

Filed: July 23, 2025

Filed on behalf of:

Patent Owner HydraFacial LLC
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EUNSUNG GLOBAL CORP.,

Petitioner,

v.

HYDRAFACIAL LLC

Patent Owner.

Case No. IPR2025-00445

U.S. Patent No. 9,550,052

PATENT OWNER MOTION TO SEAL

Pursuant to 37 C.F.R. §§ 42.14, 42.54(a), 42.56, and the Modified Protective Order (Paper 13), Patent Owner HydraFacial LLC (“HydraFacial”) submits this unopposed Motion to Seal. With authorization from the Board, HydraFacial filed a Motion to Terminate the Petition as Time Barred under 35 U.S.C. § 315(b) (“Motion to Terminate”) (Paper 15) on July 15, 2025. The Motion to Terminate relies, in part, on evidence of privity between Petitioner Eunsung Global Corp. (“Petitioner” or “Eunsung”) and Cartessa Aesthetics, LLC (“Cartessa”). This evidence is in the form of documents that Eunsung and Cartessa have designated as confidential, either in this IPR or a separate ITC investigation.

As explained further below, the types of documents HydraFacial is requesting to be sealed are: (1) an excerpted deposition transcript from *Certain Hydrodermabrasion Systems and Components Thereof*, ITC Inv. No. 337-TA-1408 (“1408 ITC Investigation”), which is an ITC investigation involving HydraFacial as Complainant and Eunsung and Cartessa as Respondents; (2) documents produced by Eunsung in this IPR in response to the document requests from HydraFacial.

I. DOCUMENTS REQUESTED TO BE SEALED

Exhibit 2057 is an excerpt of the deposition transcript of Gabe Luben, CEO of Cartessa, taken on October 31, 2024, in 1408 ITC Investigation. In the excerpt, Mr. Lubin discusses the business relationship between Eunsung and Cartessa. The transcript was designated as Confidential Business Information (CBI) by Cartessa

under the ITC protective order. Exhibit 2057 contains confidential information. Cartessa's counsel in 1408 ITC Investigation provided permission to HydraFacial's counsel to produce the excerpted deposition transcript in this IPR and requested that the transcript maintain its confidentiality designation and that it be filed under seal when submitted.

Exhibit 2058 is a distribution agreement between Cartessa and Eunsung. Eunsung produced the document to HydraFacial in this IPR. Although Eunsung did not affix a confidentiality stamp to the document when producing it, Eunsung's counsel indicated they were producing it as confidential pursuant to the protective order entered in this IPR. HydraFacial applied the confidentiality stamp when producing the document as Exhibit 2058.

Exhibit 2059 is a PDF printout of the email communication between a Eunsung representative and Gabe Lubin, CEO of Cartessa, dated July 22, 2022. Eunsung produced the document to HydraFacial in this IPR. Although Eunsung did not affix a confidentiality stamp to the document when producing it, Eunsung's counsel indicated they were producing it as confidential pursuant to the protective order entered in this IPR. HydraFacial applied the confidentiality stamp when producing the document as Exhibit 2059.

Exhibit 2060 is a PDF printout of the email communication between a Eunsung representative and Gabe Lubin, CEO of Cartessa, dated July 27, 2022.

Eunsung produced the document to HydraFacial in this IPR. Although Eunsung did not affix a confidentiality stamp to the document when producing it, Eunsung's counsel indicated they were producing it as confidential pursuant to the protective order entered in this IPR. HydraFacial applied the confidentiality stamp when producing the document as Exhibit 2060.

Exhibit 2061 is a PDF printout of the email communication between a Eunsung representative and Gabe Lubin, CEO of Cartessa, dated September 13, 2022. Eunsung produced the document to HydraFacial in this IPR. Although Eunsung did not affix a confidentiality stamp to the document when producing it, Eunsung's counsel indicated they were producing it as confidential pursuant to the protective order entered in this IPR. HydraFacial applied the confidentiality stamp when producing the document as Exhibit 2061.

Exhibit 2062 is a PDF printout of the email communication between a Eunsung representative and Gabe Lubin, CEO of Cartessa, dated December 5, 2022. Eunsung produced the document to HydraFacial in this IPR. Although Eunsung did not affix a confidentiality stamp to the document when producing it, Eunsung's counsel indicated they were producing it as confidential pursuant to the protective order entered in this IPR. HydraFacial applied the confidentiality stamp when producing the document as Exhibit 2062.

