

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EUNSUNG GLOBAL CORP.,
Petitioner

v.

HYDRAFACIAL LLC,
Patent Owner

Case IPR2025-00452
Patent 12,053,607 B2

**PETITIONER'S OPPOSITION TO PATENT OWNER'S REQUEST FOR
DISCRETIONARY DENIAL OF INSTITUTION**

TABLE OF CONTENTS

I.	Introduction.....	1
II.	325(d) Favors Institution	2
	A. <i>Advanced Bionics</i> Part I – The Office Did Not Consider the Prior Art Combinations Advanced in the Present Petition	3
	a. Palmer is not cumulative	4
	b. Trueba is not cumulative	7
	c. The obviousness arguments/combinations are new	8
	B. <i>Advanced Bionics</i> Part II – The Office Did Not Substantively Address Karasiuk and the Examiner Erred By Failing to Apply the Combinations Advanced in the Present Petition	9
	a. The examiner did not substantively address Karasiuk, Greenberg, or Waldron.....	11
	b. The examiner erred by not applying Karasiuk, Palmer, Trueba, and Waldron	13
	c. The examiner erred by not applying Greenberg, Trueba, and Waldron	16
	d. HF’s remaining arguments are misplaced.....	17
III.	The Petition Establishes a Compelling Case of Obviousness	18
	A. Karasiuk-Palmer renders obvious supply and waste lines connected/extending between the handpiece and the console.....	18
	a. Palmer teaches a supply line “connected between” or “extending between” the handpiece and the console.....	19
	b. HF focuses entirely on the Palmer reference and ignores the Karasiuk-Palmer combination presented by the Petition.....	25
	c. HF’s brief fails to address the evidence presented in the Petition that it would have been obvious to connect Karasiuk-Palmer’s supply and waste lines to a port or receiver on Palmer’s mobile cart	27
	B. Greenberg renders obvious the claimed supply and waste lines.	29
	a. Greenberg renders obvious a supply line connected/extending between the handpiece and the console	31
	b. Greenberg renders obvious a supply line “for sequentially delivering treatment material to the handpiece from the first container or the second container”	33
	c. Greenberg renders obvious a waste line connected/extending between the handpiece and the console	34

d.	HF fails to address the Petition’s evidence that it would have been obvious to connect Greenberg’s supply and waste lines to a port or receiver on apparatus 10.....	35
C.	The Petition Instituted Against HF’s ’287 Patent Supports Institution Here	36
IV.	Conclusion	38

EXHIBITS

- EUNSUNG-1001 U.S. Pat. No. 12,053,607 to Ignon (“the ’607 patent”)
- EUNSUNG-1002 Excerpts from the Prosecution History of the ’607 patent (“the Prosecution History”)
- EUNSUNG-1003 Declaration of Mr. Eric Simon
- EUNSUNG-1004 U.S. Patent Publication No. 2003/0212415 (“Karasiuk”)
- EUNSUNG-1005 U.S. Patent No. 5,199,604 (“Palmer”)
- EUNSUNG-1006 U.S. Patent Publication No. 2003/0093089 (“Greenberg”)
- EUNSUNG-1007 U.S. Patent No. 6,390,815 (“Pond”)
- EUNSUNG-1008 U.S. Patent No. 6,684,880 (“Trueba”)
- EUNSUNG-1009 U.S. Patent No. 4,512,764 (“Wunsch 1982”)
- EUNSUNG-1010 U.S. Patent Publication No. 2003/0018252 (“Duchon”)
- EUNSUNG-1011 U.S. Patent No. 4,215,476 (“Armstrong”)
- EUNSUNG-1012 Friedman, et al., Chemical peels, dermabrasion, and laser therapy, *Disease-a-Month* 55.4 (2009): 223-235 (“Friedman”)
- EUNSUNG-1013 Burgess, Cheryl M., *Cosmetic dermatology*, Heidelberg, Germany: Springer, 2005 (“Burgess”)
- EUNSUNG-1014 Pickering, J. A., Touch-sensitive screens: the technologies and their application, *International Journal of Man-Machine Studies* 25.3 (1986): 249-269 (“Pickering”)
- EUNSUNG-1015 Friedman, Mark J. et al., The AMSA injection: A new concept for local anesthesia of maxillary teeth using a computer-controlled injection system. *Quintessence Int* 29 (1998): 297-

303 (“Friedman 1998”)

EUNSUNG-1016 Lee, Woan-Ruoh, et al., Lasers and microdermabrasion enhance and control topical delivery of vitamin C, Journal of investigative dermatology 121.5 (2003): 1118-1125 (“Lee”)

EUNSUNG-1017 U.S. Patent No. 9,550,052 (“the ’052 patent”)

EUNSUNG-1018 U.S. Patent No. 11,446,477 (“the ’477 patent”)

EUNSUNG-1019 U.S. Patent No. 6,428,518 (“Brengele”)

EUNSUNG-1020 U.S. Patent No. 4,559,036 (“Wunsch”)

EUNSUNG-1021 U.S. Patent No. 6,099,511 (“Devos”)

EUNSUNG-1022 U.S. Patent No. 5,163,902 (“Lynn”)

EUNSUNG-1023 U.S. Patent No. 5,190,525 (“Oswald”)

EUNSUNG-1024 U.S. Patent No. 6,673,082 (“Mallett”)

EUNSUNG-1025 Rajan, Poonam, et al., Skin barrier changes induced by aluminum oxide and sodium chloride microdermabrasion, Dermatologic surgery 28.5 (2002): 390-393 (“Rajan”)

EUNSUNG-1026 Karimipour, Darius J., et al., Molecular analysis of aggressive microdermabrasion in photoaged skin, Archives of dermatology 145.10 (2009): 1114-1122 (“Karimipour”)

EUNSUNG-1027 U.S. Patent No. 6,241,739 (“Waldron-739”)

EUNSUNG-1028 U.S. Patent No. 6,926,681 (“Ramey”)

EUNSUNG-1029 U.S. Patent No. 6,641,591 (“Shaddock”)

- EUNSUNG-1030 Ron M. Shelton, Prevention of Cross-Contamination When Using Microdermabrasion Equipment, 72 CUTIS 266 (2003) (“Shelton”)
- EUNSUNG-1031 Walter K. Nahm et al., Microdermabrasion for Treatment of Photoaging, in PHOTOAGING 217 (Darrell S. Rigel et al. eds., 2004) (“Nahm”)
- EUNSUNG-1032 U.S. Patent No. 6,562,050 (“Owen”)
- EUNSUNG-1033 U.S. Patent No. 6,500,183 (“Waldron”)
- EUNSUNG-1034 *Sinclair Pharma Ltd. v. HydraFacial LLC f/k/a Edge Systems LLC*, IPR2025-00145, Paper 12 (PTAB June 2, 2022) (“Sinclair Institution Decision”)
- EUNSUNG-1035 U.S. Patent Publication No. 2001/0049511 (“Coleman”)

Pursuant to the Director's guidance on "Interim Processes for PTAB Workload Management" ("March 26 Memo"), Petitioner, Eunsung Global Corp. ("Eunsung"), submits this opposition to the request for discretionary denial submitted by Patent Owner HydraFacial LLC ("HF").

I. INTRODUCTION

HF requested discretionary denial because (a) Karasiuk, Greenberg, and Waldron were allegedly considered during prosecution, (b) Palmer and Trueba are allegedly cumulative, and (c) the cited art allegedly does not disclose the claimed supply and waste lines "connected between" or "extending between" a handpiece and a console.

None of these reasons justify discretionary denial. First, institution should not be denied under §325(d) because the references and prior art combinations have not been previously considered by the Office. During prosecution, Palmer and Trueba were not considered by the Office, let alone applied in a rejection. Karasiuk, Greenberg, and Waldron were buried in an IDS containing over 1,200 references, and none were applied in a rejection.

As explained below, the examiner erred by not applying Karasiuk and Greenberg, despite these references disclosing the very limitation that the Examiner identified as missing from Coleman and justifying allowance: a vacuum source that both removes debris and draws treatment materials from the fluid containers.

Second, the Petition establishes a compelling case of obviousness. The cited art does in fact teach a supply line connected/extending between a handpiece and a console. HF's arguments to the contrary are based on an erroneously narrow interpretation of the claims that is incompatible with the '607 patent's disclosure, HF's own allegedly coextensive products, and the plain and ordinary meaning of the relevant terms. Even accepting HF's flawed interpretation, HF fails to rebut the evidence presented in the Petition that it would have been obvious to include a port or receiver on the console to which the supply and waste lines would directly connect.

In addition, the merits of the Karasiuk-Palmer and Karasiuk-Palmer-Trueba grounds have been endorsed by the Board in a recent institution decision in an IPR filed against HF's related '287 patent. Thus, the merits are strong, and it would be most efficient for the Board to review HF's '607 patent with HF's related '287 patent for which institution has already been granted.

For these reasons, Petitioner respectfully requests that the Director deny HF's request for discretionary denial.

II. 325(D) FAVORS INSTITUTION

In determining whether discretionary denial under § 325(d) is appropriate, “the Board uses the following two-part framework: (1) whether the same or substantially the same art previously was presented to the Office or whether the same

or substantially the same arguments previously were presented to the Office; and (2) if either condition of first part of the framework is satisfied, whether the petitioner has demonstrated that the Office erred in a manner material to the patentability of the challenged claims.” *Advanced Bionics, LLC v. MED-EL Elektromedizinische Geraete GmbH*, IPR2019-01469, Paper 6 at 8 (PTAB Feb. 13, 2020) (precedential).

