IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

HYDRAFACIAL LLC, Plaintiff, v. AESTHETIC MANAGEMENT PARTNERS, LLC and AESTHETIC MANAGEMENT PARTNERS INC., Defendants.	)))))))))))	Case No. 2:24-cv-02480-SHL-tmp

SCHEDULING ORDER

Pursuant to Local Rule 16.1, a scheduling conference was held on July 25, 2025. Present were Ali Razai, Benjamin B. Anger, Matthew M. Lubozynski and Mark Vorder-Bruegge, Jr., counsel for Plaintiff Hydrafacial LLC f/k/a Edge Systems LLC ("HydraFacial") and Michael N. Rader, Nicole Berkowitz Riccio and Meaghan Luster, counsel for Defendants Aesthetic Management Partners, LLC and Aesthetic Management Partners, Inc. (the Defendants referred to collectively as "AMP"). The following dates are established as the final deadlines for:

INITIAL DISCLOSURES PURSUANT TO FED. R. CIV. P. 26(a)(1): August 4, 2025.

PATENT RELATED DISCLOSURES AND EVENTS:

Reference	Description	Proposed Date
LPR 2.1(b)	Planning Meeting	July 15, 2025
LPR 3.1-3.2	Initial Infringement Contentions	July 14, 2025
LPR 2.1(c)	Joint Planning Report and Proposed Schedule	July 18, 2025
ECF No. 68	Patent Scheduling Conference	July 25, 2025
LPR 3.3-3.4	Initial Non-Infringement Contentions	August 25, 2025
LPR 3.5-3.6	Invalidity and Unenforceability Contentions	September 22, 2025

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LPR 4.1(a)	Preliminary Identification of Claim Terms for Construction	September 26, 2025
LPR 3.7	Validity and Enforceability Contentions	October 13, 2025
LPR 4.1(c)	Final Identification of Claim Terms to be Construed	October 17, 2025
LPR 4.2(a)-(b)	Preliminary Claim Constructions and Supporting Materials	October 30, 2025
LPR 4.3(a)	Initial Expert Claim Construction Reports	November 13, 2025
LPR 4.3(b)	Rebuttal Expert Claim Construction Reports	November 26, 2025
LPR 4.3(c)	Completion of Expert Claim Construction Discovery	December 11, 2025
LPR 4.2(c)	Final Claim Construction Disclosure	December 18, 2025
LPR 4.4(a)	Opening Claim Construction Briefs	January 6, 2026
LPR 4.4(b)	Responsive Claim Construction Briefs	February 4, 2026
LPR 4.5	Joint Claim Construction and Prehearing Statement	February 11, 2026
LPR 4.6	Claim Construction Hearing	February 27, 2026 at 9:30 a.m.
	Court's Claim Construction Ruling ("CCR")	No deadline
LPR 4.8	Production of Written Advice of Counsel	Within 14 days of CCR
LPR 3.8(a)	Final Infringement Contentions	Within 14 days after CCR
LPR 3.8(b)	Final Non-infringement Invalidity and Unenforceability Contentions	Within 30 days after CCR
LPR 3.8(c)	Final Validity and Enforceability Contentions	Within 45 days after CCR
LPR 4.7	Status Conference	Within 30 days after CCR
LPR 4.7	Close of Fact Discovery	90 days after CCR
LPR 5.1(b)	Initial Expert Witness Disclosures (for party bearing the burden of proof)	Within 30 days after the close of fact discovery
LPR 5.1(c)	Rebuttal Expert Witness Disclosures	Within 30 days after initial expert witness disclosures
LPR 5.2	Completion of Expert Discovery	Within 40 days after rebuttal expert witness disclosures
LPR 6.1	Filing of Dispositive Motions	Within 21 days after the end of expert discovery
LPR 6.2	Trial	Within 120 days after deadline for filing dispositive motions

Agreed Departures from the Local Patent Rules: The Parties have agreed to key the date for the production of written advice of counsel on the Court's claim construction ruling instead of the deadline for the close of fact discovery. The parties have also agreed to minor modification of dates to account for federal holidays, as well as extending the fact discovery deadline to ninety, rather than thirty days after the claim construction ruling to ensure that the parties are not expending resources regarding any claim terms the parties may propose for construction. The parties have agreed the deadline for Final Non-infringement and Invalidity Contentions should be extended such that it follows after the deadline for Final Infringement Contentions. The Parties have also extended the Initial Expert Witness Disclosures deadline to thirty days following the close of fact discovery instead of within sixty days of the Court's claim construction ruling. The Parties have also extended the deadline for filing dispositive motions by one week to accommodate expert discovery and the requirements of filing dispositive motions under LR 56.1.

