

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AESTHETIC MANAGEMENT PARTNERS, LLC AND
AESTHETIC MANAGEMENT PARTNERS, INC.,

Petitioners,

v.

HYDRAFACIAL LLC

Patent Owner.

Case No. IPR2025-01169
U.S. Patent No. 9,550,052

SECOND DECLARATION OF KARL R. LEINSING, MSME, PE

I declare that all statements made herein on my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated: October 19, 2025

By: 

Karl R. Leinsing, MSME, PE

2025.10.19

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<i>Aesthetic Management Partners, LLC et al v. HydraFacial</i> IPR2025-01169 HydraFacial Ex. 2004
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I. SECONDARY CONSIDERATIONS OF NON-OBVIOUSNESS

A. HydraFacial Is Entitled to a Presumption of a Nexus Between the Claimed Invention and the Objective Evidence of Secondary Considerations

1. I have been informed by counsel that a nexus is presumed between the claimed invention and the objective evidence of secondary considerations of non-obviousness when the product embodies the claimed invention and is coextensive with it.

2. I have been asked to evaluate whether certain of HydraFacial's products meet the limitations of the claims of the '052 Patent. Specifically, I have been asked to provide expert analysis on whether HydraFacial's Syndeo, Elite, Allegro, and Tower systems (collectively, "the HydraFacial Practicing Systems" or "HydraFacial Systems") embody the claims of the '052 Patent and are coextensive with them to establish a presumed nexus for purposes of secondary considerations. I have analyzed the relevant aspects of each of the HydraFacial Systems in light of the claims of the '052 Patent.

3. As set forth in detail below, it is my opinion that the HydraFacial Systems meet every limitation of the claims of the '052 Patent and therefore embody the claims. As I additionally explain below, it is my opinion that the HydraFacial Systems are coextensive with those claims.

B. The HydraFacial Systems Meet Every Limitation of the Claims and therefore Embody the Claimed Invention

1. Practice of Claim 1

4. In my opinion, each of the Syndeo, Elite, Allegro, and Tower practices every limitation of claim 1 of the '052 Patent.

5. Claim 1 recites as follows:

1. A system for performing a skin treatment procedure, the system comprising:
 - a console including a manifold, the manifold being in fluid communication with a first fluid container and at least a second fluid container, the first fluid container and the at least the second fluid container being configured to contain a treatment material for a skin treatment procedure, wherein the treatment material comprises a liquid;
 - a handpiece assembly comprising a tip, the tip being configured to contact a skin surface of a subject;
 - a supply conduit placing the manifold of the console in fluid communication with the handpiece assembly, wherein a distal end of the supply conduit is configured to couple to the handpiece assembly;
- wherein the manifold is configured to control a flow of treatment material from the first fluid container and at least the second fluid container through the supply conduit; and
- a vacuum source;
- a waste conduit in fluid communication with the tip of the handpiece assembly to remove waste away from a skin surface of a subject during a skin treatment procedure, wherein the waste conduit is operatively coupled to the vacuum source; and
- wherein the system is configured to permit a user to select the treatment material from the first fluid container or the at least second fluid container to be delivered through the supply conduit to the handpiece assembly; and
- wherein, when the vacuum source is activated and the tip contacts the skin surface, a suction force is created within the waste conduit and along the tip, thereby removing waste from the skin surface via the waste conduit while drawing treatment material from the first fluid container or the second fluid container to the tip via the supply conduit.

I address each limitation of this claim below.

a. 1[pre]: “A system for performing a skin treatment procedure, the system comprising:”

6. In my opinion, each of the Syndeo, Elite, Allegro, and Tower is “a system for performing a skin treatment procedure.”

7. The Syndeo IFU, for example, describes the Syndeo as a “System [that] is intended to abrade (exfoliate) the upper layers of the Skin.” Ex. 2030 at 4. The Syndeo IFU also describes a step of the treatment by stating, “Place tip against skin to occlude and dab skin solution onto skin.” *Id.* at 19.

8. I also confirmed that the Syndeo is “a system for performing a skin treatment procedure” after examination of a Syndeo device. Below is a photo of the Syndeo device taken during my inspection of the device:



Ex. 2107.

9. The Elite System also meets this limitation. The Elite IFU, for example, describes the Elite as a “System [that] is intended to abrade (exfoliate) the upper layers of the skin.” Ex. 2031 at 4; *see also* Ex. 2100.

10. I also confirmed that the Elite is “a system for treating skin” after examination of an Elite device. Below is a photo of the Elite device I inspected:



Ex. 2074.

11. The Allegro IFU, for example, describes a system that is “intended to abrade the upper layers of the skin by operator controlled motion, in order to smooth the skin surface and improve the appearance of skin, i.e. fine lines and wrinkle.” Ex. 2032 at 4.

12. I also confirmed that the Allegro is “a system for performing a skin treatment procedure” after examination of an Allegro device. Below is a photo of the Allegro device I inspected:



Ex. 2075.

13. The Tower System also meets this limitation. The Tower Owner’s Manual describes the Tower as a “revolutionary breakthrough in aesthetic technology”

that performs a process that “removes dead skin cells and impurities while simultaneously infusing the new skin with cleansing, hydrating and moisturizing serums and antioxidants.” Ex. 2125 at 3.

14. I also reviewed photographs and videos of a Tower device to confirm my understanding that the Tower is “a system for performing a skin treatment procedure.”

An image from one of the videos I reviewed is shown below:



Ex. 2151 at 2.

15. Accordingly, it is my opinion that this limitation is satisfied by each of the Syndeo, Elite, Allegro, and Tower.

b. 1[a]: “a console including a manifold, the manifold being in fluid communication with a first fluid container and at least a second fluid

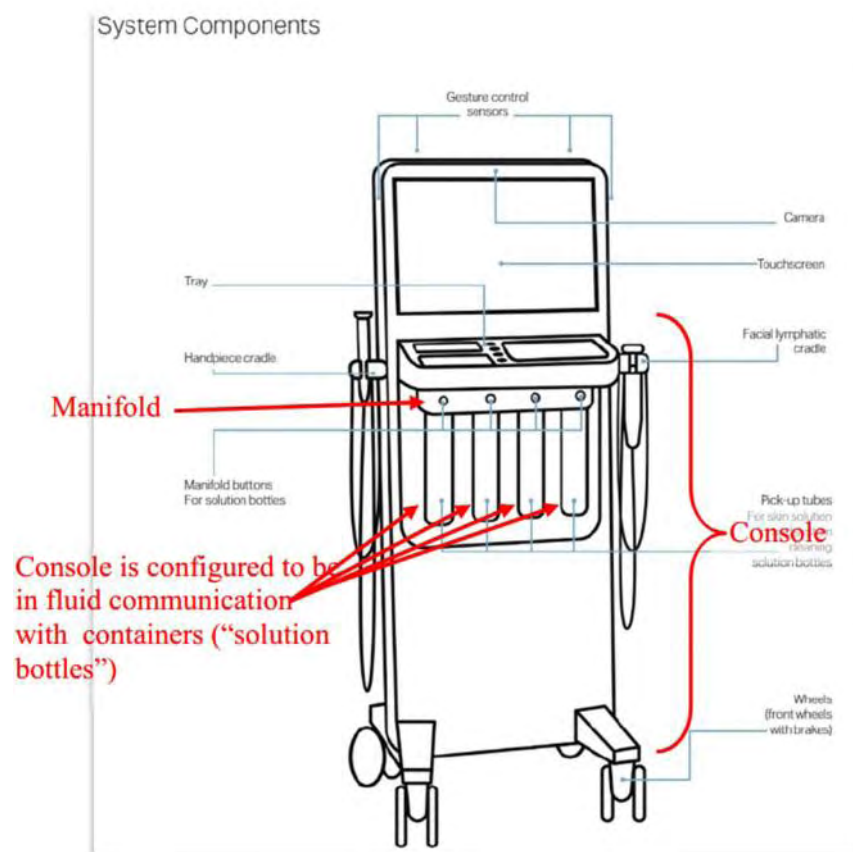
container, the first fluid container and the at least the second fluid container being configured to contain a treatment material for a skin treatment procedure, wherein the treatment material comprises a liquid;”

16. In my opinion, each of the Syndeo, Elite, Allegro, and Tower has “a console including a manifold, the manifold being in fluid communication with a first fluid container and at least a second fluid container, the first fluid container and the at least the second fluid container being configured to contain a treatment material for a skin treatment procedure, wherein the treatment material comprises a liquid.”

17. The term “manifold” is common in the mechanical arts. A person of ordinary skill in the art would understand that a manifold is a pipe or closed space with multiple inlets and at least one outlet for passage of fluids. I have applied this ordinary meaning in my analysis below.

18. Each of the Syndeo, Elite, Allegro, and Tower comprises a console under the term’s plain and ordinary meaning.

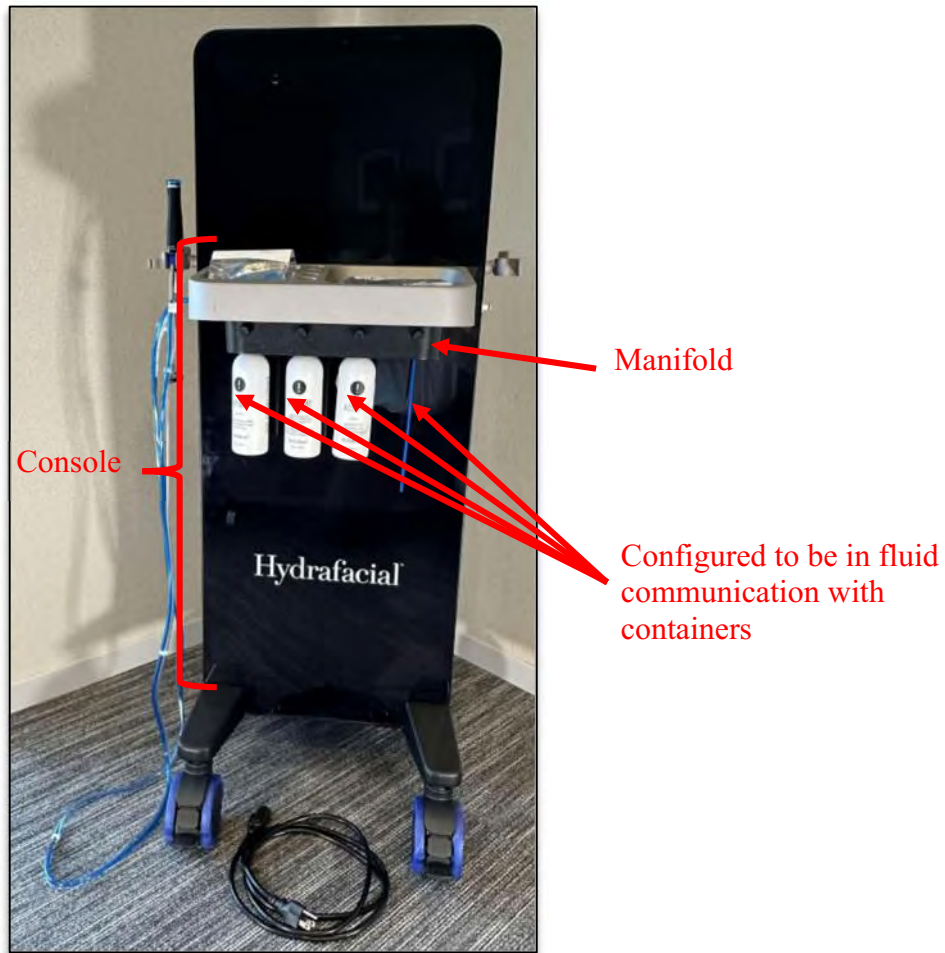
19. I have reviewed the Syndeo IFU, which depicts the Syndeo, including a console:



Ex. 2030 at 10.

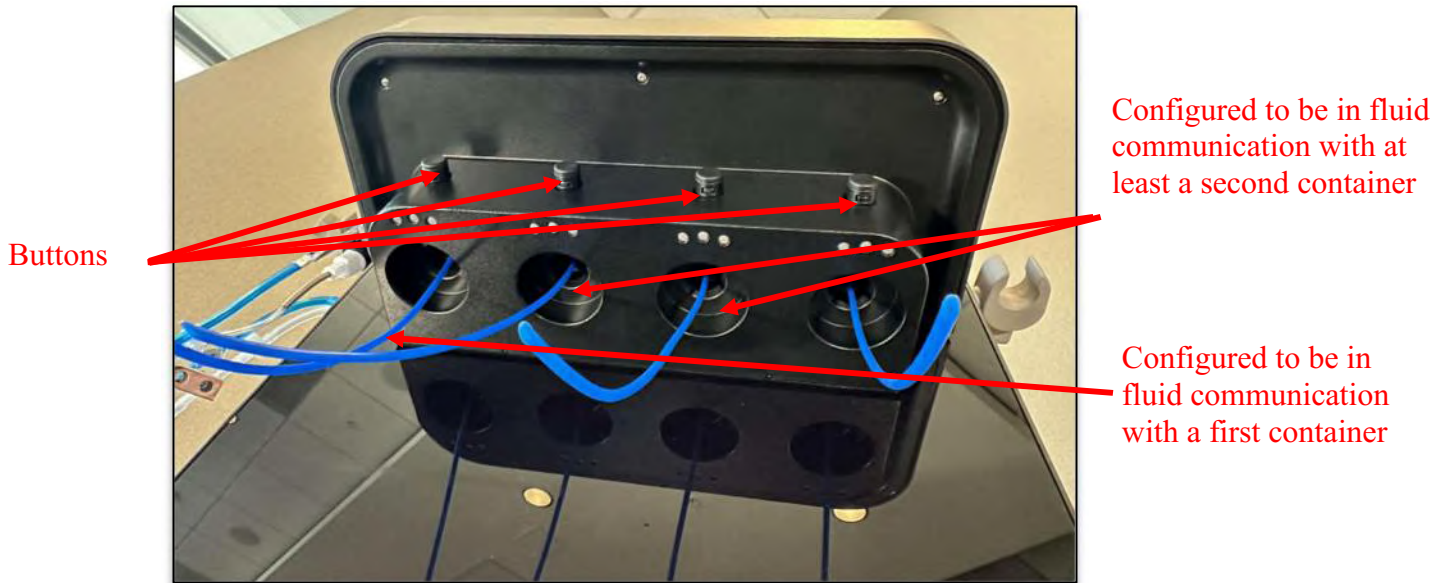
As can be seen in the image above, the manifold of the console is configured to be in fluid communication with a first container and at least one additional container.

20. My inspection of the Syndeo confirmed that the Syndeo has a console configured to be in fluid communication with a first container and at least one additional container. Below is an image of the Syndeo device I inspected, showing the Syndeo console configured to be in fluid communication with a first container and at least one additional container:



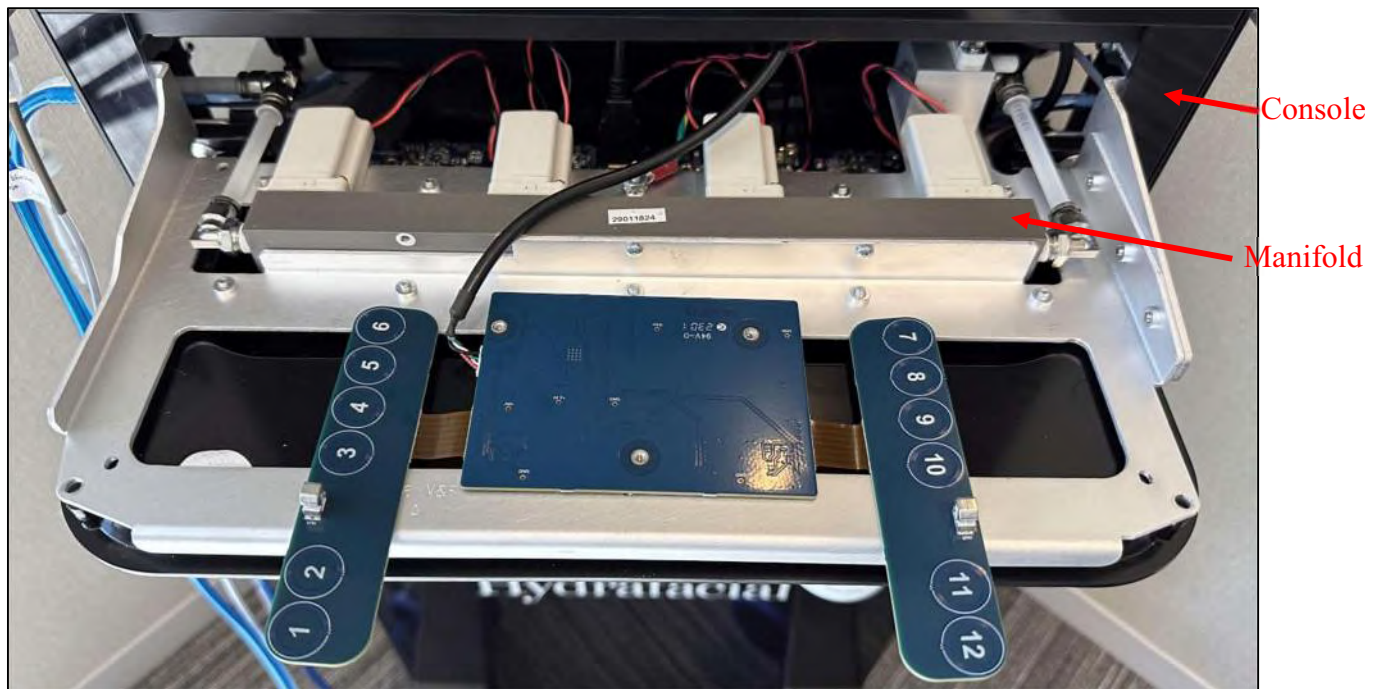
Ex. 2107.

The console can be in fluid communication with the containers when a user depresses buttons corresponding to respective containers.



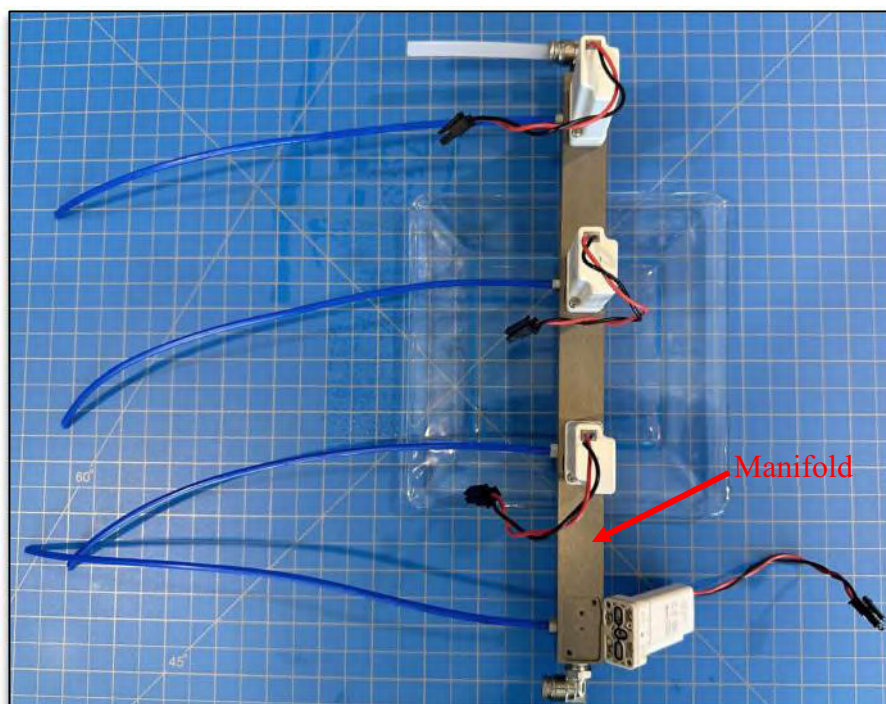
Ex. 2137.

The manifold is in the console.



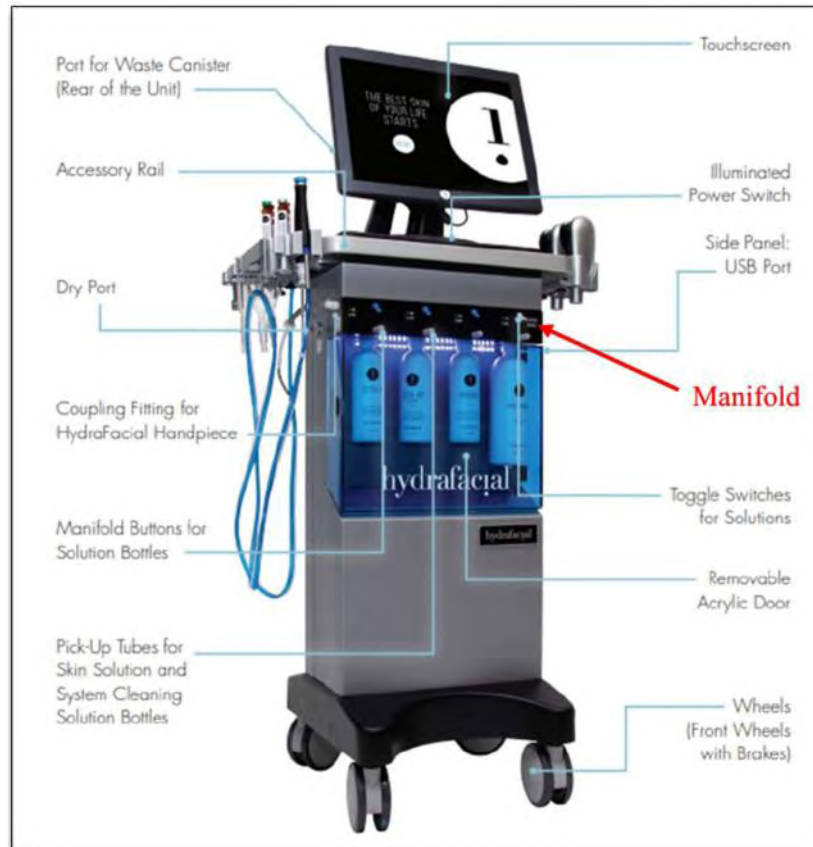
Ex. 2085.

The photo below shows the manifold removed from the console of the HydraFacial Syndeo system:



Ex. 2080.

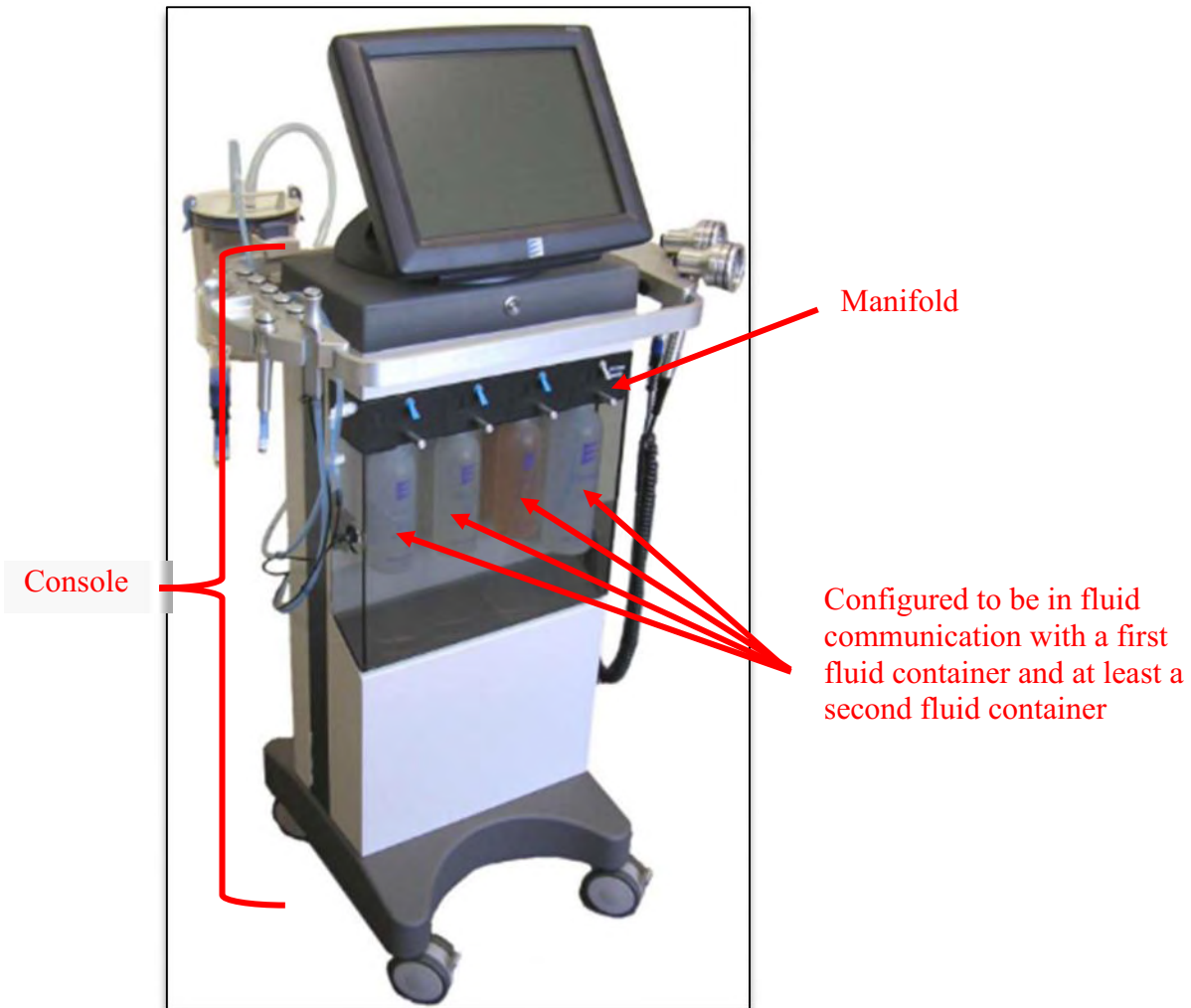
21. I have also reviewed the Elite IFU, Allegro IFU, and Tower Owner's Manual, each of which depicts their respective device as a system and console configured to receive a first container and additional containers. Annotated images from the Elite IFU, Allegro IFU, and Tower Owner's Manual are included below:



Ex. 2031 at 10 (Elite IFU).

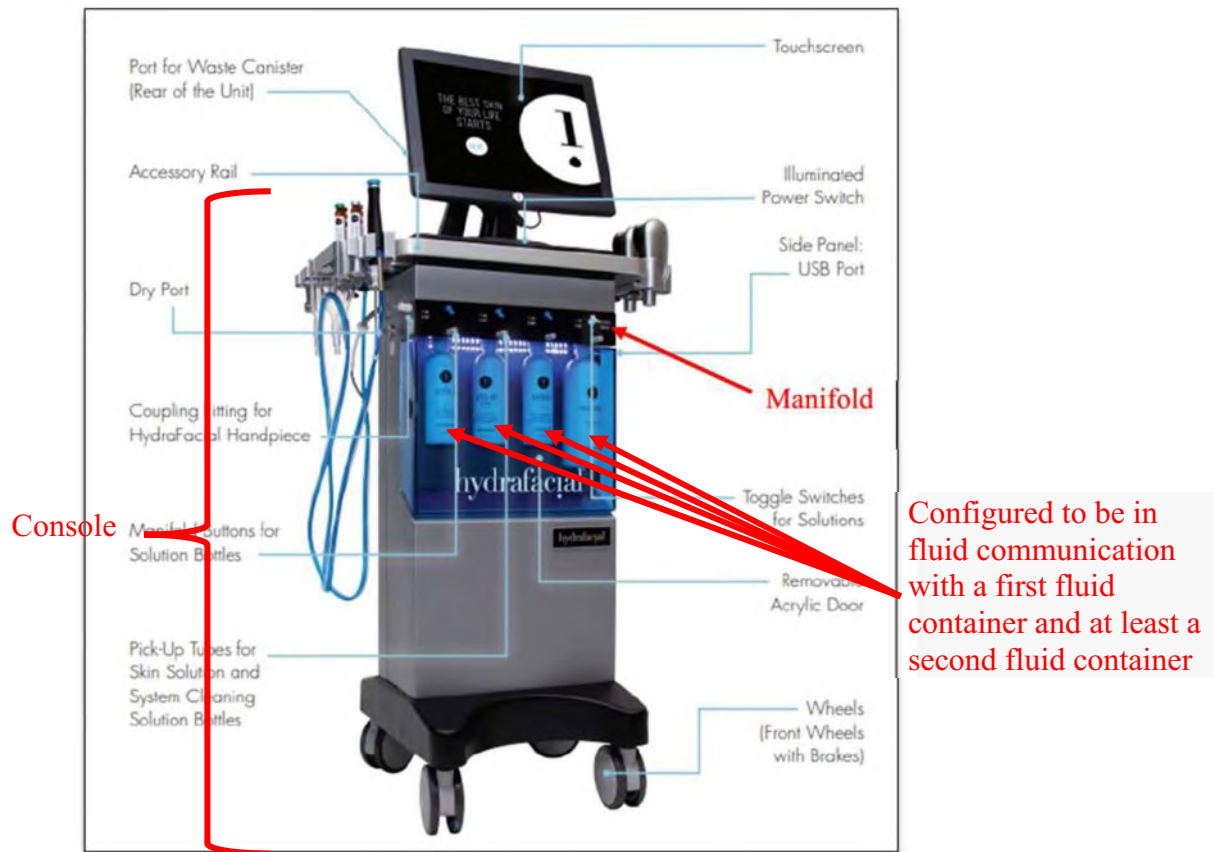


Ex. 2032 at 8 (Allegro IFU).

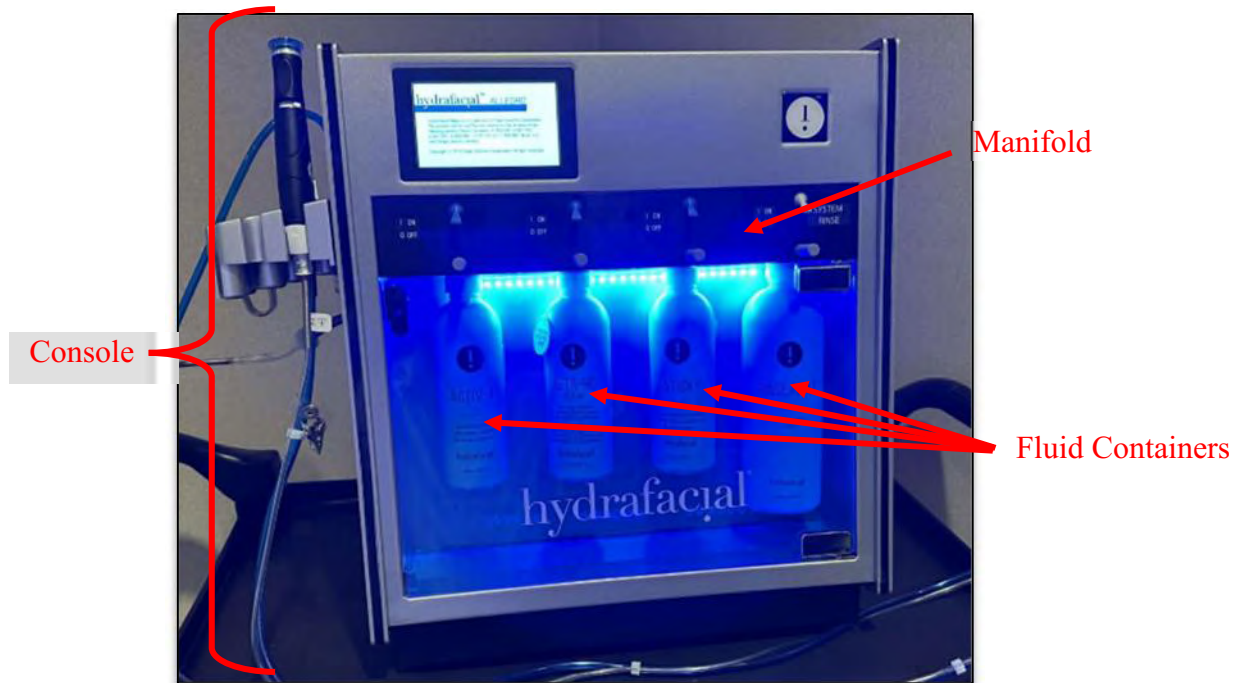


Ex. 2125 (Tower Owner's Manual).

22. My inspections of the Elite and Allegro confirmed that each has a console configured to receive a first container and at least one additional container. Below are images of the Elite and Allegro devices I inspected, showing the Elite and Allegro consoles, each configured to receive a first container and at least one additional container.

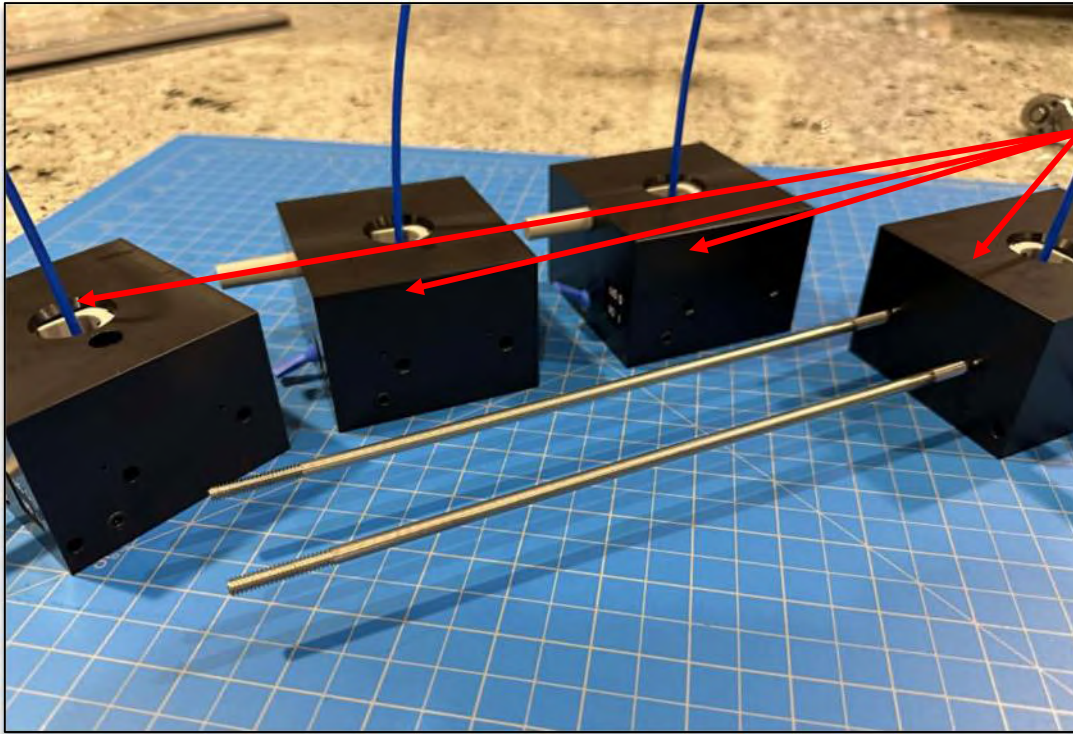


Ex. 2031 at 10 (Elite IFU).



Ex. 2117 (Allegro).

23. The manifold comprises individual components that are connected together through two bolts running through the manifold.



Manifold
Components

Ex. 2090.

24. Similarly, the Elite and Allegro technical documents each also describe connecting the fluid containers (including the first and second fluid containers) to the console such that the manifold is configured to receive fluid from the containers (including the first and second fluid containers).

Skin Solution Bottles (Sold separately)

1. Open the front door. Remove the cap of the skin solution bottle and use the puncture tool to pierce the seal inside the bottle.
2. Press and hold each manifold button as you insert each bottle into the manifold, and then release the button.

Note: The Device Rinse™ System Cleaning Solution should be installed in the manifold with the gray toggle switch labeled "SYSTEM RINSE".



Ex. 2031 at 13 (Elite User Guide).

Skin Solution Bottles

1. Open the front door. Remove the cap of the skin solution bottle and use the puncture tool to pierce the seal inside the bottle.
2. Press and hold each manifold button as you insert each bottle into the manifold, and then release the button.

Note: The Rinseaway™ System Cleaning Solution should be installed in the manifold with the gray toggle switch labeled "SYSTEM RINSE".



3. The toggle switches control which skin solution bottle is being used. When a switch is in the ON position, fluid will be drawn from that bottle. When switched to the OFF position, no fluid will be drawn from the corresponding bottle.

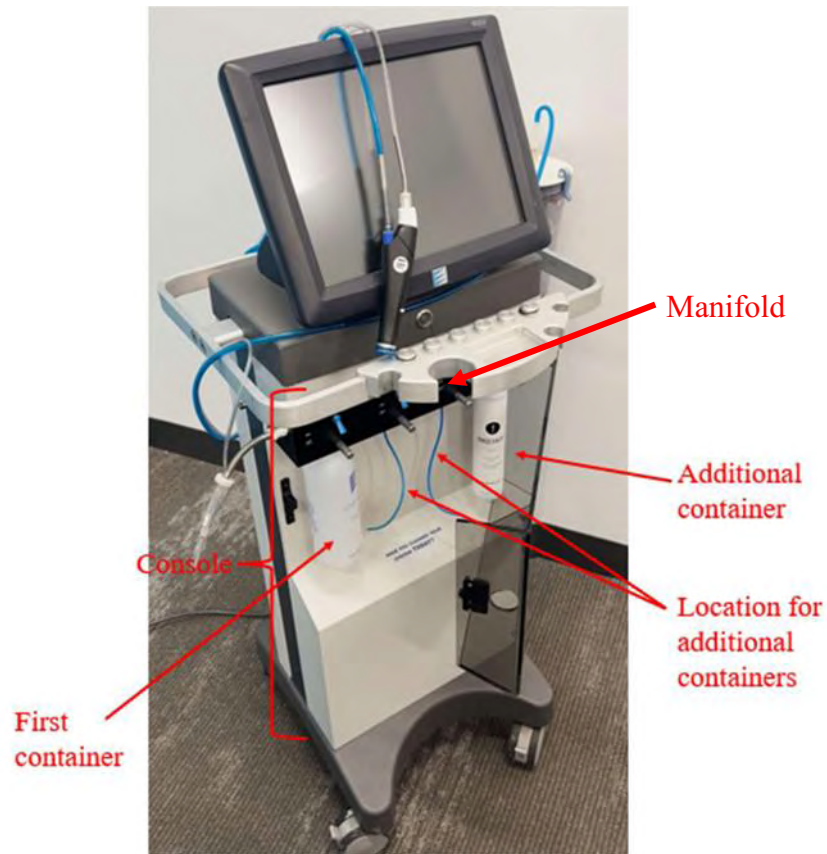
Note: Always keep the "SYSTEM RINSE" toggle switch (gray) off while performing procedures.



Ex. 2032 at 11 (Allegro IFU).

The toggle switches on the manifold are used to draw fluid from the fluid containers, including the first and second fluid containers, thereby putting the manifold in fluid communication with the first and second fluid containers.

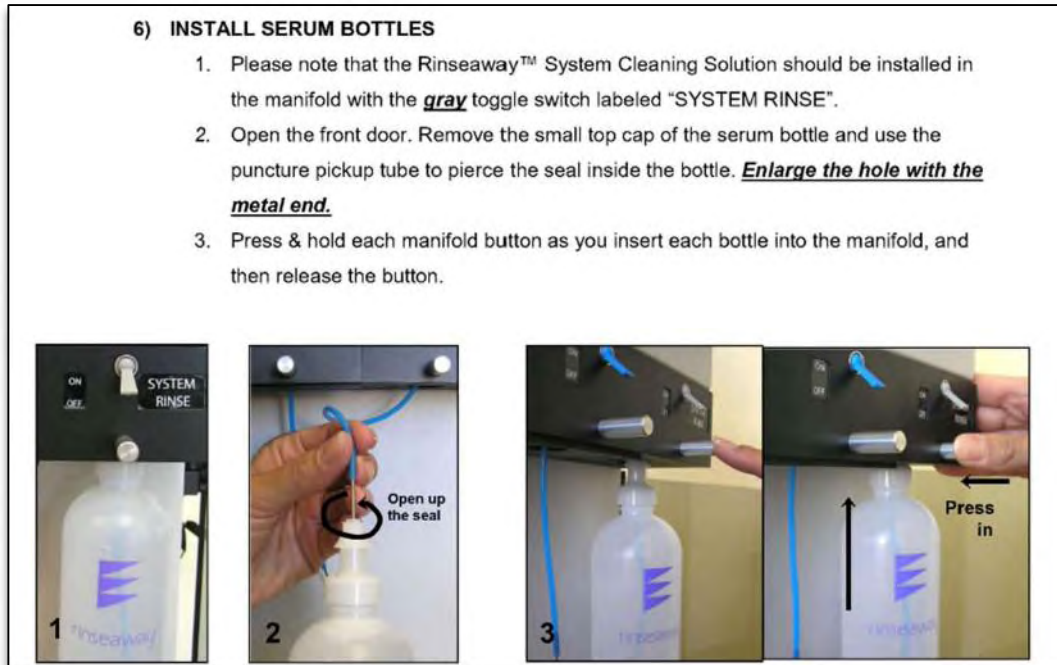
25. My review of videos and images of the Tower confirmed that it has a console including a manifold, the manifold being in fluid communication with a first fluid container and at least a second fluid container, the first fluid container and the at least the second fluid container being configured to contain a treatment material for a skin treatment procedure, wherein the treatment material comprises a liquid. Below is an image of a Tower device, showing that the Tower is configured to receive a first container and at least one additional container:



Ex. 2151 at 2.