A. *Advanced Bionics* Part I – The Office Did Not Consider the Prior Art Combinations Advanced in the Present Petition

Under Part I of the *Advanced Bionics* framework (same or substantially the same art/arguments), the Board considers *Becton* factors (a), (b), and (d):

- (a) the similarities and material differences between the asserted art and the prior art involved during examination;
- (b) the cumulative nature of the asserted art and the prior art evaluated during examination;
- (d) the extent of the overlap between the arguments made during examination and the manner in which Petitioner relies on the prior art or Patent Owner distinguishes the prior art.

HF’s § 325(d) arguments fail at Part I of the *Advanced Bionics* framework because the grounds set forth in the present Petition have not been considered by the Office.

The Petition challenges the independent claims based on the below grounds:

- (1) Karasiuk and Palmer, (2) Karasiuk, Palmer, and Waldron, (3) Karasiuk, Palmer, and Trueba, (4) Karasiuk, Palmer, Trueba, and Waldron, (5) Greenberg, (6) Greenberg and Trueba, and (7) Greenberg, Trueba, and Waldron. Neither

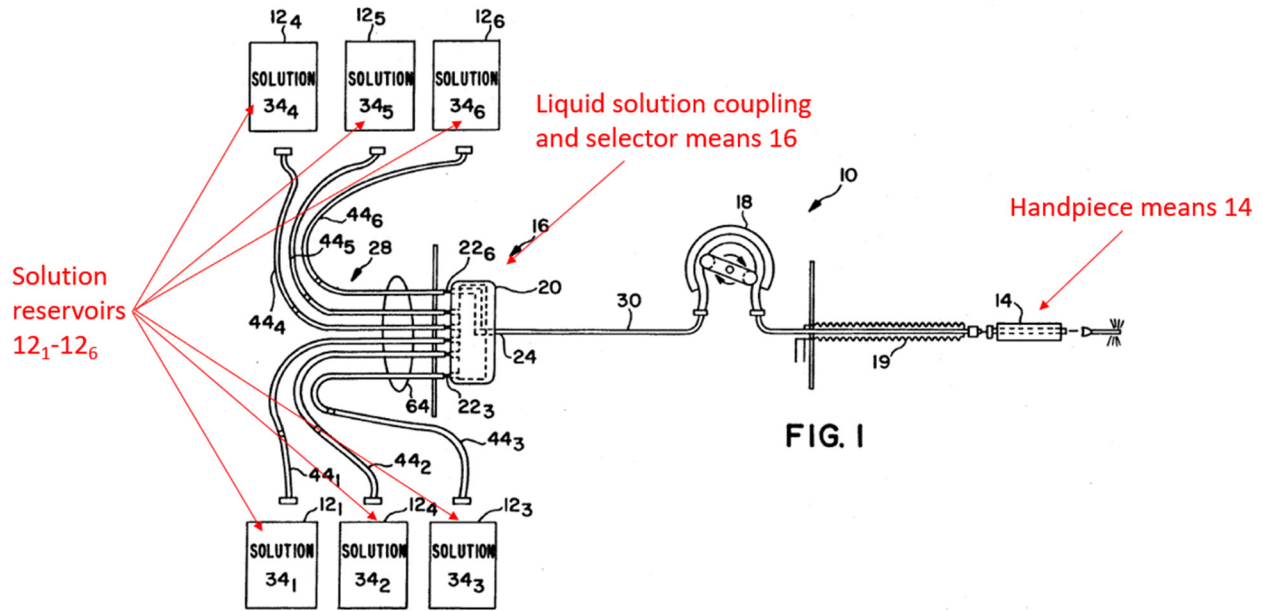
Palmer nor Trueba was considered during examination. At least grounds (1)-(4) and (6)-(7) were not presented to the Examiner during prosecution.

Recognizing that Palmer and Trueba have not been considered by the Office, HF attempts to argue that Palmer and Trueba are cumulative to other prior art considered during examination. Both Palmer and Trueba, however, include disclosure that is different from and more pertinent than the other prior art considered during examination.

a. *Palmer is not cumulative*

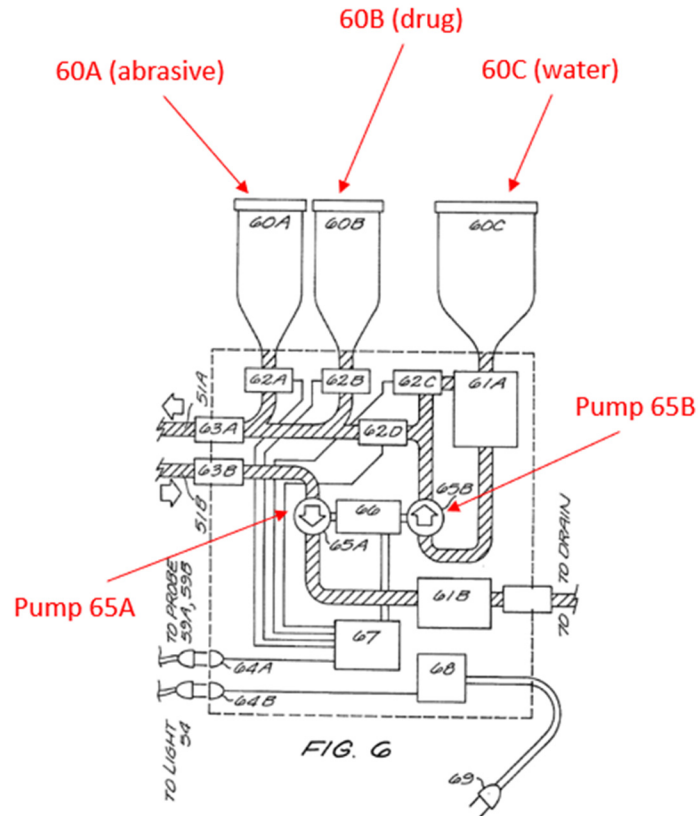
HF argues that Palmer is cumulative of Coleman because both references allegedly disclose multiple containers. Paper 11 at 6-8. Palmer, however, describes a significantly different design than Coleman and offers unique motivations for using its liquid delivery technology, including “easy selection” and minimizing refilling downtime. Pet. 7-13; EUNSUNG-1005, 1:30-53, 6:46-51.

Specifically, Palmer discloses a medical device system for delivering a selected fluid treatment solution to an application site through a handpiece. EUNSUNG-1005, Abstract, 4:50-68, FIG. 1. Palmer’s system comprises handpiece means 14 in fluid communication with six solution reservoirs 12 and selector means 16 for selecting the fluid container. EUNSUNG-1005, Abstract, 4:50-68.



Palmer, FIG. 1 (annotated)

By contrast, Coleman discloses a system for the removal of epidermal and dermal skin through the use of a “pressurized stream of water” (from container 60C), where abrasives (from container 60A) and medications (from container 60B) can be added to the water. EUNSUNG-1035, Abstract, FIG. 6, [0014]-[0018], [0058], [0061]. In operation, pump 65B draws water from container 60C and provides pressurized water, which is mixed with the abrasives in container 60A and medications in container 60B to form a “composite stream of water/abrasive/medicine” to be applied. EUNSUNG-1035, [0058]-[0061]. Pump 65A is used to suction spent water and debris from the surgical site. *Id.*



Coleman, FIG. 6 (annotated)

Thus, Palmer and Coleman operate in fundamentally different ways—while Palmer uses selector means 16 for selecting a treatment fluid to be applied (from solution reservoirs 12₁-12₆), Coleman can only apply one type of treatment fluid (“a composite stream of water/abrasive/medicine”).

Further, due to the fundamental differences in operation, Palmer offers unique motivations for using its liquid delivery technology, including “easy selection” and minimizing refilling downtime. Pet. 7-13; EUNSUNG-1005, 1:30-53, 6:46-51. These disclosures provide strong motivations to combine Palmer with Karasiuk. By contrast, Coleman does not provide a similar motivation to combine (e.g., “easy

selection” and minimizing refilling downtime). Indeed, while Palmer uses selector means 16 for selecting a treatment fluid to be applied, Coleman only applies “a composite stream of water/abrasive/medicine.”

In view of the fundamental differences in operation and Palmer’s unique motivations for using its liquid delivery technology, Palmer is not cumulative over Coleman, or any other reference considered during prosecution.

b. *Trueba is not cumulative*

HF also alleges that Trueba adds nothing of consequence because the Petition allegedly does not rely on Trueba for anything the examiner had not already found to be taught by the prior art applied during examination. Paper 11 at 8.

But Trueba is not cumulative at least because, similar to Palmer, it discloses “wherein each of the first container and the at least second container is configured to contain a treatment material,” which allows selecting a treatment fluid to be applied from multiple containers. EUNSUNG-1008, 5:17-6:15, 11:4-24. Although the Petition uses Trueba for additional features (e.g., computer control, display, manifold selector, sequencer-timer), its disclosure of container selection is impactful because it reinforces the compatibility of Karasiuk with Palmer and provides additional motivation to combine them.