MOTIONS:

MOTIONS TO JOIN PARTIES: September 23, 2025

MOTION TO AMEND PLEADINGS: September 23, 2025

MOTION TO DISMISS: Complete.

The parties anticipate filing and/or have already filed the following additional motions:

Preliminary Injunction / Other

On June 13, 2025, HydraFacial filed its Motion for Preliminary Injunction. D.I. 43. AMP filed its Response in Opposition on July 11, 2025. (ECF No. 69). The preliminary injunction hearing took place at 2:00 p.m. on July 25, 2025. (ECF No. 68).

Motion to Dismiss

On June 23, 2025, AMP filed a Partial Motion to Dismiss under Rule 12(b)(6), seeking the dismissal of portions of HydraFacial's claims pertaining to indirect infringement, willful infringement, and damages. (ECF No. 59). HydraFacial has until July 28, 2025 to respond, after which AMP will have 14 days to file a reply.

Motion to Stay

The PTAB has instituted AMP's inter partes review ("IPR") of the '287 patent. AMP and a third party (Eunsung) have each already filed IPR petitions against the '052 patent and '477 patent as well. The Director has denied HydraFacial's request that Eunsung's IPR petitions as to the '052 and '477 patents be discretionarily denied. The PTAB is due to issue an institution decision on Eunsung's IPR as to the '052 patent by August 13, 2025 and on Eunsing's IPR as to the '447 patent by August 27, 2025. AMP anticipates it likely will move to stay the district court proceedings until these IPRs have concluded.

EARLY MOTION FOR SUMMARY JUDGMENT OR PARTIAL SUMMARY ADJUDICATION: At this time, the parties do not anticipate any early motions for summary judgment or partial summary adjudication prior to the deadline for filing dispositive motions. The parties will update the Court if, in the course of discovery, it appears that early summary judgment motions may be appropriate.

NATURE OF DISPUTE:

(a) Description of the Field of the Claimed Invention: Plaintiff contends that the Asserted Patents are directed to (1) hydrodermabrasion devices, and (2) tips for use in a hydrodermabrasion treatment.

(b) Claims Asserted: HydraFacial accused AMP of infringing claims 1-8 and 11-16 of the U.S. Patent No. 9,550,052 (the "'052 Patent"); claims 1, 2, 4, 6-10, 12-15, 17, and 18 of U.S. Patent No. 10,357,641 (the "'641 Patent"); claims 1-5 and 7-11 of U.S. Patent No. 10,357,642 (the "'642 Patent"); claims 1-20 of U.S. Patent No. 11,446,477 (the "'477 Patent"); and claims 11, 12, 14, 16-20, and 22-25 of U.S. Patent No. 11,865,287 (the "'287 Patent") (these claims collectively referred to herein as the "Asserted Claims" of the Asserted Patents).

(c) Number of Claims to be Construed: At this time, the Parties anticipate requesting that the Court construe no more than ten claim terms. The parties reserve the right to confer and/or seek Court approval to increase the number of claim terms for construction if necessary.

(d) Description of the Allegedly Infringing Product:

Plaintiff's Statement: The AquaFirme System (including the AquaFirme, AquaFirmeXS, and any other systems for the performance of a hydrodermabrasion system made, used, offered for sale, sold, and/or imported into the United States by AMP), and EVO large tips and small tips (including any other tips used in a hydrodermabrasion treatment that are made, used, offered for sale, sold, and/or imported into the United States by AMP).

Defendants' Statement: The Asserted Claims are narrow in scope and the AquaFirme System and EVO tips (and any other accused product) do not infringe. Further, the AquaFirme System and EVO tips (and any other accused product) have multiple uses which are not asserted to infringe the Asserted Patents.