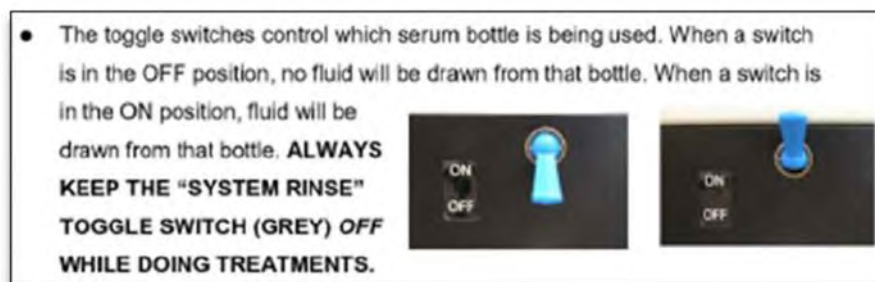
26. As can be seen in the images above, the consoles for the Syndeo, Elite, Allegro, and Tower are each configured to be in fluid communication with a first fluid container, as well as at least a second fluid container.

27. Similarly, the Owner's Manual for the Tower provides guidance for how to "install" (connect) the serum bottles to the manifold, which is part of the console.



Ex. 2125 at 13.

As shown above, tubing to receive fluid from containers enters the container, allowing the manifold to receive fluid from the containers. Toggle switches on the block determine which container the manifold will receive fluid from.



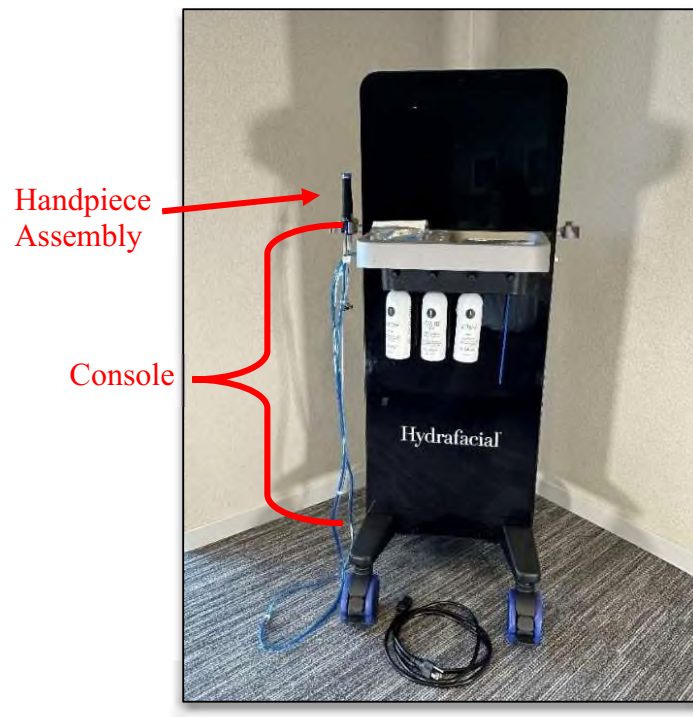
Ex. 2033 at 13 (Tower Owner's Manual).

28. Accordingly, it is my opinion that this limitation is satisfied by each of the Syndeo, Elite, Allegro, and Tower.

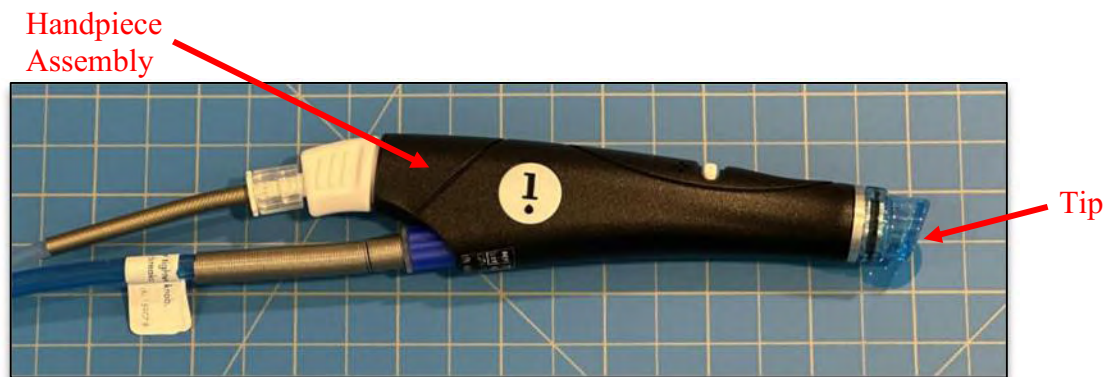
c. 1[b]: "a handpiece assembly comprising a tip, the tip being configured to contact a skin surface of a subject;"

29. In my opinion, each of the Syndeo, Elite, Allegro, and Tower has “a handpiece assembly comprising a tip, the tip being configured to contact a skin surface of a subject.”

30. During my inspection of each of the Syndeo, Elite, Allegro, and Tower, I observed that each included a handpiece assembly comprising a tip, the tip being configured to contact a skin surface of a subject as shown in the images below.

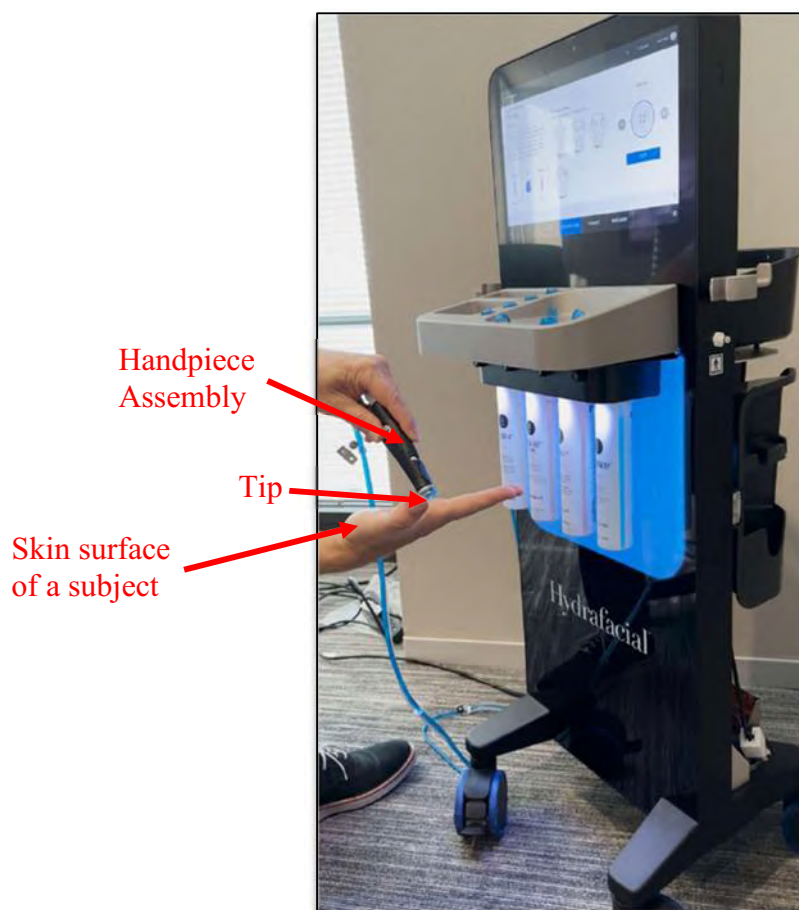


Ex. 2107 (Syndeo).

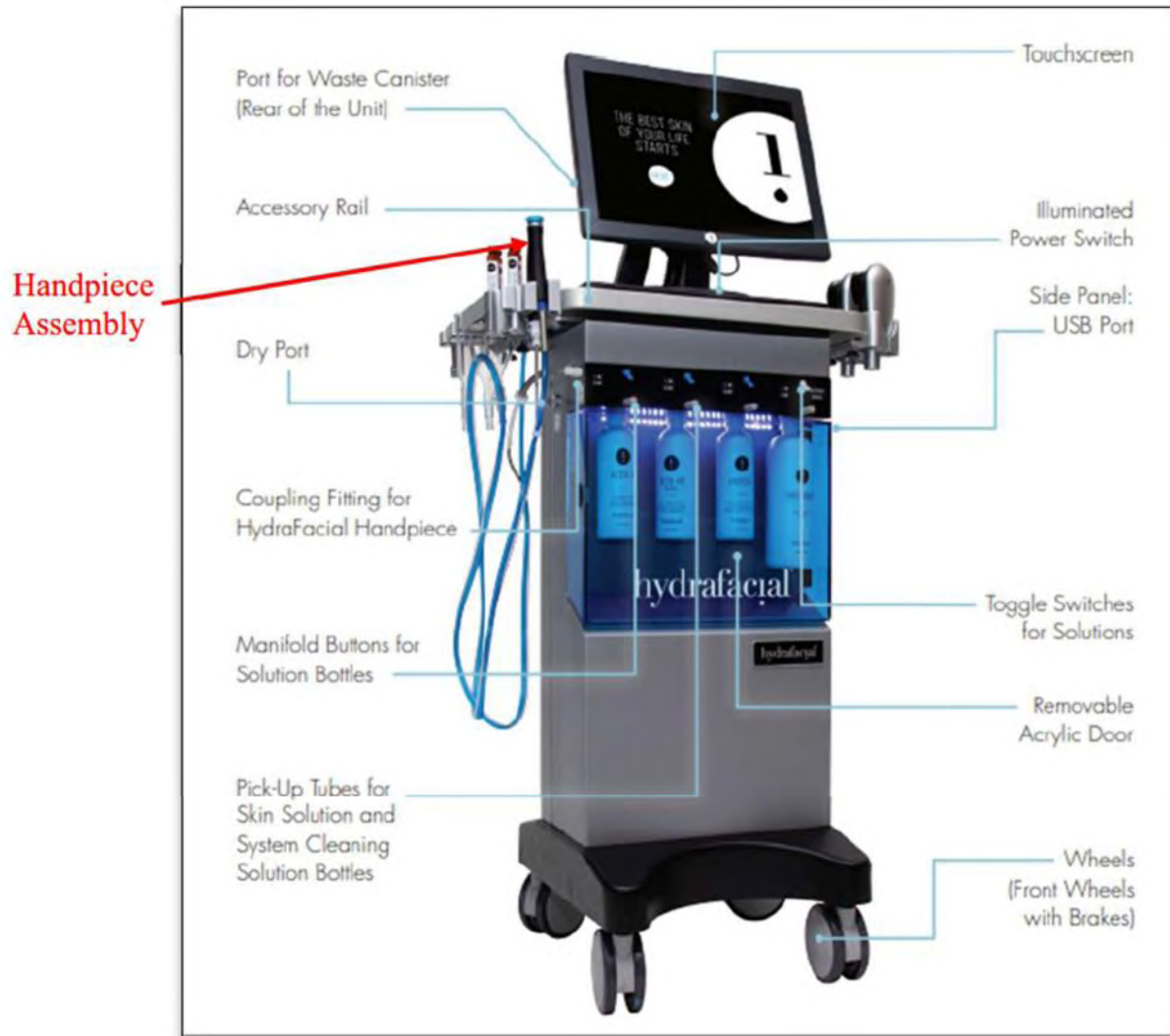


Ex. 2111 (Syndeo).

The photo below shows the handpiece assembly contacting the skin surface of a subject during a treatment procedure.



Ex. 2078 at 1 (Syndeo).



Ex. 1031 at 10 (Elite).



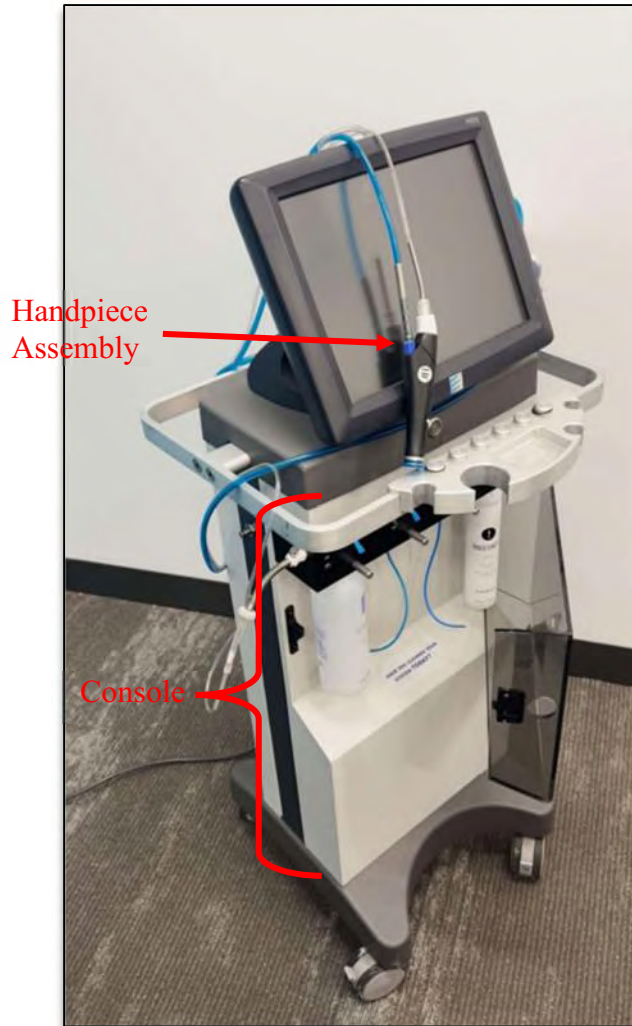
Ex. 2111 (Elite).



Ex. 2077 (Allegro).

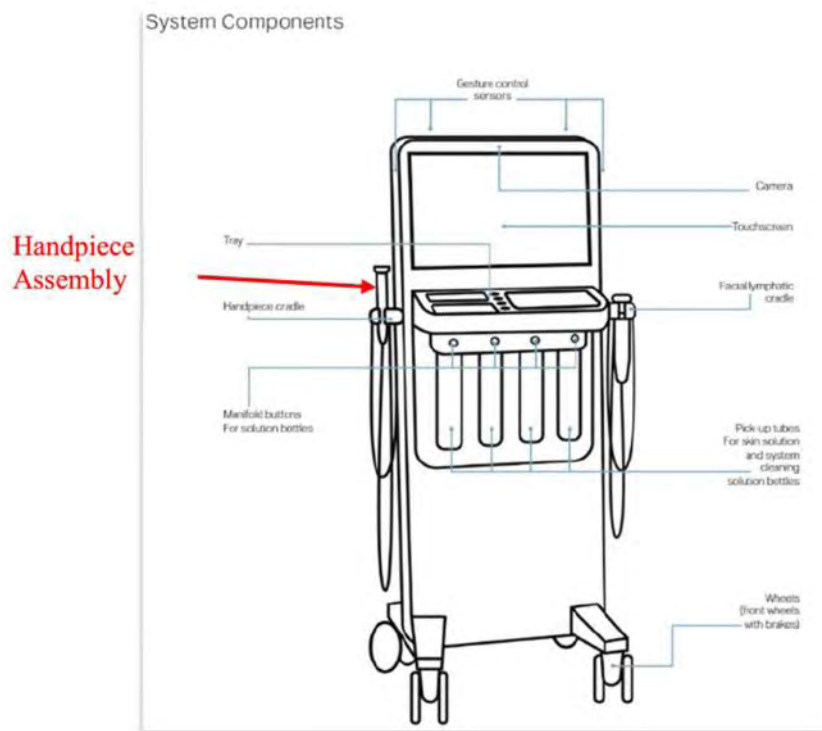


Ex. 2111 (Allegro).



Ex. 2151 at 2 (Tower).

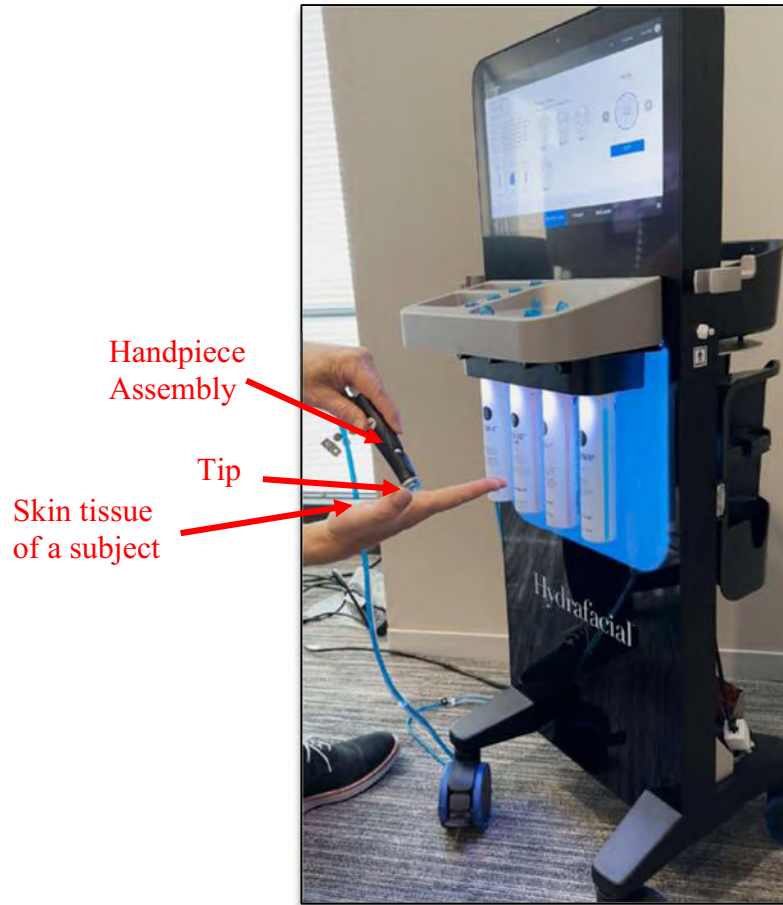
31. In addition, the Syndeo User Manual, the Elite IFU, Allegro IFU, and Tower Owner's Manual confirm that each of the four devices includes a handpiece assembly comprising a tip, the tip being configured to contact a skin surface of a subject. For example, an image from the Syndeo User Manual is depicted below:



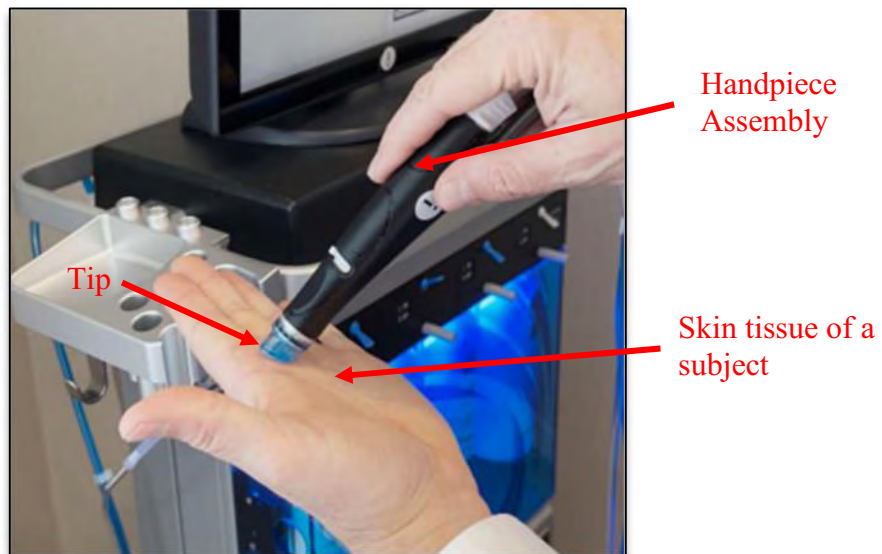
Ex. 2030 at 10 (Syndeo IFU).

The Syndeo IFU explains that the tip of the handpiece assembly is used to contact the skin surface of a subject, instruction the user to “[p]lace a tip on the handpiece,” and “[p]lace tip against skin to occlude and dab skin solution onto skin.” *Id.* at 19.

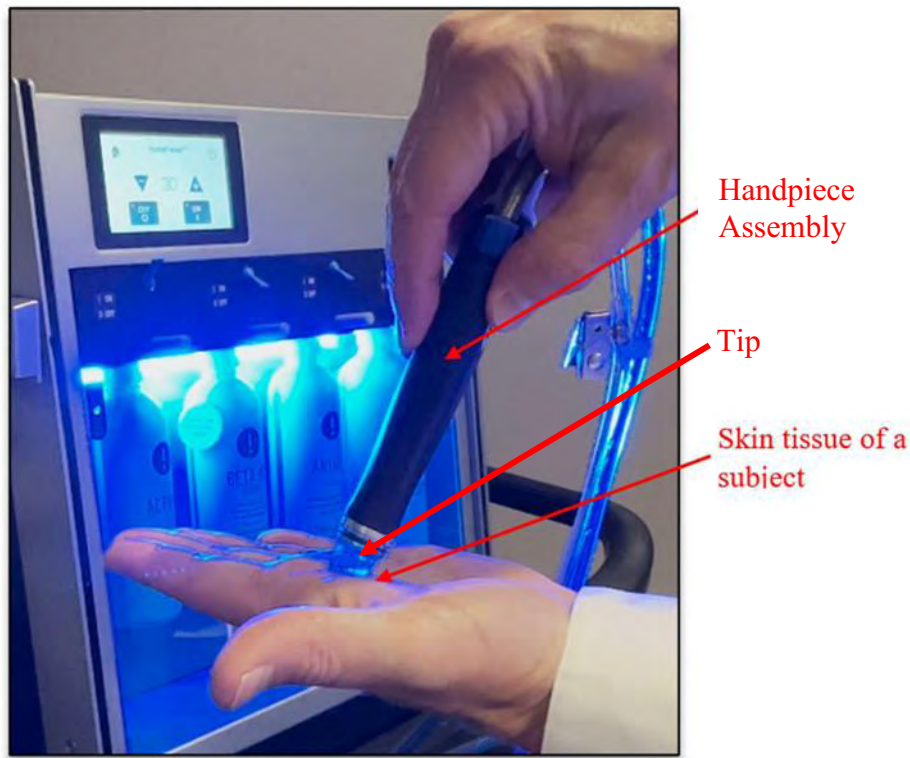
32. For all four devices, in operation, the handpiece is intended to be held in the hand and the tip of the handpiece assembly placed in contact with the skin, as confirmed by videos of the devices in operation. A screenshot from the video shows the handpiece assembly in contact with skin surface. From this, I concluded the tip of the handpiece assembly is configured to contact skin surface of a subject, as shown below.



See Ex. 2078 at 1 (Syndeo)



Ex. 2079 at 3 (Elite).



Ex. 2146 (Allegro).

33. Given the similarity between the Tower handpiece assembly and Allegro and Elite handpieces, I have concluded that the tip of the Tower handpiece assembly would contact the skin surface of a subject, similar to the images above.

d. 1[c]“ a supply conduit placing the manifold of the console in fluid communication with the handpiece assembly, wherein a distal end of the supply conduit is configured to couple to the handpiece assembly;”

34. In my opinion, each of the Syndeo, Elite, Allegro, and Tower has “a supply conduit placing the manifold of the console in fluid communication with the

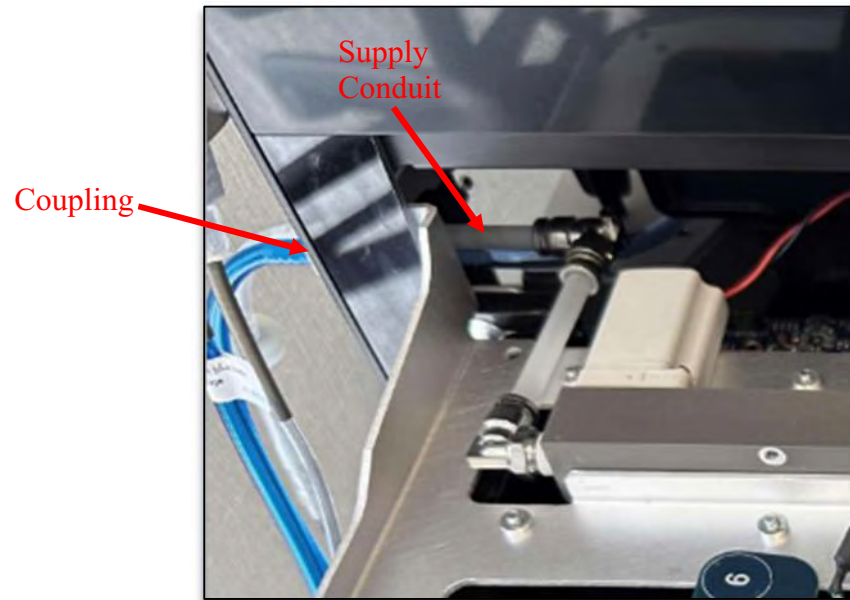
handpiece assembly, wherein a distal end of the supply conduit is configured to couple to the handpiece assembly.”

35. As part of my inspection of the Syndeo, I opened the console. In the console, I observed the supply conduit extending from the manifold. An annotated image of the supply conduit in the console of the Syndeo system is included below.

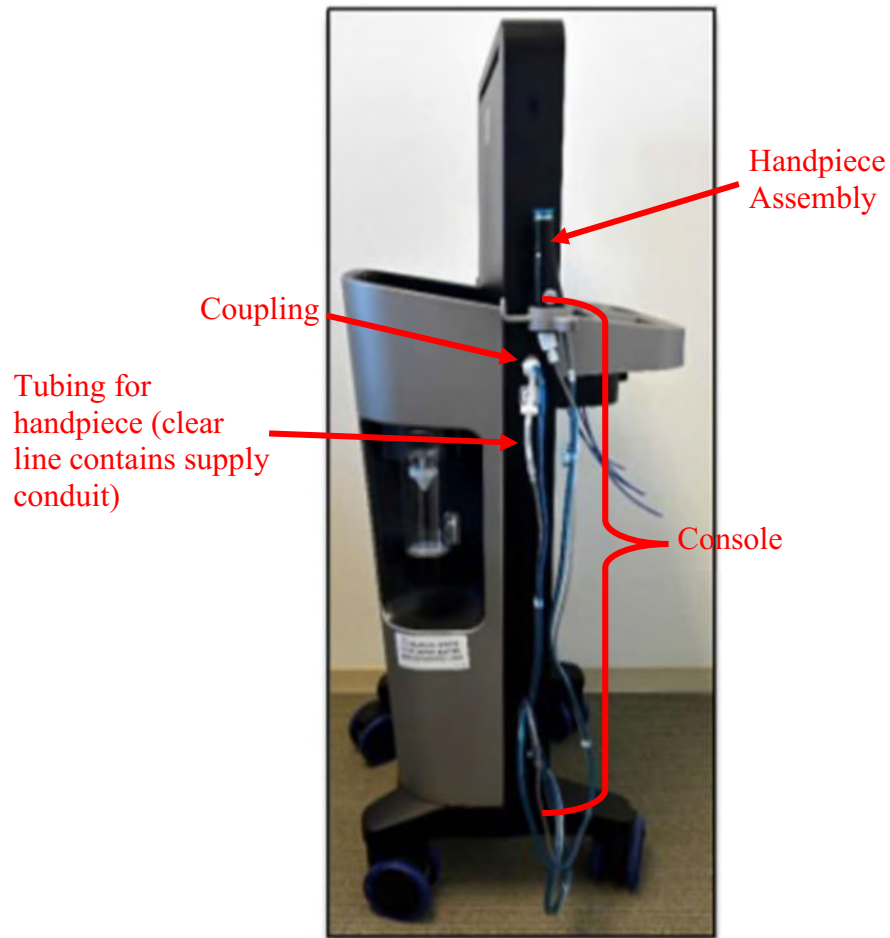


Ex. 2085 (Syndeo).

36. During my inspection, I further confirmed the supply conduit places the manifold of the console in fluid communication with the handpiece assembly. The annotated photographs below show the supply conduit placing the manifold of the console in fluid communication with the handpiece assembly.



Ex. 2085 (Syndeo).



Ex. 2127 (Syneo).

37. In addition, during my inspection of the Syneo device, I confirmed the distal end of the supply conduit of the Syneo is configured to couple to the handpiece assembly. Annotated photographs below show the distal end of the supply conduit coupled to the handpiece assembly.



Ex. 2127 at 2 (Syndeo).



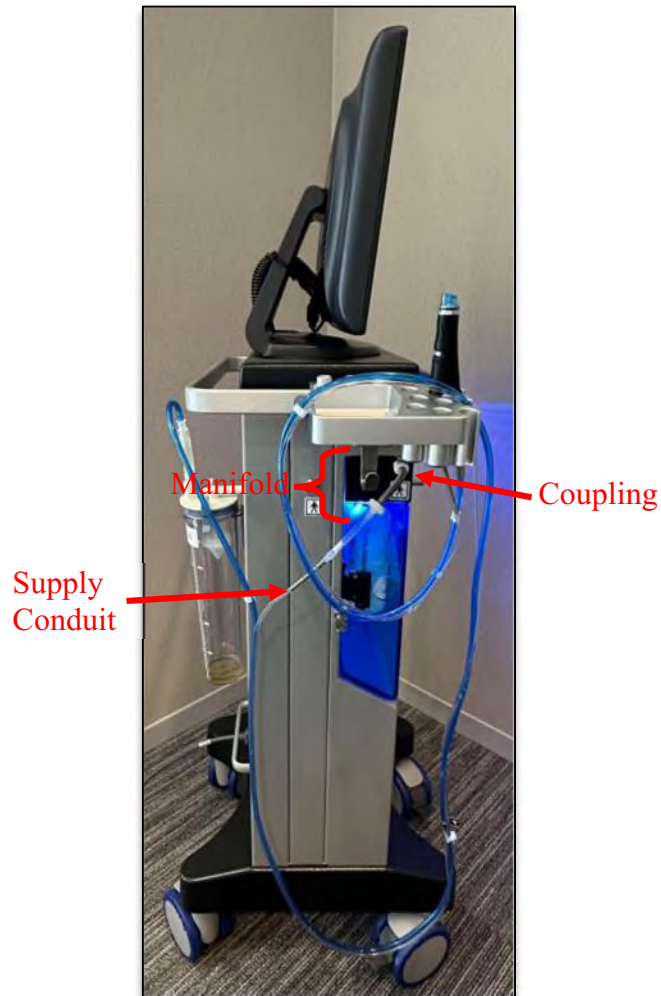
Ex. 2127 at 2 (Syndeo).



Ex. 2127 at 2 (Syndeo).

38. As part of my inspection of the Elite and Allegro, I opened their respective consoles. In each console, I observed a supply conduit extending from the manifold—

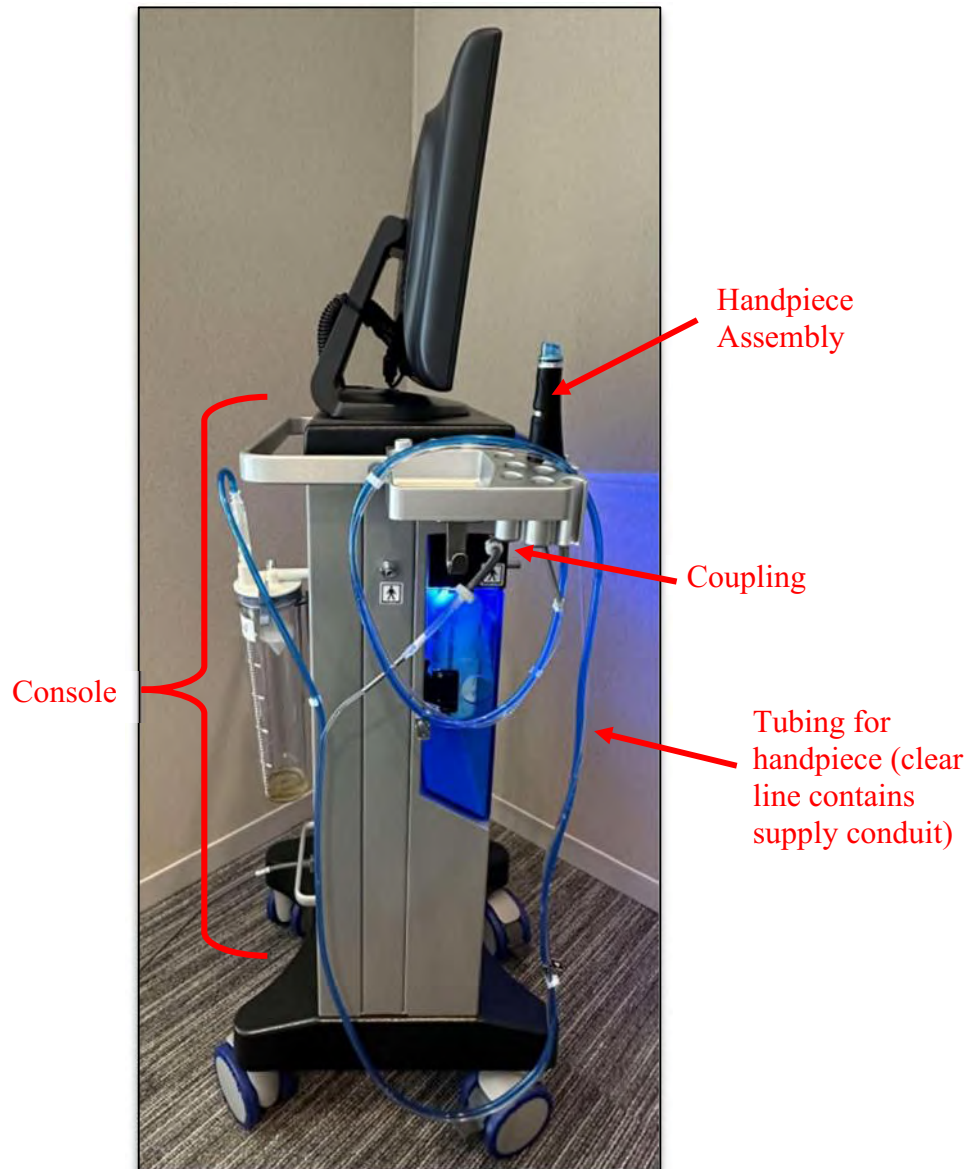
I further observed that the distal end of the supply conduit is configured to couple to the handpiece assembly. Annotated images of the supply conduit, manifold, and coupling for the Elite and Allegro are included below.



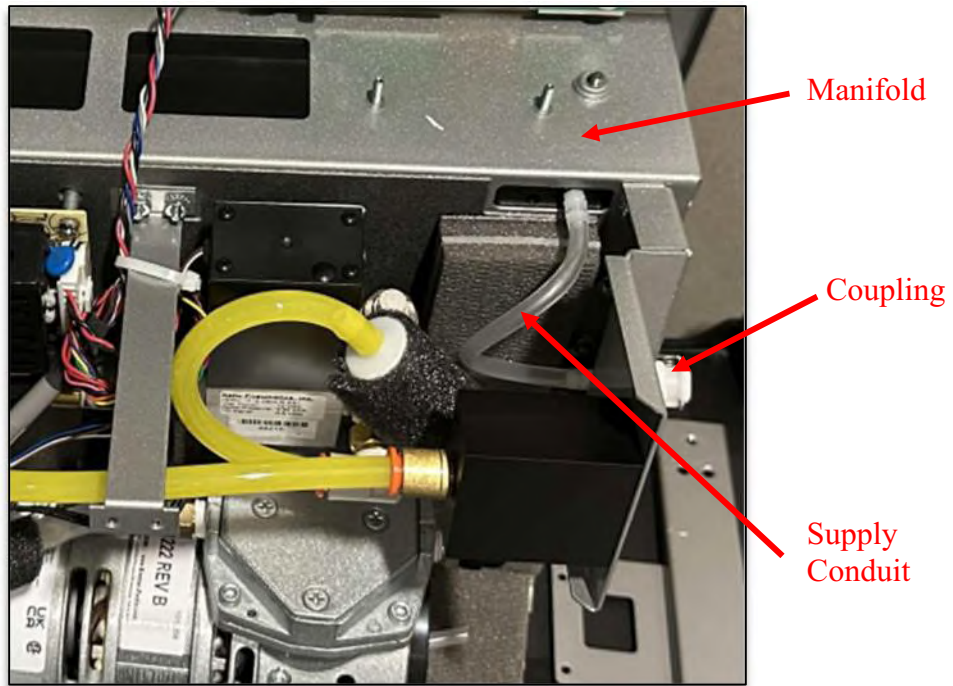
Ex. 2098 (Elite).

i. Syndeo

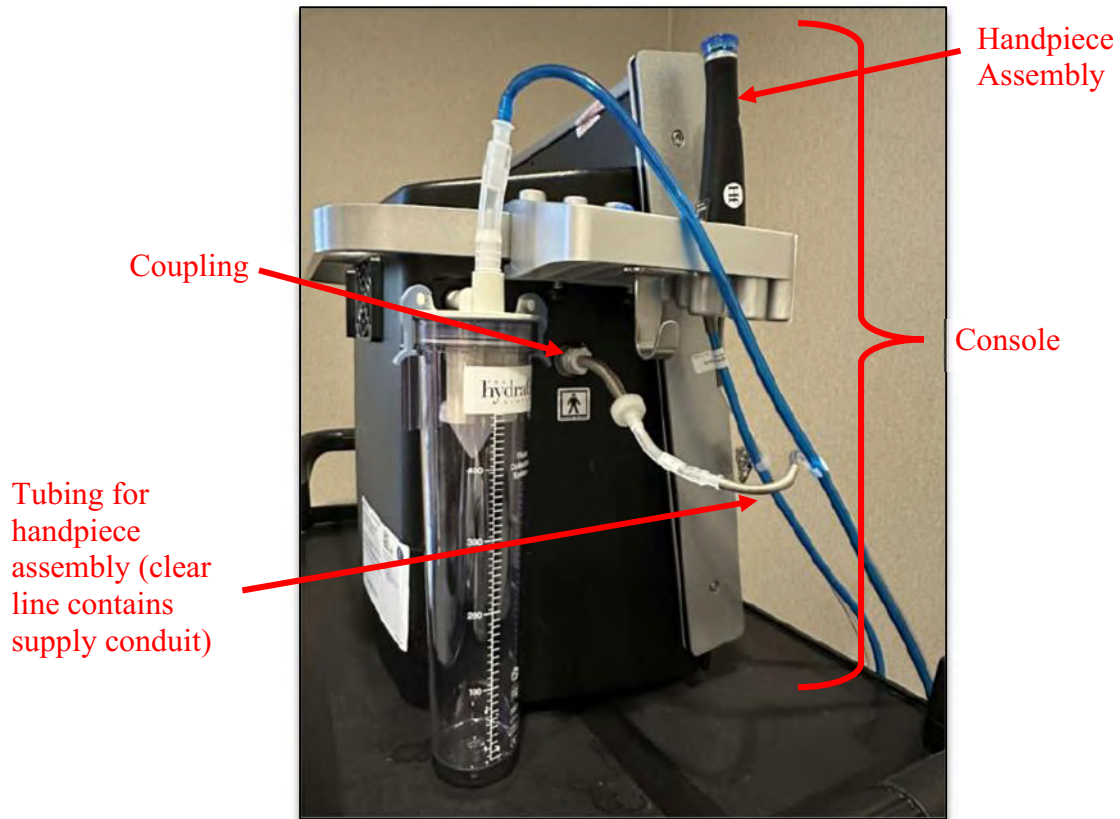
39. The Syndeo IFU contains an illustration of the console with system components. I have provided an annotated version of this illustration, identifying the location of the internal manifold located within the console.



Ex. 2098 (Elite).



Ex. 2097 (Allegro).



Ex. 2121 (Allegro).

40. The annotated technical drawing below shows the manifold of the Elite having a coupling to which tubing to the handpiece assembly (including a portion of the supply conduit) connects.

41. Annotated photos of the Syndeo supply conduit being coupled to the handpiece assembly are below.



Ex. 2127 at 2 (Syndeo).



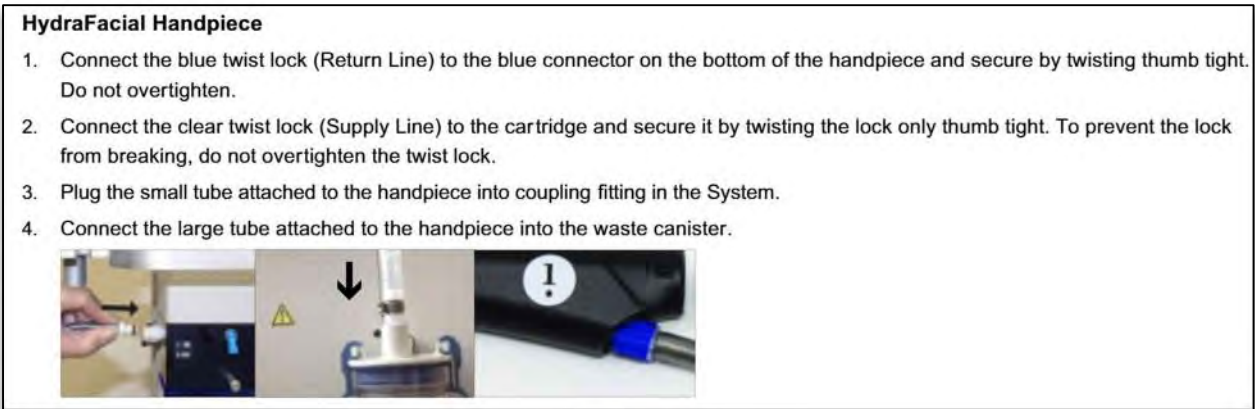
Ex. 2127 at 2 (Syndeo).