Exhibit 2063 is a settlement and release agreement between Cartessa and

Eunsung. Eunsung produced the document to HydraFacial in this IPR. Although Eunsung did not affix a confidentiality stamp to the document when producing it, Eunsung's counsel indicated they were producing it as confidential pursuant to the protective order entered in this IPR. HydraFacial applied the confidentiality stamp when producing the document as Exhibit 2063.

Exhibit 2071 is a PDF printout of what appears to be email communication between Eunsung employees dated July 21, 2022. Eunsung produced the document to HydraFacial in this IPR. Although Eunsung did not affix a confidentiality stamp to the document when producing it, Eunsung's counsel indicated they were producing it as confidential pursuant to the protective order entered in this IPR. HydraFacial applied the confidentiality stamp when producing the document as Exhibit 2071.

Exhibit 2072 is a PDF printout of a Microsoft Word document that was produced as an attachment to the email in Exhibit 2071. Eunsung produced the document to HydraFacial in this IPR. Although Eunsung did not affix a confidentiality stamp to the document when producing it, Eunsung's counsel indicated they were producing it as confidential pursuant to the protective order entered in this IPR. HydraFacial applied the confidentiality stamp when producing the document as Exhibit 2072.

HydraFacial's Motion to Terminate relies on and cites to the confidential

information disclosed in Exhibits 2057-2063, 2071, and 2072 as supporting evidence.

Eunsung and Cartessa have expressed their wish to maintain strict confidentiality of the information contained in the Motion to Terminate and Exhibits 2057-2063, 2071, and 2072.

II. GOOD CAUSE EXISTS TO SEAL

Argentum Pharms. LLC v. Alcon Res., Ltd., IPR2017-01053, Paper 27 at 3–4 (PTAB Jan. 19, 2018) (informative) sets forth four factors for showing that good cause exists to seal confidential information. The four factors are satisfied here.

First, the information sought to be sealed is “truly confidential.” Cartessa and Eunsung have informed HydraFacial that information in the documents is confidential and that the exhibits and Motion to Terminate should be filed under seal in this IPR.

Second, Cartessa and Eunsung have designated the information as confidential pursuant to the protective order, and HydraFacial understands that by doing so, Cartessa and Eunsung believe that disclosure or use of that information outside this proceeding would result in “concrete harm” and impair their ability to compete in the market. To prevent such disclosure and the resultant harm to commercial interests, the confidential information submitted by HydraFacial is the type of information to be protected pursuant to 37 C.F.R. § 42.54(a)(7).

Third, HydraFacial has a “genuine need” to rely on the confidential information in its Motion to Terminate. HydraFacial contends in its Motion to Terminate that Petitioner Eunsung and Cartessa are in privity; the information in the confidential documents supports that contention.

Fourth, HydraFacial understands, based on Cartessa and Eunsung designating the information confidential, that they believe the prejudicial effect of disclosure outweighs the public’s interest in accessing this information for the purposes of understanding the business relationship between Cartessa and Eunsung. In order to appropriately balance the public’s interest in an open record with Eunsung’s interest in protecting confidential information, HydraFacial invites Eunsung to submit redacted versions of the Motion to Terminate, Exhibits 2058-2063, 2071, and 2072 (excluding Cartessa’s Exhibit 2057) with any opposition to the Motion to Terminate Eunsung may file.

III. 37 C.F.R. § 42.54(A) CERTIFICATION OF CONFERENCE

HydraFacial certifies the parties have conferred regarding Cartessa’s and Eunsung’s desire to maintain the confidentiality of the information in the exhibits and Motion to Terminate and have these documents filed under seal. Cartessa and Eunsung do not oppose HydraFacial’s Motion to Seal.

IV. CONCLUSION

For the foregoing reasons, HydraFacial requests that the Board grant this Motion.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: July 23, 2025

By: / Benjamin B. Anger/

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Attorneys for Patent Owner

HydraFacial LLC

IPR2025-00445

Eunsung Global v. HydraFacial

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of **PATENT OWNER MOTION TO SEAL** is being served on July 23, 2025, via email pursuant to 37 C.F.R. § 42.6(e), to counsel for Petitioner as addressed below:

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