As discussed above, Coleman can only apply “a composite stream of water/abrasive/medicine.” Similarly, Duchon’s device only contains a saline bag 50

and a waste bag 52, and does not permit a user to select the treatment material from the first fluid container or the at least second fluid container. EUNSUNG-1010, Abstract, FIG. 1. For these reasons, Trueba is not cumulative and warrants reconsideration by the Office.

c. *The obviousness arguments/combinations are new*

The Petition's arguments and obviousness combinations are materially different from the obviousness arguments/combinations considered during prosecution. The Petition argued that it was obvious **to use multiple containers to improve Karasiuk because Karasiuk recognizes desirability of using multiple types of skin treatment solutions during microdermabrasion**. Pet. 7-13. Nothing in the prosecution history indicates that the examiner considered this argument, much less Karasiuk in combination with Palmer. Further, the Petition argued that it was obvious to **modify the combined system of Karasiuk and Palmer by including Trueba's computer control** for several benefits, such as added precision, automation, and clarity. Pet. 43-45. Nothing in the prosecution history indicates that the examiner considered this argument, much less Karasiuk in combination with Palmer and Trueba. *See Amphenol Corp. v. PPC Broadband, Inc.*, IPR2022-00721, Paper 11 at 19-23 (PTAB Oct. 26, 2022) (granting institution because despite the primary reference being considered "pertinent," the obviousness combinations were new); *St. Jude Med., LLC, v. Snyders Heart Valve LLC*, IPR2018-00105, Paper 15

at 12 (PTAB May 3, 2018) (“evidence of record does not demonstrate that the examiner considered the references in the combinations relied upon by Petitioner.”).

The Petition further presents Greenberg in combination with Trueba, which was not considered by the Office and further demonstrates the obviousness of the claimed “sequential[] deliver[y] [of] treatment material.” Pet. 42-53.

B. *Advanced Bionics* Part II – The Office Did Not Substantively Address Karasiuk and the Examiner Erred By Failing to Apply the Combinations Advanced in the Present Petition

Under Part II of the *Advanced Bionics* framework (whether examiner erred), the Board considers *Becton* factors (c), (e), and (f):

(c) the extent to which the asserted art was evaluated during examination, including whether the prior art was the basis for rejection;

(e) whether petitioner has pointed out sufficiently how the examiner erred in its evaluation of the asserted prior art; and

(f) the extent to which additional evidence and facts presented in the petition warrant reconsideration of the prior art or arguments.

Advanced Bionics, Paper 6 at 9-10; *Ecto World, LLC v. RAI Strategic Holdings, Inc.*, IPR2024-01280, Paper 13 at 3-4 n.1 (Stewart May 19, 2025) (precedential).

Based on the *Ecto* opinion, HF argues that “Eunsung’s burden is to show that **no reasonable examiner could have** agreed with Mr. Knauss’s evaluation of the pending claims during prosecution in view of the cited prior art.” Paper 11 at 8-9.

HF is wrong. The *Ecto* opinion states in relevant part:

In that analysis, a petitioner must explain, with reference to Becton Dickinson factors (c), (e), and (f), how the Examiner erred in overlooking the prior art. *See Advanced Bionics*, Paper 6, at 10. For example, a petitioner may argue that it satisfies the second part of *Advanced Bionics* because the asserted prior art was not a basis for rejection during examination, is not substantially the same as prior art the Examiner applied, and includes specific teachings that “impact patentability of the challenged claims.” *Id.* at 8 n.9. A petitioner also may point to the fact that even though the asserted prior art is listed on an IDS, the Examiner did not issue any prior art rejections during examination, so the Examiner materially erred by overlooking certain teachings in the prior art on the IDS. On the other hand, **if the Examiner applied the asserted prior art or substantially the same prior art during examination**, then a petitioner must demonstrate that, for example, the previously presented art teaches the limitations of the challenged claims, and that **no reasonable examiner could have found otherwise**. *Id.* at 9 (“If reasonable minds can disagree regarding the purported treatment of the art or arguments, it cannot be said that the Office erred in a manner material to patentability.”).

Ecto World, Paper 13 at 5-6. Here, the “no reasonable examiner could have” test does not apply because the Examiner never applied Karasiuk, Greenberg, or Waldron.

As explained below, *Advanced Bionics* factors (c), (e), and (f) favor institution. Under factor (c) (“the extent to which the asserted art was evaluated during examination, including whether the prior art was the basis for rejection”), Palmer and Trueba were not considered by the Office, let alone applied in a rejection. Karasiuk, Greenberg, and Waldron were buried in an IDS containing over 1200

references and none was applied in a rejection. EUNSUNG-1002, 294, 311, 603, 620.

Under factor (e) (whether petitioner has pointed out sufficiently how the examiner erred in its evaluation of the asserted prior art), the Examiner clearly erred in not applying Karasiuk and Greenberg—both of which disclose the very limitation that was identified as missing from Coleman and justifying allowance: a vacuum source that both removes debris and draws treatment materials from the fluid containers.

Under factor (f) (“the extent to which additional evidence and facts presented in the petition warrant reconsideration of the prior art or arguments”), Karasiuk, Greenberg, and Waldron were buried in an IDS with over 1,200 references and were not meaningfully considered. The Petition also presents Karasiuk in combination with additional prior art (e.g., Palmer) and evidence that demonstrates the obviousness of using Karasiuk with multiple containers of treatment material. The Petition further presents Greenberg in combination with additional prior art (e.g., Trueba) that further demonstrates the obviousness of the claimed “sequential[] deliver[y] [of] treatment material.” Pet. 42-53.

a. *The examiner did not substantively address Karasiuk, Greenberg, or Waldron*

Under *Advanced Bionics* factors (c) and (f), Karasiuk, Greenberg, and Waldron were buried in an IDS containing over 1,200 references and were not

applied in a rejection. EUNSUNG-1002, 294, 311, 603, 620. As such, the examiner did not substantively address them. The *Ecto* opinion confirms the volume of the IDS is relevant under *Advanced Bionics* factor (f) (“the extent to which additional evidence and facts presented in the petition warrant reconsideration of the prior art or arguments”). *Ecto World*, Paper 13 at 6-7 (“the Board should consider a petitioner’s argument based on the volume of the references submitted to the Office during examination and any applicant information or assistance regarding the relevance of references”).

Recognizing the Examiner did not evaluate Karasiuk during prosecution of the ’607 patent, HF argues that the Examiner “**extensively evaluated**” Karasiuk during prosecution of the ’052 patent. Paper 11 at 10-11.

Application/Control Number: 14/698,673	Page 10
Art Unit: 3734	
<i>Conclusion</i>	
11. The prior art made of record and not relied upon is <u>considered pertinent to applicant's disclosure</u> : Muldner (US 6,277,128 B1) (Figures 7 and 10), Rosso (US 6,432,114 B1) (Figures 1-3), <u>Karasiuk (US 6,695,853 B2) (Figure 5)</u> , Chang (US 7,232,444 B2) (Figures 1-5), Goble et al. (US 2006/0116674 A1) (Figures 1-3).	

Paper 11 at 10. However, *Advanced Bionics* factor (c) (“the extent to which the asserted art was evaluated during examination, including whether the prior art was the basis for rejection”) does not ask about consideration during examination of a different patent. Even if it does, Karasiuk was not “extensively evaluated” during

prosecution of the related '052 patent—the examiner stated only that the “**prior art made of record and not relied upon is considered pertinent to the applicant’s disclosure.**” Paper 11 at 10. This is exactly the type of generic statement that the Board has found not to support discretionary denial. *Navistar, Inc. v. Fatigue Fracture Technology LLC*, IPR2018-00853, Paper 13 at 17 (PTAB Sep. 12, 2018); *Apple Inc. v. Uniloc USA, Inc.*, IPR2017-00221, Paper 9 at 10 (PTAB May 25, 2017) (granting institution where reference was “not relied upon” but was “considered pertinent”); *Sanofi-Aventis U.S. LLC v. Immunex Corp.*, IPR2017-01879, Paper 19 at 8-9 (PTAB Feb. 15, 2018) (declining to exercise discretionary denial when reference was “considered pertinent to applicant’s disclosure” but not “relied upon”); *Amphenol Corp.*, Paper 11 at 19-23 (granting institution despite the primary reference being considered “pertinent”).

HF similarly argues that Greenberg was “extensively evaluated” by the Examiner because it was also considered during the prosecution of the '052 patent. Paper 11 at 9. Again, this argument is inapposite. If anything, the Examiner’s application of Greenberg to the narrower claims of the '052 patent highlights the error of not applying Greenberg during the prosecution of the '607 patent under factor (e).