Ex. 2127 at 2 (Syndeo).

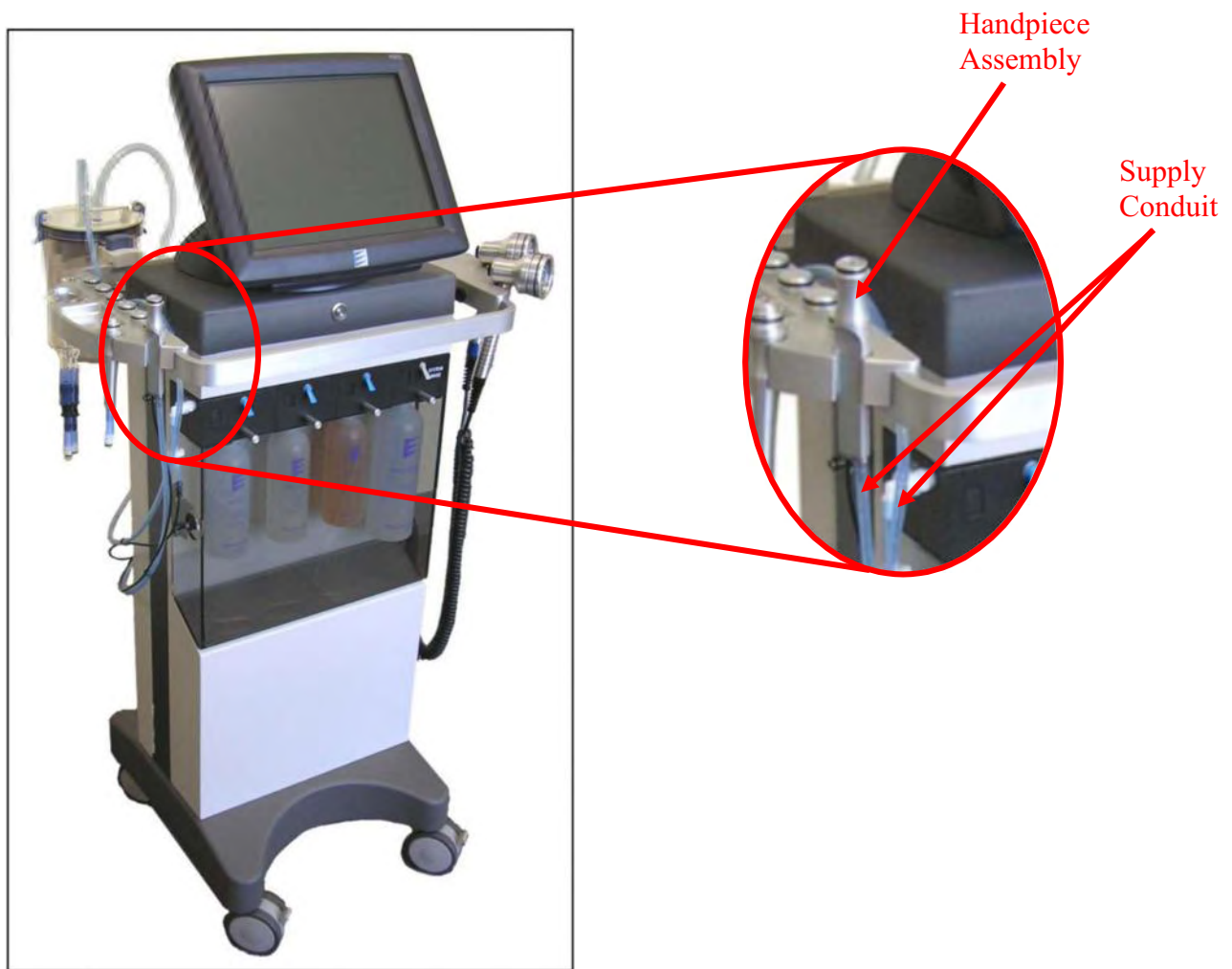
42. The Elite IFU confirms my understanding and describes connecting a “Supply Line” between the handpiece assembly and the console, where the “Supply

Line” serves as the supply conduit through which the manifold is in fluid communication with the handpiece assembly.



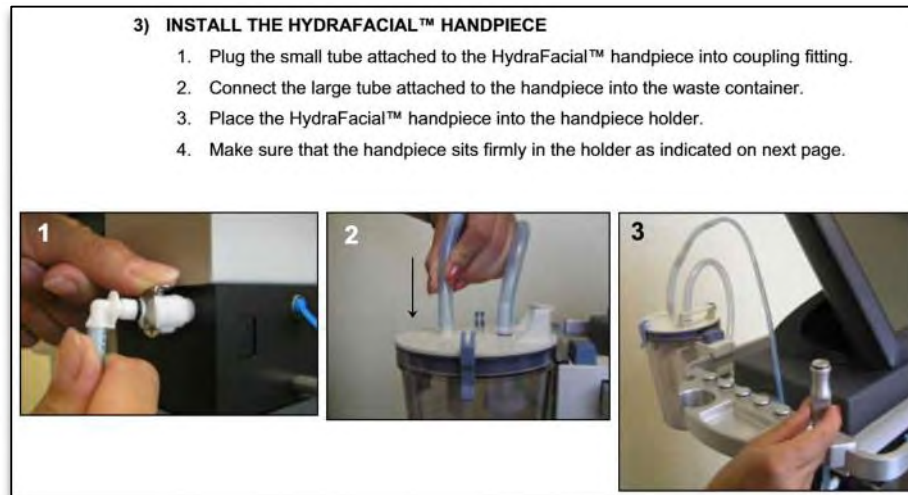
Ex. 2031 at 12 (Elite IFU).

43. My review of videos and images of the Tower confirmed it has “a supply conduit placing the manifold of the console in fluid communication with the handpiece assembly, wherein a distal end of the supply conduit is configured to couple to the handpiece assembly.”



Ex. 2125 at 1 (Tower Owner's manual).

44. The Tower Owner's Manual confirms my understanding and describes connecting a "small tube" between the handpiece assembly and the console, where the "small tube" serves as the supply conduit through which the manifold is in fluid communication with the handpiece assembly.



Ex. 2033 at 10 (Tower Owner's Manual). The supply conduit extends from the manifold in the console through tubing to the handpiece assembly.

45. Given the similarities between the Syndeo handpiece assembly and the Elite, Allegro, and Tower handpiece assemblies, I have concluded the distal end of a supply conduit would be coupled to the handpiece assembly for each of the Elite, Allegro, and Tower similar to the images above.

46. Accordingly, it is my opinion that this limitation is satisfied by each of the Syndeo, Elite, Allegro, and Tower.

- e. **1[d]: “wherein the manifold is configured to control a flow of treatment material from the first fluid container and at least the second fluid container through the supply conduit; and”**

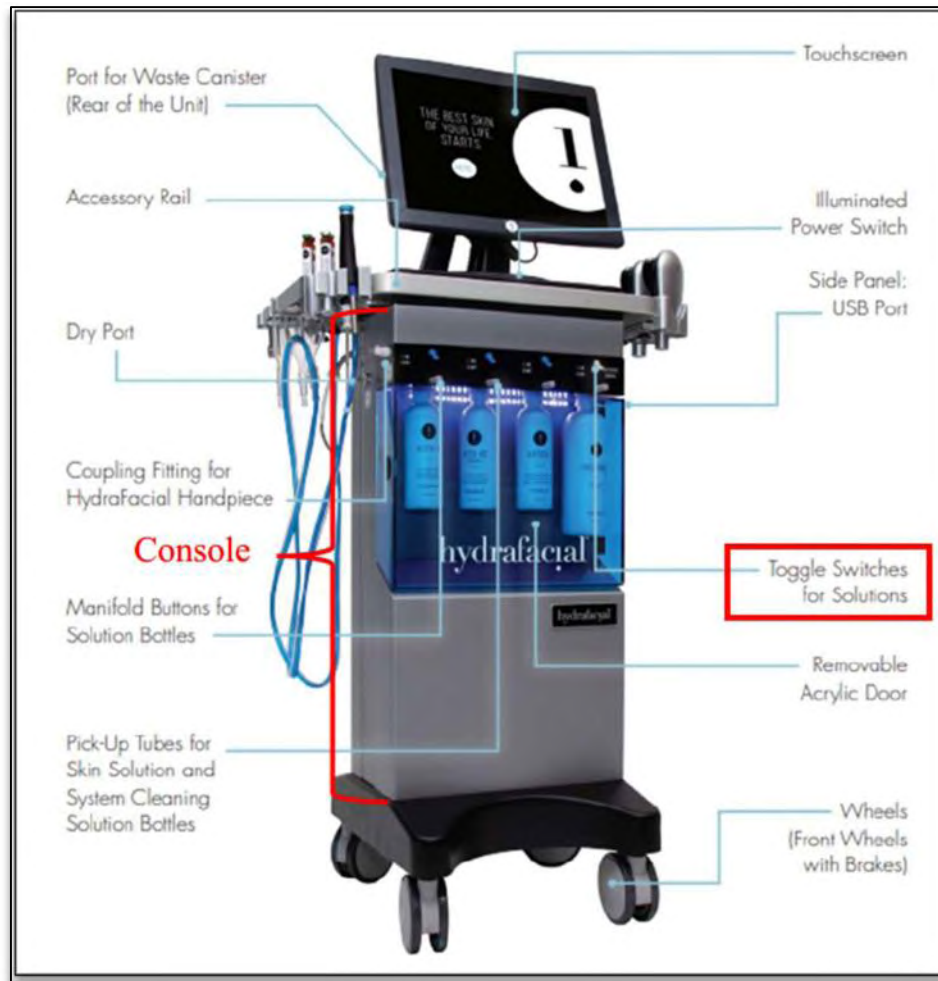
47. In my opinion, each of the Syndeo, Elite, Allegro, and Tower has a manifold “configured to control a flow of treatment material from the first fluid container and at least the second fluid container through the supply conduit.”

48. As described above, the supply conduit extends from the handpiece assembly to the manifold, which is in fluid communication with the fluid containers (including the first and second fluid containers). As explained below, the manifold in fluid communication with the fluid containers is configured to control a flow of treatment material from the first fluid container and at least the second fluid container through the supply conduit.

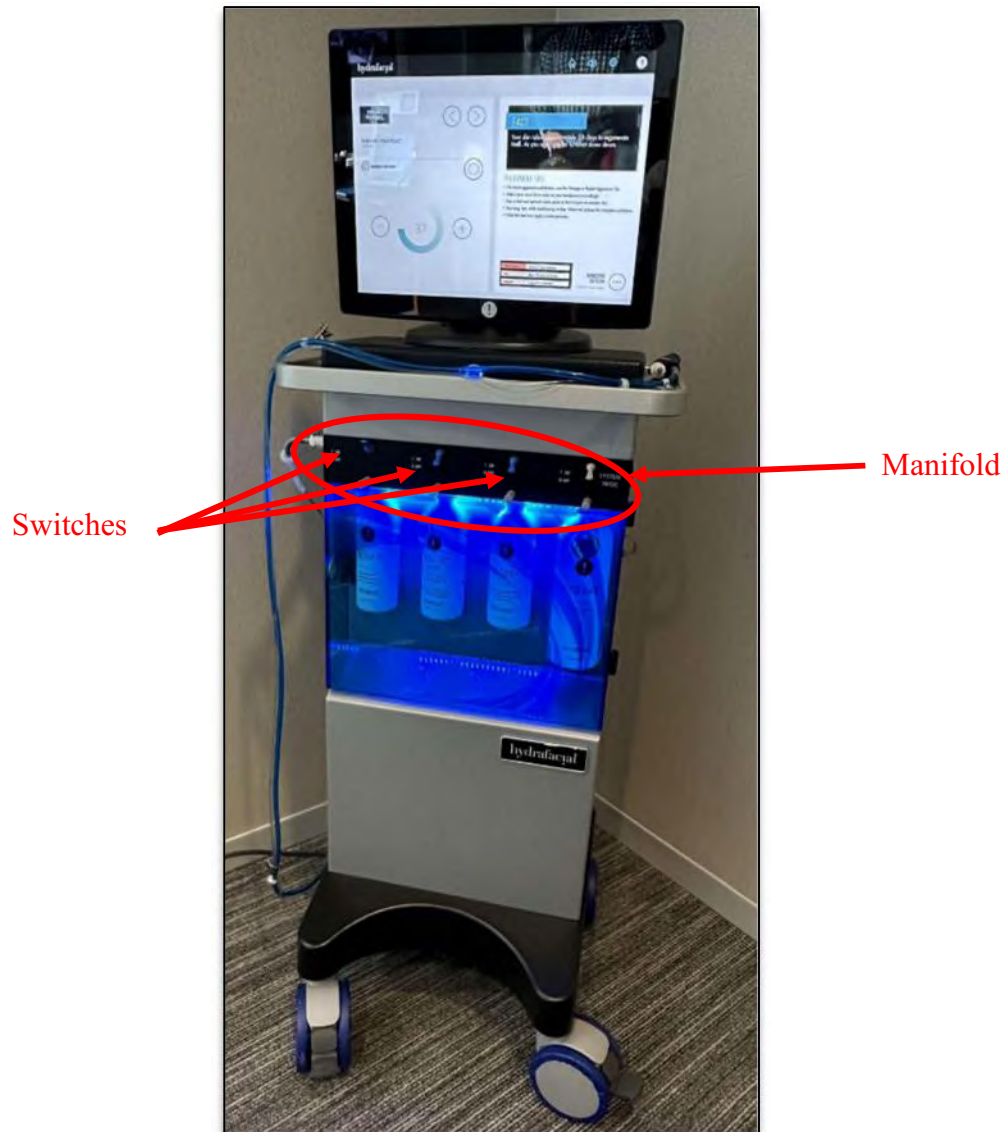
49. The Syndeo IFU explains that the Syndeo includes “solution bottle controls...located on the bottom of the screen within the treatment steps.” It further explains that the system “automatically selects and deselects the recommended solution bottle base on the respective treatment step.” A corresponding excerpt from the Syndeo IFU is included below.



Ex. 2030 at 14 (Syndeo IFU). In this manner, the manifold is configured to control a flow of treatment material from the first fluid container and at least the second fluid container through the supply conduit.



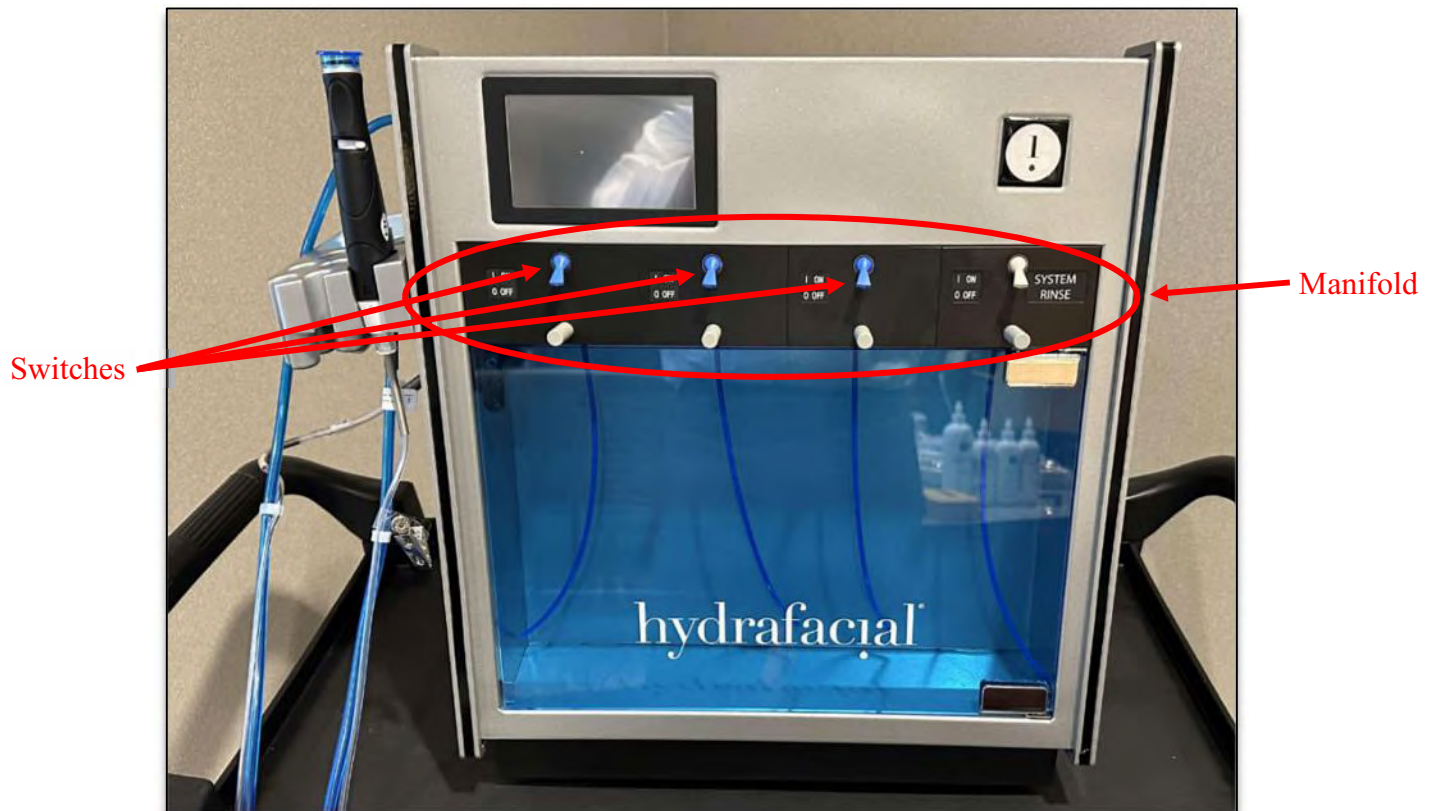
Ex. 2031 at 10 (Elite User Guide).



Ex. 2074 (Elite)



Ex. 2032 at 8 (Allegro IFU).

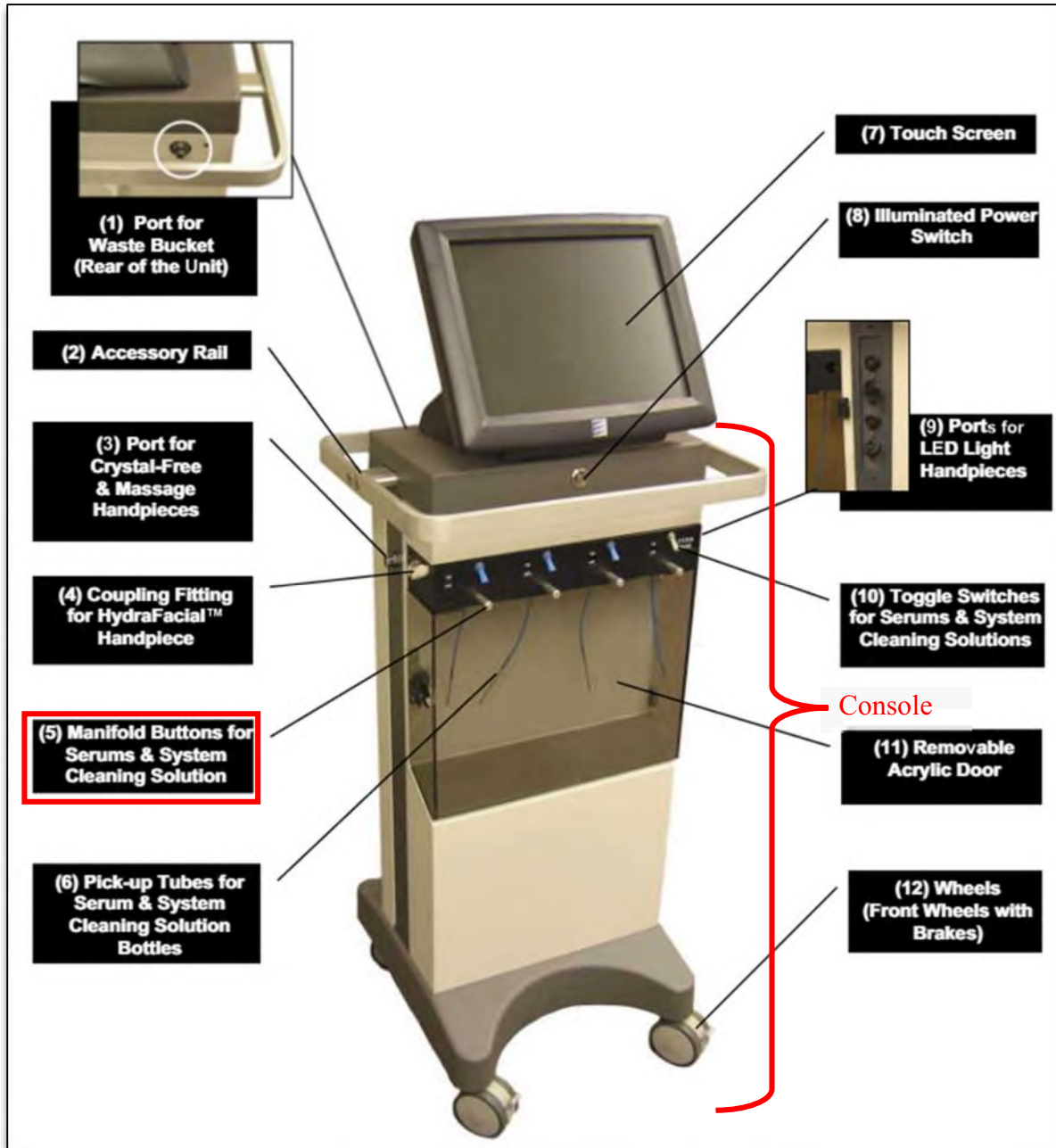


Ex. 2077 (Allegro)



Ex. 2032 at 11 (Allegro IFU).

50. My review of videos and images of the Tower confirmed its “manifold is configured to control a flow of treatment material from the first fluid container and at least the second fluid container through the supply conduit.”



Ex. 2033 at 8 (Tower Owner's Manual).

51. The Tower Owner's Manual confirms my understanding and explains that "[t]he toggle switches control which serum bottle is being used. When a switch is in the OFF position, no fluid will be drawn from that bottle. When a switch is in the ON position, fluid will be drawn from that bottle." *Id.* Thus, for example, when the switch

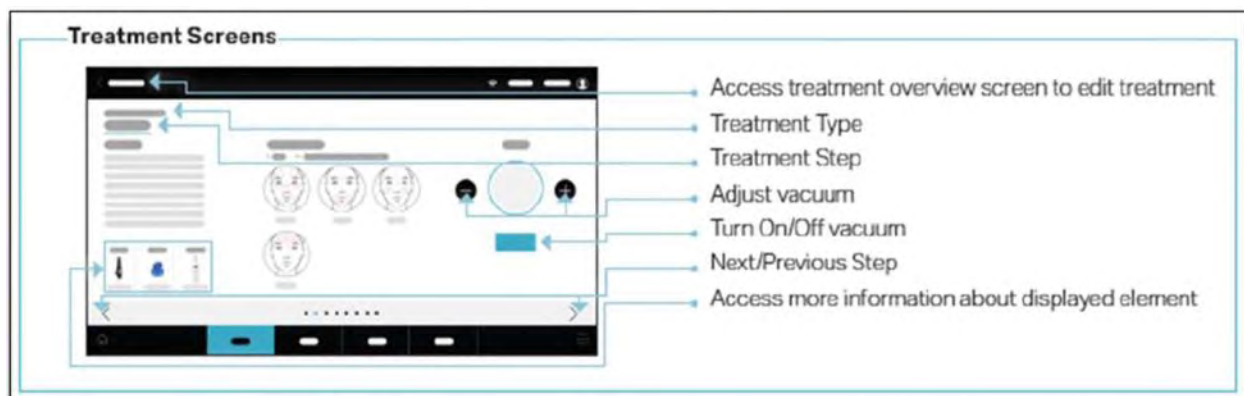
for the first fluid container is ON and the switch for the at least the second fluid container is OFF, treatment fluid will be delivered to the handpiece assembly from the first fluid container only. Thereafter, when the switch for the first fluid container is OFF and the switch for the at least the second fluid container is ON, treatment fluid will be delivered to the handpiece assembly from the at least the second fluid container only. In this manner, through operation of the toggle switches, the manifold controls a flow of treatment material from the first fluid container and at least the second fluid container through the supply conduit. Further, the Tower Owner Manual's troubleshooting section describes the scenario, "[i]f using only one station at a time, turn current station off and try another station." *Id.* at 20.

52. Accordingly, this limitation is satisfied by each of the Syndeo, Elite, Allegro, and Tower.

f. 1[e]: a vacuum source;

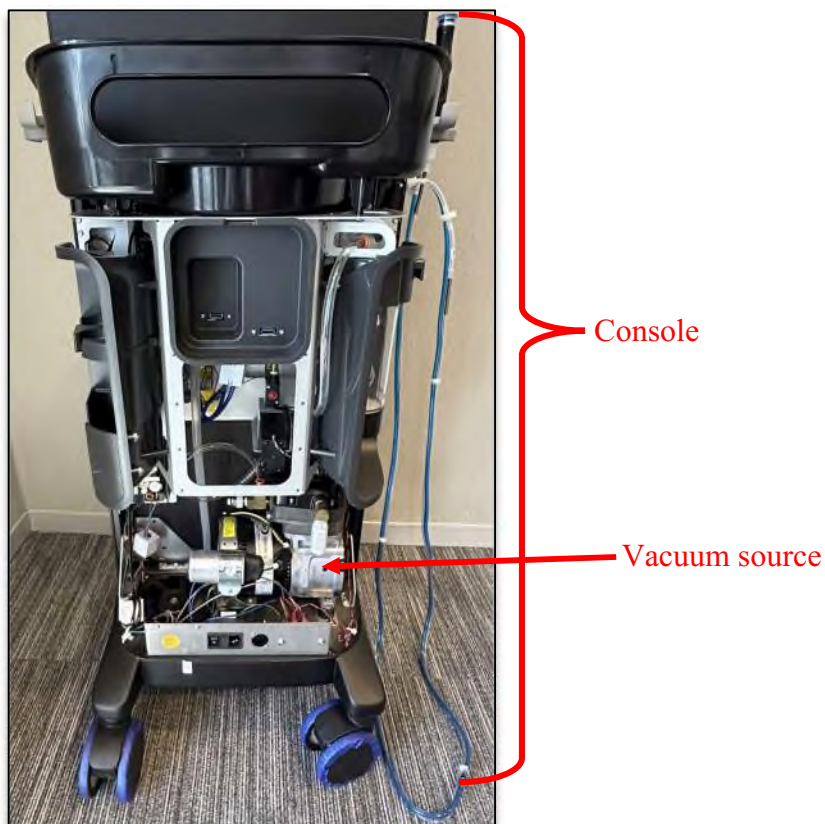
53. In my opinion, each of the Syndeo, Elite, Allegro, and Tower has "a vacuum source."

54. The Syndeo IFU illustrates and describes turning the vacuum on and off and adjusting the vacuum. An excerpt from the IFU below shows these functionalities on the Syndeo treatment screen.

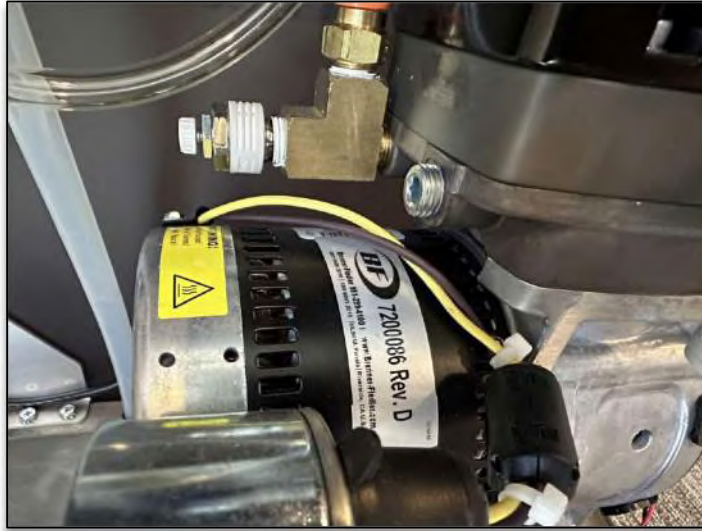


Ex. 2030 at 16 (Syndeo IFU).

55. As part of my inspection of each of the Syndeo, Elite, Allegro, and Tower, I opened their respective consoles. In each console, I observed the vacuum source located in the console. As shown in the images below, each of the Syndeo, Elite, Allegro, and Tower includes a vacuum source in the console:



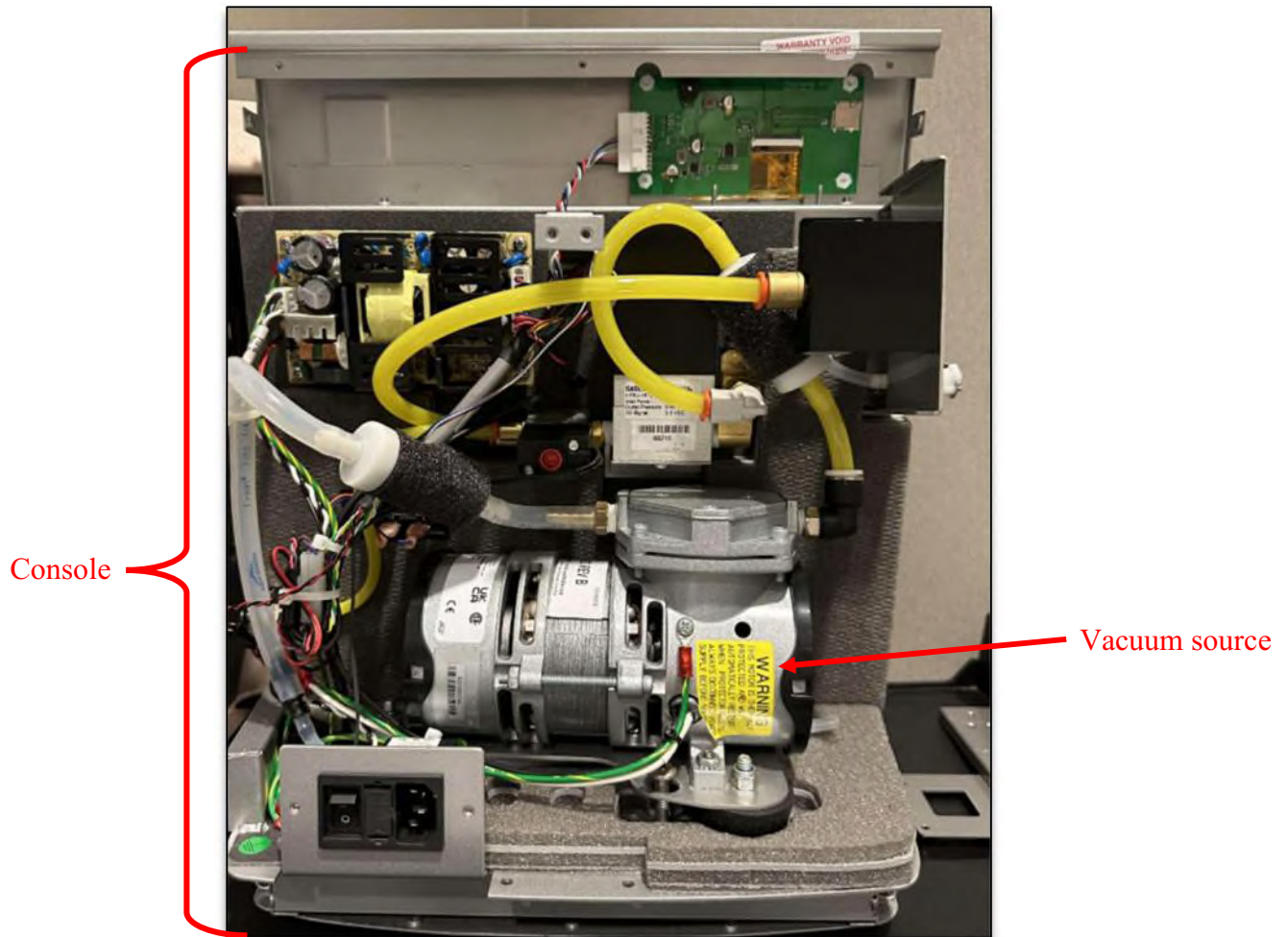
Ex. 2109 (Syndeo). Further, a closeup image identifying the vacuum source having part number “7200086” is included below.



Ex. 2101 (Syndeo; vacuum source labeled as part number “7200086”).

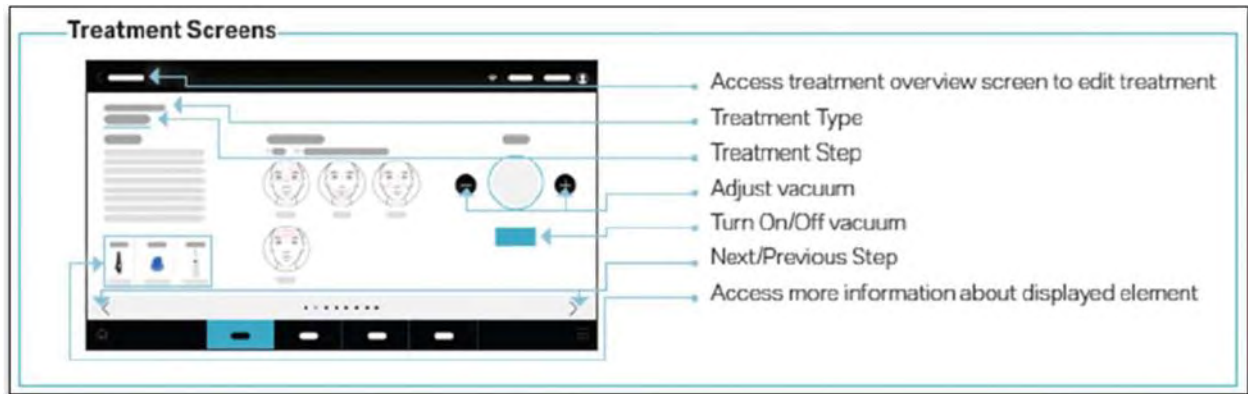


Ex. 2102 (Allegro).

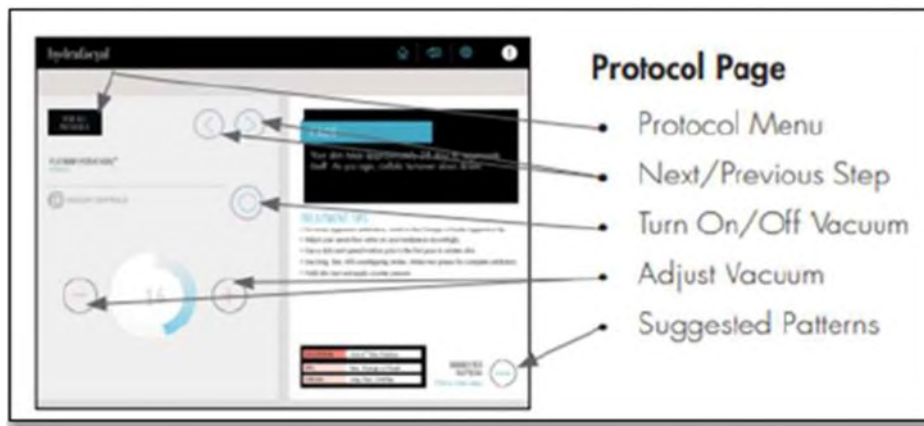


Ex. 2120 (Allegro).

56. The technical documents for each of the Syndeo, Elite, Allegro, and Tower confirm that a vacuum source is inside of the console. For example, the Syndeo, Elite, and Allegro IFU's describe turning the vacuum on and off and adjusting the vacuum:



Ex. 2030 at 16 (Syndeo IFU).



Ex. 2031 at 16 (Elite User Guide).

Turn The Vacuum On

- Within each mode, touch the "On" button to start the vacuum.

Turn The Vacuum Off

- Within each mode, touch the "Off" button to stop the vacuum.

Vacuum Adjustment

- Within each mode, adjust the vacuum level by pressing the triangular vacuum control buttons. Press the up-arrow button (with the plus sign "+" on it) to increase the vacuum. Press the down-arrow button (with the minus sign "-" on it) to decrease the vacuum.

Note: Use your fingertip, not your fingernail to avoid damage to the screen.

Ex. 2032 at 13 (Allegro IFU).

57. The Tower Owner's Manual similarly described having an adjustable vacuum:

6. Always start the patient at a low vacuum setting and increase the intensity depending on the patient's comfort. Note: each patient's skin condition and pain threshold are different. In light of these variables the suggested setting will vary for each patient. The settings suggested in the on-screen protocols reflect the pressure when the handpiece is occluded against the skin. Every individual's skin is unique. Refer to the recommended settings as a guide, not a guarantee.

Ex. 2033 at 3 (Tower Owner's Manual).

58. My inspection of each of the Syndeo, Elite, Allegro, and Tower devices (in person, via video, or via images) did not identify any external vacuum source, nor any ports to connect to an external vacuum source. Thus, it is my opinion that the console comprises the vacuum source.

59. Accordingly, it is my opinion that this limitation is satisfied by each of the Syndeo, Elite, Allegro, and Tower.

- g. 1[f]: a waste conduit in fluid communication with the tip of the handpiece assembly to remove waste away from a skin surface of a subject during a skin treatment procedure, wherein the waste conduit is operatively coupled to the vacuum source; and**

60. In my opinion, each of the Syndeo, Elite, Allegro, and Tower has “a waste conduit in fluid communication with the tip of the handpiece assembly to remove waste away from a skin surface of a subject during a skin treatment procedure, wherein the waste conduit is operatively coupled to the vacuum source.”

a. Syndeo

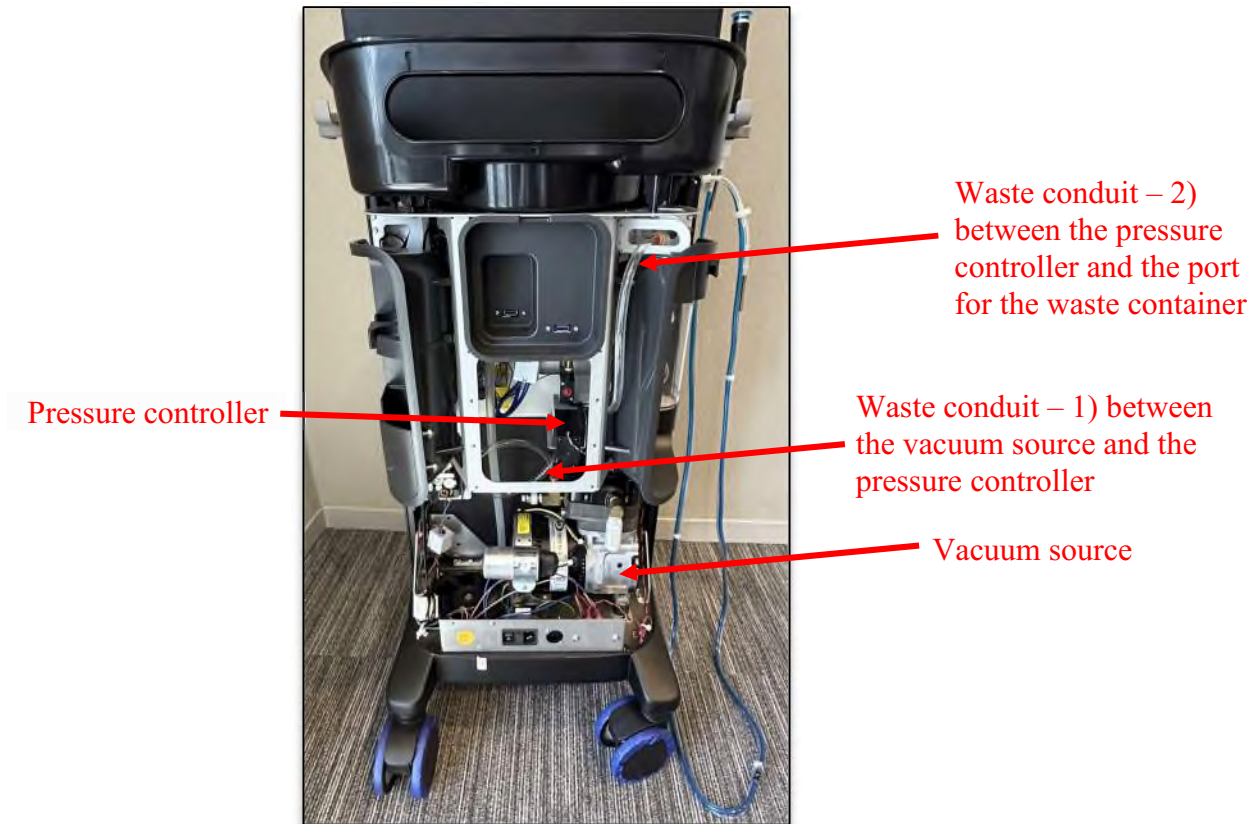
61. I have inspected the Syndeo and have determined that when each of the handpiece assembly, vacuum source, and waste conduit are connected to the console, the tip of the handpiece assembly is in fluid communication with the waste conduit and the waste conduit is operatively coupled to the vacuum source.

