent No. 6,641,591 ("the
16 '591 Patent"), titled "INSTRUMENTS AND TECHNIQUES FOR
17 CONTROLLED REMOVAL OF EPIDERMAL LAYERS." A true and correct
18 copy of the '591 Patent is attached hereto as Exhibit 1.

19 12. On September 7, 2010, the USPTO duly and lawfully issued U.S.
20 Patent No. 7,789,886 ("the '886 Patent"), titled "INSTRUMENTS AND
21 TECHNIQUES FOR CONTROLLED REMOVAL OF EPIDERMAL
22 LAYERS." A true and correct copy of the '886 Patent is attached hereto as
23 Exhibit 2.

24 13. On November 29, 2011, the USPTO duly and lawfully issued
25 U.S. Patent No. 8,066,716 ("the '716 Patent"), titled "INSTRUMENTS AND
26 TECHNIQUES FOR CONTROLLED REMOVAL OF EPIDERMAL
27 LAYERS." A true and correct copy of the '716 Patent is attached hereto as
28 Exhibit 3.

1 14. On December 25, 2012, the USPTO duly and lawfully issued
2 U.S. Patent No. 8,337,513 (“the ’513 Patent”), titled “INSTRUMENTS AND
3 TECHNIQUES FOR CONTROLLED REMOVAL OF EPIDERMAL
4 LAYERS.” A true and correct copy of the ’513 Patent is attached hereto as
5 Exhibit 4.

6 15. On October 18, 2016, the USPTO duly and lawfully issued U.S.
7 Patent No. 9,468,464 (“the ’464 Patent”), titled “METHODS FOR TREATING
8 THE SKIN USING VACUUM.” A true and correct copy of the ’464 Patent is
9 attached hereto as Exhibit 5.

10 16. On January 24, 2017, the USPTO duly and lawfully issued U.S.
11 Patent No. 9,550,052 (“the ’052 Patent”), titled “CONSOLE SYSTEM FOR
12 THE TREATMENT OF SKIN.” A true and correct copy of the ’052 Patent is
13 attached hereto as Exhibit 6.

14 17. On October 3, 2017, the USPTO duly and lawfully issued U.S.
15 Patent No. 9,775,646 (“the ’646 Patent”), titled “DEVICES AND SYSTEMS
16 FOR TREATING THE SKIN USING VACUUM.” A true and correct copy of
17 the ’646 Patent is attached hereto as Exhibit 7.

18 18. Axia is the owner of all right, title, and interest in the ’591 Patent,
19 the ’886 Patent, the ’716 Patent, the ’513 Patent, the ’464 Patent, and the ’646
20 Patent which are each exclusively licensed to Edge.

21 19. Edge is the owner of all right, title, and interest in the ’052 Patent.

22 20. IMD makes, uses, sells, offers to sell, and/or imports into the
23 United States the BioXFusion MD (“Accused MD Product”) and the smaller
24 BioXFusion Mini (“Accused Mini Product”). The Accused MD Product and
25 Accused Mini Product shall hereinafter be collectively referred to as the
26 Accused Products.

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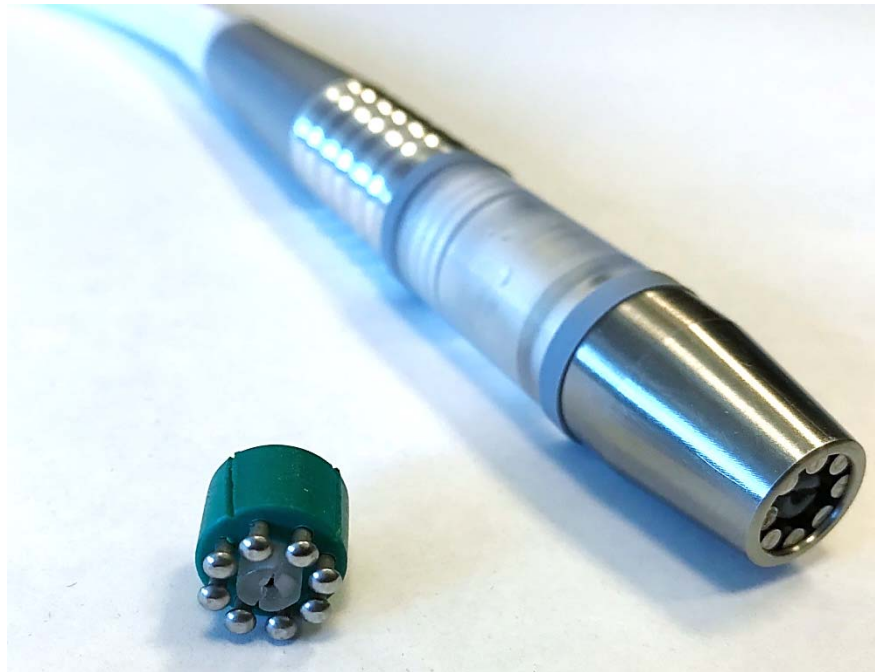


21. The Accused MD Product, shown above, infringes each of the '591 Patent, the '886 Patent, the '716 Patent, the '513 Patent, the '464 Patent, the '052 Patent, and the '646 Patent (collectively, the "Asserted Patents").