b. *The examiner erred by not applying Karasiuk, Palmer, Trueba, and Waldron*

Under *Advanced Bionics* factor (e), the examiner clearly erred by not applying

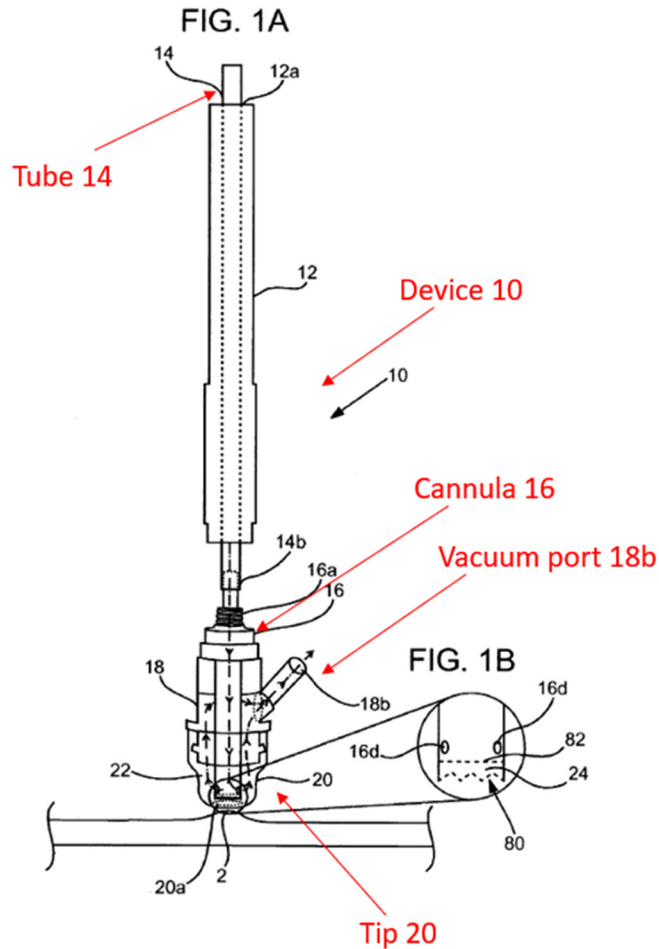
Karasiuk, especially in combination with Palmer, Trueba and Waldron, despite Karasiuk disclosing the very limitation that was identified as missing from Coleman and justifying allowance—a vacuum source that both removes debris and draws treatment materials from the fluid containers. *See SolarEdge Techs. Ltd. v. SMA Solar Tech. AG*, IPR2020-00021, Paper 8 at 12 (PTAB Apr. 10, 2020) (“Because the Examiner **did not rely** on AAPA or Frezzolini to reject a claim, Becton Factor (c) weighs strongly against exercising our discretion to deny institution.”); *Code200, UAB v. Bright Data Ltd.*, IPR2022-00353, Paper 8 at 10 (PTAB July 1, 2022) (“[T]he fact that Crowds **was not the basis of rejection** in the prosecution of the ’344 patent nor was identified by the parties as the basis of rejection in any of the related patents weighs strongly against exercising our discretion to deny institution under 35 U.S.C. § 325(d).”). In the reasons for allowance, the examiner noted:

The prior art of record fails to disclose a skin treatment system with the combination of features claimed. Coleman discloses a skin treatment system with a console, handpiece, supply line, waste line, and vacuum source. However, **the vacuum source in Coleman is only configured to draw waste material from the handpiece through the waste line for disposal. It is not configured to also draw treatment material from either the first container or the second container to the handpiece when the tip is pressed against skin, as claimed.**

EUNSUNG-1002, 180.

Thus, the examiner allowed the claims because the claims recite a vacuum source that both removes debris and draws treatment materials from the containers.

This finding is a clear error because Karasiuk clearly teaches a vacuum source that **both removes debris and draws treatment materials from the containers**. Pet. 5-6, 8, 22-23. Specifically, Karasiuk discloses: “When vacuum is applied through opening 18b, an opening 20a is sealed off, for example **by placing it up against the skin tissue**, a closed loop vacuum flow path is established between the vacuum source and connecting line, vacuum opening 18b, annulus 22, opening(s) 16d, passageway 16c and tube 14.” EUNSUNG-1004, [0054], FIGS. 1A and 6. Upon forming a vacuum loop, the fluid contents in the fluid reservoir are “drawn through tube 14 and into device 10...and are applied to the skin.” EUNSUNG-1004, [0064]. “As the flow of fluids continues out of the vacuum head base and into vacuum line 42, **it carries with it the exfoliated skin particles and any other waste that is removed through the microdermabrasion process.**” EUNSUNG-1004, [0066].



Karasiuk, FIG. 1A.

- c. *The examiner erred by not applying Greenberg, Trueba, and Waldron*

For similar reasons to those discussed above, the examiner clearly erred by not applying Greenberg, especially in combination with Trueba and Waldron. Like Karasiuk, Greenberg discloses the vacuum source that the Examiner found missing from Coleman: “Greenberg’s apparatus includes ‘vacuum pump 12’ as a ‘pneumatic source’ to ‘provide[] for an air flow through the recovery container, hand, tool, and the selected supply container in communication with the same, **drawing said particles from the supply container through the hand tool and into the recovery**

container.” Pet. 68 (citing EUNSUNG-1006, [0017], [0026], [0004], [0049]-[0059], [0066], FIG. 3; EUNSUNG-1003, [73]).

d. *HF’s remaining arguments are misplaced*

Regarding *Advanced Bionics* factor (f) (“the extent to which additional evidence and facts presented in the petition warrant reconsideration of the prior art or arguments”), HF argues that (1) Palmer is at best cumulative, and indeed, less relevant than Coleman’s teaching of multiple containers for dermatological treatment; and (2) the Trueba teachings Eunsung relies on—a computer control and display and a manifold selector and sequencer-timer—are not only unrelated to the reasons the claims were allowed during examination, but also cumulative of Duchon. Paper 11 at 12.

However, these arguments relate to Part I of the *Advanced Bionics* framework, not Part II. In any event, as discussed above, Palmer is not cumulative over Coleman, at least because it has a significantly different design and offers unique motivations (e.g., “easy selection” and minimizing refilling downtime) for using its liquid delivery technology in the Karasiuk-Palmer combination, which discloses or renders obvious each and every limitation in the independent claims. Pet. 13-33. As such, the examiner also erred by not considering the secondary references Palmer, Trueba, and Waldron.

III. THE PETITION ESTABLISHES A COMPELLING CASE OF OBVIOUSNESS

HF's brief raises two related challenges to the Petition's obviousness combinations: that neither Karasiuk-Palmer nor Greenberg disclose the claimed "supply line" and "waste line" connected (or extending¹) between the handpiece and the console. As discussed below, both arguments are meritless.

A. Karasiuk-Palmer renders obvious supply and waste lines connected/extending between the handpiece and the console

HF argues that Eunsung has failed to show that the Karasiuk-Palmer combination discloses supply and waste lines "connected between" or "extending between" the handpiece and the console because Palmer allegedly does not disclose a line connected between a handpiece and a console. Paper 11 at 13-20. HF is wrong for several reasons.

First, HF relies on an erroneously narrow construction of "connected between" and "extending between" to arrive at the incorrect conclusion that Palmer does not teach a supply line connected/extending between a handpiece and a console because the supply line connects to a component in the console rather than the

¹ Claims 1-10 and 20 recite supply and waste lines "connected between" the handpiece and the console, while claims 11-19 recite supply and waste lines "extending between" the handpiece and the console.

console itself. Second, HF fails to address the combination of Karasiuk and Palmer—instead only addressing Palmer’s disclosure in a vacuum. Third, HF fails to rebut the evidence presented in the Petition that it would have been obvious to connect the supply and waste lines to a component, such as a port or receiver, on the console in the Karasiuk-Palmer combination. At bottom, connecting a handpiece to a console is not inventive.

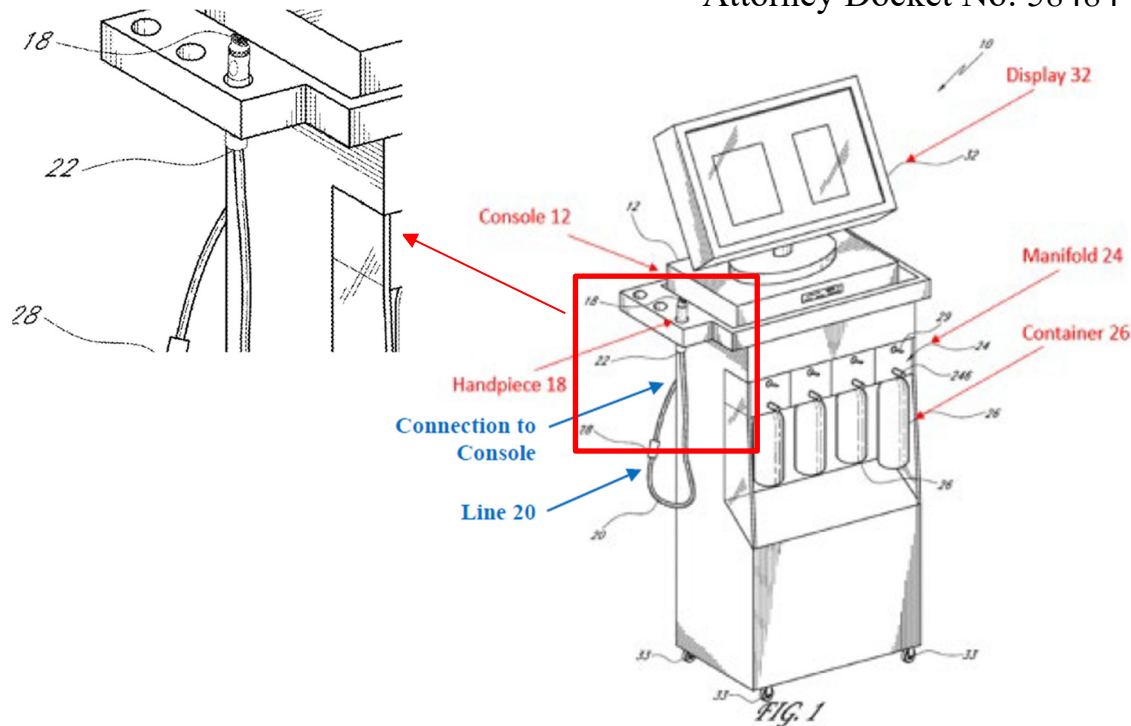
a. *Palmer teaches a supply line “connected between” or “extending between” the handpiece and the console*

HF argues that “Palmer’s handpiece is not connected to mobile cart 170,” but is instead “connected by tubing to ‘control unit enclosure 35.’” Paper 11 at 15 (citing EUNSUNG-1005, 5:15-20). According to HF, Eunsung conceded as much by presenting evidence that a POSITA would have found it obvious to connect Karasiuk’s device 10 “to Palmer’s selector valve means 20, which is stored in control unit enclosure 35 on Palmer’s mobile cart 170.” *Id.* (citing Pet. 16-17). Not so. Rather, the Petition explains that a POSITA would have understood Palmer’s tubing as “connected between” and “extending between” mobile cart 170 “**because** Palmer’s selector valve means 20 is located in control unit enclosure 35 on Palmer’s mobile cart 170.” Pet. 17 (emphasis added) (citing EUNSUNG-1003, [12]-[126]). In other words, a POSITA would have understood that a “supply line connected to a component located within or upon a console is [] ‘connected between the handpiece and the console’” as required by the claims. Pet. 17-18 (citing EUNSUNG-1003,

[125]-[126]); *see* EUNSUNG-1003, [346].