62. The handpiece assembly has a “vacuum opening” that is covered by the tip of the handpiece assembly, such that the handpiece assembly vacuums fluids through the tip and into the waste conduit. The annotated photograph below shows the handpiece assembly having a “vacuum opening.”

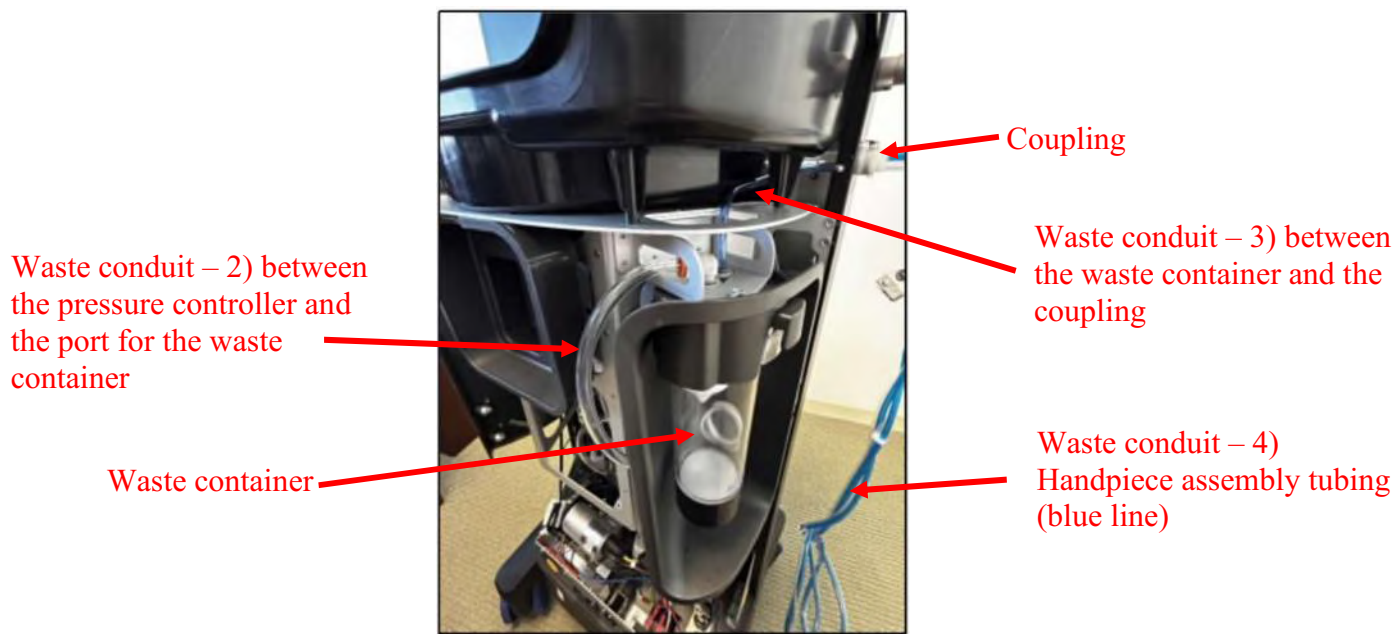


Ex. 2034 at 5 (Handpiece User Guide).

63. The connection to the vacuum source operatively couples the waste conduit and the vacuum source. The annotated photos below show the waste conduit comprising multiple tubing components that extend (1) between the vacuum source and a pressure controller; (2) between the pressure controller and a port of the waste container; (3) between the port of the waste container and the coupling for the handpiece assembly tubing via the waste container and tubing; and (4) between the coupling and the handpiece assembly.



Ex. 2109 (Syndeo).



Ex. 2127 at 4 (Syndeo).

64. Below, I have identified the waste conduit and the handpiece assembly that it connects to.



Ex. 2127 at 2 (Syndeo).

65. After the fluid exits the handpiece from the supply conduit, the fluid goes through the handpiece to the waste conduit via an opening on the handpiece assembly, identified below:

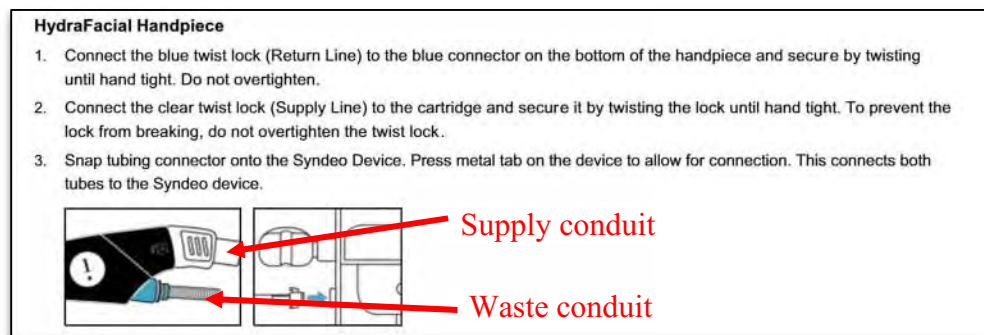


Ex. 2127 at 2 (Syndeo).

66. The Waste Conduit places the handpiece in fluid communication with the vacuum source. I observed that, due to this fluid communication with the vacuum source. I observed that, due to this fluid communication, when the vacuum source is active and the handpiece assembly is contacting skin, a closed system is formed between a selected container and the vacuum source. Suction from the vacuum source, through the Waste Conduit, the handpiece assembly, the supply conduit, and the manifold of the console allows fluid to be drawn from the selected container and

delivered to the skin, while used fluid and debris is simultaneously drawn away from the skin to the waste container.

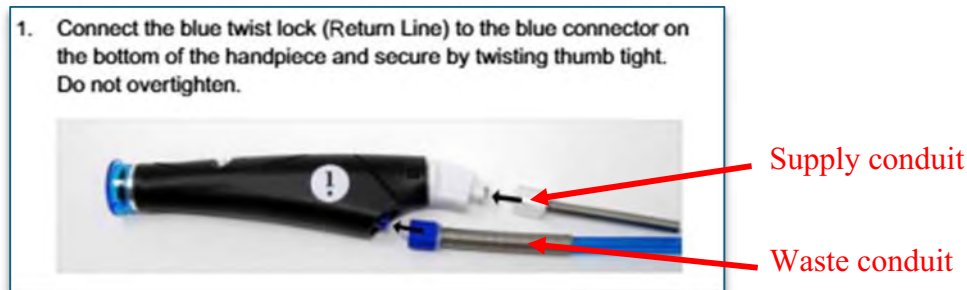
67. The Syndeo IFU confirms the tip of the Syndeo handpiece assembly is configured to be in fluid communication with the waste conduit when the waste conduit is operatively coupled to the vacuum source. To remove waste away from a skin surface of a subject during a skin treatment procedure. The Syndeo IFU illustrates and describes a “Return Line” attached to the handpiece assembly, wherein the Return Line which serves as a portion of the waste conduit through which the tip of the handpiece assembly is in fluid communication with the vacuum source. For clarity, I have also labeled the supply conduit, which I describe in greater detail above in limitation 1[c].



Ex. 2030 at 12 (Syndeo IFU).

68. The Handpiece User Guide also describes the “Return Line” being connected between the handpiece assembly and a waste container (“waste canister”),

which is, in turn, connected to and in fluid communication with the vacuum source in the console as shown in the annotated photograph below.



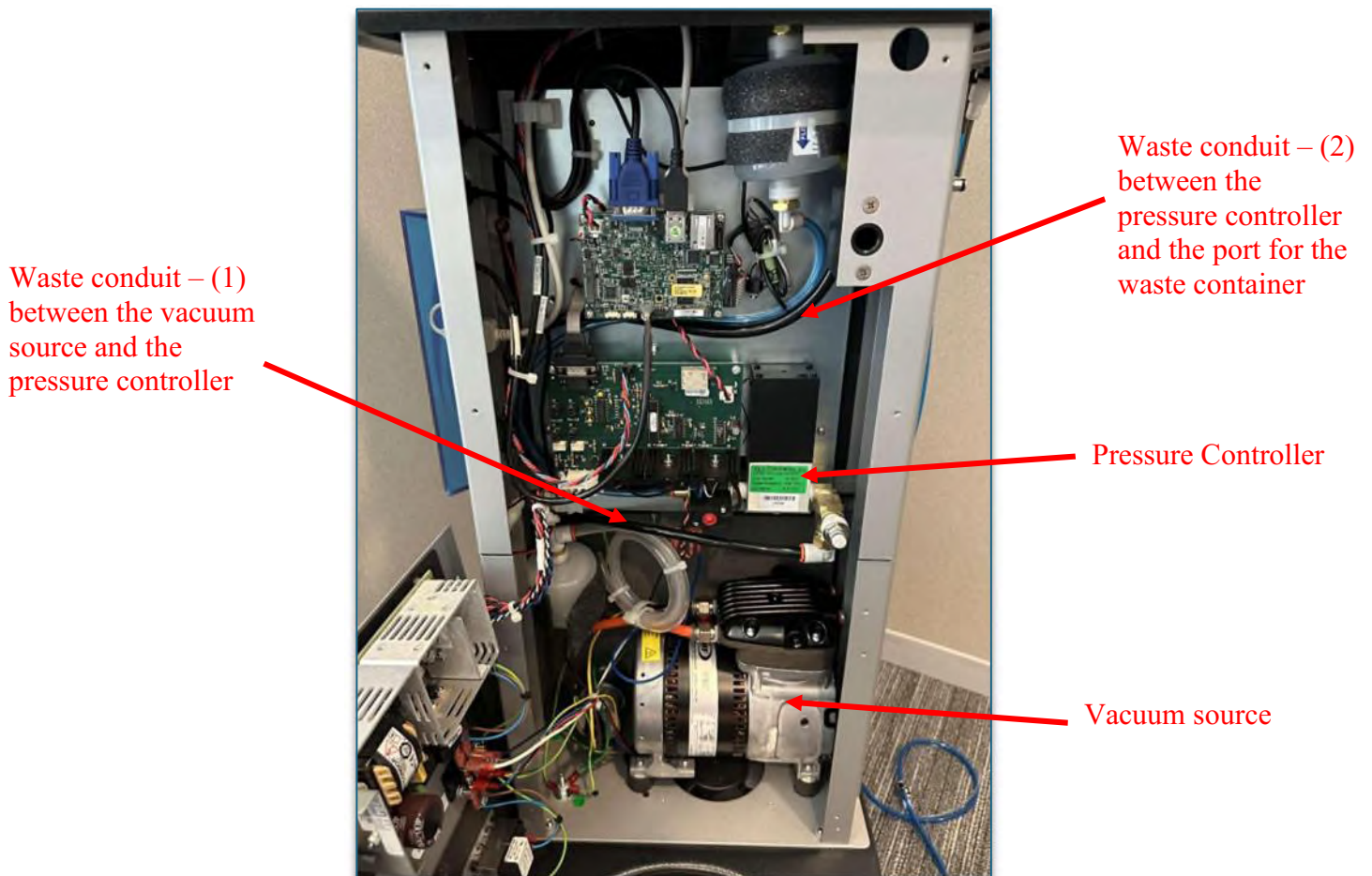
Ex. 2034 at 2 (Handpiece User Guide); *see also* Ex. 2030 at 22 (Syndeo IFU) (“Make sure that your HydraFacial handpiece is properly connected to the side of the skin solution station block, and to the waste canister.”).

69. Accordingly, it is my opinion that this limitation is satisfied by the Syndeo.

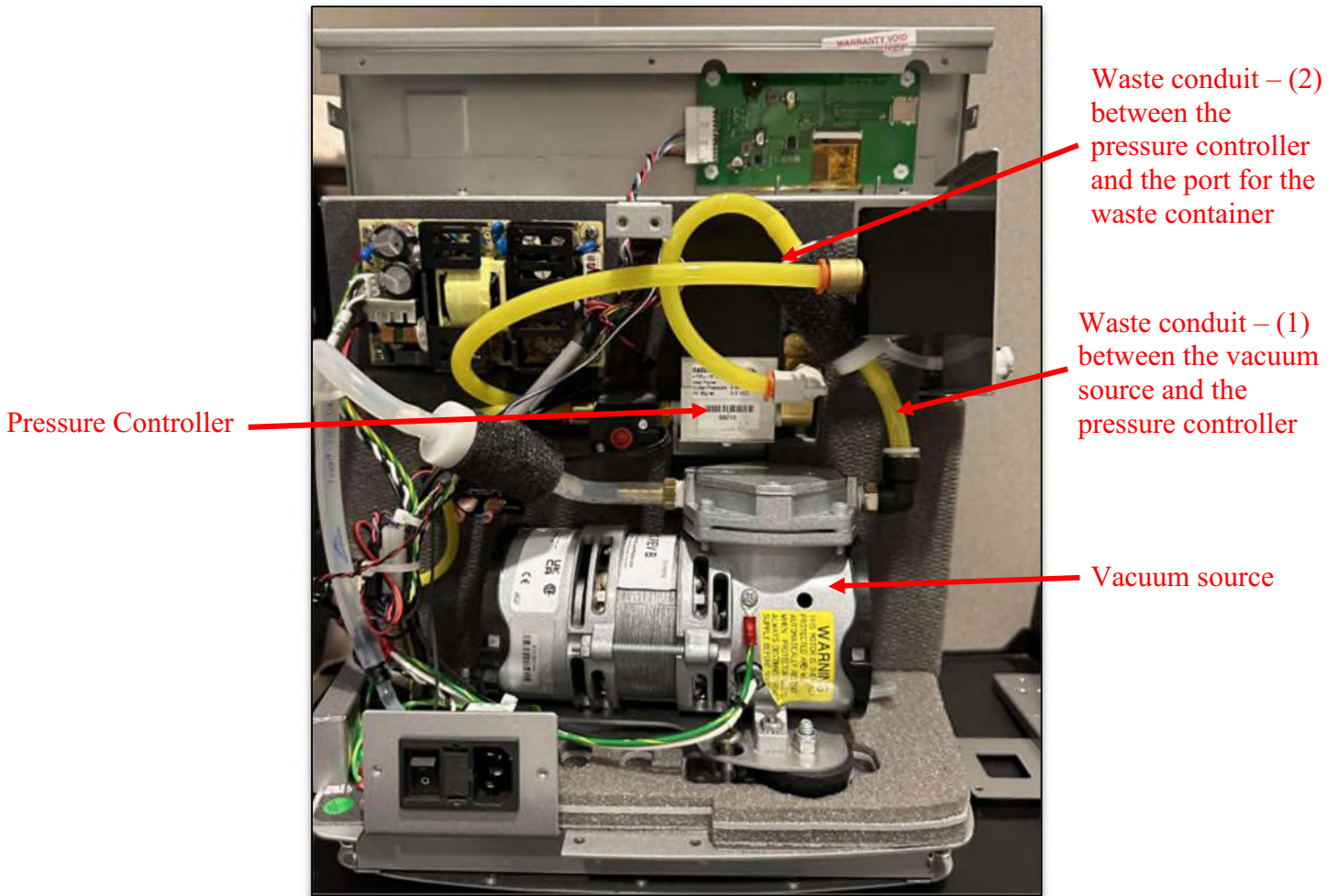
b. Elite, Allegro, & Tower

70. My inspection of the Elite and Allegro, and review of images, videos, and documents for the Tower, confirmed that this limitation is satisfied. As discussed above, the handpiece assembly has a “vacuum opening” that is covered by the tip of the handpiece assembly, such that the handpiece assembly vacuums fluids through the tip and into the waste conduit.

71. The waste conduit comprises multiple tubing componetns that extend (1) between the vacuum source and a pressure controller; (2) between the pressure controller and a port for the waste container; (3) between the port for the waste container and the tubing of the handpiece assembly via a waste container; and (4) between the coupling and the handpiece assembly. The connection to the vacuum source operatively couples the waste conduit and the vacuum source.



Ex. 2119 (Elite).



Ex. 2120 (Allegro) .

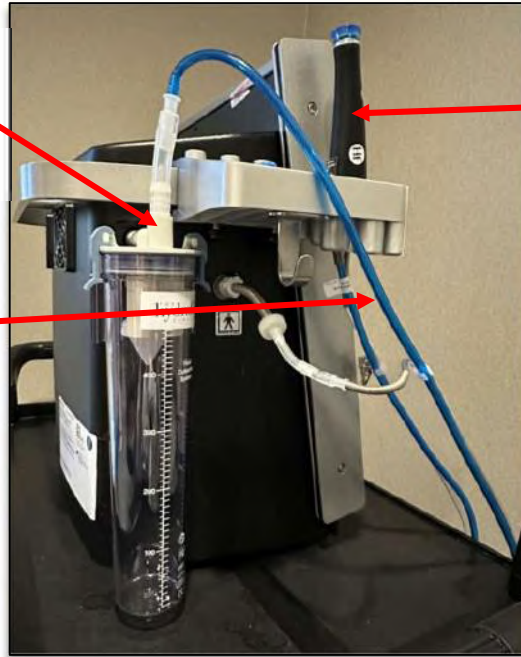
72. The blue tubing for the handpiece assembly contains the waste conduit. The waste conduit continues from the port for the waste container on the console through the tubing to the handpiece assembly.



Ex. 2115 (Elite).

Waste conduit – 3) between the port for the waste container and tubing for the handpiece

Waste conduit – 4)
Handpiece assembly tubing (blue line)



Handpiece Assembly

Ex. 2121 (Allegro).

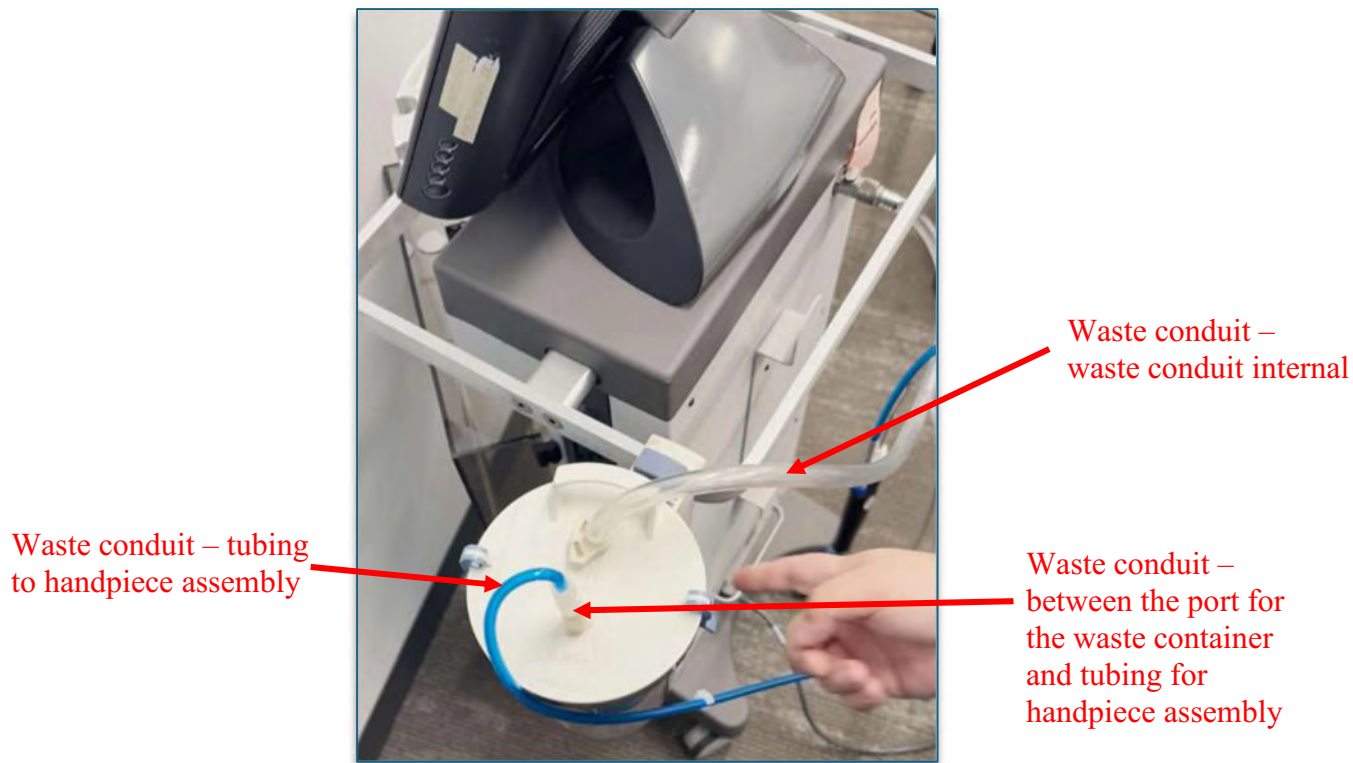
73. The Tower has the same waste conduit comprised of multiple tubing components. Below, I have annotated two images of the Tower Device. The first image identifies the handpiece, and the waste conduit tubing to the handpiece assembly. The second image identifies the waste conduit between the port for the waste container and tubing for handpiece assembly.

Handpiece Assembly



Waste conduit

Ex. 2147 (Tower).



Ex. 2149 (Tower).

74. Technical documents for the Elite and Allegro confirm that they each include a waste conduit in fluid communication with the tip of the handpiece assembly to remove waste away from a skin surface of a subject during a skin treatment procedure, wherein the waste conduit is operatively coupled to the vacuum source. The Elite and Allegro IFUs illustrate and describe a “Return Line” attached to the handpiece assembly, wherein the Return Line which serves as a portion of the waste conduit through which the tip of the handpiece assembly is in fluid communication with the vacuum source (the “supply conduit” described above is also labeled for reference and clarity in the illustrations below).

HydraFacial Handpiece

1. Connect the blue twist lock (Return Line) to the blue connector on the bottom of the handpiece and secure by twisting thumb tight. Do not overtighten.
2. Connect the clear twist lock (Supply Line) to the cartridge and secure it by twisting the lock only thumb tight. To prevent the lock from breaking, do not overtighten the twist lock.
3. Plug the small tube attached to the handpiece into coupling fitting in the System.
4. Connect the large tube attached to the handpiece into the waste canister.

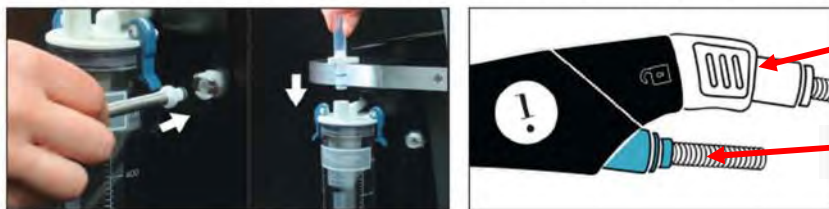


Waste conduit

Ex. 2031 at 12 (Elite IFU).

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. Locate the small tubing with the blue end and connect it to the appropriate end on the handpiece. The blue end corresponds with the blue dot. Twist the knob gently clockwise to secure the tubing.



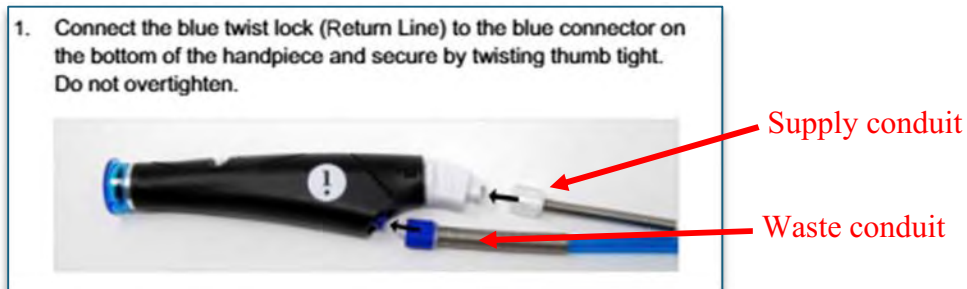
Supply conduit

Waste conduit

Ex. 2032 at 9 (Allegro IFU).

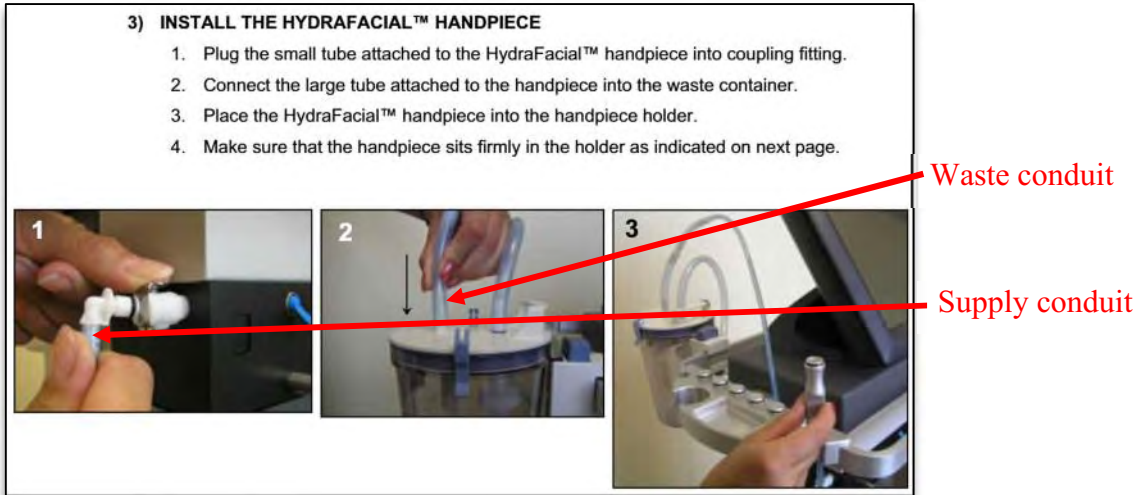
75. The Handpiece User Guide also describes the “Return Line” being connected between the handpiece assembly and a waste container (“waste canister”),

which is, in turn, connected to and in fluid communication with the vacuum source in the console.



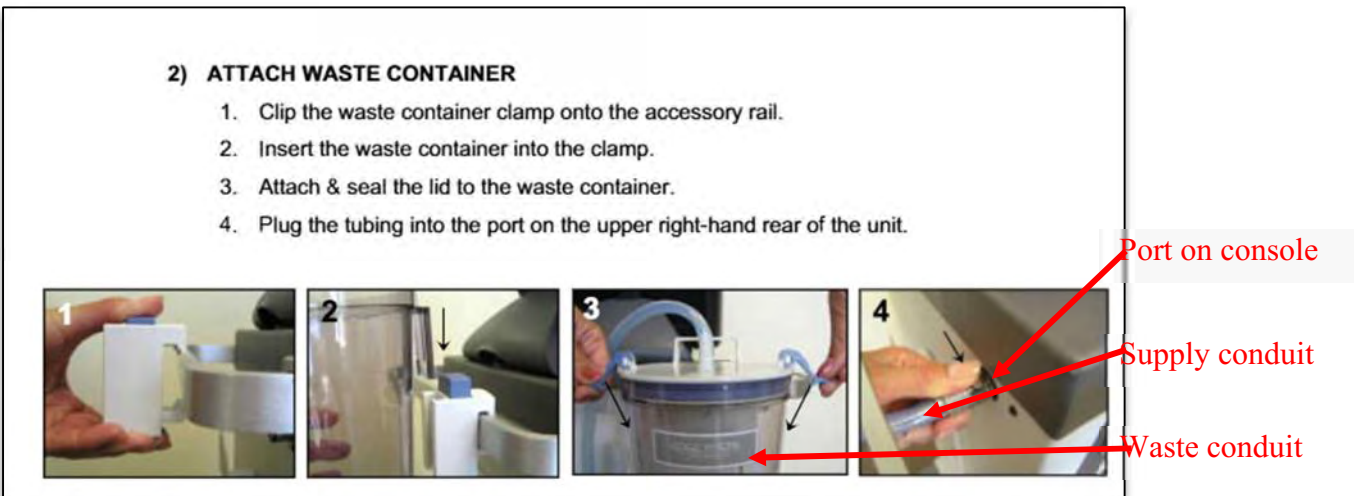
Ex. 2034 (Handpiece User Guide).

76. In the Tower, the waste conduit referenced in the image below as attaching to both the handpiece and coupling, serves as a portion of the waste conduit and is operatively coupled to the vacuum source.



Ex. 2033 at 10 (Tower Owner's Manual).

The waste conduit continues through the waste container and through a port for the waste container on the console, shown below.



Ex. 2033 at 9 (Tower Owner's Manual).

As shown in the image above, there is tubing connecting the vacuum source to the port of the waste container, thus placing the handpiece assembly in fluid communication with the waste conduit, which is operatively coupled to the vacuum source.

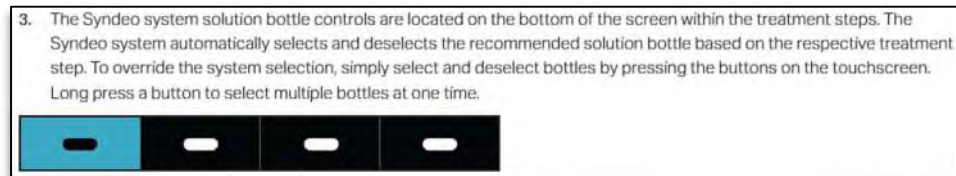
77. Accordingly, it is my opinion that this limitation is satisfied by each of the Elite, Allegro and Tower.

- h. 1[g]: wherein the system is configured to permit a user to select the treatment material from the first fluid container or the at least second fluid container to be delivered through the supply conduit to the handpiece assembly; and**

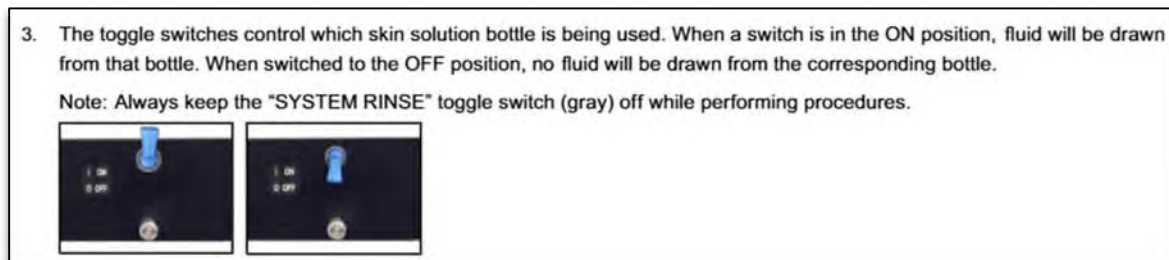
78. In my opinion, each of the Elite, Allegro, and Tower is “configured to permit a user to select the treatment material from the first fluid container or the at least second fluid container to be delivered through the supply conduit to the handpiece assembly.”

79. As described above, the manifold is configured to control a flow of treatment material from the first fluid container and at least the second fluid container through the supply conduit. As described below, each of the HydraFacial Syndeo, Elite, Allegro, and Tower permits a user to select the treatment material to be delivered through the supply conduit to the handpiece assembly.

80. As explained by the Syndeo, Elite, and Allegro IFUs, the user may select which bottle (and thus which skin solution) is used during treatment by selecting the bottles on the console screen.



Ex. 2030 at 14 (Syndeo IFU).

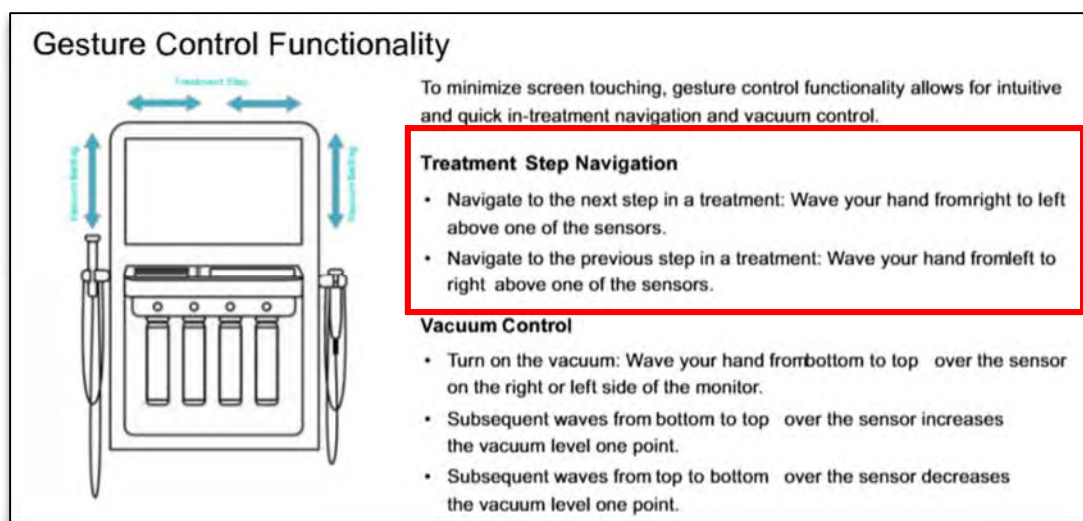


Ex. 2031 at 14 (Elite User Guide); *see also* Ex. 2032 at 11 (Allegro IFU).

81. Each of the Elite and Allegro technical documents further states that “[w]hen a switch is in the ON position, fluid will be drawn from that bottle” and “[w]hen switched to the OFF position, no fluid will be drawn from the corresponding bottle.” Ex. 2031 at 14 (Elite User Guide); *see also* Ex. 2032 at 11 (Allegro IFU). Since the user controls these switches, the HydraFacial Allegro permits a user to select the

treatment material from the first fluid container or the at least second fluid container to be delivered through the supply conduit to the handpiece assembly.

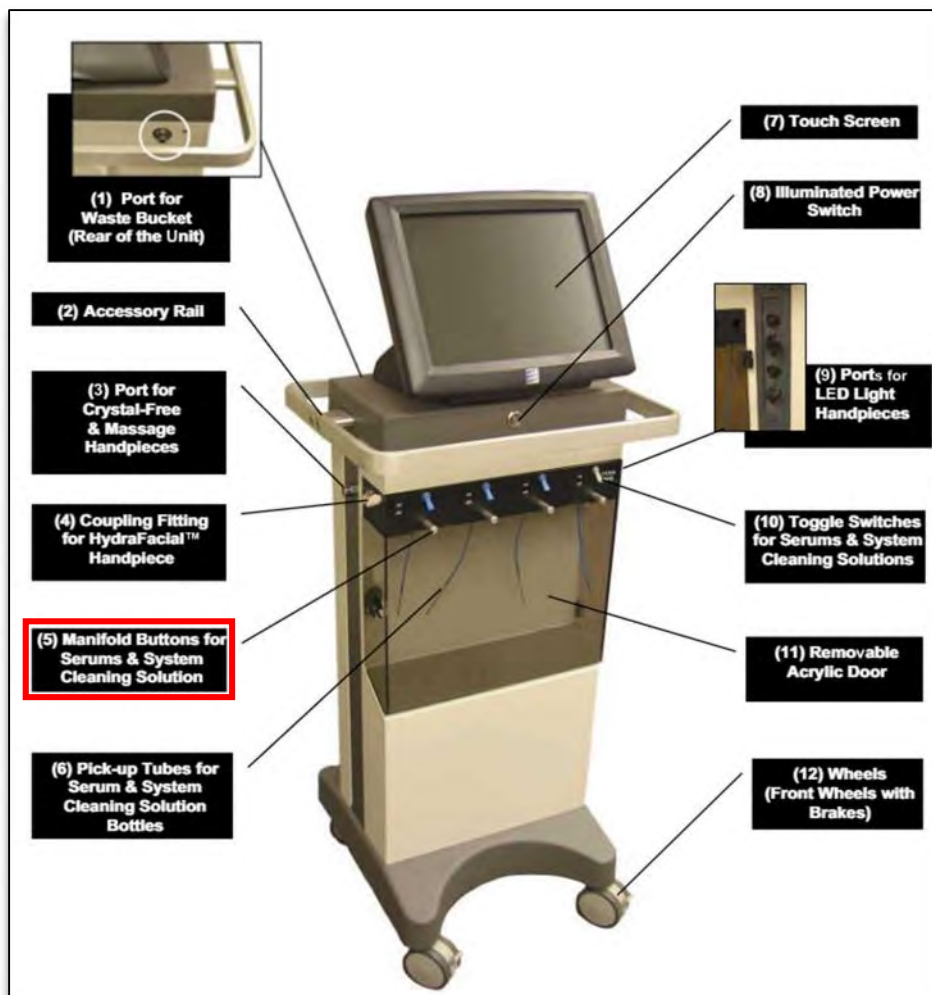
82. The Syndeo IFU also allows a user to select the treatment step—and therefore the treatment material from the first fluid container or the at least second fluid container to be delivered—via “Gesture Control Functionality,” as shown in the annotated image below.



Ex. 2030 at 17 (Syndeo IFU).

83. The Tower Owner’s Manual explains that “[t]he toggle switches control which serum bottle is being used. When a switch is in the OFF position, no fluid will be drawn from that bottle. When a switch is in the ON position, fluid will be drawn from that bottle.” Ex. 2033 at 8 (Tower Owner’s Manual). Thus, for example, when the switch for the first fluid container is ON and the switch for the at least the second

fluid container is OFF, treatment fluid will be delivered to the handpiece assembly from the first fluid container only. Thereafter, when the switch for the first fluid container is OFF and the switch for the at least the second fluid container is ON, treatment fluid will be delivered to the handpiece assembly from the at least the second fluid container only. In this manner, through operation of the toggle switches, the Tower permits a user to select the treatment material from the first fluid container or the at least second fluid container to be delivered through the supply conduit to the handpiece assembly. Further, the Tower Owner Manual's troubleshooting section describes the scenario, "[i]f using only one station at a time, turn current station off and try another station." Ex. 2033 at 20.



Ex. 2033 at 8 (Tower Owner's Manual).

84. Accordingly, it is my opinion that this limitation is satisfied by each of the Syndeo, Elite, Allegro, and Tower.

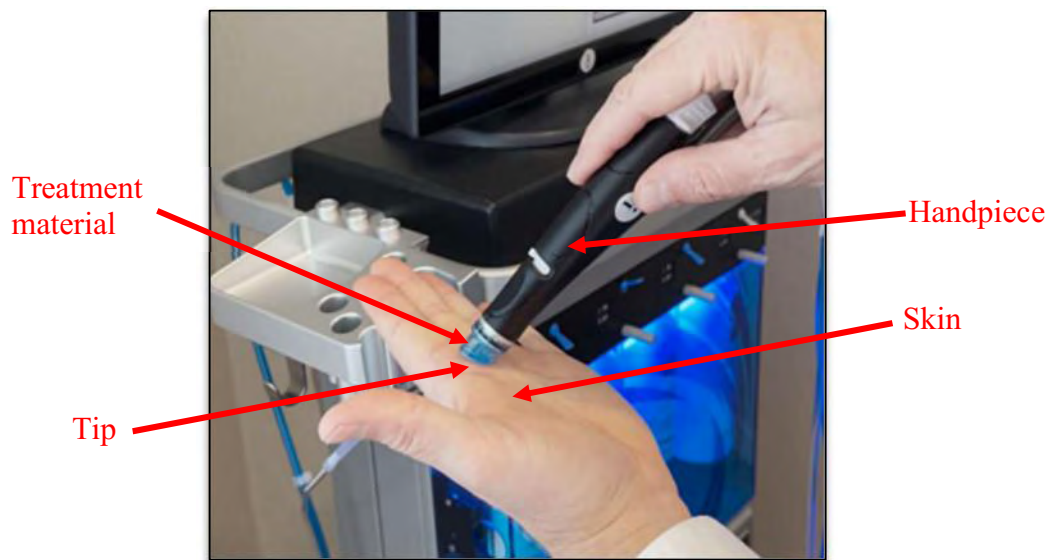
- i. **1[h]: wherein, when the vacuum source is activated and the tip contacts the skin surface, a suction force is created within the waste conduit and along the tip, thereby removing waste from the skin surface via the waste conduit while drawing treatment material from the first fluid container or the second fluid container to the tip via the supply conduit.**

85. In my opinion, each of the Syndeo, Elite, Allegro, and Tower has a vacuum source wherein “when the vacuum source is activated and the tip contacts the skin surface, a suction force is created within the waste conduit and along the tip, thereby removing waste from the skin surface via the waste conduit while drawing treatment material from the first fluid container or the second fluid container to the tip via the supply conduit.”

86. As explained above, each of the HydraFacial Syndeo, Elite, and Allegro has (1) a waste conduit in fluid communication with the tip of the handpiece assembly to remove waste away from a skin surface of a subject during a skin treatment procedure; (2) a vacuum source operatively coupled to the waste conduit; (3) a handpiece assembly with a tip that is configured to contact a skin surface of a subject during treatment; and (4) a manifold configured to control a flow of treatment material from the first fluid container and at least the second fluid container through the supply conduit to the handpiece assembly. As shown below, it is the same suction force that removes waste from the skin surface via the waste conduit that also draws treatment material from the first fluid container or the second fluid container to the tip via the supply conduit.



Ex. 2127 at 2 (Syndeo).



Ex. 2079 at 3 (Elite).