1 22. The Accused Mini Product, shown above, infringes each of the
2 '591 Patent, the '886 Patent, the '716 Patent, the '513 Patent, the '464 Patent,
3 and the '646 Patent.

4 23. Each of the Accused Products is a system for treating the skin
5 surface of a patient. The Accused Products each include a handpiece and a
6 variety of tips, examples of which are shown in the photograph below.



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18 24. The handpiece (i.e., handheld device) in each of the Accused
19 Products has (1) a port that can be attached to a vacuum source that is housed in
20 the Accused Product, and (2) a port that can attach to at least one fluid source
21 that is housed in the Accused Product. The handpiece in each of the Accused
22 Products defines a skin interface portion.

23 25. For each of the Accused Products, at least some of the tips that
24 are used with the handpiece of the Accused Product have abrading structures
25 with substantially sharp edges to abrade the skin. When the Accused Products
26 are in use, the vacuum creates a seal between the skin interface portion of the
27 handpiece and the patient's skin. The Accused Products deposit fluid, for
28 example a skin treatment media that may be housed in each respective product,

1 on the patient's skin through the port in the handpiece. The vacuum source at
2 least aids in depositing the fluid onto the patient's skin. When the handpiece is
3 used with a tip that has an abrading structure, such as those shown above, the
4 handpiece abrades the patient's skin, which can result in skin cells and/or debris.
5 The suction from the vacuum source can carry away skin cells, debris, and/or
6 fluid from the patient's skin through the skin interface portion of the handpiece
7 and into a waste container.

8 26. Plaintiffs are informed and believe and, based thereon, allege that
9 IMD sells its infringing products, including the Accused Products, to its
10 customers.

11 27. IMD's customers also infringed each of the Asserted Patents by
12 using infringing product that they acquired from IMD.

13 28. IMD had actual knowledge of each of the '591 Patent, the '886
14 Patent, the '716 Patent, and the '513 Patent no later than April 8, 2014, when
15 Plaintiffs sent IMD a letter demanding that IMD stop infringing those patents
16 and other patents. Plaintiffs are informed and believe and, based thereon, allege
17 that IMD had actual knowledge of the '052 Patent because it researched Edge's
18 patent portfolio after receiving Edge's cease and desist letter, but at least
19 through the filing of this Complaint. IMD had actual knowledge of the '464
20 Patent no later than July 19, 2017, when Plaintiffs sent IMD a letter demanding
21 that IMD stop infringing that patent and other patents. IMD has actual
22 knowledge of the '646 Patent at least through the filing of this Complaint.

23 29. Plaintiffs are informed and believe and, based thereon, allege that
24 IMD knew that its customers would infringe each of the Asserted Patents by, for
25 example, using its infringing products, including, for example, the Accused
26 Products, during the respective terms of the Asserted Patents.

27 30. Plaintiffs are informed and believe and, based thereon, allege that
28 IMD had the specific intent to induce and did induce its customers to infringe

1 each of the Asserted Patents by, for example, using products that infringe the
2 Asserted Patents, including, for example, the Accused Products, during the
3 respective term of the Asserted Patents.

4 31. IMD's acts of infringement of the Asserted Patents were
5 undertaken without permission or license from Plaintiffs.

6 32. IMD's actions constitute willful and intentional infringement of
7 each of the Asserted Patents. IMD infringed each of the Asserted Patents with
8 reckless disregard of Plaintiffs' patent rights. IMD knew, or it was so obvious
9 that IMD should have known, that its actions constituted infringement of the
10 Asserted Patents. Further, IMD's acts of infringement of the Asserted Patents
11 were not consistent with the standards of commerce for its industry.

12 33. As a direct and proximate result of IMD's acts of infringement,
13 IMD has derived and received gains, profits, and advantages in an amount that
14 are not presently known to Plaintiffs.

15 34. Pursuant to 35 U.S.C. § 284, Plaintiffs are entitled to damages for
16 IMD's infringing acts and treble damages together with interests and costs as
17 fixed by this Court.

18 35. Pursuant to 35 U.S.C. § 285, Plaintiffs are entitled to reasonable
19 attorneys' fees for the necessity of bringing this action.

20 36. Due to the aforesaid infringing acts, Plaintiffs have suffered great
21 and irreparable injury, for which Plaintiffs have no adequate remedy at law.