(e) Description of Any Potentially Non-Infringing Alternative Designs:

Plaintiff's Position: Plaintiff contends that there are no acceptable or available non-infringing alternative designs.

Defendants' Position: As stated above in (d), the claims of the Asserted Patents are narrow in scope and there are numerous available and acceptable known alternatives to the inventions claimed. Further, as noted above, the Asserted Patents disclose prior art, which are also non-infringing alternatives to those narrowly claimed in the Asserted Patents.

(f) Stipulation of Non-infringement: The parties **HAVE NOT** stipulated that the above-described designs do not infringe the Asserted Patents.

COMPLETING ALL FACT DISCOVERY: Within ninety days of the Court's Claim Construction Order.

WRITTEN DISCOVERY: All written discovery responses must be served by the close of fact discovery.

FACT DEPOSITIONS: By the close of fact discovery.

The parties do not anticipate needing to propound interrogatories or take depositions in excess of the number provided by Federal Rules of Civil Procedure 30 and 33.

DISCOVERY PLAN: The parties **HAVE NOT** agreed to an electronic discovery plan, but are exchanging drafts of a Stipulated ESI Order, which they expect to submit to the Court. The parties agree that the default standard for e-discovery set forth in Local Rule 26.1(e) applies so long as the parties are continuing to negotiate and/or await entry of a Stipulated ESI Order. If the parties do not agree to a Stipulated ESI Order by August 15, 2025, each of the provisions of Local Rule 26.1(e) applies, unless a party seeks modification by the Court.

TOPICS OF DISCOVERY: The parties anticipate discovery on the following topics: inventorship, patent ownership, infringement/non-infringement, validity/invalidity, public use and disclosure, marking (or lack thereof), HydraFacial's awareness of the accused products, claim construction, willfulness, patent misuse, non-infringing alternatives, and damages.

EXPERT WITNESS DISCLOSURES PURSUANT TO FED. R. CIV. P. 26(a)(2):

CLAIM CONSTRUCTION REPORTS:

Initial Expert Claim Construction Report: November 13, 2025
Rebuttal Expert Claim Construction Report: November 26, 2025

DISCLOSURE OF PARTY WITH BURDEN OF PROOF AS TO THE DISCLOSED MATTER'S RULE 26(a)(2) EXPERT INFORMATION:

Initial Expert Witness Disclosures: Thirty days after the close of fact discovery.

DISCLOSURE OF OPPOSING PARTY'S RULE 26(a)(2) EXPERT INFORMATION:

Rebuttal Expert Witness Disclosures: thirty days after the Initial Expert Witness Disclosures.

EXPERT WITNESS DEPOSITIONS:

All expert depositions regarding expert claim construction under LPR 4.3(c) must be completed on or before December 11, 2025. Regarding expert discovery under LPR 5.2, all expert depositions must be completed within forty days after service of the Rebuttal Expert Witness Disclosures, with each party making the expert(s) responsible for their witness disclosures reasonably available for their deposition.

MOTIONS TO EXCLUDE EXPERTS UNDER FRE 702/DAUBERT MOTIONS: Within twenty-one days following the close of expert discovery.

SUPPLEMENTATION UNDER FED. R. CIV. P. 26(e)(2): In accordance with Fed. R. Civ. P. 26(a)(3) and 26(e)(2), at least thirty days before trial.

FILING DISPOSITIVE MOTIONS: Within twenty-one days following the close of expert discovery.

PROTECTIVE ORDER:

The parties **HAVE NOT** agreed to the form Patent Case Protective Order set forth in Appendix A to the Local Patent Rules.

The parties **DO** plan to submit an alternative proposed protective order for adoption by the Court.

The parties are not aware of any confidentiality concerns of which the Court should be aware.