Eunsung's position aligns with both the plain meaning of the claims and the '607 patent's disclosure. To illustrate, consider a power cable connected between a power outlet located on a wall and the power supply of a television located inside of a television console. In the strict sense that HF advocates for, the power cable is only connected to the outlet and the power supply. But the plain and customary usage of the claim terms supports a broader understanding. Indeed, the power cable described above would also provide a power cable connected/extending between, for example, the outlet and the television, the wall and the television, the outlet and the television console, and the wall and the television console. By HF's logic, Palmer's handpiece is not "connected by tubing to 'control unit enclosure 35'" as HF contends but is instead only connected to "selector valve means 20" within the enclosure. Paper 11 at 15.

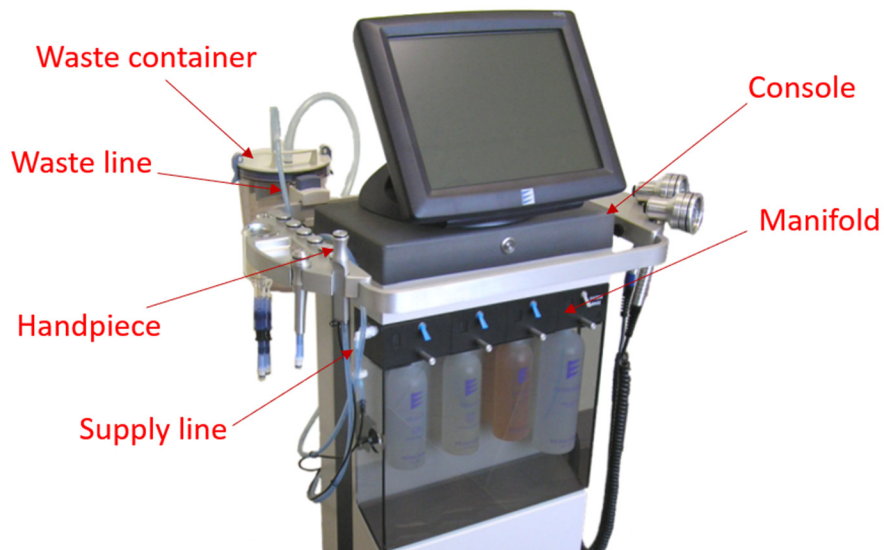
Moreover, HF fails to rebut the evidence presented in the Petition that its interpretation "is not supported by the '607 patent's disclosure." Pet. 18 & n.2 (citing EUNSUNG-1003, [125]-[126]; EUNSUNG-1001, 5:64-6:13, 19:29-59, Figs. 1, 16). Indeed, "[t]he '607 patent does not describe nor depict either line connecting to an intermediate component, such as a port or receiver, on the console." *Id.* HF points to Figure 1 as illustrating the connection to the console, but this is wrong. Figure 1 plainly depicts line 20 as going behind the console.



Paper 11 at 14 (HF's annotations in blue; Petition's annotations in red)

The supply and waste lines' interface with the console is not depicted in any figure nor described in any detail in the specification that would support HF's narrow interpretation of "connected between" and "extending between." In fact, several of HF's own products that HF and its expert contend practice the '607 patent's claims have supply and waste lines connected/extending between the handpiece and components located at the console—not the console itself. *See, e.g.*, HYDRAFACIAL-2033, 7-8, 10 (handpiece supply line connects to manifold attached to console; handpiece waste line connects to waste container sitting on console); HYDRAFACIAL-2001, 159-198; HYDRAFACIAL-2031, 11-12 ("Connect the large tube [i.e., waste line] attached to the handpiece into the waste

container.”); HYDRAFACIAL-2032, 8-9 (same).



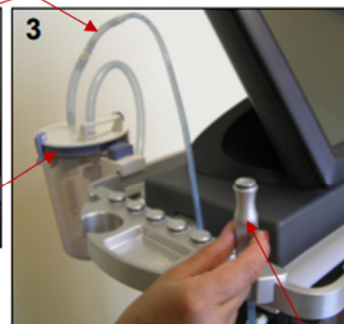
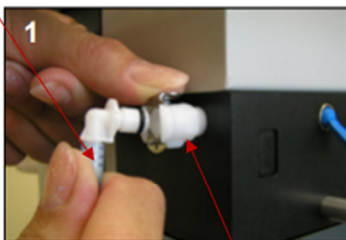
HYDRAFACIAL-2033, 7 (annotated excerpt from HydraFacial MD’s Owner’s Manual)

3) INSTALL THE HYDRAFACIAL™ HANDPIECE

1. Plug the small tube attached to the HydraFacial™ handpiece into coupling fitting.
2. Connect the large tube attached to the handpiece into the waste container.
3. Place the HydraFacial™ handpiece into the handpiece holder.
4. Make sure that the handpiece sits firmly in the holder as indicated on next page.

Supply line

Waste line



Coupling fitting on manifold

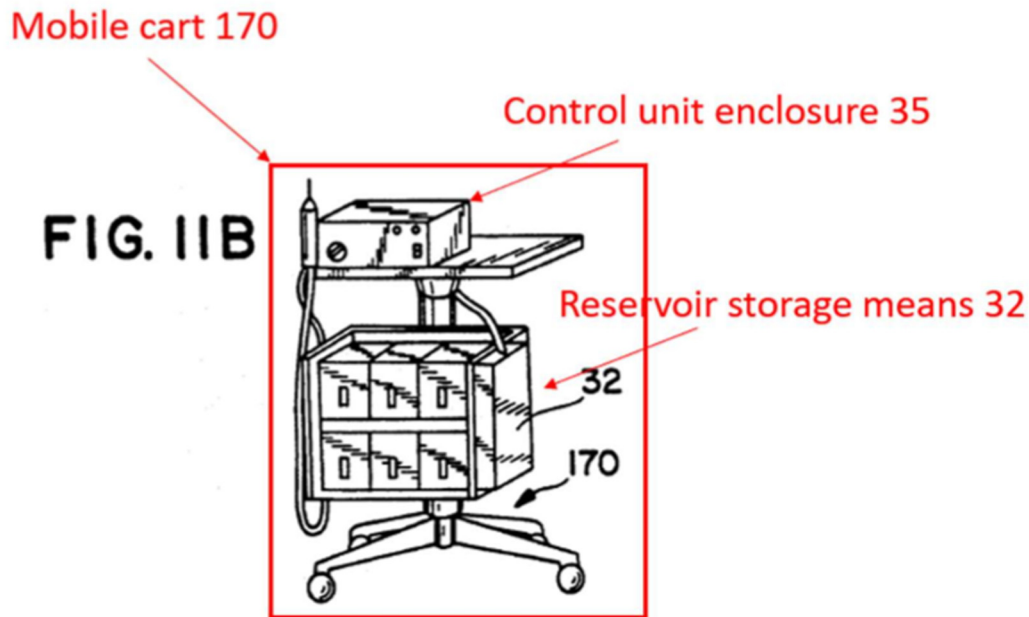
Waste container

Handpiece

HYDRAFACIAL-2033, 10 (excerpt from HydraFacial MD’s Owner’s Manual)

Moreover, the '607 patent describes the containers 26 depicted in Figure 1 as “releasably coupled to the manifold system 24,” and “the manifold system is coupled to the console.” EUNSUNG-1001, 6:22-23, Abstract. Following HF’s reasoning, the containers are not received at the console as the claims require but are instead received at the manifold system. HF cannot have it both ways: either something is connected to the console when it is connected to a component at the console or it is not. The '607 patent’s specification, HF’s allegedly coextensive products, and the plain and ordinary meanings of the relevant terms endorse the former.

HF attempts to draw a distinction between Palmer’s mobile cart 170 and control unit enclosure 35 by pointing to other embodiments disclosed in Palmer that show the control unit enclosure stored in different locations. Paper 11 at 16-17 (citing EUNSUNG-1005, Fig. 2, 11A, 11C). This is irrelevant. Both Palmer and the Petition refer to the mobile cart 170 as having received control unit enclosure 35 and reservoir storage means 32; neither refer to the mobile cart in isolation from the other components. Pet. 7 (citing EUNSUNG-1005, 9:58-10:1).