22 37. IMD will continue to infringe Plaintiffs' patent rights to the great
23 and irreparable injury of Plaintiffs, unless enjoined by this Court.

24 **IV. FIRST CLAIM FOR RELIEF**

25 **INFRINGEMENT OF U.S. PATENT NO. 6,641,591**

26 38. Plaintiffs incorporate by reference and reallege each of the
27 allegations set forth in Paragraphs 1-37 above.

28 39. This is a claim for patent infringement under 35 U.S.C. § 271.

1 40. Plaintiffs are informed and believe and, based thereon, allege that
2 IMD has knowingly and intentionally infringed and continues to infringe the
3 '591 Patent, either literally or under the doctrine of equivalents, through, for
4 example, the manufacture, use, sale, offer for sale, and/or importation into the
5 United States of the Accused Products.

6 41. For example, each of the Accused Products infringes at least
7 Claim 1 of the '591 Patent because it is a system for treating the skin surface of
8 a patient. Each of the Accused Products includes a handpiece that, when used
9 with one of the tips, forms a working end that defines a skin interface portion
10 for contacting skin. The handpiece has one port that is in communication with a
11 treatment media source, and a second port that is in communication with a
12 vacuum source. The vacuum source is able to remove tissue (e.g., exfoliated
13 skin) and treatment media that may have been deposited on the patient's skin
14 through the skin interface portion of the handpiece. Each of the Accused
15 Products can be used with tips that include a substantially sharp edge for
16 abrading skin.

17 42. Plaintiffs are informed and believe and, based thereon, allege that
18 IMD's customers that purchased infringing products (e.g., the Accused
19 Products) from IMD have also infringed the '591 Patent by, for example, using
20 those infringing products.

21 43. Plaintiffs are informed and believe and, based thereon, allege that
22 IMD knew that its customers would infringe the '591 Patent by, for example,
23 using those infringing products during the term of the '591 Patent.

24 44. Plaintiffs are informed and believe and, based thereon, allege that
25 IMD had the specific intent to induce and did induce its customers to infringe
26 the '591 Patent by, for example, using products that infringe the '591 Patent.
27 Plaintiffs are informed and believe that this inducement continues to this day.
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1 45. IMD's acts of infringement of the '591 Patent were undertaken
2 without permission or license from Plaintiffs.

3 46. IMD's actions constitute willful and intentional infringement of
4 the '591 Patent. IMD infringed the '591 Patent with reckless disregard of
5 Plaintiffs' patent rights. IMD knew, or it was so obvious that IMD should have
6 known, that its actions constituted infringement of the '591 Patent. Further,
7 IMD's acts of infringement of the '591 Patent were not consistent with the
8 standards of commerce for its industry.

9 47. As a direct and proximate result of IMD's acts of infringement,
10 IMD has derived and received gains, profits, and advantages in an amount that
11 is not presently known to Plaintiffs.

12 48. Pursuant to 35 U.S.C. § 284, Plaintiffs are entitled to damages for
13 IMD's infringing acts and treble damages together with interests and costs as
14 fixed by this Court.

15 49. Pursuant to 35 U.S.C. § 285, Plaintiffs are entitled to reasonable
16 attorneys' fees for the necessity of bringing this claim.

17 50. Due to the aforesaid infringing acts, Plaintiffs have suffered great
18 and irreparable injury, for which Plaintiffs have no adequate remedy at law.

19 51. IMD will continue to infringe and induce infringement of
20 Plaintiffs' patent rights to the great and irreparable injury of Plaintiffs, unless
21 enjoined by this Court.

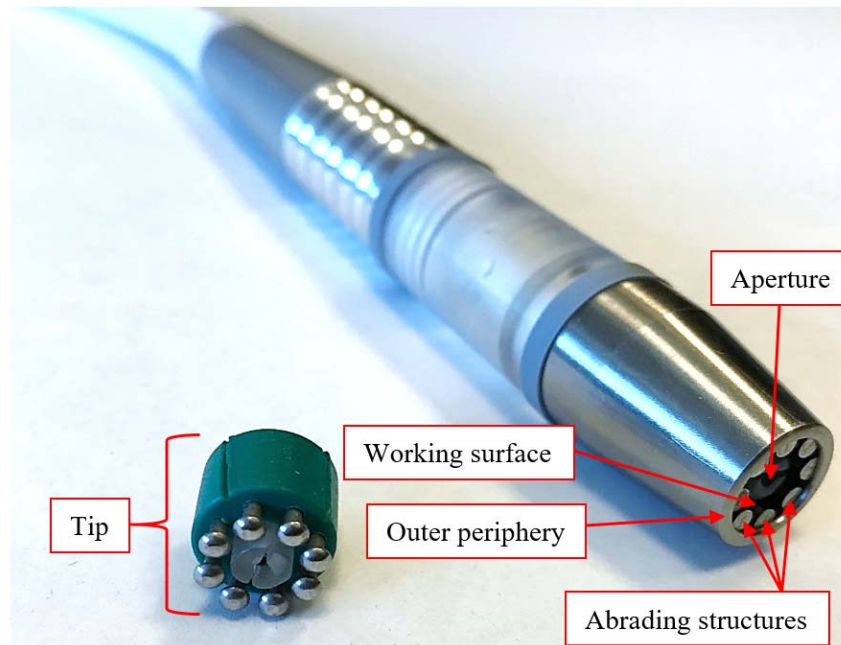
22 **V. SECOND CLAIM FOR RELIEF**
23 **INFRINGEMENT OF U.S. PATENT NO. 7,789,886**

