From:	Trials
To:	McKeown, Scott A.; Anger, Ben; Director_DI; Director_Discretionary_Decision; Trials
Cc:	MLB-HydraFacial-IPR-052-2; Razai, Ali; Peterson, Jacob; Everton, Benjamin; PTAB Scott McKeown; PTAB George Scott; PTAB Mike Rader
Subject:	RE: IPR2025-01169 - Request for Supplemental Briefing
Date:	Thursday, January 8, 2026 12:57:38 PM
Attachments:	image007.png image008.png image009.png image010.png image011.png image012.png

Counsel,

Patent Owner is authorized to file a 3-page supplemental brief in IPR2025-01169, due no later than January 12, 2026, limited to addressing the issues identified below. Petitioner is also authorized to file a 3-page supplemental brief due no later than January 12, 2026, limited to addressing the same issues.

The parties should file their briefs as papers in P-TACTS.

Regards,

IPR2025-00169
Ex. 3100

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366

From: McKeown, Scott A. <Scott.McKeown@WolfGreenfield.com>
Sent: Saturday, December 20, 2025 10:50 AM
To: Anger, Ben <ben.anger@morganlewis.com>; Director_DI <Director_DI@uspto.gov>; Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>; Trials <Trials@USPTO.GOV>
Cc: MLB-HydraFacial-IPR-052-2 <MLB-HydraFacial-IPR-052-2@morganlewis.com>; Razai, Ali <ali.razai@morganlewis.com>; Peterson, Jacob <jacob.peterson@morganlewis.com>; Everton, Benjamin <ben.everton@morganlewis.com>; PTAB Scott McKeown <SMcKeown-PTAB@WolfGreenfield.com>; PTAB George Scott <GScott-PTAB@WolfGreenfield.com>; PTAB Mike Rader <MRader-PTAB@WolfGreenfield.com>
Subject: RE: IPR2025-01169 - Request for Supplemental Briefing

CAUTION: This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Honorable Board,

Patent Owner's unilateral email seeking a belated Christmas Eve briefing submission ("within two business days of authorization") is highly inappropriate.

Patent Owner only forwarded its below theory to Petitioner Wednesday evening, seeking a reply in less than 24 hours. Patent Owner was informed by Petitioner that more time was needed to consider the request. For example, members of the Petitioner's litigation team are traveling internationally for the upcoming holiday. No meet and confer was ever conducted, but Patent Owner sent its unilateral email to the Director anyway.

Patent Owner cites authority (*Tesla*) it has been aware of for 6 weeks. Sitting on its hands until the 11th hour and short circuiting the meet and confer process appears designed to simultaneously force the Petitioner to brief PO's belated argument over the Christmas holiday and to disrupt the agency's review with less than a month's time before the statutory deadline. As to the alleged issue PO identifies, PO ignores the full petition grounds to focus exclusively on a single secondary reference of a subset of petition grounds (1D – 1F). PO's Wunsch argument conspicuously avoids addressing the modification of the primary reference together with the teachings of several secondary references. In any event, PO will have a full and fair opportunity to brief any merits-based issue it pleases (in January) should the IPR move forward.

PO's request should be denied.

Scott McKeown
Counsel for Petitioner

From: Anger, Ben <ben.anger@morganlewis.com>
Sent: Saturday, December 20, 2025 8:31 AM
To: Director_DI <director_di@uspto.gov>; director_discretionary_decision@uspto.gov; Trials <trials@uspto.gov>
Cc: MLB-HydraFacial-IPR-052-2 <MLB-HydraFacial-IPR-052-2@morganlewis.com>; Razai, Ali <ali.razai@morganlewis.com>; Peterson, Jacob <jacob.peterson@morganlewis.com>; Everton, Benjamin <ben.everton@morganlewis.com>; PTAB Scott McKeown <SMcKeown-PTAB@WolfGreenfield.com>; PTAB George Scott <GScott-PTAB@WolfGreenfield.com>
Subject: IPR2025-01169 - Request for Supplemental Briefing

To the Director and Board:

Patent Owner HydraFacial is writing to request authorization to submit supplemental

briefing to address the inconsistent claim construction positions that Petitioner Aesthetic Management Partners (AMP) has taken in the district court and in the petition, in view of the Director decisions in *Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, Case No. IPR2025-00632, Paper 20 (Director Nov. 3, 2025) (precedential) and *Tesla, Inc. v. Intellectual Ventures II LLC*, Case No. IPR2025- 00340, Paper 18 (Director Nov. 5, 2025) (informative).