Pet. 7 (annotating EUNSUNG-1005, Fig. 11B)

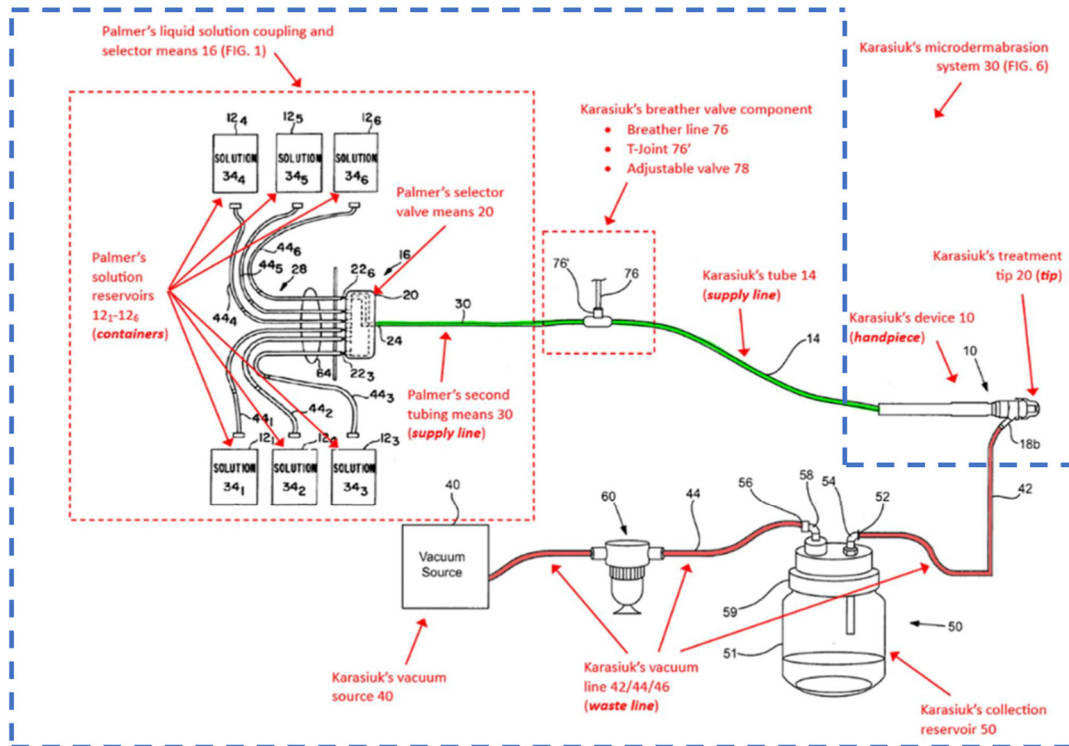
Common sense provides that Palmer's mobile cart—having received control unit enclosure 35 and reservoir storage means 32 as depicted in Palmer and presented in the Petition—could not be wheeled out of a treatment room during use because there is tubing connected between (and extending between) the handpiece and the mobile cart.

Ultimately, HF fails to rebut the evidence presented in the Petition that a POSITA would have understood Palmer's second tubing means 30 as being "connected between" and "extending between" Palmer's handpiece and mobile cart, and instead rests its arguments on an erroneous, unsupported interpretation that conflicts with the '607 patent's disclosure, HF's allegedly coextensive products, and the plain and ordinary meaning of the relevant terms.

- b.** *HF focuses entirely on the Palmer reference and ignores the Karasiuk-Palmer combination presented by the Petition*

HF's brief focuses entirely on arguments that Palmer does not disclose a supply line connected between a handpiece and a console. But Palmer provides a supply line connected between a handpiece and a console for the reasons discussed above. In any event, the Petition relies on the obvious combination of Karasiuk and Palmer as providing the claimed console, handpiece, and lines connected between them—not Palmer alone.

Throughout the Petition, Eunsung presents evidence that it would have been obvious to locate the components of the Karasiuk-Palmer system within the blue box of the annotated figure below “in a modular structure (e.g., Palmer's mobile cart 170) for known benefits, such as increased portability and organization.” Pet. 7-9, 11-13 (citing EUNSUNG-1003, [78]-[80], [96]-[98]). *See generally id.*, 13-31 (providing evidence that it would have been obvious to locate the various components in a modular structure like Palmer's mobile cart 170). Notably, HF's brief does not dispute that locating these components at a console would have been obvious.



Pet. 8 (annotating Karasiuk, Modified Fig. 6) (blue annotation added)

The Petition then explains that Karasiuk-Palmer renders obvious supply and waste lines connected between the handpiece (e.g., Karasiuk's device 10) and the console (e.g., Palmer's mobile cart 170) because the combination's supply and waste lines are connected to components located at the console. Pet. 16-22.

The Petition presents Palmer's teaching of a tubing means connected/extending between a handpiece means and the mobile cart (which Palmer does in fact teach as discussed above) as evidence that it would have been obvious to connect the supply and waste lines of the Karasiuk-Palmer combination between a handpiece and a console. Pet. 17-18, 21 (citing EUNSUNG-1003, [125]-[126], [142]). But the Karasiuk-Palmer combination is not limited to Palmer's disclosure;

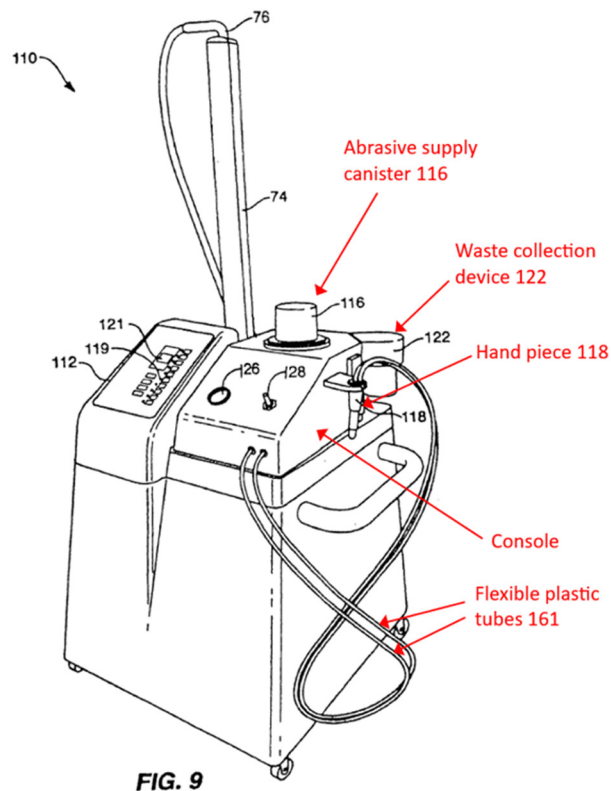
it also incorporates the knowledge and creativity of a POSITA in combining the references. Indeed, the Petition cites to several known consoles in the prior art to demonstrate that it would have been obvious to use a console in the Karasiuk-Palmer system, each of which depicts a tube received at a console. Pet. 14-15 (citing EUNSUNG-1003, [104]-[108]; EUNSUNG-1010; EUNSUNG-1005; EUNSUNG-1011; EUNSUNG-1020).

- c. *HF's brief fails to address the evidence presented in the Petition that it would have been obvious to connect Karasiuk-Palmer's supply and waste lines to a port or receiver on Palmer's mobile cart*

Even accepting HF's erroneous interpretation, HF still fails to rebut the evidence presented in the Petition that it would have been obvious to connect Karasiuk-Palmer's supply and waste lines "to an intermediate component, such as a port or receiver, on Palmer's mobile cart 170 before ultimately connecting to other components located within or upon the console." Pet. 18, 22 & 18-19 n.3 (citing EUNSUNG-1003, [127]-[131]; EUNSUNG-1028). HF's brief raises only two arguments in response—both lack import.

First, HF argues that "Palmer's handpiece is never connected to Palmer's mobile cart that Eunsung alleges is the console." Paper 11 at 20. This is incorrect for the reasons discussed above. Second, HF argues that "Eunsung never explains why or how a POSITA would have connected Karasiuk's handpiece to Palmer's mobile cart in light of Palmer's disclosure to the contrary." Paper 11 at 20. This is false. The

Petition presents evidence that “it was known in the art and within the general knowledge of a POSITA to connect supply and waste lines between a handpiece and an intermediate component, such as a port or receiver on a console before the critical date of the ’607 patent.” EUNSUNG-1003, [129]. As one example, Mr. Simon discusses Ramey, which “discloses a microdermabrasion system with a console and a handpiece, which are in fluid communication through a pair of flexible tubes extending/connecting between a console and a handpiece.” *Id.*, [129]-[131] (citing EUNSUNG-1028, 12:62-14:35, 17:12-33, FIG. 9).