24 52. Plaintiffs incorporate by reference and reallege each of the
25 allegations set forth in Paragraphs 1-511 above.

26 53. This is a claim for patent infringement under 35 U.S.C. § 271.

27 54. Plaintiffs are informed and believe and, based thereon, allege that
28 IMD has knowingly and intentionally infringed and continues to infringe the

1 '886 Patent, either literally or under the doctrine of equivalents, through, for
2 example, the manufacture, use, sale, offer for sale, and/or importation into the
3 United States of the Accused Products.



15 55. For example, each of the Accused Products infringes at least
16 Claim 11 of the '886 Patent. Each of the Accused Products includes a
17 handpiece that forms a working surface. This working surface of the handpiece
18 includes an aperture that is spaced from numerous abrasive structures that are
19 configured to abrade the skin surface. An outer periphery of the handpiece
20 encircles both the abrasive structures and the aperture. The aperture in the tip of
21 the handpiece is in communication with a vacuum.

22 56. When in use, the working surface of the handpiece is translated
23 relative to the patient's skin surface. The continuous application of a vacuum
24 through the aperture draws the patient's skin against the outer periphery and
25 abrasive structures of the handpiece to abrade the patient's skin surface. Debris
26 that results from the skin abrasion is simultaneously aspirated away from the
27 working surface by the vacuum while the patient's skin surface is being
28 abraded.

1 57. Plaintiffs are informed and believe and, based thereon, allege that
2 IMD's customers that purchased infringing products (e.g., the Accused Product)
3 from IMD have also infringed the '886 Patent by, for example, using those
4 infringing products.

5 58. Plaintiffs are informed and believe and, based thereon, allege that
6 IMD knew that its customers would infringe the '886 Patent by, for example,
7 using those infringing products during the term of the '886 Patent.

8 59. Plaintiffs are informed and believe and, based thereon, allege that
9 IMD had the specific intent to induce and did induce its customers to infringe
10 the '886 Patent by, for example, using products that infringe the '886 Patent.
11 Plaintiffs are informed and believe that this inducement continues to this day.

12 60. IMD's acts of infringement of the '886 Patent were undertaken
13 without permission or license from Plaintiffs.

14 61. IMD's actions constitute willful and intentional infringement of
15 the '886 Patent. IMD infringed the '886 Patent with reckless disregard of
16 Plaintiffs' patent rights. IMD knew, or it was so obvious that IMD should have
17 known, that its actions constituted infringement of the '886 Patent. Further,
18 IMD's acts of infringement of the '886 Patent were not consistent with the
19 standards of commerce for its industry.

20 62. As a direct and proximate result of IMD's acts of infringement,
21 IMD has derived and received gains, profits, and advantages in an amount that
22 is not presently known to Plaintiffs.

23 63. Pursuant to 35 U.S.C. § 284, Plaintiffs are entitled to damages for
24 IMD's infringing acts and treble damages together with interests and costs as
25 fixed by this Court.

26 64. Pursuant to 35 U.S.C. § 285, Plaintiffs are entitled to reasonable
27 attorneys' fees for the necessity of bringing this claim.

1 65. Due to the aforesaid infringing acts, Plaintiffs have suffered great
2 and irreparable injury, for which Plaintiffs have no adequate remedy at law.

3 66. IMD will continue to infringe and induce infringement of
4 Plaintiffs' patent rights to the great and irreparable injury of Plaintiffs, unless
5 enjoined by this Court.

6 **VI. THIRD CLAIM FOR RELIEF**
7 **INFRINGEMENT OF U.S. PATENT NO. 8,066,716**

8 67. Plaintiffs incorporate by reference and reallege each of the
9 allegations set forth in Paragraphs 1-666 above.

10 68. This is a claim for patent infringement under 35 U.S.C. § 271.

11 69. Plaintiffs are informed and believe and, based thereon, allege that
12 IMD has knowingly and intentionally infringed and continues to infringe the
13 '716 Patent, either literally or under the doctrine of equivalents, through, for
14 example, the manufacture, use, sale, offer for sale, and/or importation into the
15 United States of the Accused Products.