87. The Syndeo IFU confirms my understanding that the suction force that removes waste from the skin surface via the waste conduit is the same suction force

that draws treatment material from the first fluid container or the second fluid container to the tip of the handpiece assembly via the supply conduit.

Treatment

Note: Each treatment guides you through the suggested protocol steps, stroke patterns, formulas, and vacuum settings.

1. Cleanse client's face.
2. Place a tip on the handpiece.
3. Turn on the vacuum.
4. Place tip against skin to occlude and dab skin solution onto skin.

Ex. 2030 at 19 (Syndeo IFU).

88. The “Troubleshooting” sections of each of the Syndeo, Allegro, Elite IFUs warns that “[i]f the canister becomes overfull, a builtin float will occlude the vacuum opening and skin solution flow through the handpiece will cease.” *Id.* at 22. The recommended solution to this situation is to “[e]mpty the waste canister after each service.” *Id.* Thus, the vacuum draws from either the first container or the second container to the handpiece assembly when the tip is pressed against skin.

Low or No Fluid Flow	Leak in the line	Check lines for any kinks or leaks.
	Too many solution stations are on	Make sure you only have a maximum of two skin solution stations selected at one time.
	Faulty station	If using only one station at a time, deselect current station and try another station. If this corrects the problem please check on the previous station that the internal bottle seal is completely broken and pick up assembly (straw) is fully submerged. Repuncture the bottle if needed.
	Operator technique	Make sure that you are holding the handpiece correctly and not working against gravity or blocking the tubing.
	Waste canister is full	Do not let the waste canister fill above 450 mL. If the canister becomes overfull, a built-in float will occlude the vacuum opening and skin solution flow through the handpiece will cease. Empty the waste canister after each service.
	Clogging	Flush all stations thoroughly. Make sure the System is cleaned after each service.

Ex. 2030 at 22 (Syndeo IFU).

Low or No Fluid Flow	Leak in the line	Check lines for any kinks or leaks.
	Too many solution stations are on	Make sure you only have a maximum of two skin solution stations on the ON position.
	Faulty station	If using only one station at a time, turn current station off and try another station. If this corrects the problem please check on the previous station that internal bottle seal is completely broken and pick up assembly (metal portion) is fully submerged. Repuncture bottle if needed.
	Operator technique	Make sure that you are holding the handpiece correctly and not working against gravity or blocking the tubing.
	Waste canister is full	Do not let the waste canister fill above 450 mL. If the canister becomes overfull, a built-in float will occlude the vacuum opening and skin solution flow through the handpiece will cease. Empty the waste canister after each service.
	Clogging	Flush all stations thoroughly. Make sure the System is cleaned after each service.
	Cartridge is loose	Make sure that the gray cartridge is properly inserted into the handpiece. The arrow on the cartridge should line up with the lock symbol.



Ex. 2031 at 20 (Elite User Guide).

Low or No Fluid Flow	Toggle Switch	Make sure the switch is on.	
	Empty bottle	Make sure your skin solution bottle is not empty.	
	Improper connection	Make sure that your HydraFacial® handpiece is properly connected to the side of the skin solution station block, and to the waste container. Also, make sure that the lid is firmly attached to the waste container.	
	Tip is improperly installed	Make sure the tip is firmly installed onto the handpiece. Angled tips should face downwards in order to facilitate flow.	
	Flow control valve is closed	Make sure the flow control valve on the handpiece is open. To increase fluid flow, turn the flow control valve towards the + sign.	
	Leak in the line	Check lines for any kinks or leaks. Repuncture bottle if needed.	
	Faulty station	If using only one station at a time, turn current station off and try another station, if this corrects the problem please check on the previous station that internal bottle seal is completely broken and pick up assembly (metal portion) is fully submerged.	
	Operator technique	Make sure that you are holding the handpiece correctly and not working against gravity or blocking the tubing.	
	Waste canister is full	Do not let the waste container fill above 450 mL. If the container becomes overfull, a built-in float will occlude the vacuum opening and skin solution flow through the handpiece will cease. Empty the waste container after each service.	
	Clogging	Flush all stations thoroughly. Make sure the machine is cleaned after each service.	
	Gray Cartridge is loose	Make sure that the gray cartridge is properly inserted into the handpiece. The arrow on the cartridge should line up with the lock symbol.	

Ex. 2032 at 17 (Allegro IFU).

89. Accordingly, it is my opinion that this limitation is satisfied by each of the Syndeo, Elite, Allegro, and Tower.

2. Practice of Claim 2

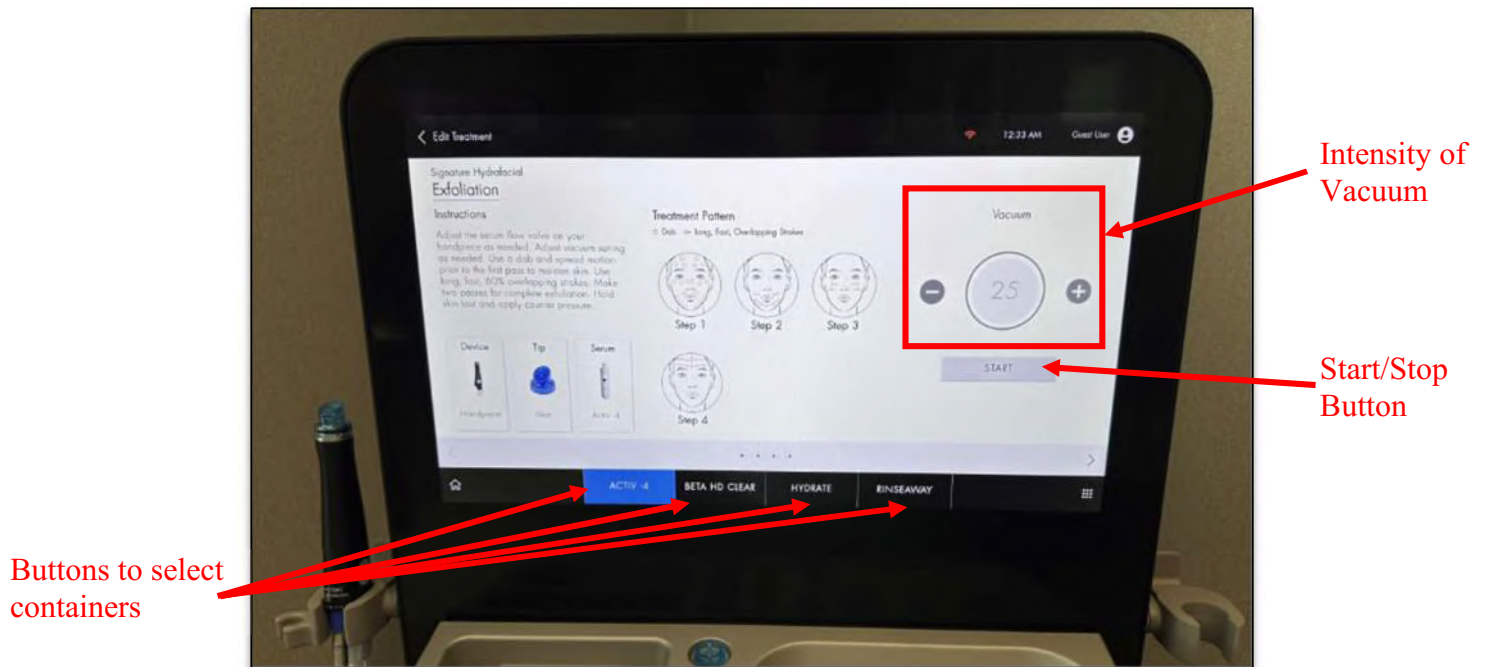
90. Claim 2 of the '052 Patent recites: The system of claim 1, wherein the console comprises a display, wherein the display comprises a user input device to facilitate controlling a flow of treatment materials from the first fluid container or the at least a second fluid container to the handpiece assembly. In my opinion, each of the Syndeo, Elite, Allegro, and Tower practices every limitation of this claim.

91. In my opinion, each of the Syndeo, Elite, Allegro, and Tower practices the limitations of claim 1, as explained above. In my opinion, each of the Syndeo, Elite, Allegro, and Tower further satisfies the limitation requiring “wherein the console comprises a display, wherein the display comprises a user input device to facilitate controlling a flow of treatment materials from the first fluid container or the at least a second fluid container to the handpiece assembly.”

92. I have inspected each of the Syndeo, Elite, Allegro, and Tower practices (in person, via video, or via images).

a. Syndeo

93. As shown in the images below, the Syndeo console has a touch screen display, which is used to select containers as well as treatment modes.



Ex. 2128 (Syndeo).

The above image was derived from a video showing the Syndeo in operation. In the video, the Syndeo touchscreen display (i.e., the user input device) is visible, and displays options for controlling at least (1) the containers from which the solution dispensed through the handpiece will flow, (2) the start and stop functions for dispensing of a solution through the handpiece, and (3) the intensity of the vacuum generated by the vacuum source. *Id.*; see also Ex. 2078 at 3 (showing operation of Syndeo touchscreen to select container).

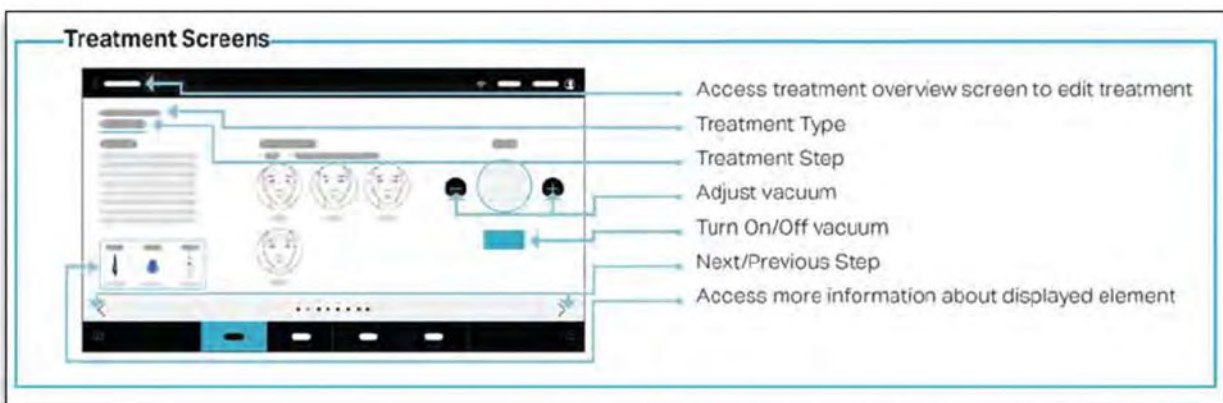
94. In addition, the Syndeo IFU confirms that the Syndeo has a “touchscreen” that “navigate[s] the system software.” Ex. 2030 at 15-16. The Syndeo IFU states that a user can use the display screen (i.e. user input device) to control (1) the containers

(of which there is a first fluid container and at least a second fluid container) from which the solution dispensed through the handpiece will flow, (2) the start and stop functions for dispensing of a solution through the handpiece, and (3) the intensity of the vacuum generated by the vacuum source. *Id.*

Touchscreen

This section shows how to operate the touchscreen and navigate the system software. The user interface is designed to be intuitive and consistent on each screen, therefore, only some screens will be shown below as an example. The touchscreen has been preset for optimal performance with the HydraFacial program. Thus, you cannot and will not need to adjust the monitor.

1. Access each page by lightly tapping the buttons displayed with your fingertip, not fingernail. If the touchscreen does not respond, verify that you have actually pressed on the button and did not miss it.
Note: There may be a slight delay when you press the touchscreen; do not press repeatedly if it does not respond immediately.



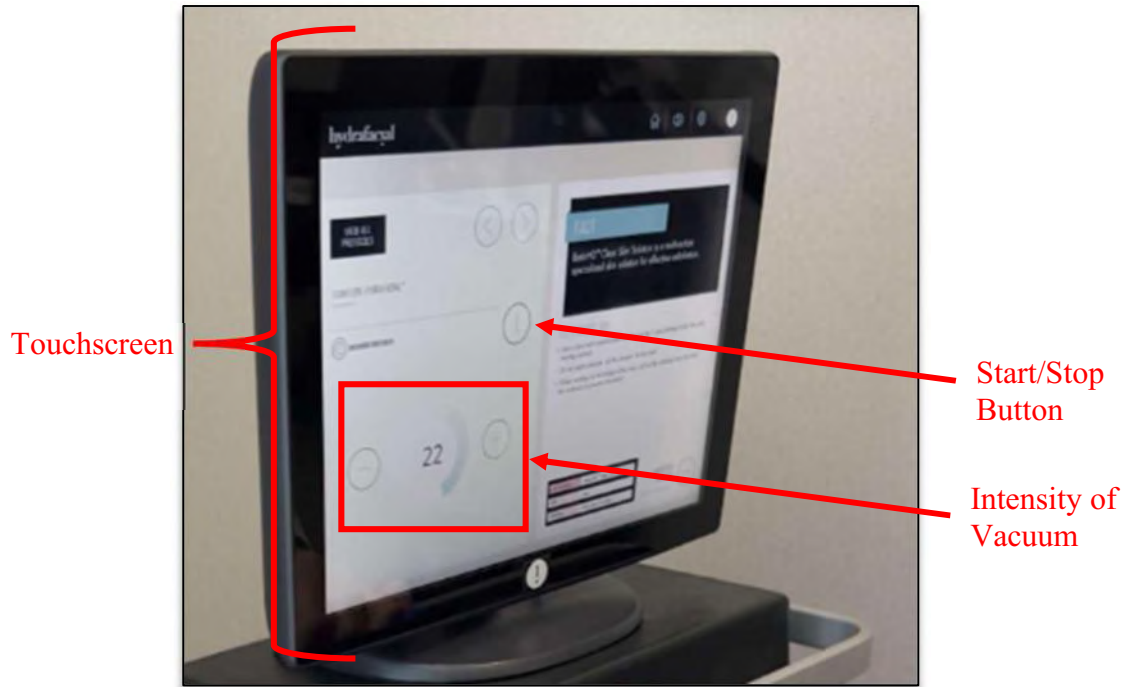
Ex. 2030 at 15-16; *see also id.* at 14.

b. Elite, Allegro, & Tower

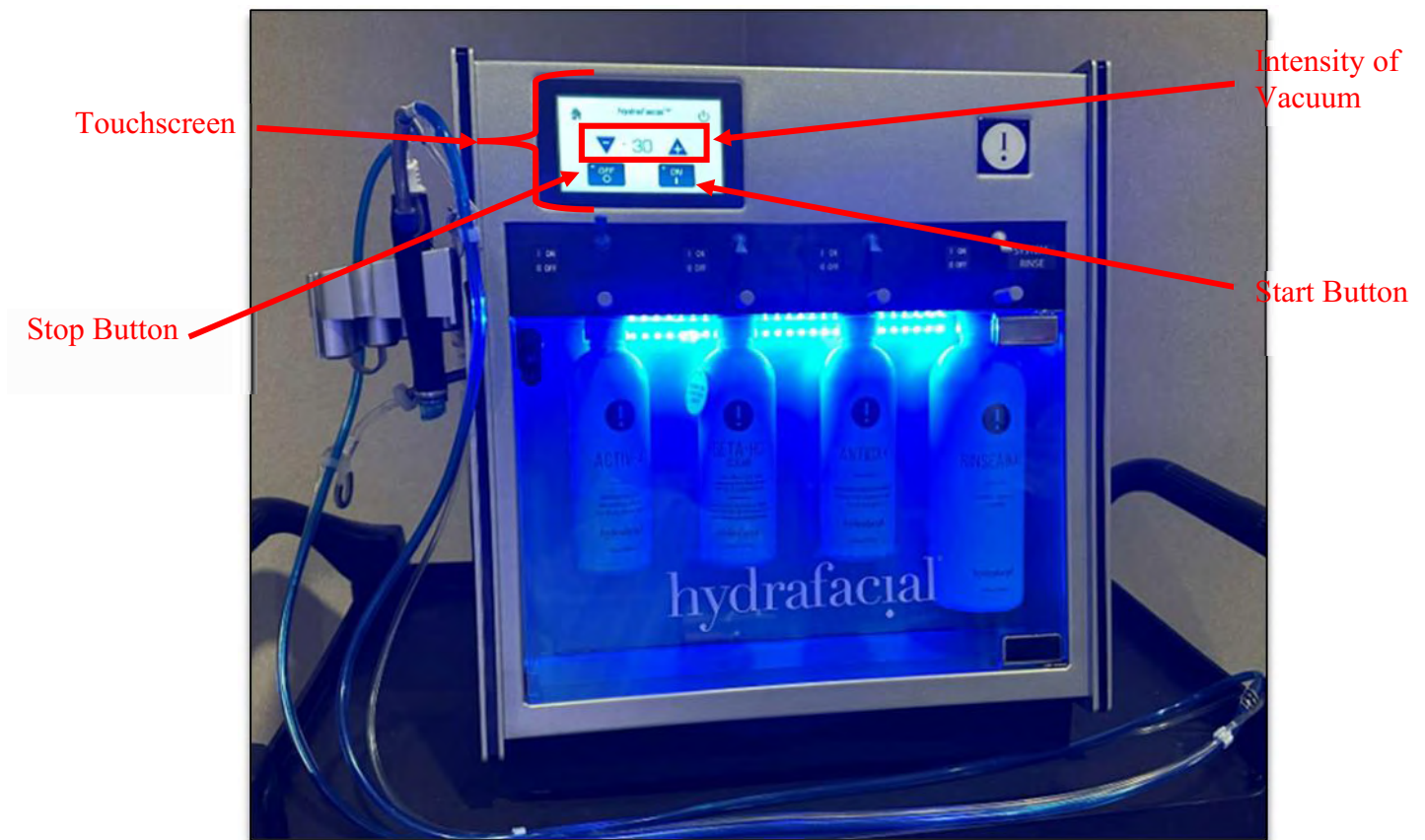
95. As shown in the images below, the Elite and Allegro consoles have touch screen displays, which is used to select containers as well as treatment modes.



Ex. 2079 at 1 (Elite).



Ex. 2079 at 2 (Elite).



Ex. 2153 (Allegro).

96. In the above images, the Elite and Allegro touchscreen displays (i.e., user input devices) are visible. Each touchscreen displays options for controlling at least (1) the start and stop functions for dispensing of a solution through the handpiece, and (2) the intensity of the vacuum generated by the vacuum source. *See* Ex. 2079 at 2 (Elite); Ex. 2153 (Allegro).

97. In addition, the Elite IFU and the Allegro IFU confirms that the devices have a “touchscreen” that “navigate[s]” the software system. Ex. 2031 at 10 (Elite); Ex. 2032 at 8 (Allegro).

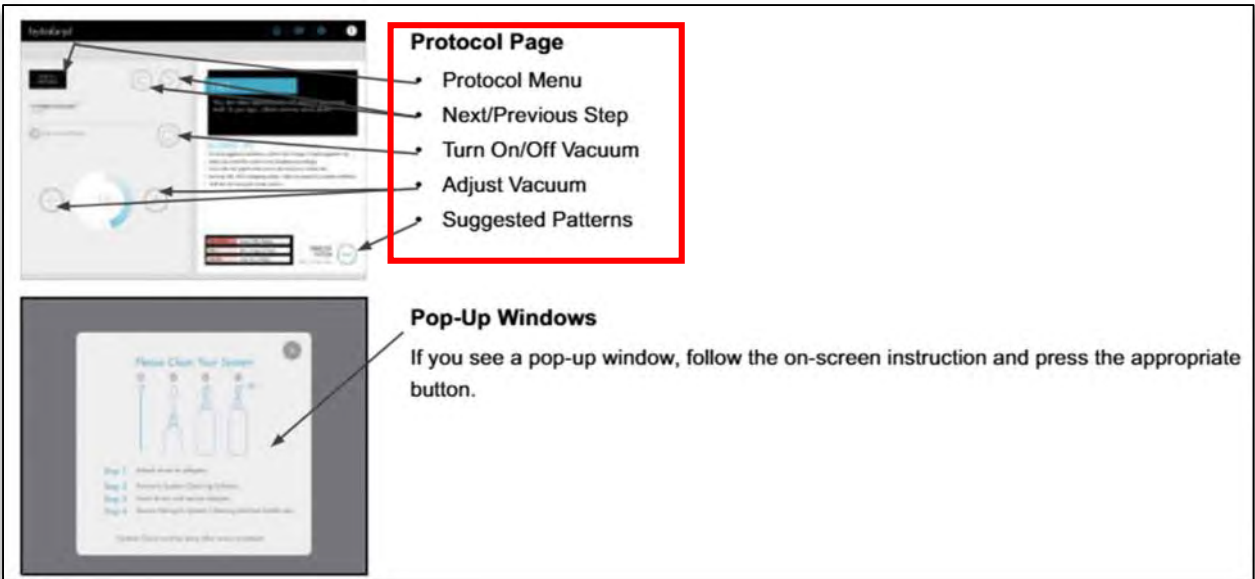


Ex. 2031 at 10 (Elite).



Ex. 2032 at 8 (Allegro).

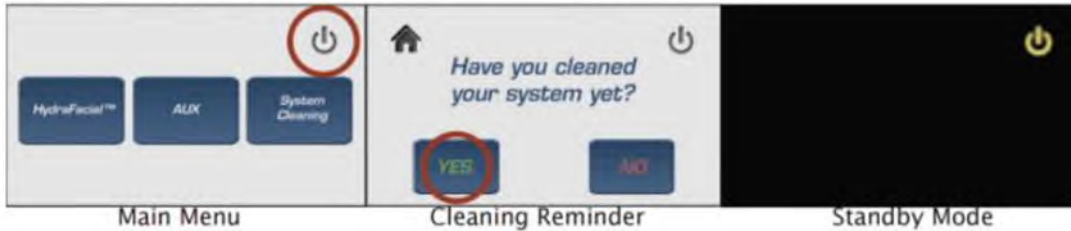
98. The Elite IFU and Allegro IFU each state that a user can use the touch screen to control at least (1) the start and stop functions for dispensing of a solution through the handpiece, (2) the intensity of the vacuum generated by the vacuum source, and (3) the desired protocol (Elite) or mode (Allegro). Ex. 2031 at 16 (Elite; Ex. 2032 at 12-13 (Allegro).



Ex. 2031 at 16 (Elite).

Standby Mode

1. Touch the power symbol on the top right corner of the screen to place the system into standby mode. A cleaning reminder will appear. If you have already cleaned your system, press the 'Yes' button to finish putting the system into standby mode. Remember to always clean your system before turning it off or placing it into standby.



Touchscreen Interface

1. Use your finger to operate the touchscreen interface. Simply touch any icon or button on the screen to invoke its function.

HydraFacial® MODE

1. From the Main Menu, touch the button indicating "HydraFacial®".



Auxiliary Mode

1. From the Main Menu, touch the button indicating "AUX".

System Cleaning Mode

1. From the Main Menu, touch the button indicating "System Cleaning".

Turn The Vacuum On

1. Within each mode, touch the "On" button to start the vacuum.

Turn The Vacuum Off

1. Within each mode, touch the "Off" button to stop the vacuum.



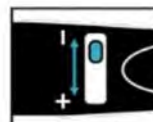
Vacuum Adjustment

1. Within each mode, adjust the vacuum level by pressing the triangular vacuum control buttons. Press the up-arrow button (with the plus sign "+" on it) to increase the vacuum. Press the down-arrow button (with the minus sign "-" on it) to decrease the vacuum.

Note: Use your fingertip, not your fingernail to avoid damage to the screen.

Adjust Fluid Flow

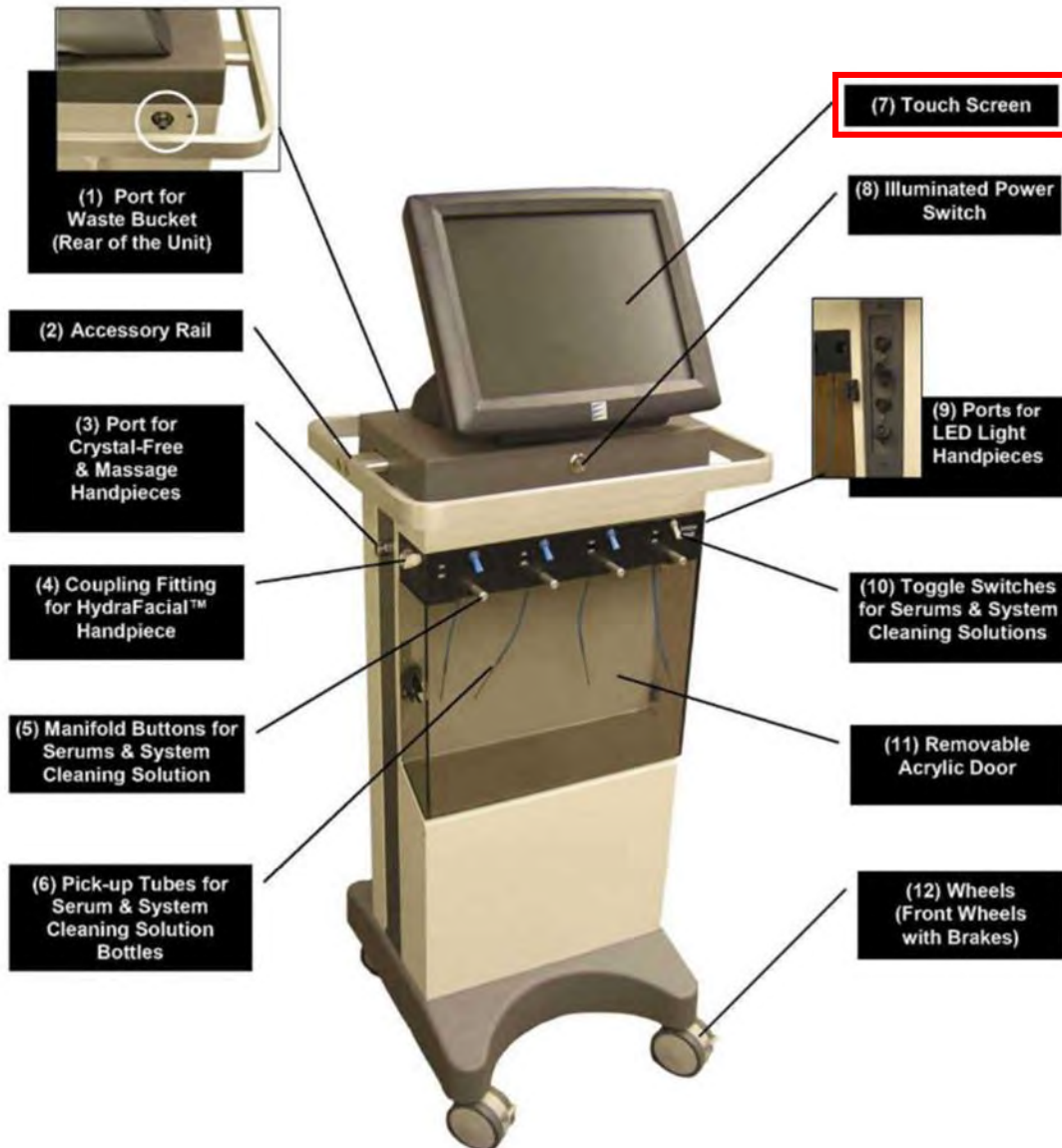
1. Turn the flow control valve towards the + sign to increase fluid flow.
Turn towards the - sign to decrease fluid flow.



Return To Main Menu

1. Touch the "Home" button to return to the Main Menu.

99. The Tower Owner's Manual discloses a similar touch screen display (i.e., user input device) where "[m]ost of the controls for operating HydraFacial™ are accessed via the touch screen":



Ex. 2125 at 8.

Specifically, the Tower touchscreen (i.e., user input device) includes display options for controlling at least (1) the start and stop functions for dispensing of a solution through the handpiece, and (2) the intensity of the vacuum generated by the vacuum source.

100. Technical specifications for each of the Elite, Allegro, and Tower confirm each product has a display that comprises a user input device to facilitate controlling a flow of treatment materials from the first fluid container or the at least a second fluid container to the handpiece assembly

3. Practice of Claim 3

101. Claim 3 of the '052 Patent recites: The system of claim 2, wherein the user input device comprises a touch screen. In my opinion, each of the Syndeo, Elite, Allegro, and Tower practices every limitation of this claim.

102. In my opinion, each of the Syndeo, Elite, Allegro, and Tower practices the limitations of claim 2, as explained above. In my opinion, each of the Syndeo, Elite, Allegro, and Tower further satisfies the limitation requiring “wherein the user input device comprises a touch screen.”

103. As discussed above in connection with Claim 2, the Syndeo, Elite, Allegro, and Tower includes a user input device which is a touch screen.

104. Accordingly, the Syndeo, Elite, Allegro, and Tower practices Claim 3 of the '052 Patent.

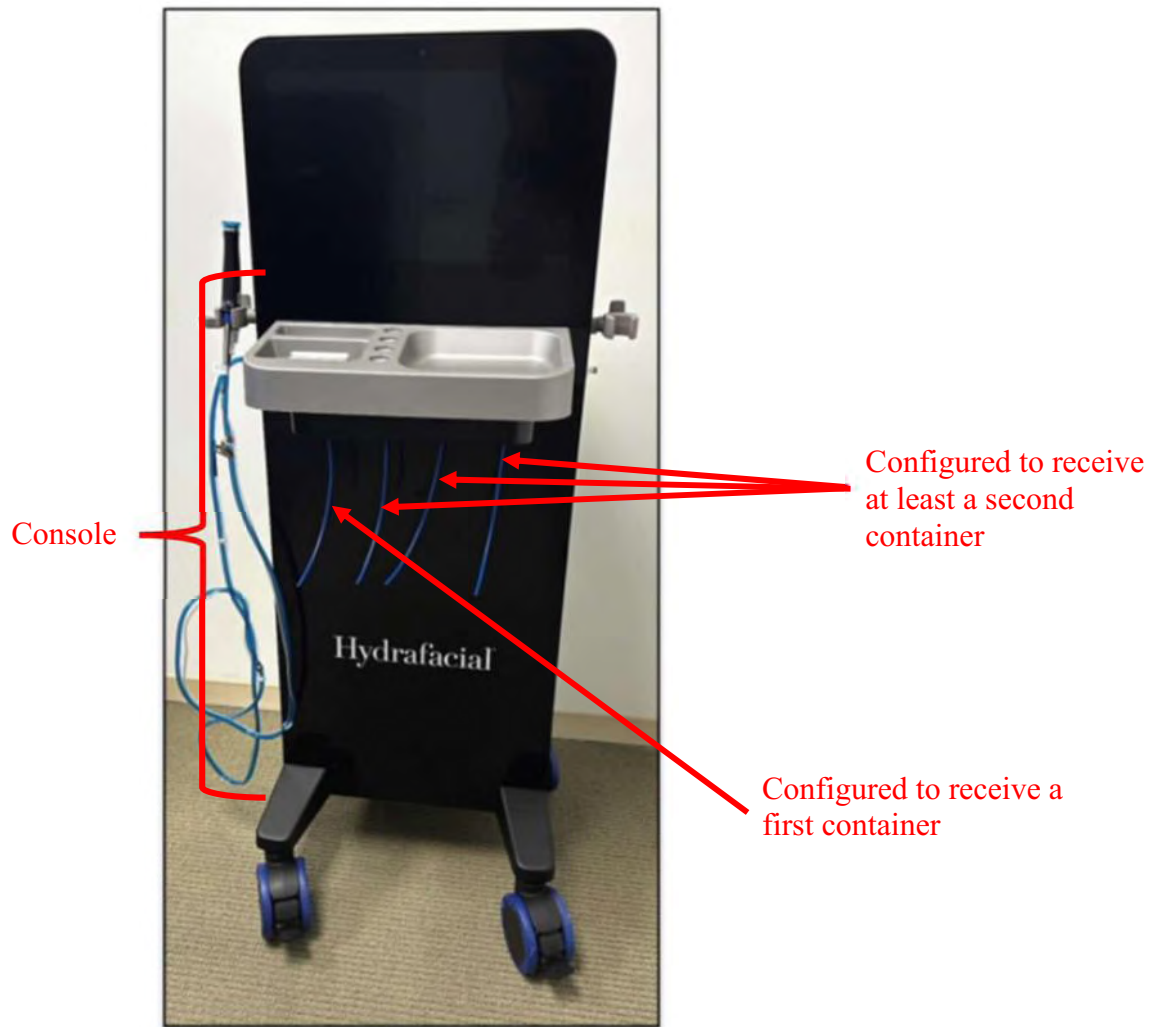
4. Practice of Claim 4

105. Claim 4 of the '052 Patent recites: The system of claim 1, wherein the first fluid container or the at least a second fluid container is releasably coupled to the manifold. In my opinion, each of the Syndeo, Elite, Allegro, and Tower practices every limitation of this claim.

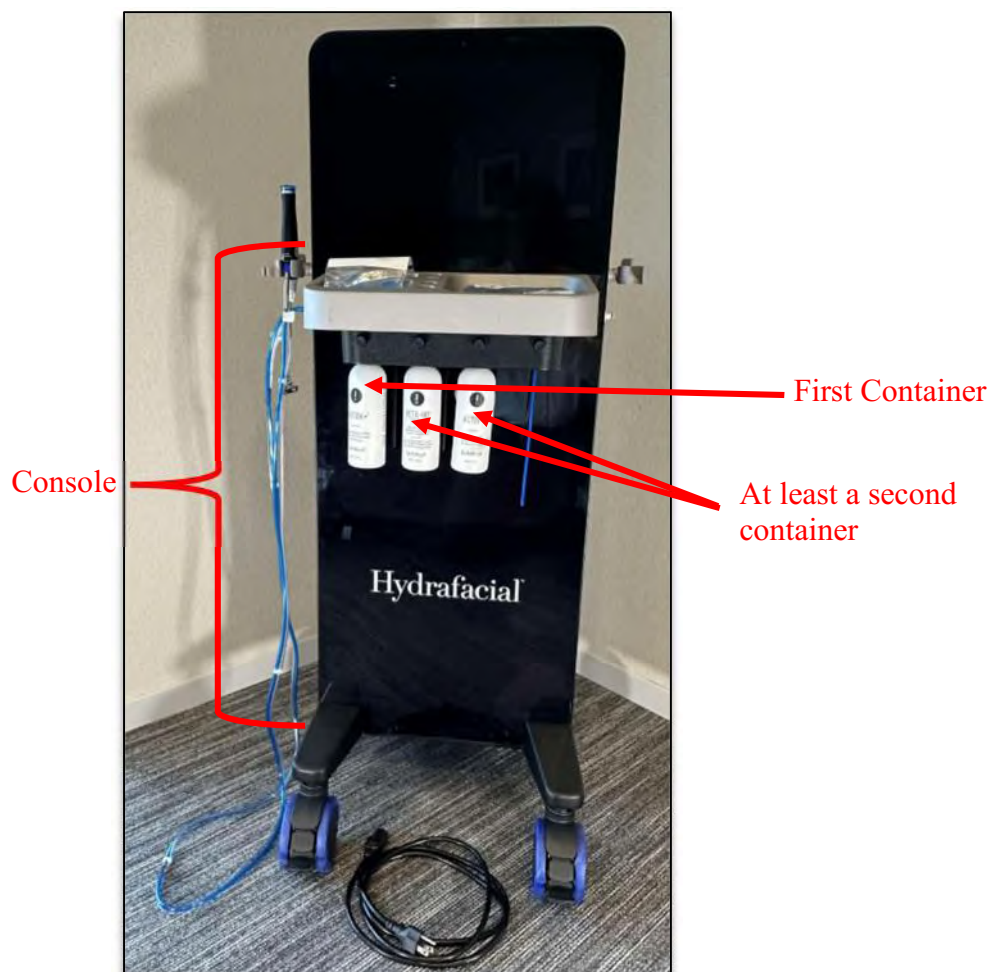
106. In my opinion, each of the Syndeo, Elite, Allegro, and Tower practices the limitations of claim 1, as explained above. In my opinion, each of the Syndeo, Elite, Allegro, and Tower further satisfies the limitation requiring “wherein the first fluid container or the at least a second fluid container is releasably coupled to the manifold.”

c. Syndeo

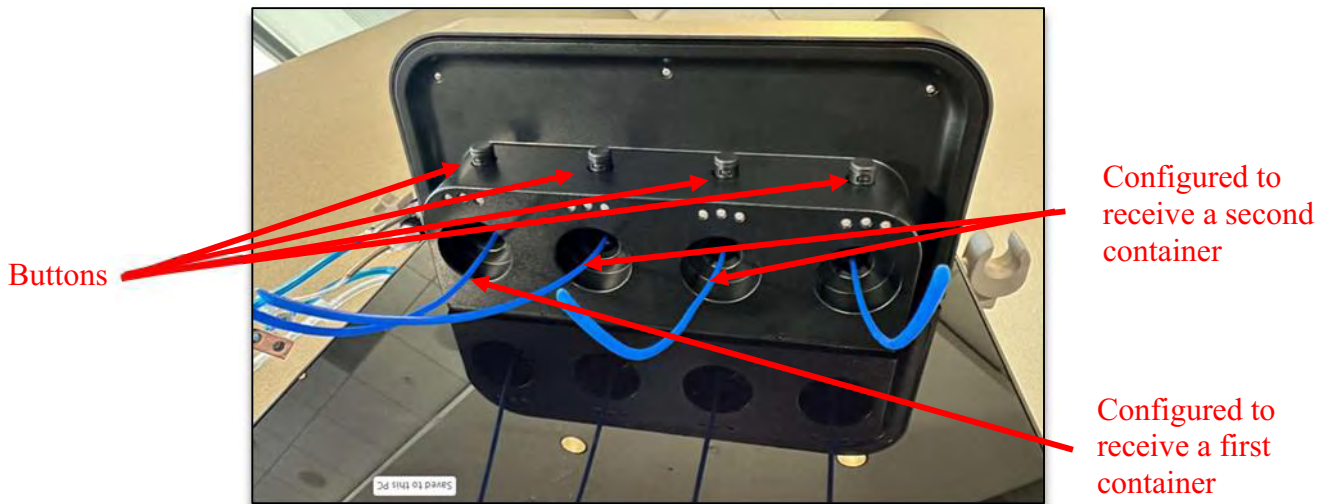
107. Based on my inspection of the Syndeo, I have determined that the first fluid container or the at least a second fluid container is releasably coupled to the manifold. The manifold can receive the containers when a user aligns the container and then pushes the container up until it clicks in. When a user presses the corresponding button, the container is released from the manifold.



Ex. 2127 (Syndeo).

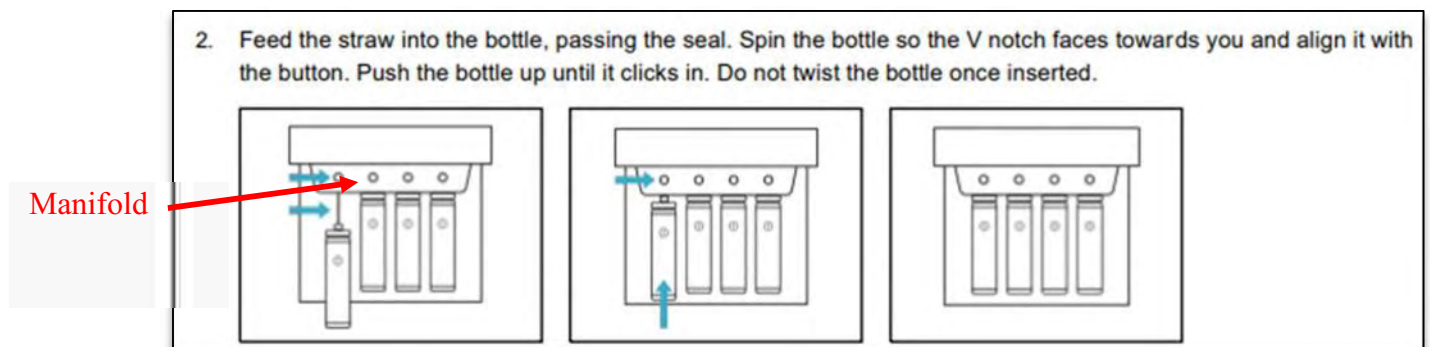


Ex. 2107 (Syndeo).



Ex. 2137 (Syndeo)

108. The Syndeo IFU describes connecting the containers (including the first and second containers), to the manifold and pressing the buttons on the console when the containers are coupled to the manifold to release the containers from the manifold.



Ex. 2030 at 13 (Syndeo)

d. Elite, Allegro and Tower

109. Based on my inspection of the Elite and Allegro devices, and review of photos and videos from the Tower, I determined that for each device, the first fluid container or the at least a second fluid container is releasably coupled to the manifold.

110. Accordingly, the Syndeo, Elite, Allegro, and Tower practices Claim 4 of the '052 Patent.

5. Practice of Claim 5

111. Claim 5 of the '052 Patent recites: The system of claim 1, wherein the manifold is configured to be placed in fluid communication with at least four fluid containers.

112. In my opinion, each of the Syndeo, Elite, Allegro, and Tower practices the limitations of claim 1, as explained above. In my opinion, each of the Syndeo, Elite, Allegro, and Tower further satisfies the limitation requiring “wherein the manifold is configured to be placed in fluid communication with at least four fluid containers.”

113. As discussed above in connection with limitation 1[a], the Syndeo, Elite, Allegro, and Tower includes a manifold configured to be placed in fluid communication with at least four fluid containers.