EUNSUNG-1003, [129] (annotating Ramey, FIG. 9)

Mr. Simon explains that “choosing to connect supply and waste lines (e.g., Karasiuk’s tube 14 and vacuum line 42/44/46) to an intermediate component, such as a port or receiver on the console (e.g., Palmer’s mobile cart 170), before ultimately connecting to other components located within or upon the console (e.g., Palmer’s selector valve means 20 or Karasiuk’s collection reservoir 50) would have been an obvious design choice” because the modification “would not result in any functional differences, would be well within the knowledge and skill of a POSITA, [and] would yield expected results.” *Id.*, [128]. The modification also reflects the use of a known technique of arranging supply and waste lines in a microdermabrasion system to improve similar devices in the same way. *Id.*

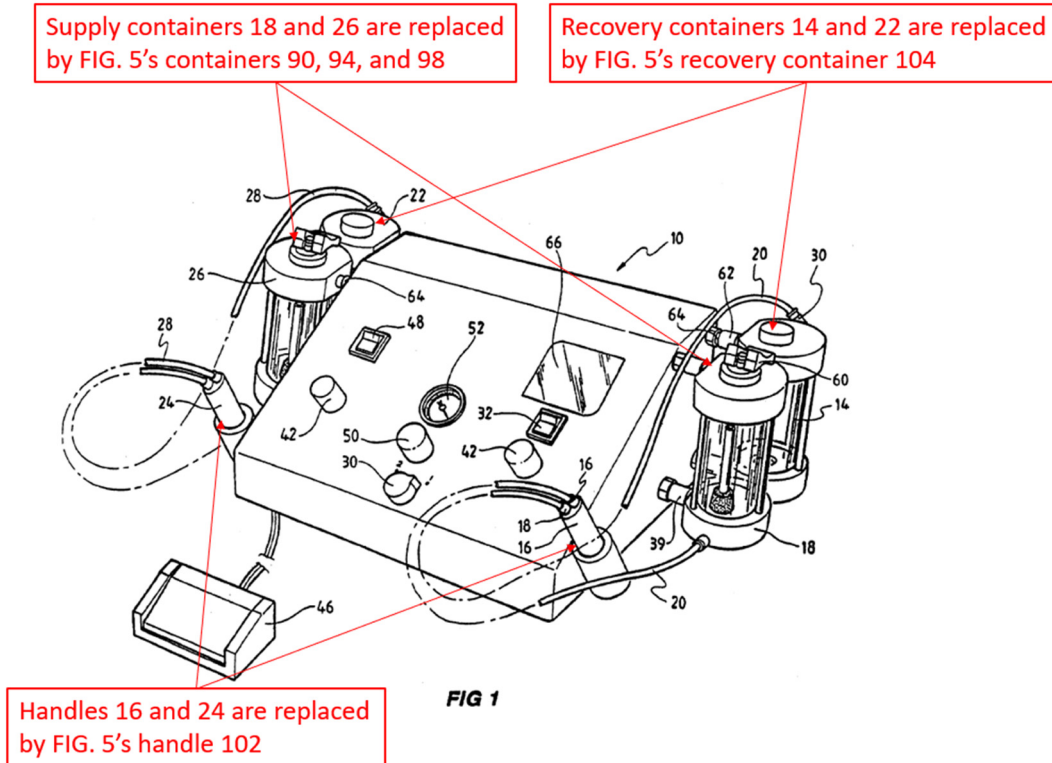
Thus, the Petition provides sufficient evidence that a POSITA would have found it obvious to receive Karasiuk-Palmer’s supply and waste lines at a component such as a port or receiver on the console. The design choice and substitution rationales presented in the Petition do not require an explicit motivation to combine and given that it would have been well known and straightforward for a POSITA to add a port or receiver to a console, using such a component in the Karasiuk-Palmer combination would have been obvious and predictable.

B. Greenberg renders obvious the claimed supply and waste lines.

HF argues that Greenberg does not disclose (1) supply and waste lines connected between Greenberg’s handle 16 and apparatus 10 and (2) a supply line

“for sequentially delivering treatment material to the handpiece from the first container or the second container.” Paper 11 at 21-22. HF misses the mark on both points, disregarding the arguments and evidence presented in the Petition that the multi-container implementation taught by Greenberg’s Figure 5 would have been incorporated into Figure 1’s apparatus.

Specifically, the Petition explains that the multi-container implementation taught by Greenberg’s Figure 5 “would have been readily incorporated into FIG. 1’s apparatus.” Pet. 56 (citing EUNSUNG-1003, [75]; EUNSUNG-1006, [0077]). Indeed, Greenberg explicitly provides that “[t]his can be achieved in the *present apparatus* by having an apparatus with a plurality of supply containers housing different particles[,] [a]s shown in FIG. 5 for example.” *Id.* at [0077]. Mr. Simon provides an example in which “FIG. 5’s containers 90, 94, 98 and valves 106, 108 would be used instead of FIG. 1’s supply containers 18 and 26; (2) FIG. 5’s recovery container 104 would be used for FIG. 1’s recovery containers 14 and 22, and (3) FIG. 5’s single handle 102 would replace FIG. 1’s two handles 16 and 24.” Pet. 56 (citing EUNSUNG-1003, [75]).



Pet. 57 (annotating Greenberg, FIG. 1)

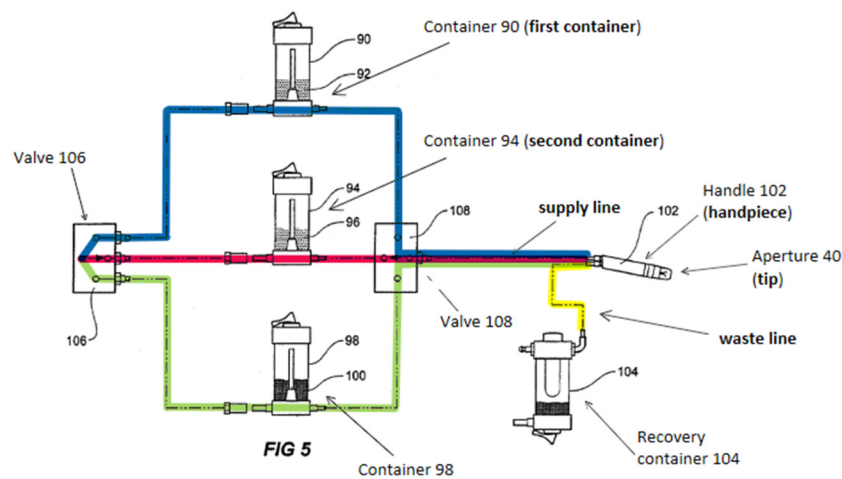
The Petition then demonstrates how Greenberg renders obvious the claimed supply and waste lines, specifically where Figure 5's teachings are incorporated into Figure 1's apparatus.

- a.** *Greenberg renders obvious a supply line connected/extending between the handpiece and the console*

HF argues that Greenberg does not disclose a supply line connected between the handpiece and the console because Greenberg's Figure 1 depicts "tube 20 [as] connected between and extending between the handle 16 and the supply container 18," which HF contends is "located outside of the apparatus 10." Paper 11 at 22.

But the Petition does not rely upon Greenberg's tube 20 as the claimed supply

line. Instead, the Petition explains that Greenberg provides the claimed “supply line” by the path between valve 108 and handle 102 depicted in Figure 5. Pet. 64 (citing EUNSUNG-1003, [337]). The Petition refers to tube 20 disclosed in Figure 1 as an example of a tube that would define the unlabeled path between the components—not that Figure 1’s tube 20 is the claimed “supply line.” Pet. 64 (“[I]t would have been obvious that [the path between valve 108 and handle 102] is defined by a tube, *such as* tube 20 illustrated in FIG. 1 ...”).



Pet. 64 (annotating Greenberg, Fig. 5)

The Petition further explains that in the Figure 5 implementation, the “valve system and containers 90, 94, and 98 are received in apparatus 10.” Pet. 64 (citing EUNSUNG-1003, [338]). Mr. Simon explains that “it would have been obvious to a POSITA to locate valve[s] 106 and 108 in apparatus 10 so that they may interface with, for example, containers 94, 96, and 98.” EUNSUNG-1003, [75].

Accordingly, the Petition establishes “that Greenberg’s supply line is ‘connected between’ Greenberg’s handle 16/102 and apparatus 10” “because the supply line connects to valve 108 and the containers stored in apparatus 10.” Pet. 64-65 (quoting EUNSUNG-1003, [338]). By focusing on a mapping not presented in the Petition, HF fails to rebut any of Eunsung’s arguments and evidence.

- b.** *Greenberg renders obvious a supply line “for sequentially delivering treatment material to the handpiece from the first container or the second container”*

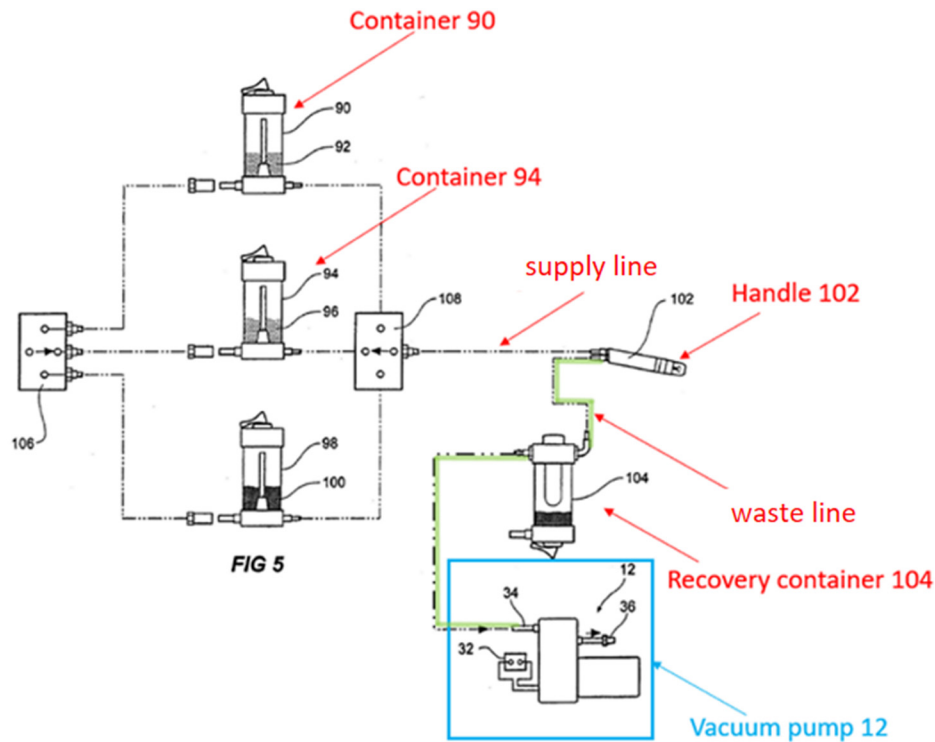
HF argues that “Eunsung has not set forth any evidence or explanation of how Greenberg would permit sequentially delivering treatment material to the handpiece from multiple supply containers.” Paper 11 at 22. This is false.