16 70. For example, each of the Accused Products infringes at least
17 Claim 15 of the '716 Patent. Each of the Accused Products is a system for
18 treating the skin surface of a patient. Each of the Accused Products includes a
19 handpiece with a main body and a working end at the distal end of the main
20 body. The handpiece includes abrading structures that are configured to
21 selectively abrade skin. The handpiece also includes an aperture or opening at
22 or near the working end that is in fluid communication with a vacuum source in
23 each of the Accused Products. The vacuum source in each of the Accused
24 Products is adapted to apply suction to the aperture to draw debris away from
25 the patient's skin surface. Additionally, the working end of the handpiece
26 includes an inflow port configured to deliver flowable media to the skin surface
27 during treatment. The working end of the handpiece also includes a non-
28 abrasive outer periphery that generally circumscribes an interior area that

1 includes the abrading structures, the aperture, and the inflow port. The outer
2 periphery of the handpiece is configured to contact the patient's skin surface
3 during treatment. Further, the flowable media delivered through the inflow port
4 is configured to pass through the abrading structures before being removed
5 away from the working end via the aperture of the handpiece.

6 71. Plaintiffs are informed and believe and, based thereon, allege that
7 IMD's customers that purchased infringing products (e.g., the Accused
8 Products) from IMD have also infringed the '716 Patent by, for example, using
9 those infringing products.

10 72. Plaintiffs are informed and believe and, based thereon, allege that
11 IMD knew that its customers would infringe the '716 Patent by, for example,
12 using those infringing products during the term of the '716 Patent.

13 73. Plaintiffs are informed and believe and, based thereon, allege that
14 IMD had the specific intent to induce and did induce its customers to infringe
15 the '716 Patent by, for example, using products that infringe the '716 Patent.
16 Plaintiffs are informed and believe that this inducement continues to this day.

17 74. IMD's acts of infringement of the '716 Patent were undertaken
18 without permission or license from Plaintiffs.

19 75. IMD's actions constitute willful and intentional infringement of
20 the '716 Patent. IMD infringed the '716 Patent with reckless disregard of
21 Plaintiffs' patent rights. IMD knew, or it was so obvious that IMD should have
22 known, that its actions constituted infringement of the '716 Patent. Further,
23 IMD's acts of infringement of the '716 Patent were not consistent with the
24 standards of commerce for its industry.

25 76. As a direct and proximate result of IMD's acts of infringement,
26 IMD has derived and received gains, profits, and advantages in an amount that
27 is not presently known to Plaintiffs.

1 77. Pursuant to 35 U.S.C. § 284, Plaintiffs are entitled to damages for
2 IMD's infringing acts and treble damages together with interests and costs as
3 fixed by this Court.

4 78. Pursuant to 35 U.S.C. § 285, Plaintiffs are entitled to reasonable
5 attorneys' fees for the necessity of bringing this claim.

6 79. Due to the aforesaid infringing acts, Plaintiffs have suffered great
7 and irreparable injury, for which Plaintiffs have no adequate remedy at law.

8 80. IMD will continue to infringe and induce infringement of
9 Plaintiffs' patent rights to the great and irreparable injury of Plaintiffs, unless
10 enjoined by this Court.

11 **VII. FOURTH CLAIM FOR RELIEF**
12 **INFRINGEMENT OF U.S. PATENT NO. 8,337,513**

13 81. Plaintiffs incorporate by reference and reallege each of the
14 allegations set forth in Paragraphs 1-80 above.

15 82. This is a claim for patent infringement under 35 U.S.C. § 271.

16 83. Plaintiffs are informed and believe and, based thereon, allege that
17 IMD has knowingly and intentionally infringed and continues to infringe the
18 '513 Patent, either literally or under the doctrine of equivalents, through, for
19 example, the manufacture, use, sale, offer for sale, and/or importation into the
20 United States of the Accused Products.

21 84. For example, each of the Accused Products infringes at least
22 Claim 1 of the '513 Patent. Each of the Accused Products is a system for
23 treating skin and includes a handpiece that has a main body and a working end
24 along the distal end of the main body. The handpiece includes an outer
25 periphery extending along its distal end, and substantially the entire
26 circumference of the outer periphery is configured to contact the patient's skin
27 surface during treatment. Further, the handpiece is configured to be used with
28 tips that are supplied with each of the Accused Products. When used with the

1 handheld device, at least some of the tips include the following features: a
2 plurality of surface elements that extend distally from the working end of the
3 handheld device and are positioned within the interior area circumscribed by the
4 outer periphery; each surface element having at least one sharp edge that is
5 configured to abrade skin when the handpiece is moved relative to the skin
6 surface. The handheld device also includes an aperture or opening along the
7 working end that is configured to be placed in fluid communication with a
8 vacuum source via a passageway. When the vacuum source is activated, the
9 passageway is configured to convey debris away from the working end.