114. Accordingly, the Syndeo, Elite, Allegro, and Tower practices Claim 5 of the '052 Patent.

6. Practice of Claim 6

115. Claim 6 of the '052 Patent recites: The system of claim 1, wherein treatment materials from the first fluid container and at least the second fluid container are delivered to the supply conduit sequentially or simultaneously.

116. In my opinion, each of the Syndeo, Elite, Allegro, and Tower practices the limitations of claim 1, as explained above. In my opinion, each of the Syndeo, Elite, Allegro, and Tower further satisfies the limitation requiring “wherein treatment materials from the first fluid container and at least the second fluid container are delivered to the supply conduit sequentially or simultaneously.”

117. Each of the Syndeo, Elite, Allegro, and Tower can deliver treatment materials from the first container and the at least second container simultaneously.

118. For example, the Syndeo IFU explains that Syndeo includes “solution bottle controls...located on the bottom of the screen within the treatment steps.” Ex. 2030 at 14 (Syndeo IFU). It explains that the system “automatically selects and deselects the recommended solution bottle based on the respective treatment step.” The Syndeo can simultaneously deliver treatment material if a user performs a “long press” of a button “to select multiple bottles at one time.” *Id.*

3. The Syndeo system solution bottle controls are located on the bottom of the screen within the treatment steps. The Syndeo system automatically selects and deselects the recommended solution bottle based on the respective treatment step. To override the system selection, simply select and deselect bottles by pressing the buttons on the touchscreen. Long press a button to select multiple bottles at one time.



Ex. 2030 at 14 (Syndeo IFU).

119. The Elite IFU, Allegro IFU, and Tower Owner's Manual each explain that the "toggle switches" are used to control which skin solution bottle is being used. When a switch is in the "ON" position, fluid will be drawn from that bottle. Each of the Elite, Allegro, and Tower can simultaneously deliver treatment material if a user switches multiple toggle switches to "ON."

3. The toggle switches control which skin solution bottle is being used. When a switch is in the ON position, fluid will be drawn from that bottle. When switched to the OFF position, no fluid will be drawn from the corresponding bottle.

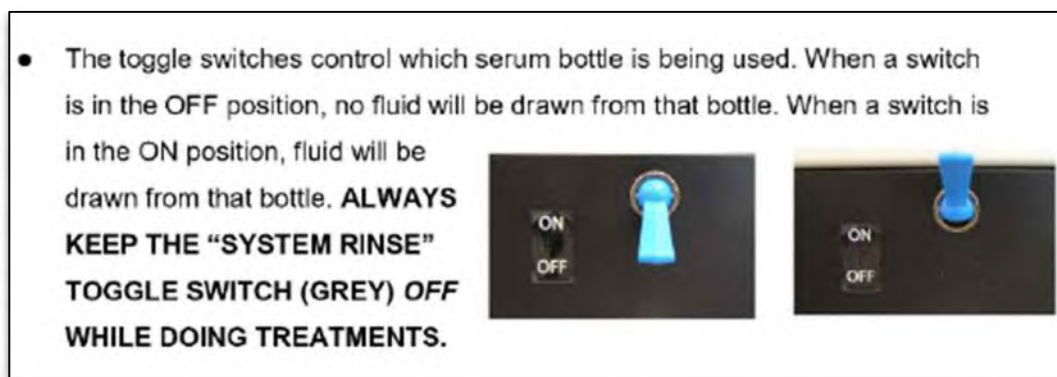
Note: Always keep the "SYSTEM RINSE" toggle switch (gray) off while performing procedures.



Ex. 2031 at 14 (Elite User Guide).



Ex. 2032 at 11 (Allegro IFU).



Ex. 2125 at 13 (Tower Owner's manual)

120. As I discussed above, I have inspected each device and observed that in use, the user is able to select the treatment materials from the containers one after the other.

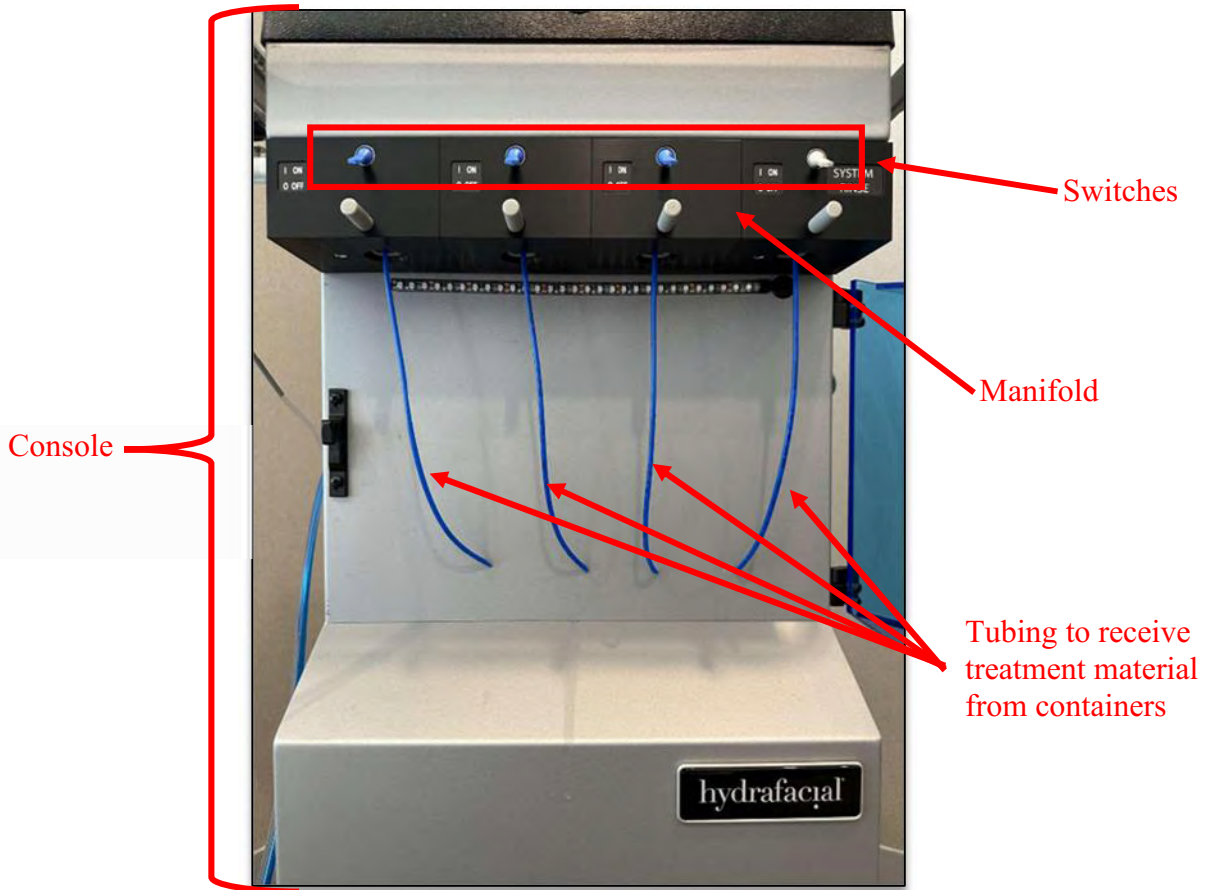
121. Below is an excerpt from a video of the Syndeo in operation. The image shows the system is configured to deliver treatment materials from the first fluid container and additional treatment materials from at the least the second fluid container to the supply conduit one after another via a user selecting the appropriate container

using the touch screen buttons. The Syndeo device begins treatment by delivering the first treatment in the first fluid container, then the user selects a different fluid container from which to draw fluid for treatment.

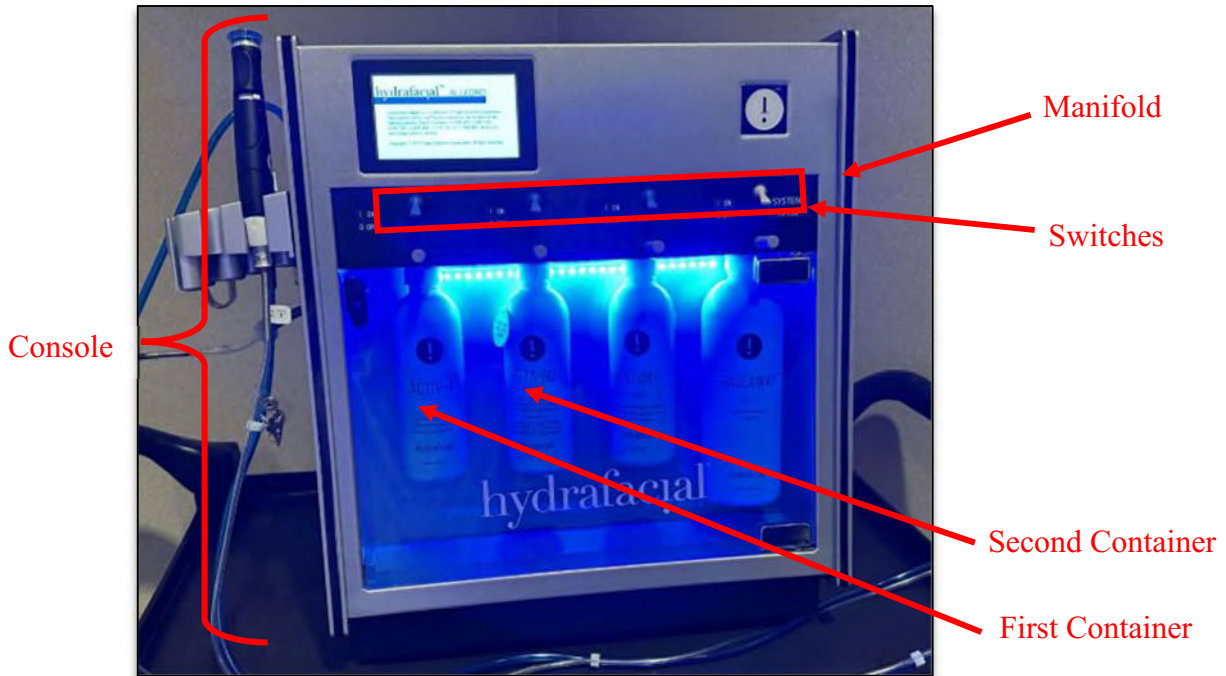


Ex. 2078 at 3 (Syndeo).

122. The images below show that the Elite and Allegro systems are each configured to deliver treatment materials contained in the first container and additional treatment materials from at the least the second container to the supply conduit one after another via a user flipping the appropriate toggle switch.

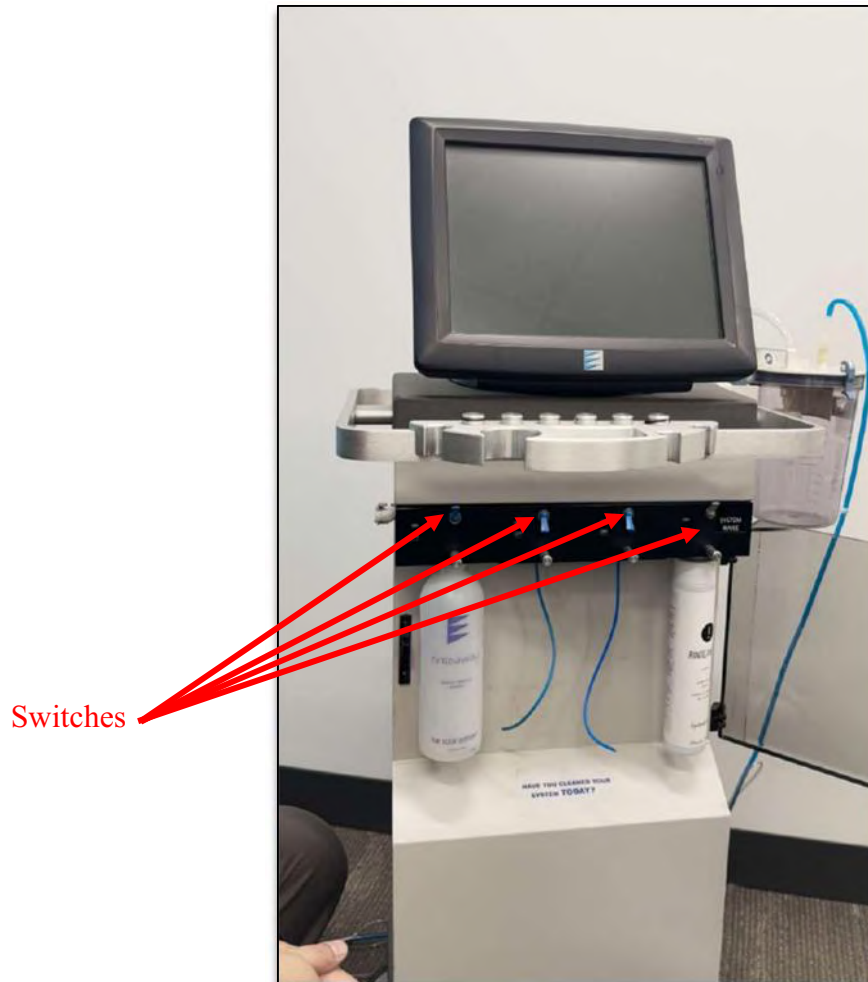


Ex. 2135 (Elite).



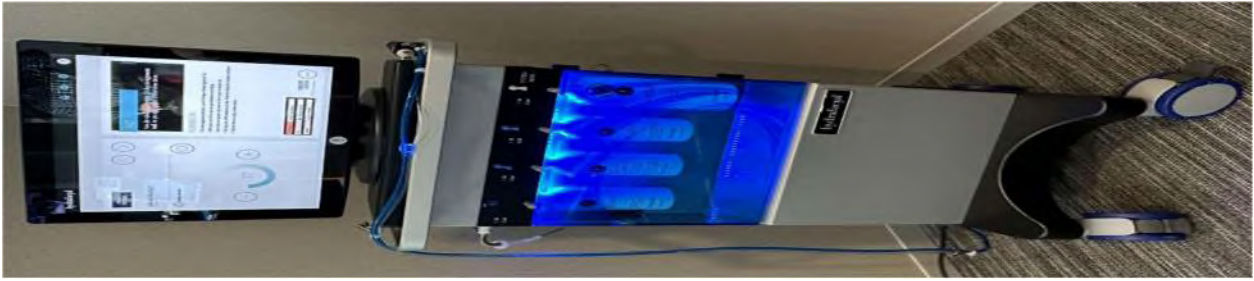
Ex. 2117 (Allegro).

123. The images below show that the Tower system is configured to deliver treatment materials contained in the first fluid container and additional treatment materials from at the least the second container to the supply conduit one after another via a user flipping the appropriate toggle switch.



Ex. 2149 at 2 (Tower).

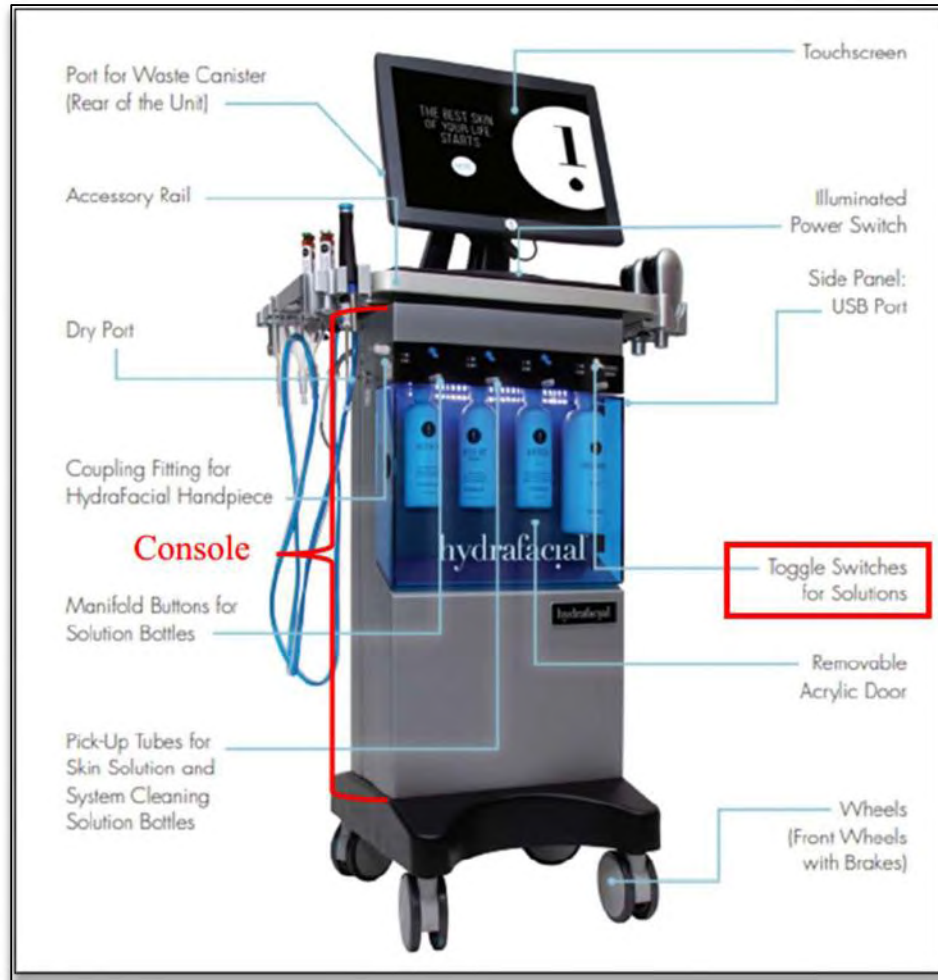
124. Technical documents for the Syndeo, Elite, Allegro and Tower confirm my opinions. For example, the Syndeo IFU provides further details regarding these containers and treatment fluids, and the delivery of fluids from the solution bottles. The Syndeo IFU explains that the Syndeo includes “solution bottle controls [] located on the bottom of the screen within the treatment steps.



Ex. 2030 at 14 (Syndeo IFU).

The Syndeo IFU explains the Syndeo “automatically selects and deselects the recommended solution bottle based on the respective treatment step.” *Id.* Based on this disclosure, a POSA would understand that the Syndeo is configured to deliver the treatment fluids to the handpiece sequentially “based on the respective treatment step.” *Id.* The Syndeo IFU’s troubleshooting section similarly describes the following scenario: “[i]f using only one station at a time, deselect current station and try another station.” *Id.* at 22.

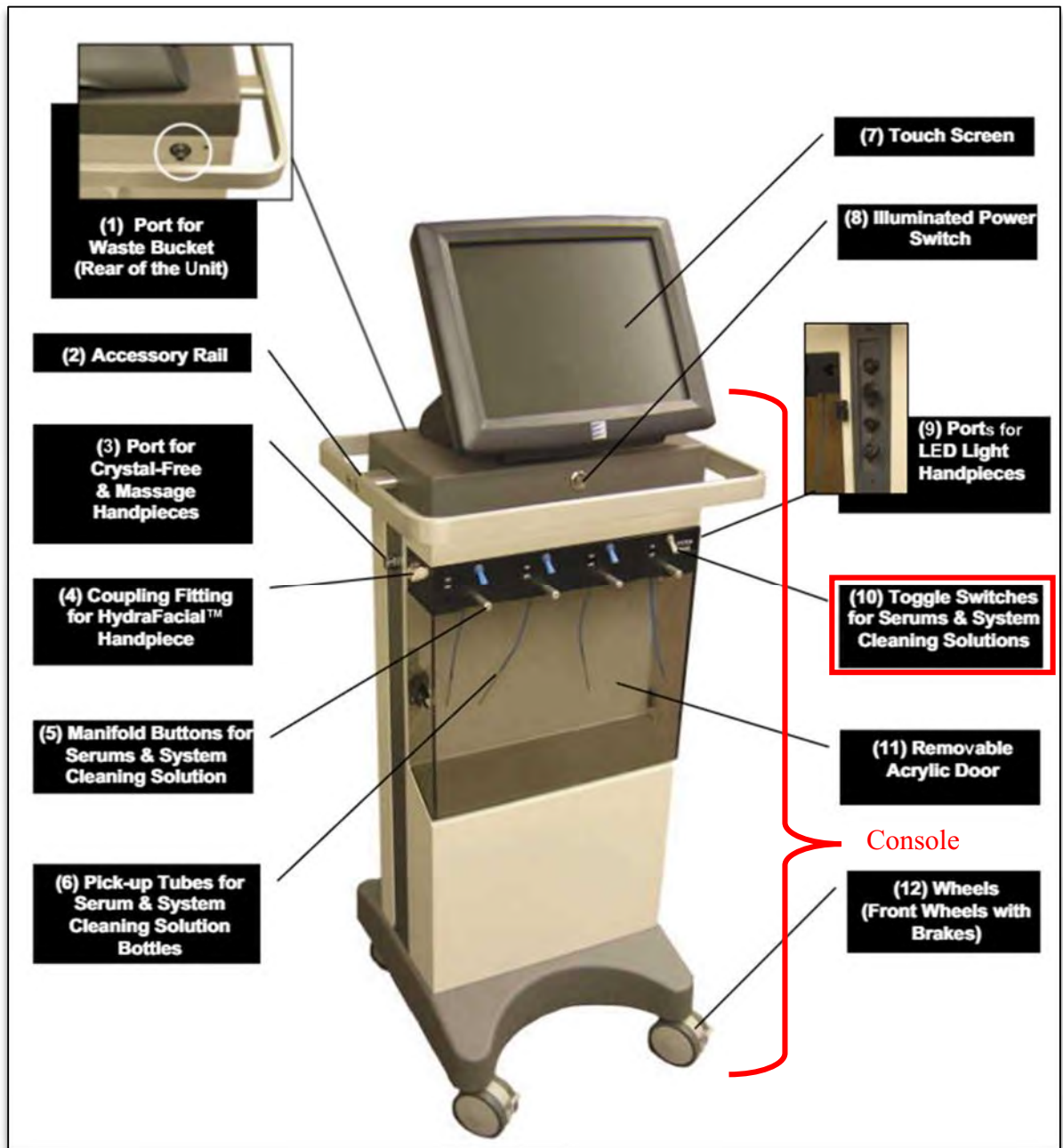
125. The Elite IFU, Allegro IFU, and Tower Owner’s Manual each shows toggle switches on the console to control the delivery of the treatment fluids from the containers sequentially:



Ex. 2031 at 10 (Elite User Guide).



Ex. 2032 at 8 (Allegro IFU).



Ex. 2033 at 8 (Tower).

126. The Elite IFU explains that the “toggle switches [on the console] control which skin solution bottle is being used.” Ex. 2031 at 14. It further states that “[w]hen

a switch is in the ON position, fluid will be drawn from that bottle” and “[w]hen switched to the OFF position, no fluid will be drawn from the corresponding bottle.” *Id.* Thus, for example, when the switch for the first container is ON and the switch for the at least one additional container is OFF, treatment fluid will be delivered to the handpiece from the first container only. Thereafter, when the switch for the first container is OFF and the switch for the at least one additional container is ON, treatment fluid will be delivered to the handpiece from the at least one additional container only. In this manner, through operation of the toggle switches, the system is configured to deliver the treatment fluids to the handpiece sequentially. Further, the Elite IFU’s troubleshooting section describes the scenario, “[i]f using only one station at a time, turn current station off and try another station.” *Id.* at 20.

127. The Allegro IFU contains similar disclosures. The Allegro IFU further explains that the “toggle switches control which skin solution bottle is being used. When a switch is in the ON position, fluid will be drawn from that bottle. When switched to the OFF position, no fluid will be drawn from the corresponding bottle.” Ex. 2032 at 11. Thus, for example, when the switch for the first container is ON and the switch for the at least one additional container is OFF, treatment fluid will be delivered to the handpiece from the first container only. Thereafter, when the switch for the first container is OFF and the switch for the at least one additional container is ON, treatment fluid will be delivered to the handpiece from the at least one additional

container only. In this manner, through operation of the toggle switches, the system is configured to deliver the treatment fluids to the handpiece sequentially. The Allegro IFU refers to the individual block components as “stations” and describes a troubleshooting scenario where, “[i]f using only one station at a time, turn current station off and try another station.” *Id.* at 17.

128. The Owner’s Manual for the Tower includes similar disclosures regarding the toggle switches. The Tower Owner’s Manual explains that the “toggle switches control which serum bottle is being used. When a switch is in the OFF position, no fluid will be drawn from that bottle. When a switch is in the ON position, fluid will be drawn from that bottle.” Ex. 2033 at 13. Thus, for example, when the switch for the first container is ON and the switch for the at least one additional container is OFF, treatment fluid will be delivered to the handpiece from the first container only. Thereafter, when the switch for the first container is OFF and the switch for the at least one additional container is ON, treatment fluid will be delivered to the handpiece from the at least one additional container only. In this manner, through operation of the toggle switches, the system is configured to deliver the treatment fluids to the handpiece sequentially. Further, the Tower Owner Manual’s troubleshooting section describes the scenario, “[i]f using only one station at a time, turn current station off and try another station.” *Id.* at 18.

129. Accordingly, the Syndeo, Elite, Allegro, and Tower practices Claim 6 of the '052 Patent.

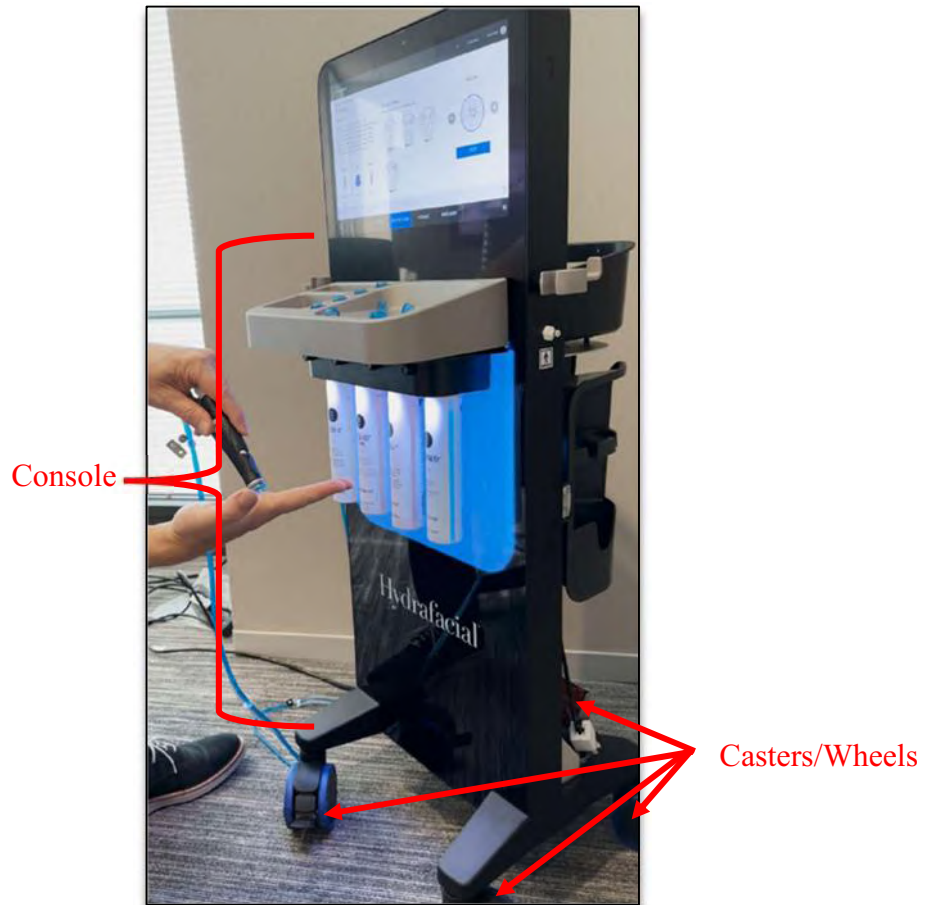
7. Practice of Claim 7

130. Claim 7 of the '052 Patent recites: The system of claim 1, wherein the console is movable.

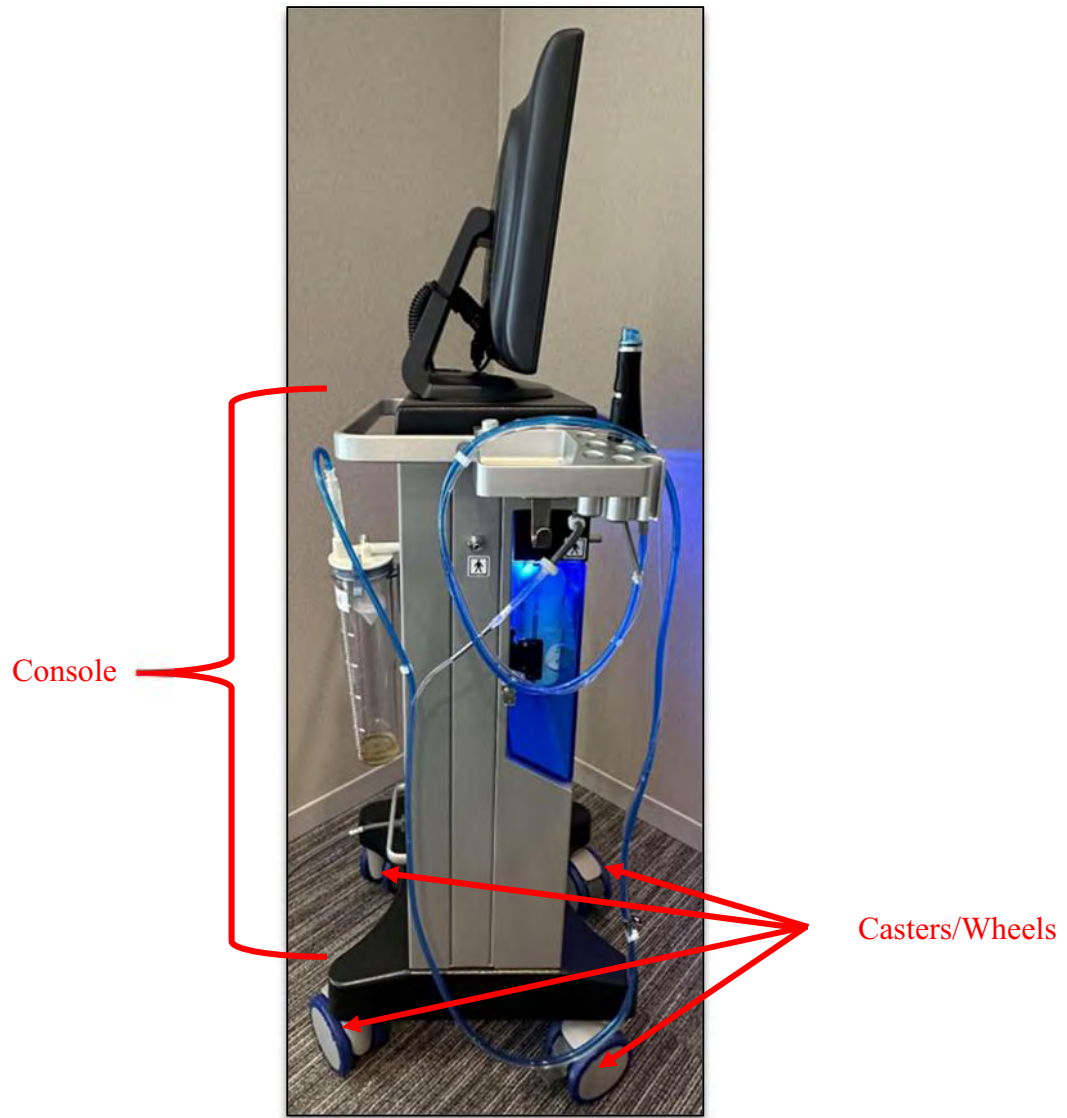
131. In my opinion, each of the Syndeo, Elite, Allegro, and Tower practices the limitations of claim 1, as explained above. In my opinion, each of the Syndeo, Elite, Allegro, and Tower further satisfies the limitation requiring “wherein the console is movable.”

132. Each of the Syndeo, Elite, Allegro, and Tower has a console that is moveable.

133. For example, the Syndeo, Elite, and Tower each have a console with casters/wheels that allow the user to move the consoles.



Ex. 2078 at 1 (Syndeo).

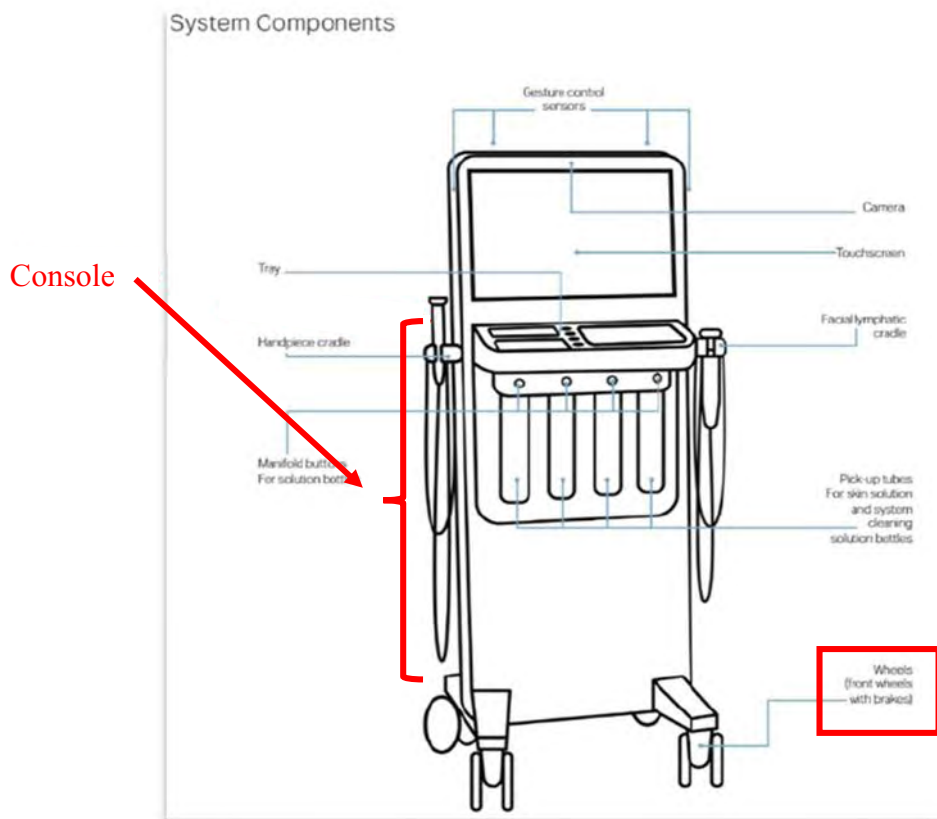


Ex. 2098 (Elite).



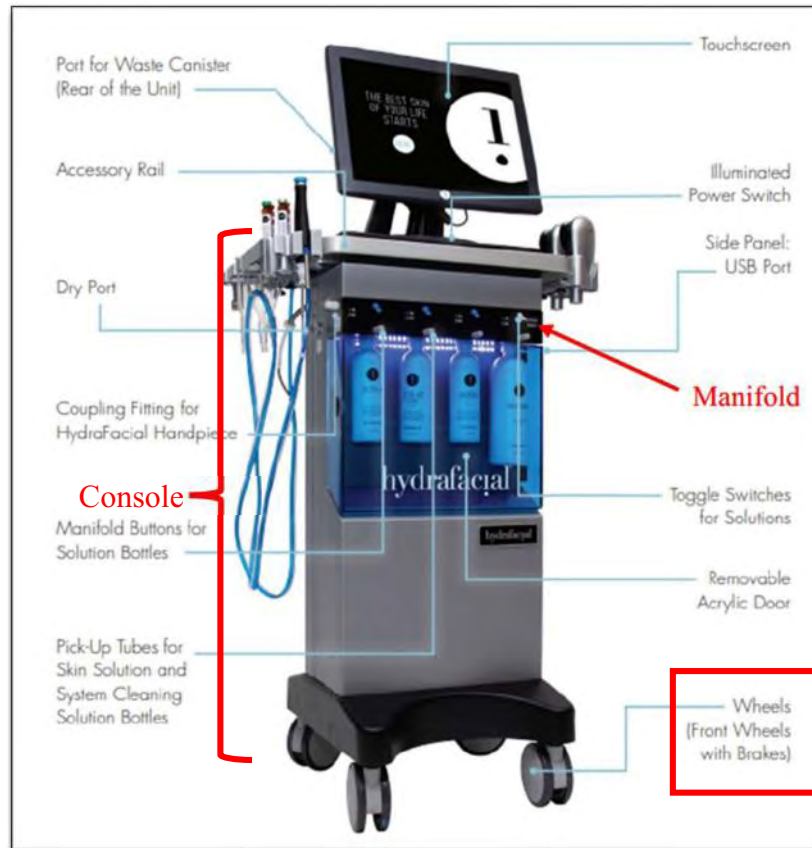
Ex. 2151 at 2 (Tower).

134. In addition, the Syndeo User Manual, the Elite IFU, and Tower Owner's Manual confirm that each of the four devices includes casters/wheels on the console and thus can be moved. For example, in the image below, the Syndeo User Manual labels the "wheels (front wheels with brakes)" on the Syndeo console.



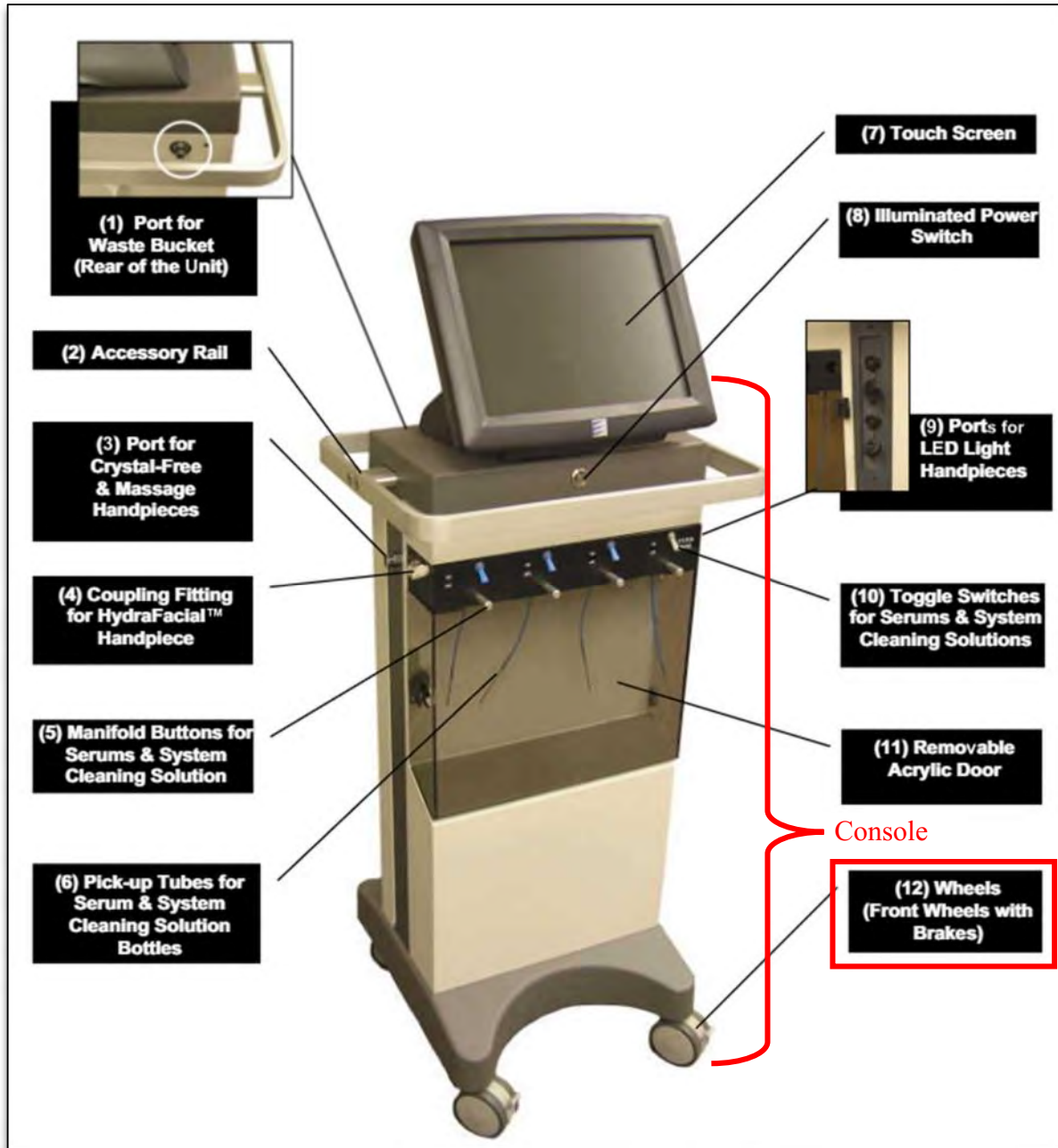
Ex. 2030 at 10 (Syndeo IFU).

135. Similarly, in the image below, the Elite IFU labels the “wheels (front wheels with brakes)” on the Elite console.



Ex. 2031 at 10 (Elite IFU).

