

From: [Director_PTABDecision_Review](#)
To: "Peterson, Jacob"; [PTAB Scott McKeown](#); [McKeown, Scott A.](#); [PTAB Mike Rader](#); rfernandez@foley.com; EunsungIPR@foley.com; [MLB-HydraFacial-IPR-287-2](#)
Subject: RE: IPR2025-00145
Date: Tuesday, March 31, 2026 6:52:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Counsel,

Petitioner's request for authorization to file a reply brief in support of its Request for Rehearing in the above-identified proceeding is granted. Petitioner is authorized to file its brief, limited to three pages, no later than April 3rd. Patent Owner is authorized to file a sur-reply brief, also limited to three pages, no later than April 7th.

Thanks.

IPR2025-00145
Ex. 3104

From: Peterson, Jacob <jacob.peterson@morganlewis.com>
Sent: Monday, March 30, 2026 7:14 PM
To: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>
Cc: PTAB Scott McKeown <SMcKeown-PTAB@WolfGreenfield.com>; McKeown, Scott A. <Scott.McKeown@WolfGreenfield.com>; PTAB Mike Rader <MRader-PTAB@WolfGreenfield.com>; rfernandez@foley.com; EunsungIPR@foley.com; MLB-HydraFacial-IPR-287-2 <MLB-HydraFacial-IPR-287-2@morganlewis.com>
Subject: RE: IPR2025-00145

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Dear Director Squires,

Patent Owner opposes Petitioners' request for leave to file a five-page reply.

Petitioners seek additional briefing based on two developments that post-date the Director's February 12 Order Vacating the Decision Granting Institution and Denying Institution of Inter Partes Review ("Order") under review: the March 23 ITC Final Determination Finding a Violation of Section 337 and Termination of the Investigation ("Determination and Termination") and the March 26 Petition for Review of Determinations and Issues in ITC Proceeding, which seeks appellate review in the Federal Circuit ("Appeal"). Neither development justifies further briefing because neither bears on whether the Director's February 12 Order overlooked or misapprehended any issues relevant to the decision to de-institute review of the '287 patent.

Petitioners' March 16 Request for Rehearing relied heavily on whether the ITC Commission would vacate the Initial Determination ("ID") that formed the basis for the Director's de-institution of the '287 patent. In response, Patent Owner referenced the March 23 Determination and Termination to finally rebut Petitioners' speculation regarding the fate of the ID, which the Commission

affirmed and supplemented. No reply is warranted to address Patent Owner's limited observation. Moreover, the Commission's March 23 Determination and Termination does not justify further briefing, not only because it is clear on its face, but also because it adds nothing to the findings of validity already addressed in the ID.

The March 26 Appeal is even further removed from any issue before the Director. It post-dates both the Director's February 12 Order and Petitioners' March 16 Request for Rehearing, so it cannot demonstrate any error in the Director's February 12 Order.

The rehearing request is fully briefed on the existing record. Patent Owner respectfully requests that Petitioners' request for additional briefing be denied. If the Director is nevertheless inclined to permit further briefing, Patent Owner respectfully requests an equal opportunity to respond.

Counsel for Petitioners is copied on this email.

Respectfully,

Jacob Peterson
Counsel for Patent Owner HydraFacial LLC

Jacob Peterson

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From: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>

Sent: Friday, March 27, 2026 1:44 PM

To: 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>; PTAB Mike Rader <MRader-PTAB@WolfGreenfield.com>; McKeown, Scott A. <Scott.McKeown@WolfGreenfield.com>

Subject: RE: IPR2025-00145

[EXTERNAL EMAIL]

Counsel,

Patent Owner may respond with its position as to Petitioner's request via email by Monday, March 30th.

Thanks,

From: McKeown, Scott A. <Scott.McKeown@WolfGreenfield.com>
Sent: Friday, March 27, 2026 4:16 PM
To: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>
Cc: 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>; PTAB Mike Rader <MRader-PTAB@WolfGreenfield.com>
Subject: IPR2025-00145

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Director Squires,

On March 16, 2026, Petitioners filed a Request for Rehearing following the Director's decision to vacate IPR2025-00145 based on an ongoing ITC investigation. On March 26, 2026, Patent Owner filed an opposition in which it characterized the ITC's termination of that action this past Monday. As Petitioners were unable to address this termination in their opening brief, and because an appeal of that decision (filed yesterday) will also impact the Director's analysis, Petitioners request a 5-page Reply to be filed by Wednesday April 1st.

Counsel for Patent Owner is copied on this email.



Scott McKeown

(Mik-Q-En)

Shareholder

Admitted to Practice: VA & DC

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