10 85. Plaintiffs are informed and believe and, based thereon, allege that
11 IMD's customers that purchased infringing products (e.g., the Accused
12 Products) from IMD have also infringed the '513 Patent by, for example, using
13 those infringing products.

14 86. Plaintiffs are informed and believe and, based thereon, allege that
15 IMD knew that its customers would infringe the '513 Patent by, for example,
16 using those infringing products during the term of the '513 Patent.

17 87. Plaintiffs are informed and believe and, based thereon, allege that
18 IMD had the specific intent to induce and did induce its customers to infringe
19 the '513 Patent by, for example, using products that infringe the '513 Patent.
20 Plaintiffs are informed and believe that this inducement continues to this day.

21 88. IMD's acts of infringement of the '513 Patent were undertaken
22 without permission or license from Plaintiffs.

23 89. IMD's actions constitute willful and intentional infringement of
24 the '513 Patent. IMD infringed the '513 Patent with reckless disregard of
25 Plaintiffs' patent rights. IMD knew, or it was so obvious that IMD should have
26 known, that its actions constituted infringement of the '513 Patent. Further,
27 IMD's acts of infringement of the '513 Patent were not consistent with the
28 standards of commerce for its industry.

1 90. As a direct and proximate result of IMD's acts of infringement,
2 IMD has derived and received gains, profits, and advantages in an amount that
3 is not presently known to Plaintiffs.

4 91. Pursuant to 35 U.S.C. § 284, Plaintiffs are entitled to damages for
5 IMD's infringing acts and treble damages together with interests and costs as
6 fixed by this Court.

7 92. Pursuant to 35 U.S.C. § 285, Plaintiffs are entitled to reasonable
8 attorneys' fees for the necessity of bringing this claim.

9 93. Due to the aforesaid infringing acts, Plaintiffs have suffered great
10 and irreparable injury, for which Plaintiffs have no adequate remedy at law.

11 94. IMD will continue to infringe and induce infringement of
12 Plaintiffs' patent rights to the great and irreparable injury of Plaintiffs, unless
13 enjoined by this Court.

14 **VIII. FIFTH CLAIM FOR RELIEF**
15 **INFRINGEMENT OF U.S. PATENT NO. 9,468,464**

16 95. Plaintiffs incorporate by reference and reallege each of the
17 allegations set forth in Paragraphs 1-94 above.

18 96. This is a claim for patent infringement under 35 U.S.C. § 271.

19 97. Plaintiffs are informed and believe and, based thereon, allege that
20 IMD has knowingly and intentionally infringed and continues to infringe the
21 '464 Patent, either literally or under the doctrine of equivalents, through, for
22 example, the manufacture, use, sale, offer for sale, and/or importation into the
23 United States of the Accused Products.

24 98. For example, use of each of the Accused Product infringes at least
25 Claim 1 of the '464 Patent. Each of the Accused Products includes a handpiece
26 with a main body, a housing, and a working end. The working end of the
27 handpiece is configured to contact the patient's skin surface, and can be used
28 with a tip that comprises a perimeter along the distal end of the handpiece. The

1 handpiece has a first aperture or opening arrangement that includes a port at or
2 near the working end that is in fluid communication with a vacuum source that
3 is housed in each of the Accused Products through a passageway in the distal
4 end of the handpiece. The handpiece has a second aperture or opening
5 arrangement that includes a second port at or near the working end that is in
6 fluid communication with a treatment media source in each of the Accused
7 Products.

8 99. Each of the Accused Product is specifically designed to treat a
9 patient's skin surface. For example, when in use the handpiece in each of the
10 Accused Products is positioned against the patient's skin surface. Activating the
11 vacuum source in each of the Accused Products facilitates the delivery of a
12 liquid treatment media to the patient's skin surface through the second port.
13 The used liquid treatment media is aspirated away from the patient's skin
14 surface through the first port and the passageway at the distal end of the
15 handpiece. Simultaneously, activating the vacuum source facilitates the
16 delivery of the treatment media to the patient's subsurface skin tissue and the
17 delivery of the treatment media hydrates or puffs up the adjacent skin surface at
18 the treatment site to facilitate the treatment method.

19 100. Plaintiffs are informed and believe and, based thereon, allege that
20 IMD's customers that purchased infringing products (e.g., the Accused
21 Products) from IMD have also infringed the '464 Patent by, for example, using
22 those infringing products.

23 101. Plaintiffs are informed and believe and, based thereon, allege that
24 IMD knew that its customers would infringe the '464 Patent by, for example,
25 using those infringing products during the term of the '464 Patent.

26 102. Plaintiffs are informed and believe and, based thereon, allege that
27 IMD had the specific intent to induce and did induce its customers to infringe
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1 the '464 Patent by, for example, using products that infringe the '464 Patent.
2 Plaintiffs are informed and believe that this inducement continues to this day.

3 103. IMD's acts of infringement of the '464 Patent were undertaken
4 without permission or license from Plaintiffs.

5 104. IMD's actions constitute willful and intentional infringement of
6 the '464 Patent. IMD infringed the '464 Patent with reckless disregard of
7 Plaintiffs' patent rights. IMD knew, or it was so obvious that IMD should have
8 known, that its actions constituted infringement of the '464 Patent. Further,
9 IMD's acts of infringement of the '464 Patent were not consistent with the
10 standards of commerce for its industry.

11 105. As a direct and proximate result of IMD's acts of infringement,
12 IMD has derived and received gains, profits, and advantages in an amount that
13 is not presently known to Plaintiffs.

14 106. Pursuant to 35 U.S.C. § 284, Plaintiffs are entitled to damages for
15 IMD's infringing acts and treble damages together with interests and costs as
16 fixed by this Court.

17 107. Pursuant to 35 U.S.C. § 285, Plaintiffs are entitled to reasonable
18 attorneys' fees for the necessity of bringing this claim.

19 108. Due to the aforesaid infringing acts, Plaintiffs have suffered great
20 and irreparable injury, for which Plaintiffs have no adequate remedy at law.

21 109. IMD will continue to infringe and induce infringement of
22 Plaintiffs' patent rights to the great and irreparable injury of Plaintiffs, unless
23 enjoined by this Court.

24 **IX. SIXTH CLAIM FOR RELIEF**

25 **INFRINGEMENT OF U.S. PATENT NO. 9,550,052**

26 110. Plaintiffs incorporate by reference and reallege each of the
27 allegations set forth in Paragraphs 1-1099 above.

28 111. This is a claim for patent infringement under 35 U.S.C. § 271.

1 112. Plaintiffs are informed and believe and, based thereon, allege that
2 IMD has knowingly and intentionally infringed and continues to infringe the
3 '052 Patent, either literally or under the doctrine of equivalents, through, for
4 example, the manufacture, use, sale, offer for sale, and/or importation into the
5 United States of the Accused MD Product.

6 113. For example, the Accused MD Product infringes at least Claim 11
7 of the '052 Patent. The Accused MD Product is a system for performing a skin
8 treatment procedure that includes a manifold, a handpiece assembly, and a
9 variety of tips. The Accused MD Product includes a manifold that is in fluid
10 communication with at least two fluid containers that are configured to contain a
11 liquid treatment material for a skin treatment procedure. The Accused MD
12 Product has a handpiece assembly that can be used with one of a variety of tips
13 that are included with the Accused MD Product and are configured to contact a
14 patient's skin surface during the treatment procedure. The Accused MD
15 Product includes a supply conduit that places the manifold in fluid
16 communication with the handpiece assembly; the distal end of the supply
17 conduit is configured to be attached to the handpiece assembly. The manifold
18 of the Accused MD Product is configured to control the flow of treatment
19 material from the separate fluid containers through the supply conduit. The
20 Accused MD Product is configured to permit a user to select the treatment
21 material from the separate fluid containers for delivery from the supply conduit.
22 The handpiece assembly is also in fluid communication with a waste conduit
23 that is operatively coupled to a vacuum source of the Accused MD Product to
24 remove waste away from the skin surface during the treatment procedure.

25 114. Plaintiffs are informed and believe and, based thereon, allege that
26 IMD's customers that purchased infringing products (e.g., the Accused MD
27 Product) from IMD have also infringed the '052 Patent by, for example, using
28 those infringing products.

1 115. Plaintiffs are informed and believe and, based thereon, allege that
2 IMD knew that its customers would infringe the '052 Patent by, for example,
3 using those infringing products during the term of the '052 Patent.

4 116. Plaintiffs are informed and believe and, based thereon, allege that
5 IMD had the specific intent to induce and did induce its customers to infringe
6 the '052 Patent by, for example, using products that infringe the '052 Patent.
7 Plaintiffs are informed and believe that this inducement continues to this day.

8 117. IMD's acts of infringement of the '052 Patent were undertaken
9 without permission or license from Plaintiffs.

10 118. IMD's actions constitute willful and intentional infringement of
11 the '052 Patent. IMD infringed the '052 Patent with reckless disregard of
12 Plaintiffs' patent rights. IMD knew, or it was so obvious that IMD should have
13 known, that its actions constituted infringement of the '052 Patent. Further,
14 IMD's acts of infringement of the '052 Patent were not consistent with the
15 standards of commerce for its industry.