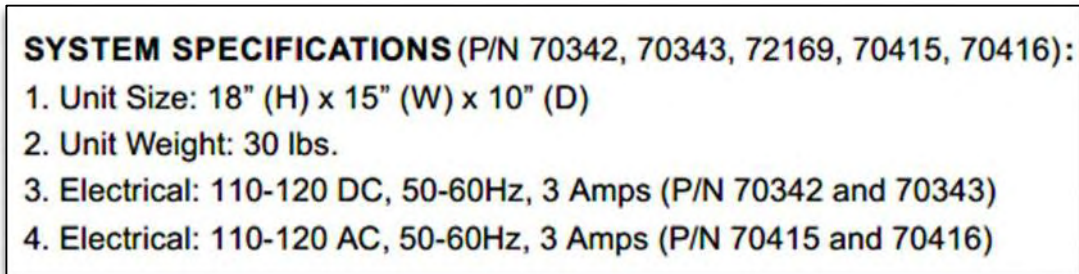
136. Similarly, in the image below, the Tower Owner’s Manual labels the “wheels (front wheels with brakes)” on the Tower console.



Ex. 2033 at 8 (Tower).

137. My inspection of the Syndeo, Elite, and Tower confirmed that each console is movable through the four casters/wheels on the console.

138. For further example, the Allegro is compact in size thus allowing the user to move the console. In the image below, the Allegro IFU lists the “Unit Size” as “18” (H) x 15” (W) x 10” (D)” and the “Unit Weight” as “30 lbs.”



Ex. 2032 at 4 (Allegro IFU).

139. My inspection of the Allegro also confirmed that the console is movable because it is light weight and compact in size.

140. Accordingly, the Syndeo, Elite, Allegro, and Tower practices Claim 7 of the '052 Patent.

8. Practice of Claim 8

141. Claim 8 of the '052 Patent recites: The system of claim 1, wherein the tip of the handpiece assembly is configured to exfoliate skin tissue as the handpiece assembly is moved relative to a skin surface of a subject.

142. In my opinion, each of the Syndeo, Elite, Allegro, and Tower practices the limitations of claim 1, as explained above. In my opinion, each of the Syndeo, Elite, Allegro, and Tower further satisfies the limitation requiring “wherein the tip of

the handpiece assembly is configured to exfoliate skin tissue as the handpiece assembly is moved relative to a skin surface of a subject.”

143. Each of the Syndeo, Elite, Allegro, and Tower has a spiral design on the tip of the handpiece assembly, as shown in the below image. When this tip is applied to a skin surface of a subject, it exfoliates the skin and then the exfoliated skin tissues are vacuumed away to a waste container.



Ex. 2040

144. Further, the Syndeo, Elite, Allegro, and Tower are each systems that abrade (exfoliate) the skin, as discussed in limitation 1[pre]. This exfoliation is done

through the handpiece assembly, which occurs when the tip of the handpiece assembly contacts and moves relative to a skin surface of a subject, as discussed in limitation 1[b].

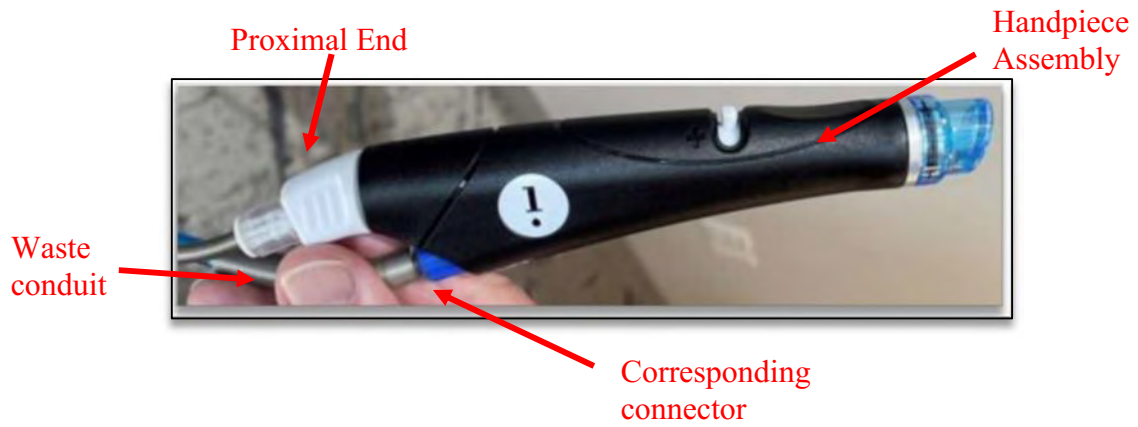
145. Accordingly, each of the Syndeo, Elite, Allegro, and Tower practices Claim 8 of the '052 Patent.

9. Practice of Claim 9

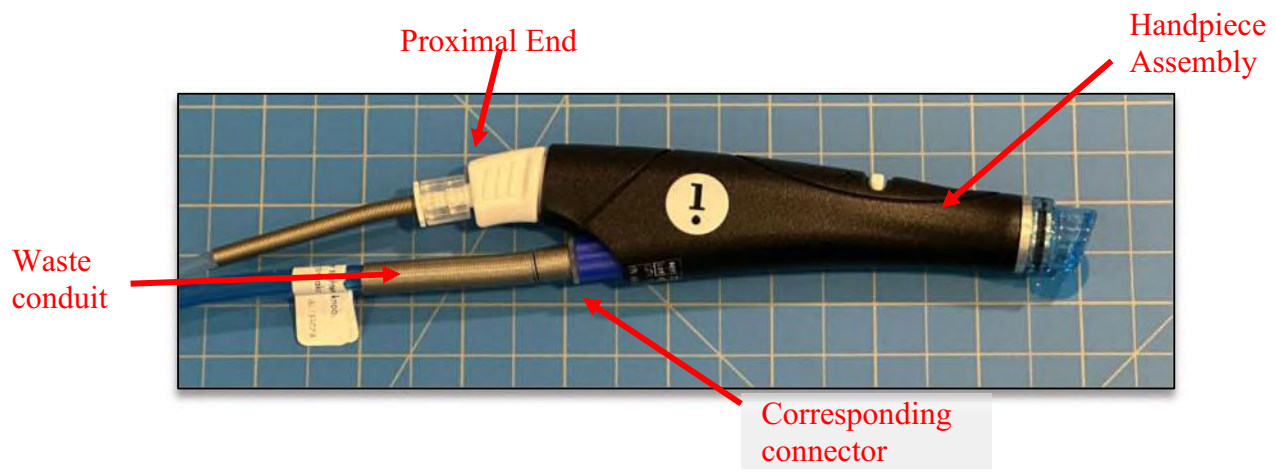
146. Claim 9 of the '052 Patent recites: The system of claim 1, wherein each of the supply conduit and the waste conduit connects to a corresponding connector along a proximal end of the handpiece assembly.

147. In my opinion, each of the Syndeo, Elite, Allegro, and Tower practices the limitations of claim 1, as explained above. In my opinion, each of the Syndeo, Elite, Allegro, and Tower further satisfies the limitation requiring “wherein each of the supply conduit and the waste conduit connects to a corresponding connector along a proximal end of the handpiece assembly.”

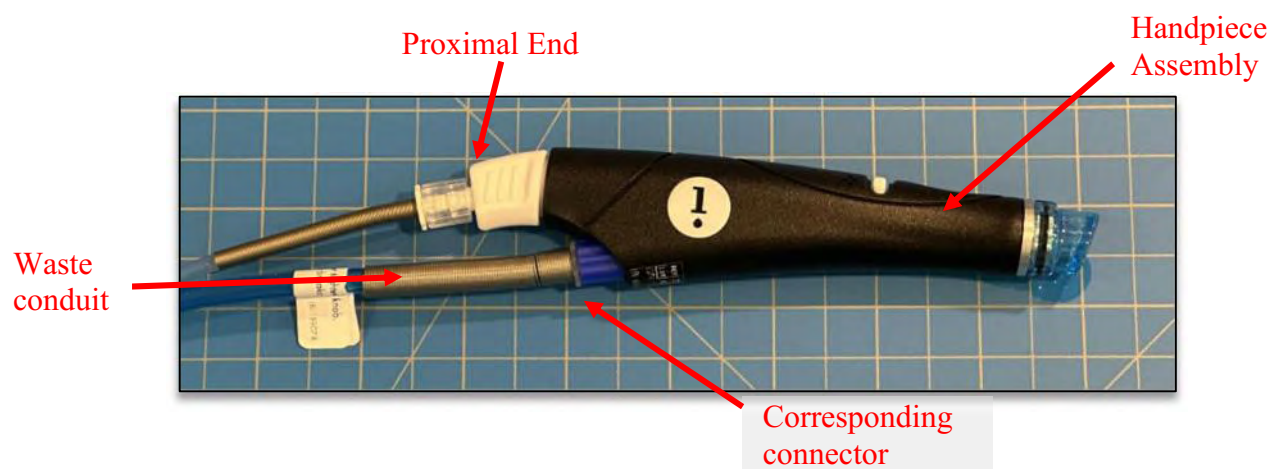
148. The Syndeo, Elite, Allegro, and Tower each have “a waste conduit” that connects to the handpiece assembly, as discussed in limitation 1[f]. This connection happens at the proximal end of the handpiece assembly at a corresponding connector, as shown in the images below.



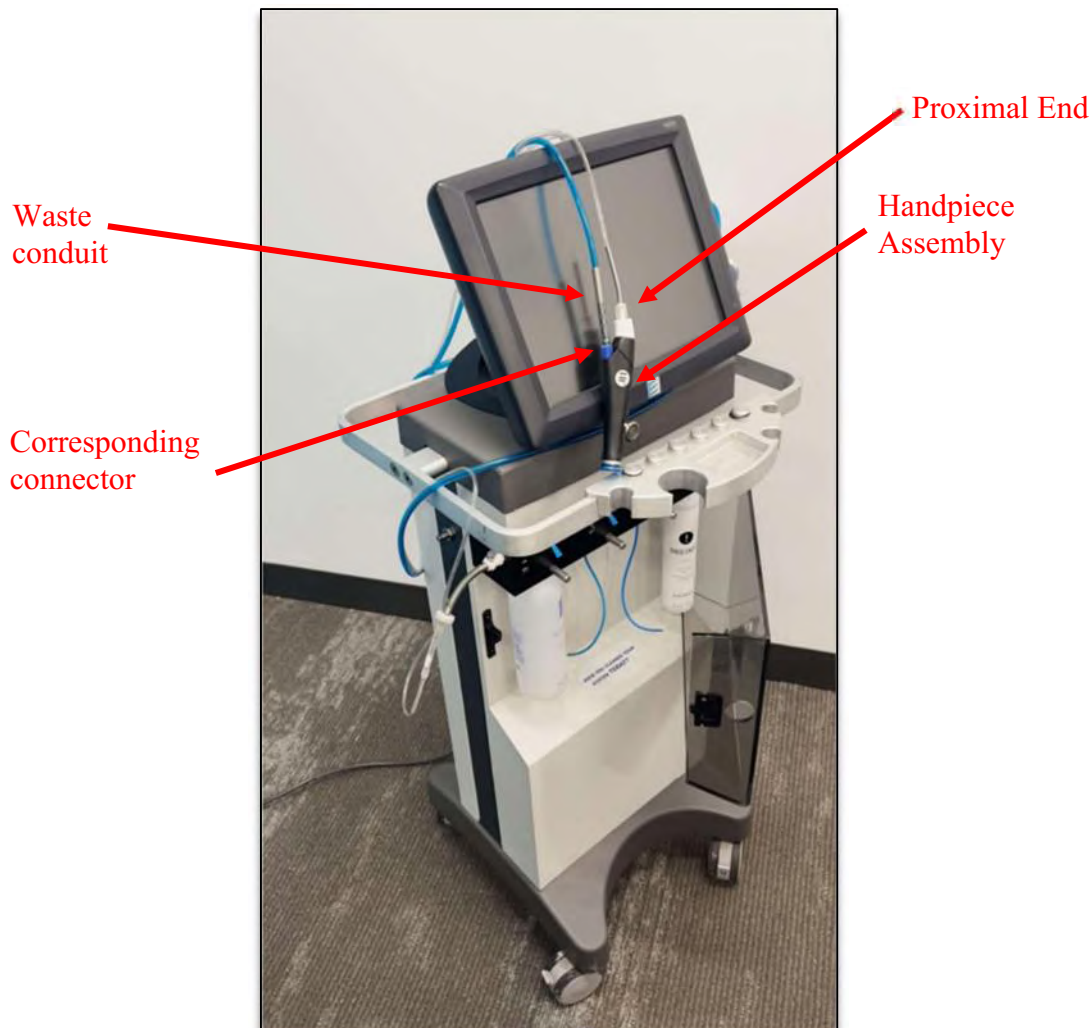
Ex. 2127 at 2 (Syndeo).



Ex. 2111 (Allegro).



Ex. 2111 (Elite)

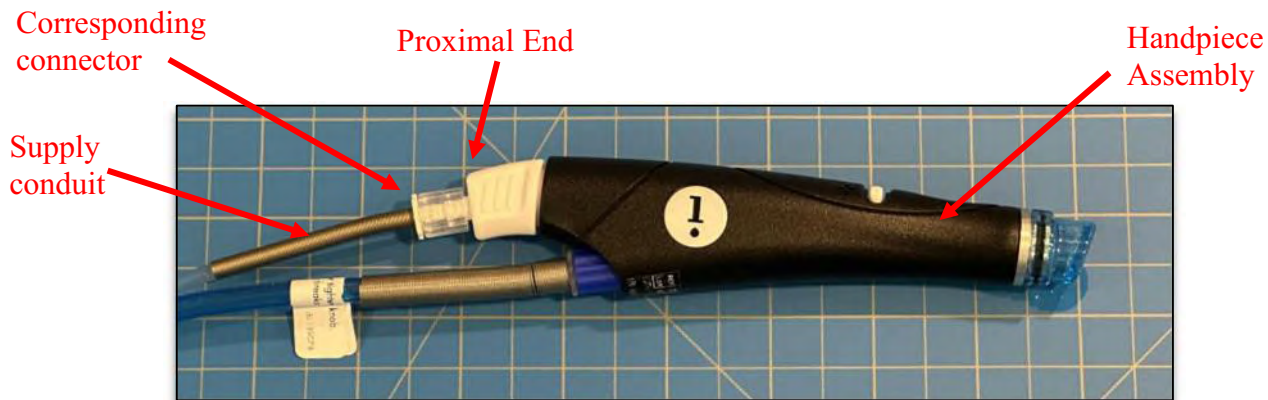


Ex. 2151 at 2 (Tower).

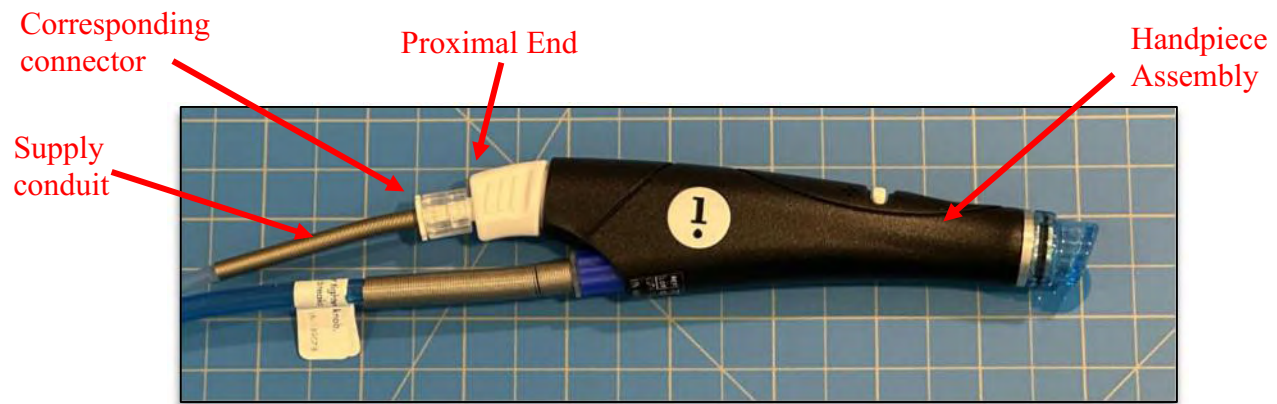
149. The Syntex, Elite, Allegro, and Tower each have “a supply conduit” that connects to the handpiece assembly, as discussed in limitation 1[c]. This connection happens at the proximal end of the handpiece assembly at a corresponding connector, as shown in the images below.



Ex. 2127 at 2 (Syndeo).



Ex. 2111 (Allegro).



Ex. 2111 (Elite).



Ex. 2151 at 2 (Tower).

150. Accordingly, each of the Syndeo, Elite, Allegro, and Tower practices Claim 9 of the '052 Patent.

10.Practice of Claim 10

151. Claim 10 of the '052 Patent recites: The system of claim 1, wherein the manifold of the console is configured to be placed in fluid communication with a container comprising an antimicrobial fluid or other disinfecting agent for periodic flushing of the manifold.

152. In my opinion, each of the Syndeo, Elite, Allegro, and Tower practices the limitations of claim 1, as explained above. In my opinion, each of the Syndeo, Elite, Allegro, and Tower further satisfies the limitation requiring “wherein the manifold of the console is configured to be placed in fluid communication with a container comprising an antimicrobial fluid or other disinfecting agent for periodic flushing of the manifold.”

153. The Syndeo, Elite, Allegro, and Tower each have “a manifold of the console” that is “in fluid communication with a first fluid container and at least a second fluid container,” as discussed in limitation 1[a]. In addition, the Syndeo IFU, the Elite IFU, the Allegro IFU, and Tower Owner’s Manual each describe putting the manifold in fluid communication with a container comprising an antimicrobial fluid or other disinfecting agent for periodic flushing of the manifold (either the “Device Rinse bottle” or the “Rinseaway” cleaning solution), as shown in the images below.

Manifold Cleaning

Perform after every 50 treatments or every two weeks (whichever comes first).

1. On the screen, select Menu. Then, select Manifold Clean from the System Rinses.
2. Remove solution bottles from the manifold. Have a towel handy to catch any dripping liquid.
3. Insert Device Rinse bottle into Slot 1. Select Start Rinse.
4. When rinse is complete, disconnect Device Rinse bottle from Slot 1 and connect to Slot 2. Select Continue. Repeat with Slot 3.
5. When rinse is complete, reconnect all solution bottles into the Slots.
6. Empty and rinse the #Gunkie with water.

Ex. 2030 at 21 (Syndeo IFU).

Manifold and Tubing

Wearing gloves is recommended when performing all cleaning and maintenance activities.

After Each Service

1. After each procedure, run the "System cleaning process". Start by switching all the blue toggle switches down to the OFF position, and switch only the gray toggle switch "SYSTEM RINSE" up to the ON position.



2. Make sure that the Rinseaway System Cleaning Solution is properly installed.

3. Turn the flow control valve all the way over to the "+" sign and attach the cleaning cap to the handpiece.



4. Make sure that the Rinseaway System Cleaning Solution is properly installed. Switch the toggle switch to "ON".
Note: Only use HydraFacial Rinseaway System Cleaning Solution to properly clean the handpiece.
5. Turn the vacuum on and set to 26. Let the cleaning process run for 20–30 seconds.
6. When completed, be sure to switch the toggle switch to "OFF" and return the flow control to the recommended setting.

Ex. 2031 at 18 (Elite IFU).

System Cleaning And Preventive Maintenance

The HydraFacial MD® Allegro system needs to be cleaned after each procedure. Cleaning is especially important after the usage of vials.

Skin Solution Stations And Tubing

After Each Service

1. Wearing gloves is recommended.
2. After each procedure, run the "system cleaning process". Start by switching all the blue toggle switches down to the "OFF" position, and switch only the gray toggle switch "SYSTEM RINSE" up to the "ON" position.



3. Make sure that the Rinseaway™ system cleaning solution is properly installed. Only use the HydraFacial Rinseaway™ Solution ; it contains a biocide to properly clean your system. Partially used skin solution bottles must be capped and stored in a cool place.
4. Go to System Cleaning mode and set vacuum setting to 26 .

Ex. 2032 at 13 (Allegro IFU).

6) INSTALL SERUM BOTTLES

1. Please note that the Rinseaway™ System Cleaning Solution should be installed in the manifold with the **gray** toggle switch labeled "SYSTEM RINSE".
2. Open the front door. Remove the small top cap of the serum bottle and use the puncture pickup tube to pierce the seal inside the bottle. **Enlarge the hole with the metal end.**
3. Press & hold each manifold button as you insert each bottle into the manifold, and then release the button.



Ex. 2033 at 13 (Tower Owner's Manual).

154. Rinseaway is a biocide, or an antimicrobial fluid, as shown in the below image. *See also* Ex. 1001 at 16:61-67 ("Preferably, an antimicrobial fluid is Rinseaway™.")

2. HYDRAPEEL HANDPIECE AND SERUM STATIONS

1) SERUM STATIONS – AT THE END OF THE DAY

1. At the end of the day run the "system cleaning process", start by switching the blue toggle switches down to the "OFF" position, and only switch the grey toggle switch "SYSTEM RINSE" on the "ON" position.
2. Make sure that the "Rinseaway™" solution is properly installed. **ONLY USE THE EDGE SYSTEM™ "RINSEAWAY™" SOLUTION**, this solution contains a biocide to properly clean your system.

Ex. 2033 at 16

155. Accordingly, each of the Syndeo, Elite, Allegro, and Tower practices Claim 10 of the '052 Patent.

11.Practice of Claim 11

156. In my opinion, each of the Syndeo, Elite, Allegro, and Tower practices every limitation of claim 11 of the '052 Patent.

157. Claim 11 recites as follows:

11. A system for performing a skin treatment procedure, the system comprising:
a manifold in fluid communication with at least two fluid containers, each of the at least two fluid containers being configured to contain a treatment material, wherein the treatment material comprises a liquid;
a handpiece assembly comprising a tip, the tip being configured to contact a skin surface of a subject;
a supply conduit placing the manifold in fluid communication with the handpiece assembly, wherein a distal end of the supply conduit is configured to secure to the handpiece assembly;
a vacuum source; and
a waste conduit in fluid communication with the handpiece assembly to remove waste from a skin surface of a subject during a procedure, wherein the waste conduit is operatively coupled to the vacuum source;

wherein the manifold is configured to control a flow of treatment material from each of the at least two fluid containers through the supply conduit;
wherein the system is configured to permit a user to select the fluid container from which treatment material is delivered to the supply conduit.

I address each limitation of this claim below:

a. 11[pre]: A system for performing a skin treatment procedure, the system comprising:

158. Each of the Syndeo, Elite, Allegro, and Tower satisfies this limitation for the same reasons set forth in 1[pre] above.

b. 11[a]: a manifold in fluid communication with at least two fluid containers, each of the at least two fluid containers being configured to contain a treatment material, wherein the treatment material comprises a liquid;

159. Each of the Syndeo, Elite, Allegro, and Tower satisfies this limitation for the same reasons set forth in 1[a] above.

c. 11[b]: a handpiece assembly comprising a tip, the tip being configured to contact a skin surface of a subject;

160. Each of the Syndeo, Elite, Allegro, and Tower satisfies this limitation for the same reasons set forth in limitation 1[b] above.

d. 11[c]: a supply conduit placing the manifold in fluid communication with the handpiece assembly, wherein a distal end of the supply conduit is configured to secure to the handpiece assembly;

161. Each of the Syndeo, Elite, Allegro, and Tower satisfies this limitation for the same reasons set forth in limitation 1[c] above.

e. 11[d]: a vacuum source; and

162. Each of the Syndeo, Elite, Allegro, and Tower satisfies this limitation for the same reasons set forth in limitation 1[e] above.

- f. 11[e]: a waste conduit in fluid communication with the handpiece assembly to remove waste from a skin surface of a subject during a procedure, wherein the waste conduit is operatively coupled to the vacuum source;**

163. Each of the Syndeo, Elite, Allegro, and Tower satisfies this limitation for the same reasons set forth in limitation 1[f] above.

- g. 11[f]: wherein the manifold is configured to control a flow of treatment material from the first fluid container and at least the second fluid container through the supply conduit; and;**

164. Each of the Syndeo, Elite, Allegro, and Tower satisfies this limitation for the same reasons set forth in limitation 1[d] above.

- h. 11[g]: wherein the system is configured to permit a user to select the fluid container from which treatment material is delivered to the supply conduit.**

165. Each of the Syndeo, Elite, Allegro, and Tower satisfies this limitation for the same reasons set forth in limitation 1[g] above.

12.Practice of Claim 12

166. Claim 12 of the '052 Patent recites: The system of claim 11, further comprising a user input device for selecting a treatment material to be passed through the supply conduit to the handpiece assembly. In my opinion, each of the Syndeo, Elite, Allegro, and Tower practices every limitation of this claim.

167. In my opinion, each of the Syndeo, Elite, Allegro, and Tower practices the limitations of claim 11, as explained above.

168. In my opinion, each of the Syndeo, Elite, Allegro, and Tower further satisfies the limitation requiring “further comprising a user input device for selecting a

treatment material to be passed through the supply conduit to the handpiece assembly” for the same reasons set forth above in limitation 1[g] and claim 2 above.

169. Accordingly, each of the Syndeo, Elite, Allegro, and Tower practices Claim 12 of the '052 Patent.

13.Practice of Claim 13

170. Claim 13 of the '052 Patent recites: The system of claim 11, wherein the system comprises a display, wherein the display comprises a user input device to facilitate controlling a flow of treatment materials from the at least two fluid containers. In my opinion, each of the Syndeo, Elite, Allegro, and Tower practices every limitation of this claim.

171. In my opinion, each of the Syndeo, Elite, Allegro, and Tower practices the limitations of claim 11, as explained above.

172. In my opinion, each of the Syndeo, Elite, Allegro, and Tower further satisfies the limitation requiring “wherein the system comprises a display, wherein the display comprises a user input device to facilitate controlling a flow of treatment materials from the at least two fluid containers” for the same reasons set forth above in claim 2 above.

173. Accordingly, each of the Syndeo, Elite, Allegro, and Tower practices Claim 13 of the '052 Patent.

14.Practice of Claim 14

174. Claim 14 of the '052 Patent recites: The system of claim 13, wherein the user input device comprises a touch screen. In my opinion, each of the Syndeo, Elite, Allegro, and Tower practices every limitation of this claim.

175. In my opinion, each of the Syndeo, Elite, Allegro, and Tower practices the limitations of claim 13, as explained above.

176. In my opinion, each of the Syndeo, Elite, Allegro, and Tower further satisfies the limitation requiring “wherein the user input device comprises a touch screen” for the same reasons set forth above in claim 3 above.

177. Accordingly, each of the Syndeo, Elite, Allegro, and Tower practices Claim 14 of the '052 Patent.

15.Practice of Claim 15

178. Claim 15 of the '052 Patent recites: The system of claim 11, wherein the at least two fluid containers is releasably coupled to the manifold. In my opinion, each of the Syndeo, Elite, Allegro, and Tower practices every limitation of this claim.

179. In my opinion, each of the Syndeo, Elite, Allegro, and Tower practices the limitations of claim 11, as explained above.

180. In my opinion, each of the Syndeo, Elite, Allegro, and Tower further satisfies the limitation requiring “wherein the at least two fluid containers is releasably coupled to the manifold” for the same reasons set forth above in claim 4 above.

181. Accordingly, each of the Syndeo, Elite, Allegro, and Tower practices Claim 15 of the '052 Patent.

16.Practice of Claim 16

182. Claim 16 of the '052 Patent recites: The system of claim 11, wherein the tip of the handpiece assembly is configured to exfoliate skin tissue as the handpiece assembly is moved relative to a skin surface of a subject. In my opinion, each of the Syndeo, Elite, Allegro, and Tower practices every limitation of this claim.

183. In my opinion, each of the Syndeo, Elite, Allegro, and Tower practices the limitations of claim 11, as explained above.

184. In my opinion, each of the Syndeo, Elite, Allegro, and Tower further satisfies the limitation requiring “wherein the tip of the handpiece assembly is configured to exfoliate skin tissue as the handpiece assembly is moved relative to a skin surface of a subject” for the same reasons set forth above in claim 8 above.

185. Accordingly, each of the Syndeo, Elite, Allegro, and Tower practices Claim 16 of the '052 Patent.

17.Practice of Claim 17

186. Claim 17 of the '052 Patent recites: The system of claim 11, wherein the manifold is configured to be placed in fluid communication with a container comprising an antimicrobial fluid or other disinfecting agent for periodic flushing of

the manifold. In my opinion, each of the Syndeo, Elite, Allegro, and Tower practices every limitation of this claim.

187. In my opinion, each of the Syndeo, Elite, Allegro, and Tower practices the limitations of claim 11, as explained above.

188. In my opinion, each of the Syndeo, Elite, Allegro, and Tower further satisfies the limitation requiring “wherein the manifold is configured to be placed in fluid communication with a container comprising an antimicrobial fluid or other disinfecting agent for periodic flushing of the manifold” for the same reasons set forth above in claim 10 above.

189. Accordingly, each of the Syndeo, Elite, Allegro, and Tower practices Claim 17 of the '052 Patent.

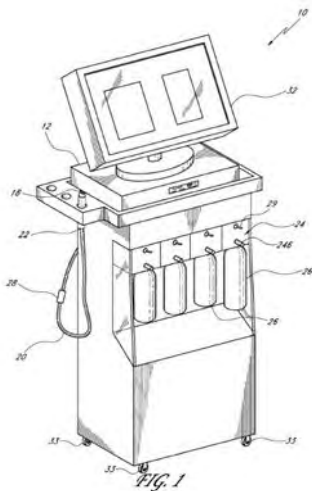
C. The HydraFacial Systems Are Coextensive with the Claims of the '052 Patent

190. I understand from counsel that to meet the coextensiveness requirement the patentee must demonstrate that the product is essentially the claimed invention and does not include critical unclaimed features. I also understand from counsel that the patentee is not required to show perfect correspondence between the claims and the product.

191. The HydraFacial Systems are coextensive with the claims of the '052 Patent for several reasons. First, Claim 1 is directed to skin treatment systems with

specific key features including (1) a console including a manifold; (2) a first fluid container and at least a second fluid container; (3) a handpiece assembly comprising a tip; (4) fluid communication between the manifold and the handpiece assembly; (5) a vacuum source, and (6) fluid communication between the handpiece assembly and a waste conduit that is operatively coupled to the vacuum source. As I discussed in detail above, the HydraFacial Systems are skin treatment systems that include the key features recited in the claims.

192. Indeed, HydraFacial's Tower system was the originating multi-container system, first sold in 2005, and is reflective of the system depicted in the figures in the '052 patent, including Fig. 1 as shown below:

Tower Product	'052 Patent, Fig. 1
	

Ex. 2033 at 1; Ex. 1001, Fig. 1.

193. Second, the HydraFacial Systems do not contain other key or driving features that are not claimed. For example, although the HydraFacial Systems may

include additional ancillary components, such as red and blue light therapy, these components are insignificant features. The HydraFacial Systems are primarily and extensively marketed as a hydrodermabrasion system, rather than light therapy devices. *See, e.g.*, Ex. 2038, Ex. 2039, Ex. 2040, Ex. 2041, Ex. 2042, Ex. 2043, Ex. 2044, Ex. 2045, Ex. 2046, Ex. 2047. I understand that any light therapy handpiece is insignificant to the HydraFacial Systems as they are unrelated to hydrodermabrasion. Thus, the features of the HydraFacial Systems that are significant are the features coextensive with the challenged Claims.

194. Third, the HydraFacial Systems do not include any critical unclaimed features. To the extent Petitioner argues, for example, that the tips or treatment solutions are critical features claimed by different patents that materially impact the HydraFacial Systems' functionality, I disagree. The tips are part of the handpiece/handpiece assembly. The claims recite, for example, "a handpiece assembly comprising a tip, the tip being configured to contact a skin surface of a subject" and "a handpiece configured to contact skin tissue of a subject." The patent specification makes clear that it is the handpiece/handpiece assembly, including the tip, that contacts the skin surface for treatment. *See, e.g.*, '052 Patent at Figs. 1-4 and 5:42-46, 5:57-60, 6:44-45, 6:49-53, 7:50-54, 10:39-11:3, 19:25-28, 19:39-42.

195. Thus, in my opinion, because the HydraFacial Systems embody the claimed invention and are coextensive with the claims, HydraFacial is entitled to a

presumption that there is a nexus between the claims of the '052 Patent and the secondary considerations of non-obviousness, including commercial success identified by Dr. Pallavi Seth and the copying I discuss below.

D. A Nexus Is Also Established by Comparison to HydraFacial's Nectre Product

196. I have been informed by counsel that a nexus may also be establish by showing that the evidence of secondary considerations is a direct result of the unique characteristics of the claimed invention.

197. I have been asked to provide expert analysis on whether HydraFacial's Nectre product, which was a single-container product embodies the claims of the '052 Patent and how it differs from the HydraFacial Systems. I have analyzed the relevant aspects of Nectre product in light of the '052 Patent claims. As set forth in detail below, it is my opinion that HydraFacial's Nectre product does meet every limitation of the claims of the '052 Patent because it lacks the claimed manifold that could receive fluid from multiple connected containers.

198. I understand that, in May 2008, HydraFacial launched a hydrodermabrasion system known as the HydraFacial Nectre ("Nectre"). See, e.g., Ex. 2035, Ex. 2036, Ex. 2037. I understand that HydraFacial stopped selling the Nectre in 2013. Like the Karasiuk prior art reference, and unlike the HydraFacial Systems, the Nectre was a single-container hydrodermabrasion system that lacked a manifold that could receive fluid from multiple connected containers.

199. In my opinion, the Nectre meets each of the limitations of the challenged claims that are not dependent on the device having multiple containers connected to the manifold of the console. Below is an exemplary analysis of Claim 1 of the '052 Patent.

1. Exemplary Claim 1

200. Claim 1 recites as follows:

1. A system for performing a skin treatment procedure, the system comprising:
 - a console including a manifold, the manifold being in fluid communication with a first fluid container and at least a second fluid container, the first fluid container and the at least the second fluid container being configured to contain a treatment material for a skin treatment procedure, wherein the treatment material comprises a liquid;
 - a handpiece assembly comprising a tip, the tip being configured to contact a skin surface of a subject;
 - a supply conduit placing the manifold of the console in fluid communication with the handpiece assembly, wherein a distal end of the supply conduit is configured to couple to the handpiece assembly;
 - wherein the manifold is configured to control a flow of treatment material from the first fluid container and at least the second fluid container through the supply conduit; and
 - a vacuum source;
 - a waste conduit in fluid communication with the tip of the handpiece assembly to remove waste away from a skin surface of a subject during a skin treatment procedure, wherein the waste conduit is operatively coupled to the vacuum source; and
 - wherein the system is configured to permit a user to select the treatment material from the first fluid container or the at least second fluid container to be delivered through the supply conduit to the handpiece assembly; and
 - wherein, when the vacuum source is activated and the tip contacts the skin surface, a suction force is created within the waste conduit and along the tip, thereby removing waste from the skin surface via the waste conduit while drawing treatment material from the first fluid container or the second fluid container to the tip via the supply conduit.

I address each limitation of this claim below.

a. 1[pre]: “A system for performing a skin treatment procedure, the system comprising:”

201. In my opinion, the Nectre is “a system for performing a skin treatment procedure.”

202. The Nectre User’s Manual, for example, describes the Nectre as “a revolutionary breakthrough in aesthetic technology” and explains that it is “the next generation of exfoliation and skin rejuvenation.” Ex. 2036 at 4. The User Manual identifies the Nectre as a “USA FDA Class I exempt device’ where the intended use is “to perform dermabrasion (or exfoliation) using mechanical abrasion and water” and to “introduce[e] topic ‘dermaceuticals’ ... during treatment.” *Id.*

b. 1[a]: “a console including a manifold, the manifold being in fluid communication with a first fluid container and at least a second fluid container, the first fluid container and the at least the second fluid container being configured to contain a treatment material for a skin treatment procedure, wherein the treatment material comprises a liquid;”

203. In my opinion, the Nectre has a console, but does not disclose “a manifold, the manifold being in fluid communication with a first fluid container and at least a second fluid container, the first fluid container and the at least the second fluid container being configured to contain a treatment material for a skin treatment procedure, wherein the treatment material comprises a liquid.”

204. As shown in the images and schematic below, the console is only configured to be in fluid communication with a single fluid container.

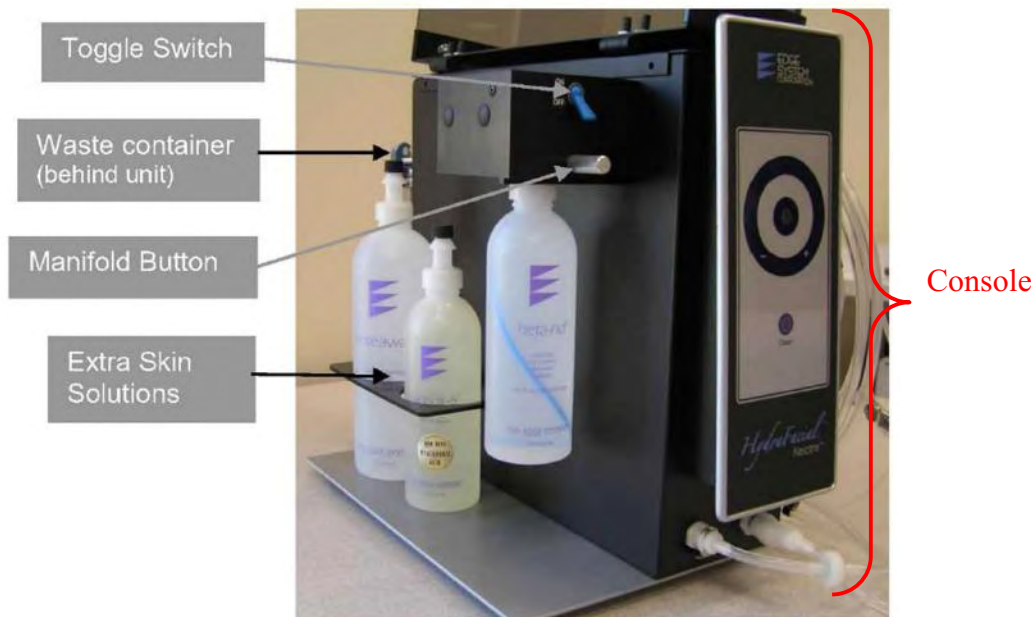
Disconnected
Spare Containers

Single Connected
Container



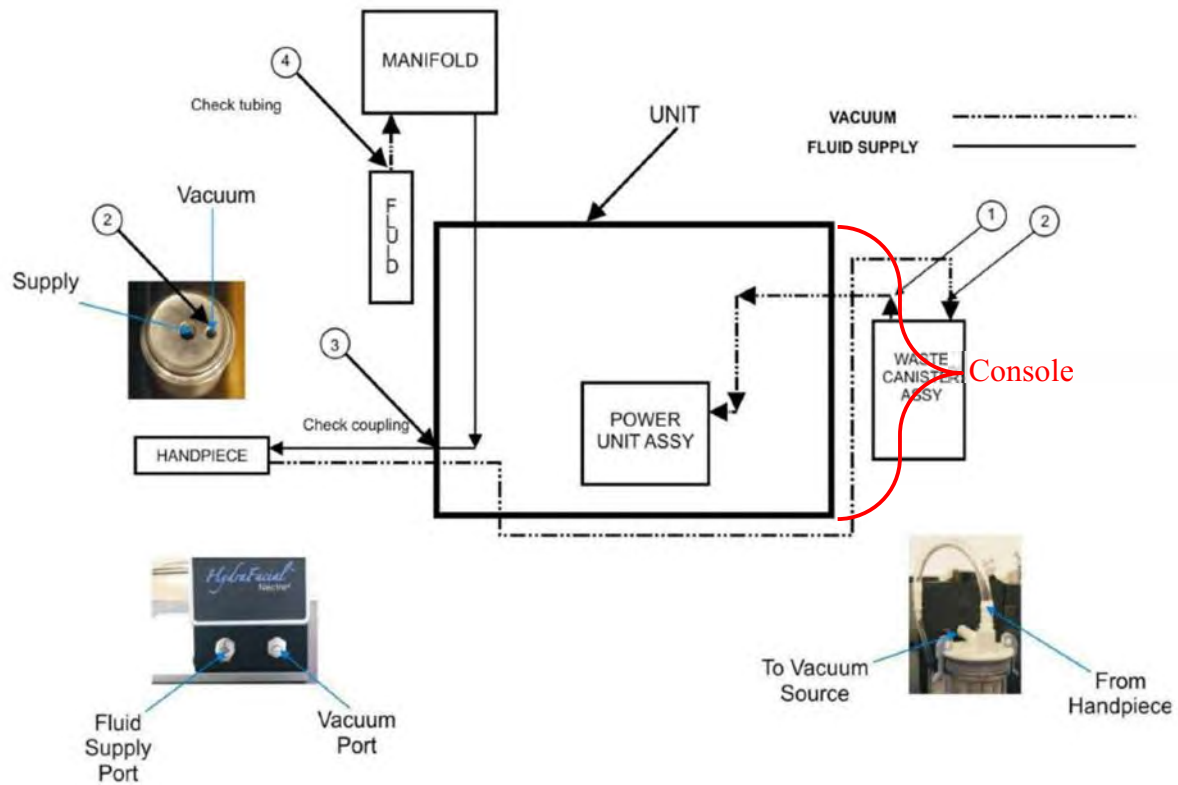
Console

Ex. 2035 at 1 (Nectre Owner's Manual).