In short, AMP is asserting in district court that the claim term "the manifold is configured to control a flow of treatment material" in claim 1 of the '052 patent means that "valves [are located] *in a manifold* so the manifold itself controls fluid flow." *HydraFacial LLC v. Aesthetic Management Partners*, LLC, 2:24-cv-02480-SHL-tmp, Dkt. 69 at 10 (W.D. Tenn.). AMP contends its accused product does not practice claim 1 under this so-called "manifold embodiment" construction because its valves are *not in a manifold* but has "valves *in a console* rather than the manifold." *Id.*; *see id.* ("Claim 1 covers the manifold embodiment" and "the [accused product] practices a disclosed but unclaimed embodiment....").

However, AMP has taken the opposite position in its IPR petition, relying on the Wunsch reference (Ex. 1020) and pointing to Wunsch's disclosure of valves *in a console*, not in the manifold, for this same claim limitation. *See* Ex. 1020 at Fig. 2 (showing valves 40 in valve plate 23, separate from manifold 22), 7:17-18 ("The valve plate 23 includes a plurality of valves 40 which are used to selectively permit fluid flow"); *see also* Pet. at 78-80 (AMP relying on Wunsch Fig. 2, "manifold 22," and "individual valve[s] 40" in "valve plate 23" console for claim limitation [1.4]).

HydraFacial welcomes the opportunity to address this issue further in a short supplemental brief and can be ready to submit its brief within two business days of authorization.

HydraFacial wrote to AMP to ask whether AMP would oppose this request for supplemental briefing. As reflected in the email chain below, AMP asked for additional time to consider Patent Owner's request (until COB Friday), but still has not responded with its position.

HydraFacial can be available for a call with the Board or Director if so desired.

Counsel for Petitioner AMP is copied on this email.

Best Regards,

Ben Anger
Counsel for Patent Owner HydraFacial LLC

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From: McKeown, Scott A. <Scott.McKeown@WolfGreenfield.com>
Sent: Thursday, December 18, 2025 10:50 AM
To: Anger, Ben <ben.anger@morganlewis.com>; PTAB Scott McKeown <SMcKeown-PTAB@WolfGreenfield.com>; PTAB George Scott <GScott-PTAB@WolfGreenfield.com>
Cc: MLB-HydraFacial-IPR-052-2 <MLB-HydraFacial-IPR-052-2@morganlewis.com>; Razai, Ali <ali.razai@morganlewis.com>; Peterson, Jacob <jacob.peterson@morganlewis.com>
Subject: RE: IPR2025-01169 - Request for Supplemental Briefing

[EXTERNAL EMAIL]
Counsel,

We will respond by COB Friday when our client has had time to consider this request.

Scott

From: Anger, Ben <ben.anger@morganlewis.com>
Sent: Wednesday, December 17, 2025 6:14 PM
To: PTAB Scott McKeown <SMcKeown-PTAB@WolfGreenfield.com>; McKeown, Scott A. <Scott.McKeown@WolfGreenfield.com>; PTAB George Scott <GScott-PTAB@WolfGreenfield.com>
Cc: MLB-HydraFacial-IPR-052-2 <MLB-HydraFacial-IPR-052-2@morganlewis.com>; Razai, Ali <ali.razai@morganlewis.com>; Peterson, Jacob <jacob.peterson@morganlewis.com>
Subject: IPR2025-01169 - Request for Supplemental Briefing

Counsel –
Patent Owner HydraFacial intends to request authorization to submit supplemental briefing to address the impact of AMP's inconsistent claim construction positions in district court in view of the Director's decisions in *Tesla, Inc. v. Intellectual Ventures II LLC*, Case No. IPR2025- 00340, Paper 18 (Director Nov. 5, 2025) (informative) and *Revvo*

Techs., Inc. v. Cerebrum Sensor Techs., Inc., Case No. IPR2025-00632, Paper 20 (Director Nov. 3, 2025) (precedential).

In district court, AMP's non-infringement position is reliant on interpreting the scope of the '052 patent claims. AMP is asserting that the '052 patent discloses two different embodiments for a valve/manifold arrangement— "valves in a manifold so the manifold itself controls fluid flow, versus valves in a console rather than the manifold." *See* AMP's Opposition to HydraFacial's Motion for a Preliminary Injunction (Dkt. 69) at 10. AMP calls these the "manifold embodiment" and "console embodiment" and asserts that the '052 patent claims are limited to the manifold embodiment. *Id.* ("Claim 1 covers the manifold embodiment."). Based on this claim interpretation, AMP asserts that the accused product does not infringe the '052 patent. *Id.*

In this IPR, however, AMP is taking an inconsistent claim construction position, asserting that prior art falling under AMP's "console embodiment" interpretation satisfies the claims. For example, AMP is asserting that the Wunsch reference (Ex. 1020) discloses the claimed manifold even though the valves are in a console and not in a manifold. *See, e.g.*, Petition, 69-80.

Please let us know by COB tomorrow if AMP will oppose HydraFacial's request for supplemental briefing.

Best,
Ben

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