CLAIM CONSTRUCTION HEARING: The parties propose the following format for the Claim Construction Hearing:

a. Order of Presentation:

i. Plaintiff's Technology Presentation (no more than fifteen minutes, assuming the main presentation has already been provided at the Patent Scheduling Conference)

ii. Defendants' Technology Presentation (no more than fifteen minutes, based on the same assumption)

iii. Plaintiff's Opening

iv. Defendants' Opening Case

v. Party proposing disputed term #1 for construction

vi. Party responding to party proposing disputed term #1 for construction

vii. Party proposing disputed term #n for construction

viii. Party responding to party proposing disputed term #n for construction

ix. Proceeding in sequence through the number of disputed terms.

x. Plaintiff's Closing

xi. Defendants' Closing

b. Anticipated number of witnesses: At this time, the parties do not anticipate a need for live testimony, including expert testimony, given the technology at issue.

c. Anticipated Length of Hearing: Subject to the number of disputed terms, the parties presently expect a two hour hearing.

ELECTRONIC EXCHANGE: The parties **HAVE** consented, pursuant to Fed. R. Civ. P. 5(b)(2)(E), to the electronic exchange of pleadings, notices, discovery, and other mandated disclosures not otherwise served electronically via the Court's Electronic Case Filing system

OTHER RELEVANT MATTERS:

As required by Local Rule 26.1(e), the parties have conferred as to whether they will seek discovery of electronically stored information ("e-discovery"). The parties are working together to prepare a joint e-discovery order to present to the Court for approval.

Pursuant to agreement of the parties, if privileged or protected information is inadvertently produced, the producing party may, by timely notice, assert the privilege or

protection and obtain the return of the materials without waiver.

No depositions may be scheduled to occur after the discovery deadline. All motions, discovery requests, or other filings that require a response must be filed sufficiently in advance of the discovery deadline to enable the opposing party to respond by the time permitted by the Rules prior to that date.

Prior to filing any Daubert motion or motion to compel discovery, the moving Party may first move for a virtual conference with the Court to discuss, outline, and narrow the Daubert and/or discovery-related issues before filing formal motions. When the Parties move for a virtual conference concerning Daubert and/or discovery issues, they must set out any relevant deadlines and provide at least two, mutually agreed on dates and times the virtual conference may take place.

Motions to compel discovery are to be filed and served by the discovery deadline or within thirty days of the default or the service of the response, answer, or objection that is the subject of the motion, if the default occurs within thirty days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection is waived.

This case is set for a jury trial. The pretrial order deadline, pretrial conference date, and trial date will be set by separate Order. The parties anticipate the trial will last approximately five days.

The parties are ordered to engage in ADR before the close of fact discovery. Within seven days of completion of ADR, the parties shall file a notice confirming that the ADR was conducted and indicating whether it was successful or unsuccessful, without disclosing the parties' respective positions at the ADR. The parties have previously mediated their dispute and are already working with a private mediator so they do not need a referral to a mediator or magistrate judge to conduct further ADR proceedings.

Pursuant to Local Rule 7.2(a)(1)(A), all motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60, shall be accompanied by a proposed order in a word processing format sent to the ECF mailbox of the presiding judge.

Pursuant to Local Rule 7.2(a)(1)(B), the parties are required to consult prior to filing any motion (except motions filed pursuant to Fed. R. Civ. P. 12, 56, 59, and 60).

The opposing party must file a response to any opposed motion. Pursuant to Local Rule 7.2(a)(2), a party's failure to respond timely to any motion, other than one requesting dismissal of a claim or action, may be deemed good grounds for granting the motion.

Neither party may file an additional reply to any motion, other than a motion filed pursuant to Fed. R. Civ. P. 12(b) or 56. As provided by Local Rule 7.2(c), if a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required within seven days of service

of the response.

Pursuant to Local Rules 12.1(c) and 56.1(c), a party moving for summary judgment or to dismiss may file a reply within fourteen days after being served with the response in opposition to the motion.

The parties do not consent to trial before the Magistrate Judge.

Counsel have met and conferred and have made good faith efforts to discuss, in person and/or by telephone, each of the topics listed in Attachment A to the Patent Local Rules, and will be prepared to address these topics at the Case Management Conference ("CMC").

This order has been entered after consultation with the parties. Absent good cause shown, the deadlines set by this order will not be modified or extended.

IT IS SO ORDERED, this 29th day of July, 2025.

s/ Sheryl H. Lipman
SHERYL H. LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE