

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE

SINCLAIR PHARMA LIMITED, SINCLAIR PHARMA US, INC.,
VIOA, INC., EMA AESTHETICS LTD.,
AESTHETIC MANAGEMENT PARTNERS, LLC, and
AESTHETIC MANAGEMENT PARTNERS, INC.
Petitioner,

v.

HYDRAFACIAL LLC,
Patent Owner.

IPR2025-00145
Patent 11,865,287 B2

Before JOHN A. SQUIRES, *Under Secretary of Commerce for Intellectual
Property and Director of the United States Patent and Trademark Office.*

ORDER

Vacating the Decision Granting Institution and
Denying Institution of *Inter Partes* Review

On December 22, 2025, I initiated a *sua sponte* Director Review in the above-referenced proceeding to determine whether this *inter partes* review (“IPR”) should be de-instituted and terminated in view of the findings in a U.S. International Trade Commission (“ITC”) Initial Determination (“ID”) involving the same patent, prior art, and asserted grounds, that Hydrafacial LLC (“Patent Owner”) has established commercial success and that the claims are not invalid. Paper 40, 3; *see* Ex. 2161, 99–184. As I explained, the Board considers prior findings of fact and conclusions of law when patent claims being challenged before the Board already have been adjudicated at the Office or in another forum, such as the ITC. *Id.* at 2.

I have reviewed the ID and determine this IPR should be de-instituted because the ITC already has adjudicated validity of the challenged patent based on the same challenges asserted in this IPR. *See* 35 U.S.C. § 314(a); 37 C.F.R. § 42.72; *Sling TV, L.L.C. v. Realtime Adaptive Streaming LLC*, 840 F. App’x 598 (Fed. Cir. 2021); *BioDelivery Scis. Int’l, Inc. v. Aquestive Therapeutics, Inc.*, 935 F.3d 1362 (Fed. Cir. 2019). Maintaining this IPR when the ITC has determined that Patent Owner established commercial success and that the claims are not invalid based on the same prior art and combinations asserted in this IPR would result in significant duplication of effort, additional expense for the parties, and a risk of inconsistent decisions.

Accordingly, it is:

ORDERED that the Board’s Decision granting institution of *inter partes* review (Paper 12) is vacated; and

FURTHER ORDERED that the Petition is denied and no trial is instituted.

IPR2025-00145
Patent 11,865,287 B2

For PETITIONER:

Scott A. McKeown
WOLF, GREENFIELD & SACKS, P.C.
smckeown-ptab@wolfgreenfield.com

Roberto J. Fernandez
FOLEY & LARDNER, LLP
rfernandez@foley.com

For PATENT OWNER:

Ali S. Razai
Benjamin J. Everton
Benjamin B. Anger
Alexander B. Stein
Jacob L. Peterson
MORGAN, LEWIS & BOCKIUS LLP
ali.razai@morganlewis.com
ben.everton@morganlewis.com
ben.anger@morganlewis.com
alexander.stein@morganlewis.com
jacob.peterson@morganlewis.com