Ex. 2036 at 13 (Nectre User's Manual).¹

¹ Although the User Manual and other documentation refer to a “manifold button” and a “manifold” in the device, a POSA would not recognize this structure as a manifold under the term’s ordinary meaning since this structure is not a chamber or pipe with multiple inlets and cannot be configured to be in fluid communication with multiple fluid sources. Thus, as I explain in further detail herein, the Nectre device does not satisfy the “manifold” limitation recited in the claims. I will, however, refer to this feature of the Nectre as a “manifold” to maintain consistency with the cited documentation, even though the structure does not qualify as a manifold under the ordinary meaning as understood by the parties and Petitioners’ expert.



Ex. 2037 at 6 (Nectre Service Manual).

205. Users are instructed to connect the single container to the console, as shown below.

4) INSTALL SKIN SOLUTION BOTTLES

1. Open the door on the side of the unit from the bottom.
2. Remove the small black cap off the skin solution bottle and use the puncture tool to pierce the seal inside the bottle. Move the tool in a circular motion to enlarge the opening in the seal so the pickup tube slides in easily.
3. Insert the pickup tube into the unsealed bottle.
4. Press & hold the manifold button and insert the bottle into the manifold, and then release the button. Be sure the bottle is securely attached before releasing it.
5. Place additional bottles of skin solution in the holders behind the skin solution port.



Ex. 2036 at 14 (Nectre User's Manual).

c. 1[b]: “a handpiece assembly comprising a tip, the tip being configured to contact a skin surface of a subject;”

206. In my opinion, the Nectre has “a handpiece assembly comprising a tip, the tip being configured to contact a skin surface of a subject.”

207. The Nectre includes a handpiece assembly, as shown in the images below.

HydraFacial Nectre			
UNIT 	HANDPIECE ASSEMBLY 	WASTE CONTAINER ASSEMBLY 	
	SKIN SOLUTIONS 	CLEANING CAP 	STEM EXTRACTOR 
HYDROPEEL® TIPS 		PUNCTURE TOOL 	

Ex. 2036 at 12 (Nectre User's Manual).



1
Increase flow
Counterclockwise



2
Decrease flow
Clockwise

Ex. 2036 at 16 (Nectre User's Manual).

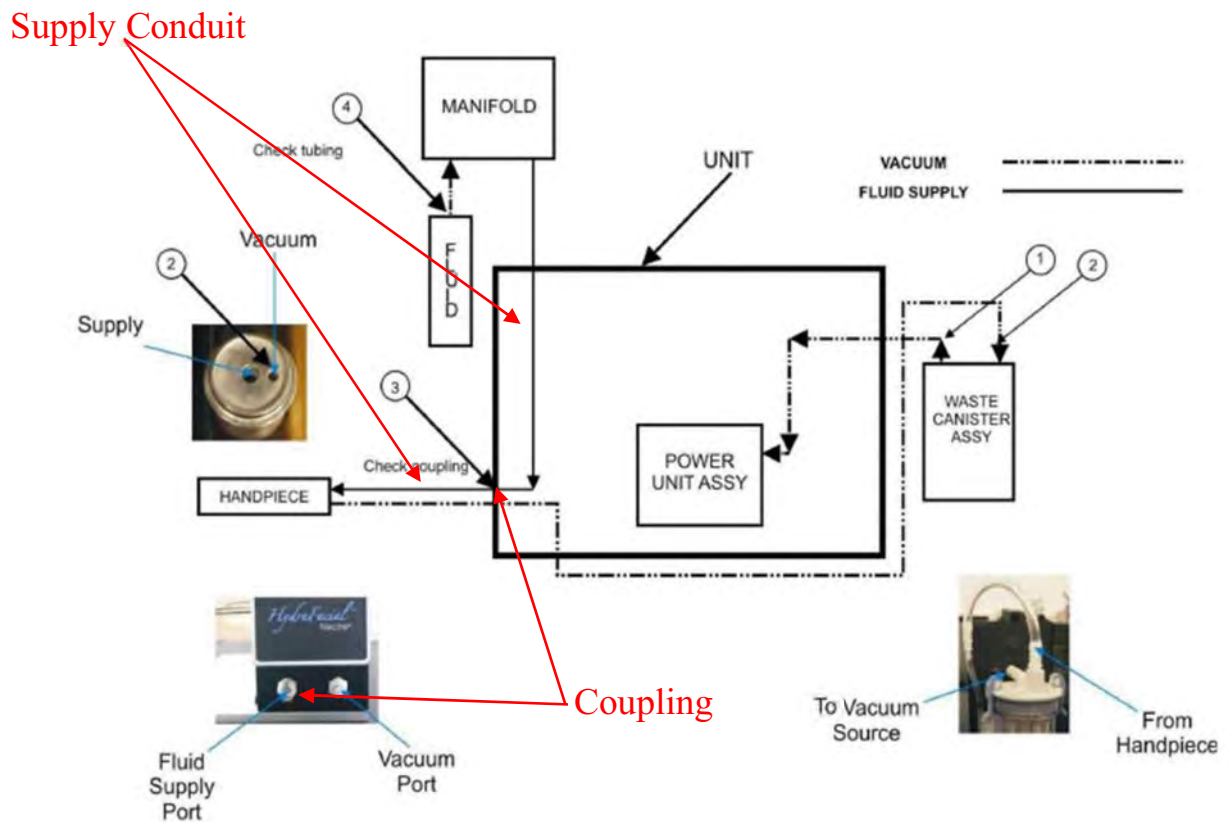
208. In addition, the User Manual confirms that the handpiece assembly configured to contact a skin surface, instructing users to “[d]o a sensitivity test on the neck by the earlobe.” Ex. 2036 at 7 (Nectre User's Manual); *see also supra* limitation 1[pre]. One of the fixed for no or low fluid flow to the handpiece assembly is to “[m]ake sure the HydroPeel plastic tip is firmly installed onto the HydraFacial handpiece.” *Id.* at 21.

d. 1[c]: “a supply conduit placing the manifold of the console in fluid communication with the handpiece assembly, wherein a distal end of the supply conduit is configured to couple to the handpiece assembly;”

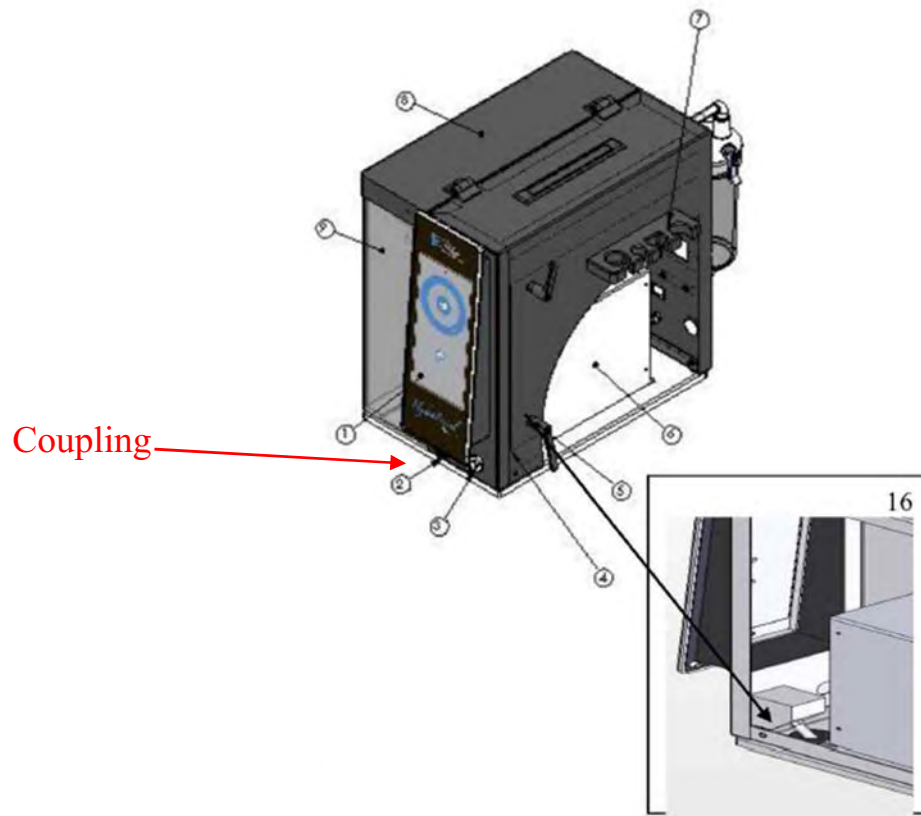
209. In my opinion, the Nectre has “a supply conduit placing” what the Nectre documentation refers to as “the manifold of the console in fluid communication with the handpiece assembly, wherein a distal end of the supply conduit is configured to couple to the handpiece assembly.” However, the Nectre does not have a manifold as

that term is understood by a person of skill in the art, as discussed above in limitation 1[a].

210. As shown in the schematic and image below, a supply conduit extends internally to the handpiece assembly through a coupling.

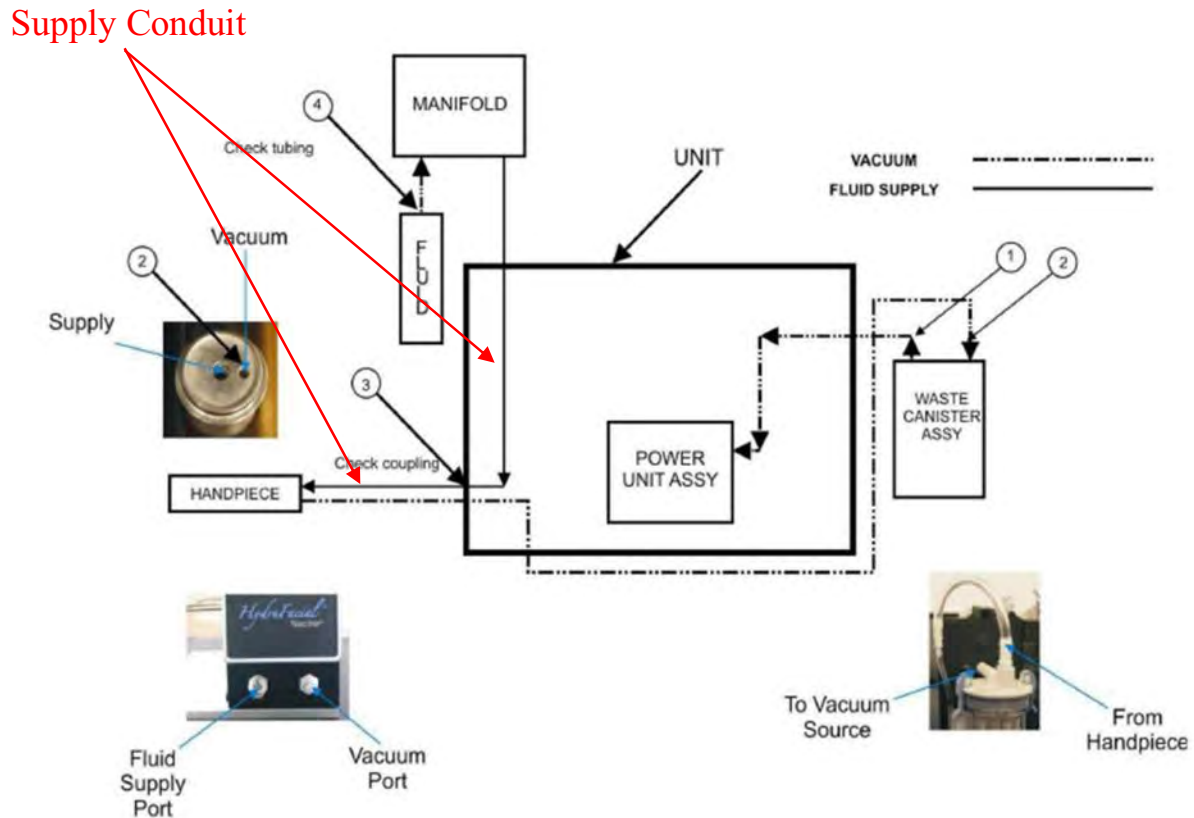


Ex. 2037 at 6 (Nectre Service Manual).



Id. at 7.

211. As shown in the schematic and image below, a supply conduit places the console in fluid communication with the handpiece assembly.



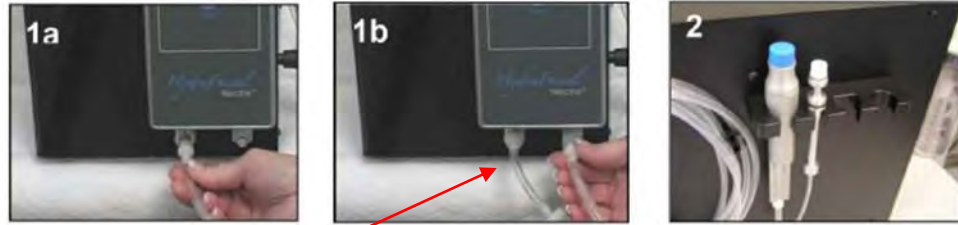
Ex. 2037 at 6 (Nectre Service Manual).

The image above shows a “coupling” where tubing from the handpiece assembly connects to the console (the tubing containing the supply conduit).

212. The User Manual instructs a user to connect the “handpiece tubing” (containing part of the “supply conduit”) to the console of the Nectre. Because the handpiece tubing (supply conduit) is connected to the handpiece, the distal end of the supply conduit is coupled to the handpiece assembly.

3) INSTALL THE HYDRAFACIAL HANDPIECE

1. Connect the quick disconnect fittings on the handpiece tubing to the corresponding fittings on the front of the machine. You will hear a click when they are securely attached.
2. Place the handpiece into the tool holder on the right side of the unit.
3. Always place the handpiece in the tool holder when the handpiece is not in use.



Supply Conduit

Ex. 2035 at 13 (Nectre Owner's Manual).

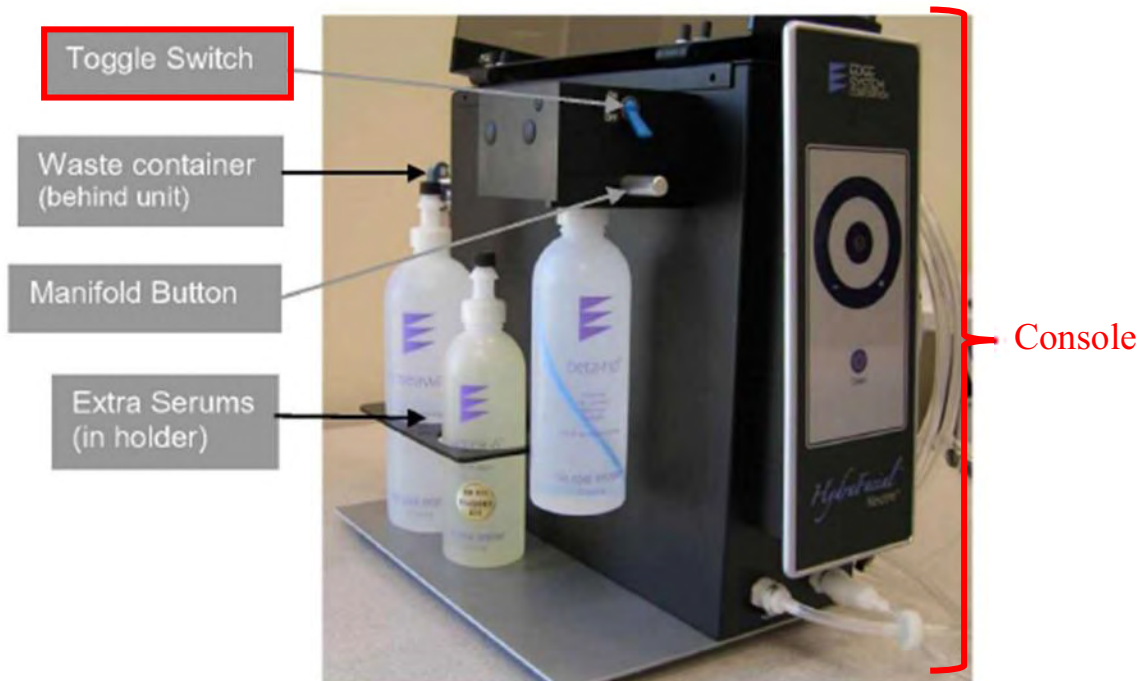
- e. 1[c]: “wherein the manifold is configured to control a flow of treatment material from the first fluid container and at least the second fluid container through the supply conduit; and”

213. In my opinion, the HydraFacial Nectre is configured to control a flow of treatment material from the first fluid container [] through the supply conduit” but the HydraFacial Nectre does not have a “manifold [that] is configured to control a flow of treatment material from the first fluid container and at least the second fluid container through the supply conduit.”

214. The component the Nectre documentation refers to as a “manifold” is configured to control a flow of treatment material, but from only a single connected fluid container, and not an at least the second fluid container, through the supply conduit.

215. As described above, the supply conduit extends from the handpiece assembly to where the single fluid container connects to the console, which is in fluid

communication with the fluid containers. See limitation 1[b], supra. As explained below, what the Nectre documentation refers to as a “manifold” (block component where the fluid container connects to the console) in fluid communication with a single fluid container is configured to control a flow of treatment material from that fluid container through the supply conduit.



Ex. 2036 at 13 (Nectre User Manual).

216. The Nectre’s User Manual shows a toggle switch on the block component where the fluid container connects to the console to control the flow of treatment material from the fluid containers.

217. The Nectre's User Manual and Owner's Manual caution that "[t]he toggle switch controls whether the skin solution is being drawn from the bottle." Ex. 2036 at 14 (Nectre User Manual); Ex. 2035 at 13 (Nectre Owner's Manual).

Note: The toggle switch controls whether the skin solution is being drawn from the bottle.

To use bottled skin solution:

1. Flip toggle switch to the ON position
2. The solid cartridge should be in the cartridge handpiece

To use skin solutions from the vial:

1. Flip the toggle switch to the OFF position
2. A skin solution cartridge must be in the cartridge handpiece.

Id.

218. The User Manual also instructs a user to "[a]lways flip the toggle switches to the OFF position when not in use to prevent skin solution from siphoning out of the handpiece." Ex. 2036 at 15 (Nectre User Manual). Thus, the HydraFacial Nectre is configured to control a flow of treatment material from the single connected fluid container, and not an at least the second fluid container, through the supply conduit via the toggle switches on what the Nectre documentation refers to as a "manifold."

f. 1[e]: a vacuum source;

219. In my opinion, the HydraFacial Nectre has "a vacuum source."

220. The Nectre User Manual provides instructions for how to turn on/off the vacuum source and adjust the vacuum intensity.

2) VACUUM ON/OFF AND ADJUSTMENT

To Turn The Vacuum ON And Adjust Vacuum Level:

1. Tap the power switch  to start the vacuum. The vacuum level default setting is the 4th dot (11 o'clock position). The power indicator light will change to **blue**, and the first four vacuum level indicator lights will be illuminated.
2. To increase or decrease the vacuum level, either
 - Glide your finger along the vacuum adjustment to the desired level
 - OR-
 - Tap the desired vacuum level position.
3. See your **Service Protocol Manual** for suggested settings for various skin types.



Default vacuum setting



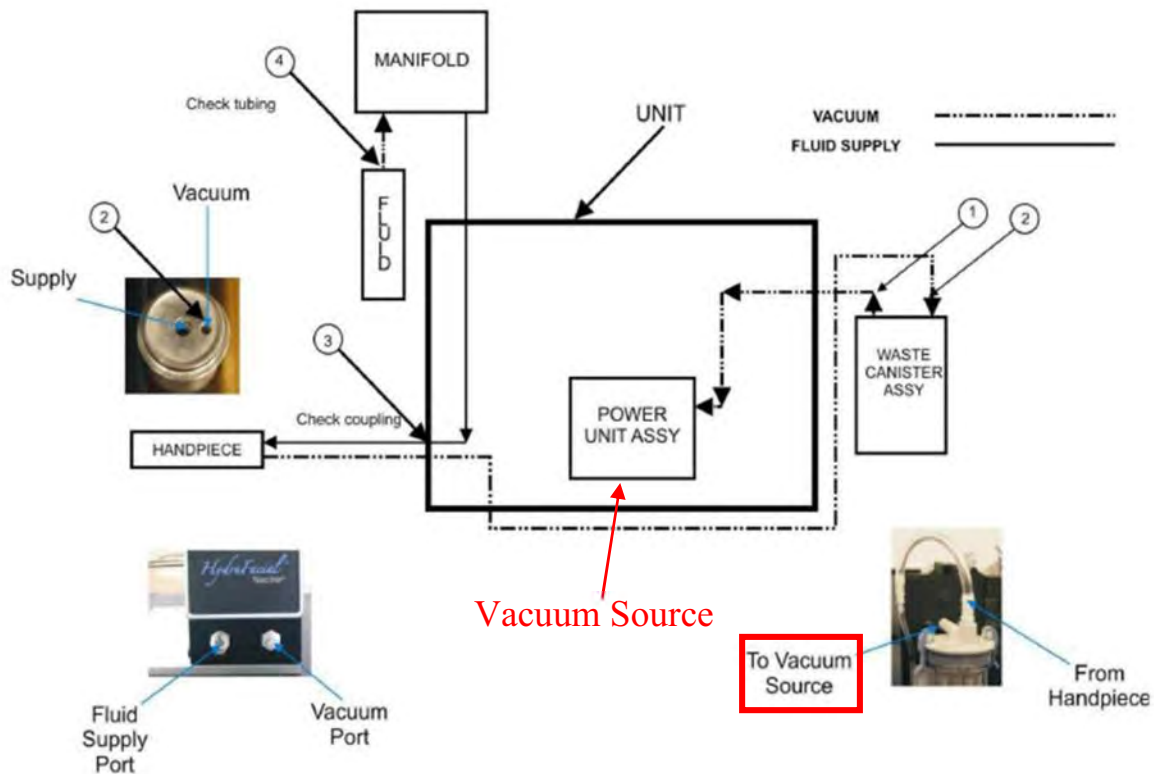
Increase vacuum level by
gliding



Increase vacuum level by
tapping

Ex. 2036 at 18 (Nectre User Manual).

221. As shown in the schematic and image below, the Nectre includes a vacuum source.

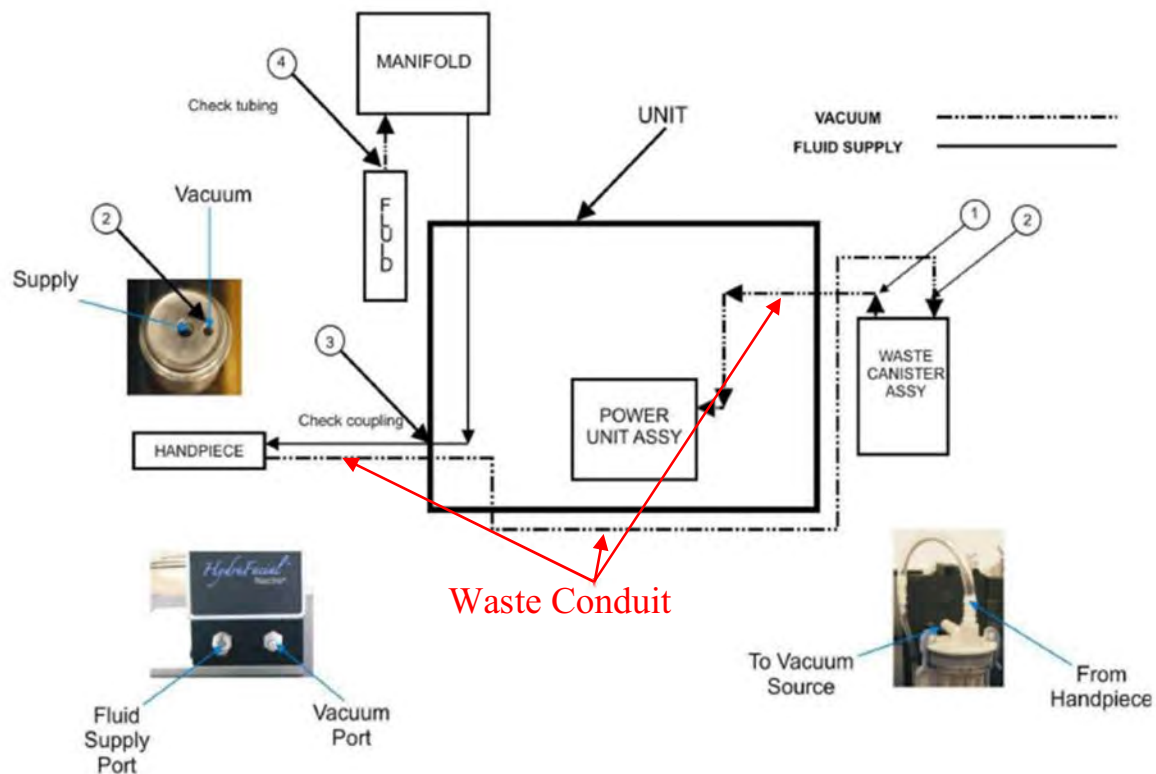


Ex. 2037 at 6 (Nectre Service Manual).

- g. 1[f]: a waste conduit in fluid communication with the tip of the handpiece assembly to remove waste away from a skin surface of a subject during a skin treatment procedure, wherein the waste conduit is operatively coupled to the vacuum source; and

222. In my opinion, the HydraFacial Nectre has “a waste conduit in fluid communication with the tip of the handpiece assembly to remove waste away from a skin surface of a subject during a skin treatment procedure, wherein the waste conduit is operatively coupled to the vacuum source.”

223. As shown in the schematic and image below, a waste conduit places the tip of the handpiece assembly in fluid communication with the vacuum source.



Ex. 2037 at 6 (Nectre Service Manual).

224. The image above shows a “vacuum port” where tubing from the handpiece assembly connects to the console (the tubing containing the waste conduit). The image above also shows tubing entering the waste container (“from handpiece”)

and tubing leaving the waste container (“to vacuum source”) that contains the waste conduit.

225. The Nectre Owner’s Manual instructs a user to connect the “handpiece tubing” (containing part of the waste conduit) to the console of the Nectre. Because the handpiece tubing (waste conduit) is connected to the handpiece, the waste conduit is in fluid communication with the tip of the handpiece assembly.

3) INSTALL THE HYDRAFACIAL HANDPIECE

1. Connect the quick disconnect fittings on the handpiece tubing to the corresponding fittings on the front of the machine. You will hear a click when they are securely attached.
2. Place the handpiece into the tool holder on the right side of the unit.
3. Always place the handpiece in the tool holder when the handpiece is not in use.



Ex. 2035 at 13 (Nectre Owner’s Manual).

226. The waste conduit is used to remove waste away from the skin of a subject during a skin treatment procedure. One of the User Manual’s solutions for troubleshooting “no or low fluid flow” is to:

11. Check level of liquid in waste container. If the container becomes overfull, a built-in float will occlude the vacuum opening and skin solution flow through the handpiece will cease. If this happens, empty the waste container. The cone-shaped float on the lid will return to normal position allowing the resumption of skin solution flow. If the float does not return to normal position, use your finger to gently loosen it and return it to the normal position.

Ex. 2036 at 21 (Nectre User Manual).

227. Because the waste container blocks the vacuum opening on the handpiece assembly when the waste container is too full, the waste conduit is in fluid communication with the handpiece assembly, and thus, the tip of the handpiece assembly.

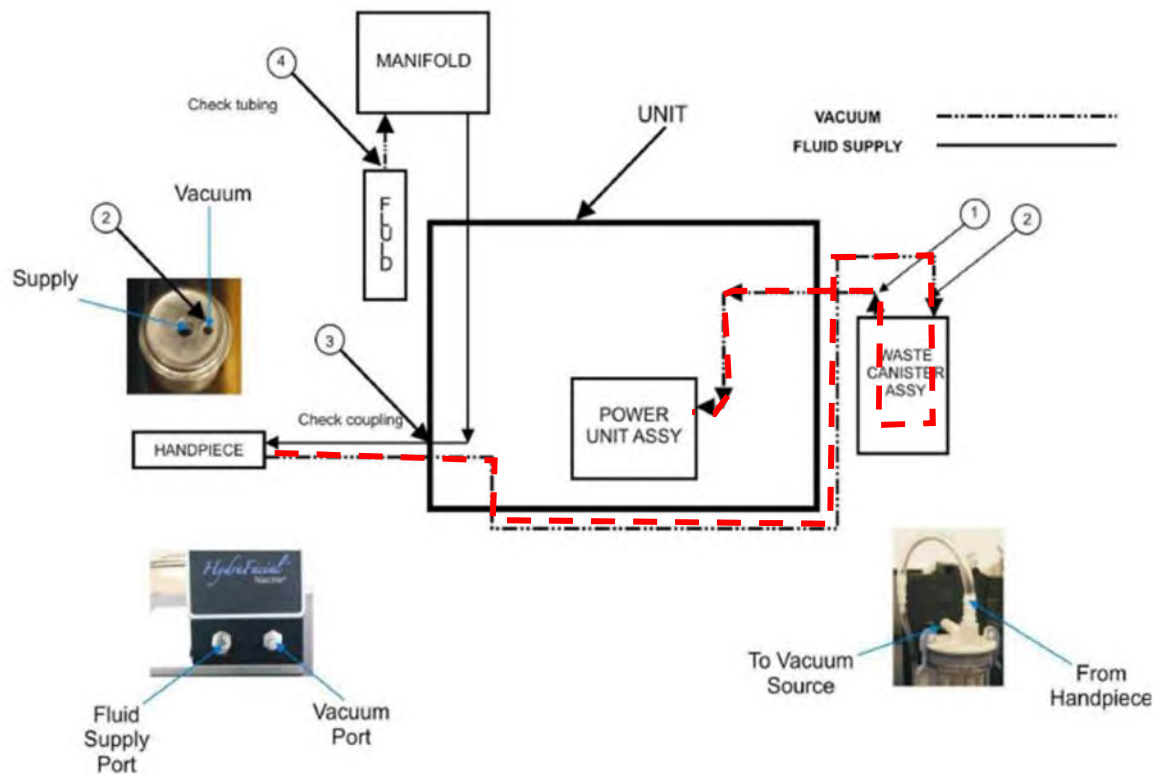
h. 1[g]: wherein the system is configured to permit a user to select the treatment material from the first fluid container or the at least second fluid container to be delivered through the supply conduit to the handpiece assembly; and

228. The HydraFacial Nectre is not “configured to permit a user to select the treatment material from the first fluid container or the at least second fluid container to be delivered through the supply conduit to the handpiece assembly.” A user must disconnect the single connected fluid container for a different container to select a treatment material from a different container for delivery to the handpiece assembly.

i. 1[h]: wherein, when the vacuum source is activated and the tip contacts the skin surface, a suction force is created within the waste conduit and along the tip, thereby removing waste from the skin surface via the waste conduit while drawing treatment material from the first fluid container or the second fluid container to the tip via the supply conduit.

229. In my opinion, the HydraFacial Nectre has a vacuum source, that when “activated and the tip contacts the skin surface, a suction force is created within the waste conduit and along the tip, thereby removing waste from the skin surface via the waste conduit while drawing treatment material from the first fluid container or the second fluid container to the tip via the supply conduit.”

230. As explained above, the HydraFacial Nectre has (1) a waste conduit in fluid communication with the tip of the handpiece assembly to remove waste away from a skin surface of a subject during a skin treatment procedure, (2) a vacuum source operatively coupled to the waste conduit, (3) a handpiece assembly with a tip that is configured to contact a skin surface of a subject during treatment, and (4) a block component where a fluid container connects configured to control a flow of treatment material from the attached fluid container through the supply conduit to the handpiece assembly. See limitation 1[b], 1[c], 1[d], 1[f], *supra*. As shown below, it is the same suction force that removes waste from the skin surface via the waste conduit that also draws treatment material from the first fluid container or the second fluid container to the tip via the supply conduit.



Ex. 2037 at 6 (Nectre Service Manual).

231. The “Troubleshooting” section of the Nectre User Manual and Nectre Owner’s Manual warns that, “[i]f the container becomes overfull, a built-in float will occlude the vacuum opening and skin solution flow through the handpiece will cease. Ex. 2036 at 21 (Nectre User Manual); Ex. 2035 at 20 (Nectre Owner’s Manual). The recommended solution to this situation is to “empty the waste container.” *Id.* Thus, the vacuum draws from the connected fluid container to the handpiece assembly when the tip is pressed against the skin.

11. Check level of liquid in waste container. If the container becomes overfull, a built-in float will occlude the vacuum opening and skin solution flow through the handpiece will cease. If this happens, empty the waste container. The cone-shaped float on the lid will return to normal position allowing the resumption of skin solution flow. If the float does not return to normal position, use your finger to gently loosen it and return it to the normal position.

Ex. 2036 at 21 (Nectre User Manual); Ex. 2035 at 20 (Nectre Owner's Manual).

232. For all of these reasons, it is my opinion the Nectre meets the limitations of Claim 1 of the '052 Patent literally or under the doctrine of equivalents, with the exception of the limitation directed to having a manifold in fluid communication with multiple containers that contain a liquid treatment material.

233. For the same reasons (e.g. that only a single container connects to the console), it is my opinion that the Nectre does not practice every element of claims 1-17.

E. There Is a Nexus Between the Commercial Success of the HydraFacial Systems and the '052 Patent Claims

234. I understand that another expert, Dr. Pallavi Seth, is offering opinions on the commercial success of the HydraFacial Systems. I am not a financial expert and offer no economic analyses related the commercial success of the HydraFacial Systems.

235. In connection with Dr. Seth's opinion on commercial success, I was asked to provide expert analysis on whether the HydraFacial Systems embody the claims of

the '052 Patent and are coextensive with them to establish a presumed nexus. As I explained above, the HydraFacial Systems embody the claims of the '052 Patent and are coextensive with them, thus HydraFacial is entitled to the presumption of a nexus for the commercial success of the HydraFacial Systems.

236. Furthermore, in my opinion, the difference between the HydraFacial Systems and the Nectre is that the HydraFacial Systems are multi-container hydrodermabrasion systems (having a manifold of a console, waste conduit, and waste container) as opposed to the single-container hydrodermabrasion system found in the Nectre.

237. It is further my opinion that the multi-container HydraFacial Systems provide for easier and more efficient treatments (no need to pause treatment to change bottles), making the HydraFacial Systems more desirable. This is confirmed by the poor sales of the Nectre, which ultimately led to its discontinuation.²

238. To the extent Petitioners argue other components such as the tips are the driver of sales for the HydraFacial Systems, I disagree. First, the tips serve no purpose without the HydraFacial Systems. Also, the tips used in the Nectre are the same as those used in the HydraFacial Systems, and the Nectre experienced poor sales compared to the HydraFacial Systems, despite using the same tips. See, e.g., Ex. 2036,

² Discussion with Dr. Seth on 10/15/2025.

12 (Nectre User Manual showing HydroPeel tips); Ex. 2032, 10 (Allegro IFU showing HydroPeel tips); Ex. 2031, 13 (Elite IFU showing HydroPeel tips).

239. Accordingly, it is my opinion that there is a nexus between the commercial success of the HydraFacial Systems and the claims of the '052 Patent directed to a multi-container system.

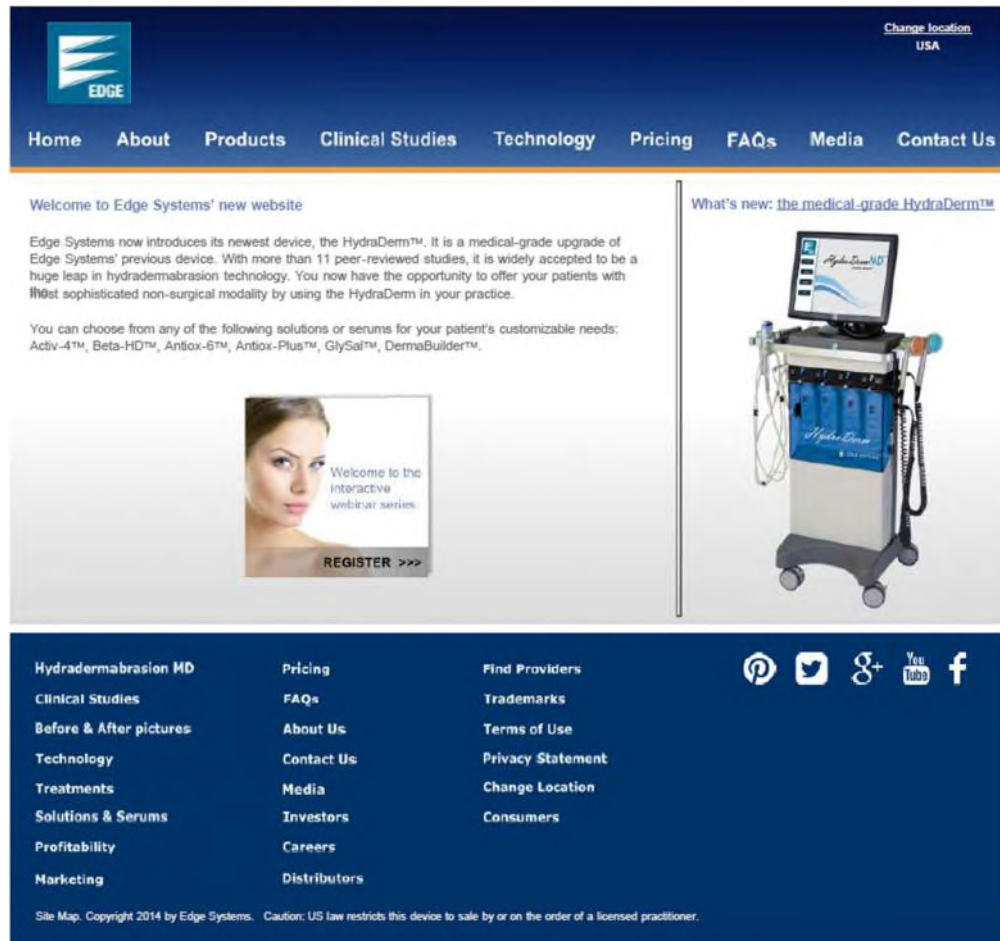
F. Copying

240. I understand from counsel that evidence a competitor has copied a product covered by a patent is strong evidence supporting nonobviousness.

241. HydraFacial became aware in 2014 that an individual named Rafael Newton Aguila ("Aguila") was selling a product under his own brand name, "HydraDerm," which was a near-exact copy HydraFacial's Tower product. Ex. 2005, 5-6.

242. As I explained above, the Tower embodies the challenged claims of the '052 patent, and Aguila's knockoff product wholesale copied those claimed features. Aguila's own website confirmed he intended his "HydraDerm" product to look and function like the Tower.

Edge Systems – Originator of Hydradermabrasion Technology, World Leader in Microdermabrasion.



Ex. 2154, 3 (attorney declaration attaching website printout); Ex. 2155, 2.

243. Aguila promoted his knockoff device as “the next generation in microdermabrasion technology due to the simultaneous dermal infusion of medicinal products and crystal-free exfoliation” and “the first medical device that uses the ‘4-in-1’ technology of Cleansing, Exfoliation, Extraction, and Infusion.” Ex. 2155, 4, 12.

244. On his website, Aguila included images of his knockoff “Hydraderm” having multiple treatment containers and emphasized the use of multiple treatment solutions. *Id.* Aguila also described the functionality of the components, including the

“pneumatic action of the vacuum” and use of the handpiece to deliver treatments with the multiple solutions. *Id.*, 7. In my opinion, these are the integrated treatment capabilities claimed in the ’052 patent and embodied in the Tower.

245. I understand that HydraFacial brought a lawsuit against Aguila for patent infringement, trademark infringement, and trade dress infringement. Ex. 2005, 8-9. I understand that HydraFacial was granted an emergency motion for a temporary restraining order and a preliminary injunction against Mr. Aguila. See Ex. 2007 (Report and Recommendation on Prelim. Injunction); Ex. 2008 (Order Granting Prelim. Injunction).

246. I understand that later in the case the judge issued an order granting HydraFacial’s motion for summary judgment. Ex. 2005 (Summary Judgment Order). In that order, the judge included a side-by-side comparison of Aguila’s HydraDerm and HydraFacial’s Tower:



EDGE HYDRAFACIAL® PRODUCT

Ex. 2005, 6.



DEFENDANT’S ACCUSED PRODUCT

1. The judge also described Aguila's copying of HydraFacial's Tower product this way:

Bootleg. Clone. Copycat. Imitation. Knock-off. Palm-Off. However one labels a peddled product that conspicuously capitalizes on another's intellectual property rights, this case presents the quintessential example.

Id., 1. The resemblance between Aguila's "HydraDerm" and the Tower was so close that Aguila was able to lure customers into thinking that the knockoff product was an authentic version of HydraFacial's Tower product. *Id.*, 7-8.

247. Based on my review of the evidence, including the images of Aguila's device, the statements on his website, the fact that multiple customers believed they had purchased a HydraFacial Tower, it is my opinion Aguila's device contained the same structural features—including a manifold, waste conduit, waste container and multiple treatment solution containers—integrated into the "HydraDerm" system.

248. In my opinion, Aguila's blatant copying of the HydraFacial Tower is objective evidence that the claims of the '052 Patent would not have been obvious to a person of skill in the art. This blatant copying itself is direct proof of nexus between the secondary considerations of nonobviousness and the '052 Patent claims. Aguila's "HydraDerm" was a near-identical replica of the Tower, and, as I explained above, the Tower is coextensive with the claims of the '052 Patent.