As discussed above, the Petition explains that Greenberg provides the claimed “supply line” by the path between valve 108 and handle 102 depicted in Figure 5. Pet. 64 (citing EUNSUNG-1003, [337]). Valve 108 “selectively receives treatment material from the respective supply containers 90, 94, 98 when these containers are respectively selected to receive air flow thereinto (e.g., blue, red, and green paths in annotated FIG. 5).” Pet. 63 (citing EUNSUNG-1003, [336]). Greenberg states that the “apparatus contains separate abrasive and fragrant particles and that a user is firstly treated with the highly abrasive particles and **subsequently** with the organic ones that assist in leaving a residual layer on the skin.” Pet. 65 (citing EUNSUNG-1006, [0084], [0089], [0072]-[0077]; EUNSUNG-1003, [341]). Thus, the Petition

presents evidence that Greenberg renders obvious “that the supply line is used for delivering the first treatment fluid (e.g., ‘highly abrasive particles’) in the first container (e.g., container 90) and the second treatment fluid (e.g., ‘organic ones’) in the second container (e.g., container 98) to the handpiece sequentially (‘subsequently’).” Pet. 65-66 (citing EUNSUNG-1003, [342]).

c. *Greenberg renders obvious a waste line
connected/extending between the handpiece and the
console*

As with the supply line, HF mischaracterizes Eunsung’s arguments and evidence. The Petition explains that Greenberg provides the claimed “waste line” by the path between handle 102, recovery container 104, and the vacuum pump. Pet. 69 (citing EUNSUNG-1003, [344], [349]-[351]). The Petition refers to tube 28 disclosed in Figure 1 as an example of a tube that would define the unlabeled path between the components—not that Figure 1’s tube 28 is the claimed “waste line.” Pet. 69 (“[I]t would have been obvious that the path (annotated in green) is defined by a tube, *such as* FIG. 1’s tube 28 ...”).



Pet. 69 (annotating Greenberg, Modified FIG. 5)

Eunsung presents evidence that “[b]ecause the waste line connects to recovery container 104 and vacuum pump 12 stored within or upon apparatus 10, a POSITA would have understood that Greenberg’s supply line is ‘connected between’ Greenberg’s handle 16/102 and apparatus 10.” Pet. 66 (citing EUNSUNG-1003, [346]); *see* EUNSUNG-1003, [75], [345]. By focusing on a mapping not presented in the Petition, HF fails to rebut any of Eunsung’s arguments and evidence.

- d. *HF fails to address the Petition’s evidence that it would have been obvious to connect Greenberg’s supply and waste lines to a port or receiver on apparatus 10*

HF further neglected to address the arguments and evidence presented in the

Petition that it would have been obvious to connect Greenberg's supply and waste lines to intermediate components, such as a port or receiver, on Greenberg's apparatus 10 before ultimately connecting to other components located within or upon the console. Pet. 65, 67-68 (citing EUNSUNG-1003, [340]; EUNSUNG-1003, [348]).

C. The Petition Instituted Against HF's '287 Patent Supports Institution Here

The Petition's compelling case of obviousness is confirmed by the institution decision in the petition filed against HF's related '287 Patent IPR. EUNSUNG-1034, 32.

In the *Sinclair* case, the petitioner copied the same Karasiuk-Palmer and Karasiuk-Palmer-Trueba combinations developed by Eunsung against a closely related patent, U.S. Patent No. 11,865,287 B2 ("the '287 patent"). EUNSUNG-1034, 2-7. The '287 patent is a parent of the '607 patent and shares the same specification as the '607 patent. The claims of the '287 patent and the claims of the '607 patent are similar. EUNSUNG-1034, 6-7.

For example, claim 1 of the '287 patent recites "a system for treating skin" including "a console," "a handpiece," and "a block in the console . . . configured to selectively be in fluid communication with the handpiece through a first conduit *when the handpiece is connected to the console.*" *Id.*, 6 (emphasis added). The *Sinclair* petition explains that in Karasiuk-Palmer, a POSITA would have found it

obvious “to place (1) multiple containers and selector means (as taught by Palmer) and (2) handheld device 10, collection reservoir 50, vacuum source 40, and other relevant components (as taught by Karasiuk) in a modular structure (e.g., Palmer’s mobile cart 170) for known benefits, such as increased portability and organization.” *Id.*, at 15-16. This mirrors the language presented in the instant petition. Pet. 9.

In its decision to institute the *Sinclair* IPR, the Board stated:

For purposes of deciding whether to institute trial, we find that the present record sufficiently shows that the combination of **Karasiuk and Palmer discloses or suggests the limitations of the challenged claims**. We also credit the unrebutted testimony of Mr. Simon that **a person having ordinary skill in the art would have been motivated to combine the multiple containers, selector means, and modular structure [e.g., mobile cart 170] as taught by Palmer, with the handheld device, collection reservoir, vacuum source, and other relevant components taught by Karasiuk for the reasons discussed herein and of record**. On the current record, we further credit the unrebutted testimony of Mr. Simon that a person of ordinary skill in the art would have had a reasonable expectation of success in such a combination. Accordingly, on the present record, we conclude there is a reasonable likelihood that Petitioner will succeed in demonstrating that claims 1–3, 8–12, 14–16, 22, 23, 26, 28, 29, 34–37, 39, 40, and 45 of the ’287 patent are rendered obvious by the combined disclosures of Karasiuk and Palmer.

...

For purposes of deciding whether to institute trial, we find that the present record sufficiently shows that the combination of Karasiuk, Palmer, and Trueba **discloses or suggests the limitations of the challenged claims**. We also credit the unrebutted testimony of Mr. Simon that a

person having ordinary skill in the art would have been motivated to modify the combined system of Karasiuk and Palmer by including Trueba's computer control for the reasons discussed herein and of record. On the current record, we further credit the unrebutted testimony of Mr. Simon that a person having ordinary skill in the art would have had a reasonable expectation of success in implementing such a combination. Accordingly, on the present record, we conclude there is a reasonable likelihood that Petitioner will succeed in demonstrating that claims 1–10, 12, 17–20, 22–26, 28–36, and 40–44 of the '287 patent are rendered obvious by the disclosures of Karasiuk, Palmer, and Trueba.

EUNSUNG-1034, 17-18, 21-22 (emphasis added).

With these findings, the institution decision in the *Sinclair* case confirms the strength of the Karasiuk-Palmer and Karasiuk-Palmer-Trueba combinations. It also cuts against HF's erroneously narrow construction of the supply and waste line limitations. Because the Board has already endorsed the combination of prior art applied in this Petition and endorsed how that same combination renders obvious similar claims, the merits are strong and Board resources are well-spent resolving the obviousness grounds that are presented here and that are already being considered by the Board.

IV. CONCLUSION

For the foregoing reasons, none of the arguments raised by HF favor discretionary denial. Petitioner therefore respectfully requests that this case proceed to an institution determination on the merits.

Respectfully submitted,

Dated June 27, 2025

/Jeremy J. Monaldo/

Jeremy J. Monaldo, Reg. No. 58,680

Sangki Park, Reg. No. 77,261

Jay Zhu, Reg. No. L1372

Fish & Richardson P.C.

60 South Sixth Street, Suite 3200

Minneapolis, MN 55402

T: 202-783-5070

F: 877-769-7945

Attorneys for Petitioner

CERTIFICATION UNDER 37 CFR §42.24

Under the provisions of 37 CFR § 42.24(d), the undersigned hereby certifies that the word count for the foregoing Petitioner's Opposition to Patent Owner's Discretionary Denial Brief totals 7,118 words, which is less than the 14,000 words allowed under 37 CFR § 42.24.

Respectfully submitted,

Dated June 27, 2025

/Jeremy J. Monaldo/

Jeremy J. Monaldo, Reg. No. 58,680
Sangki Park, Reg. No. 77,261
Jay Zhu, Reg. No. L1372
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
T: 202-783-5070
F: 877-769-7945

Attorneys for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4) and 42.205(b), the undersigned certifies that on June 27, 2025, a complete and entire copy of this Petitioner's Opposition to Patent Owner's Request for Discretionary Denial of Institution and Accompanying Exhibits were provided by email to the Patent Owner by serving the correspondence email address of record as follows:

Ali S. Razai
Benjamin J. Everton
Benjamin B. Anger
Alexander B. Stein
Jacob L. Peterson
Morgan, Lewis & Bockius LLP
600 Anton Boulevard, Suite 1800
Costa Mesa, CA 92626-7653

Email: MLB-HydraFacial-IPR-607@morganlewis.com

/Diana Bradley/
Diana Bradley
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
bradley@fr.com