16 119. As a direct and proximate result of IMD's acts of infringement,
17 IMD has derived and received gains, profits, and advantages in an amount that
18 is not presently known to Plaintiffs.

19 120. Pursuant to 35 U.S.C. § 284, Plaintiffs are entitled to damages for
20 IMD's infringing acts and treble damages together with interests and costs as
21 fixed by this Court.

22 121. Pursuant to 35 U.S.C. § 285, Plaintiffs are entitled to reasonable
23 attorneys' fees for the necessity of bringing this claim.

24 122. Due to the aforesaid infringing acts, Plaintiffs have suffered great
25 and irreparable injury, for which Plaintiffs have no adequate remedy at law.

26 123. IMD will continue to infringe and induce infringement of
27 Plaintiffs' patent rights to the great and irreparable injury of Plaintiffs, unless
28 enjoined by this Court.

X. SEVENTH CLAIM FOR RELIEF
INFRINGEMENT OF U.S. PATENT NO. 9,775,646

124. Plaintiffs incorporate by reference and reallege each of the allegations set forth in Paragraphs 1-1233 above.

125. This is a claim for patent infringement under 35 U.S.C. § 271.

126. Plaintiffs are informed and believe and, based thereon, allege that IMD has knowingly and intentionally infringed and continues to infringe the '646 Patent, either literally or under the doctrine of equivalents, through, for example, the manufacture, use, sale, offer for sale, and/or importation into the United States of the Accused Products.

127. For example, each of the Accused Products infringes at least Claim 13 of the '646 Patent. Each of the Accused Products is a system for treating a patient's skin surface and includes a handpiece with a main body, a housing, and a working end. The working end of the handpiece has a distal end that is configured to contact the patient's skin surface. The perimeter along the distal end of the working end of the Accused Product is configured to contact the patient's skin surface. When used with one of the tips supplied with each of the Accused Products, a skin interface is positioned within the perimeter of the handpiece and configured to contact the patient's skin surface during use. In addition, the handpiece has a first aperture or opening arrangement that includes a first port at or near the working end that is in fluid communication through a passageway with a vacuum source, which is housed in each of the respective Accused Products through a passageway. The handpiece also has a second aperture or opening arrangement that includes a second port at or near the working end that is in fluid communication with a treatment media source that is housed in each of the respective Accused Products. In each of the Accused Products, when the handpiece is positioned along the patient's skin surface and the vacuum source is activated, a treatment media is delivered to the patient's

1 skin surface through the passageway and the second port. Simultaneously, the
2 used treatment media is aspirated away from the working end of the handpiece
3 through the first port.

4 128. Plaintiffs are informed and believe and, based thereon, allege that
5 IMD's customers that purchased infringing products (e.g., the Accused
6 Products) from IMD have also infringed the '646 Patent by, for example, using
7 those infringing products.

8 129. Plaintiffs are informed and believe and, based thereon, allege that
9 IMD knew that its customers would infringe the '646 Patent by, for example,
10 using those infringing products during the term of the '646 Patent.

11 130. Plaintiffs are informed and believe and, based thereon, allege that
12 IMD had the specific intent to induce and did induce its customers to infringe
13 the '646 Patent by, for example, using products that infringe the '646 Patent.
14 Plaintiffs are informed and believe that this inducement continues to this day.

15 131. IMD's acts of infringement of the '646 Patent were undertaken
16 without permission or license from Plaintiffs.

17 132. IMD's actions constitute willful and intentional infringement of
18 the '646 Patent. IMD infringed the '646 Patent with reckless disregard of
19 Plaintiffs' patent rights. IMD knew, or it was so obvious that IMD should have
20 known, that its actions constituted infringement of the '646 Patent. Further,
21 IMD's acts of infringement of the '646 Patent were not consistent with the
22 standards of commerce for its industry.

23 133. As a direct and proximate result of IMD's acts of infringement,
24 IMD has derived and received gains, profits, and advantages in an amount that
25 is not presently known to Plaintiffs.

26 134. Pursuant to 35 U.S.C. § 284, Plaintiffs are entitled to damages for
27 IMD's infringing acts and treble damages together with interests and costs as
28 fixed by this Court.

1 G. An Order awarding pre-judgment and post-judgement interest and
2 costs as fixed by the Court; and

3 H. Such other and further relief as this Court may deem just and
4 proper.

5 Respectfully Submitted,

6 KNOBBE, MARTENS, OLSON & BEAR, LLP
7

8 Dated: December 1, 2017

By: /s/ Ali S. Razai

9 Brenton R. Babcock
10 Paul A. Stewart
11 Ali S. Razai

12 Attorneys for Plaintiffs
13 EDGE SYSTEMS LLC and
14 AXIA MEDSCIENCES, LLC
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