

Filed: January 12, 2026

Filed on behalf of:

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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.

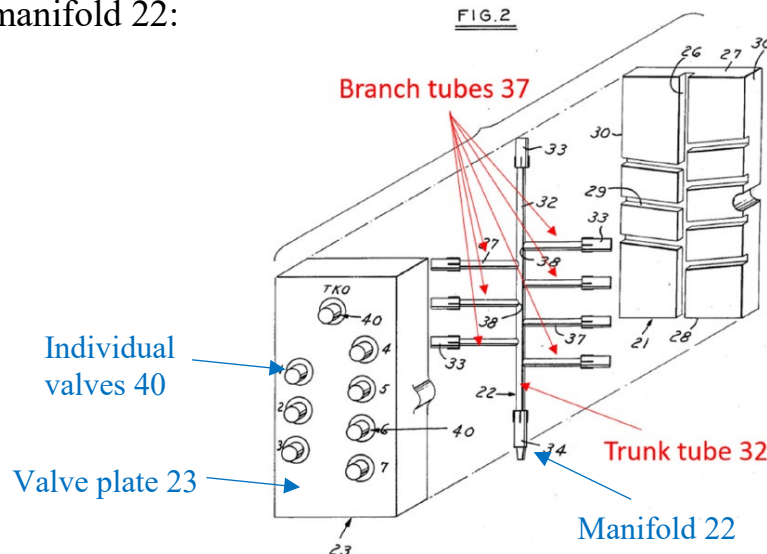
Case No. IPR2025-01169
U.S. Patent No. 9,550,052

**PATENT OWNER'S SUPPLEMENTAL BRIEF ADDRESSING
PETITIONER'S INCONSISTENT CLAIM CONSTRUCTION POSITIONS**

Both independent claims of the '052 Patent recite a “manifold [that] is configured to control a flow of treatment material” from multiple fluid containers. As part of its non-infringement argument in its opposition to a Motion for Preliminary Injunction, Petitioner took the position that this limitation means that “valves [are located] *in a manifold* so the manifold itself controls fluid flow.” Ex. 2175, 10 (native page number). Relying on portions of the specification and its expert, Petitioner argued that “the '052 patent discloses two different arrangements: valves in a manifold so the manifold itself controls fluid flow, versus valves in a console rather than the manifold.” *Id.* AMP concluded that claim 1 is directed to the first alleged arrangement, “*valves in a manifold*,” arguing that the accused product does not infringe because it includes “*valves in a console* rather than the manifold.” *Id.*; *see also* Ex. 2176, ¶¶23-33 (Petitioner’s expert contending same).

Petitioner never acknowledged, let alone explained its narrow construction of the “manifold” limitation as part of these proceedings. 37 C.F.R. § 42.104(b)(3); *Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Paper 20 at 3-5 (Director Nov. 3, 2025) (precedential). In fact, AMP took the opposite position in Grounds 1D-1F, where it relies on Wunsch (Ex. 1020) as allegedly disclosing this limitation. AMP points specifically to Wunsch’s disclosure of a manifold and Wunsch’s separate valves, which are *not located in the manifold*, as satisfying this limitation. *See* Pet. at 78-80, 85.

The Petition recognizes that Wunsch's manifold 22 is made up of "a trunk tube 32 and a plurality of branch tubes 37." Pet., 77. Fig. 2 of Wunsch shows these components of the manifold 22:



Pet., 78 (excerpting Ex. 1020, Fig. 2; red annotation added in Petition, blue annotation added by PO). Separate from Wunsch's manifold 22 is Wunsch's "valve plate 23 [that] includes a plurality of valves 40." Ex. 1020, 7:17-18. Wunsch's Fig. 2 shows the individual valves 40 are *not located in the manifold* but instead located on the console-like valve plate 23. AMP never indicated that these grounds were under an alternative claim construction, nor did it acknowledge that it did not necessarily agree with the construction applied as part of these grounds.

In opposing PO's request for this briefing, AMP argued "PO ignores the full petition grounds to focus exclusively on a single secondary reference of a subset of petition grounds (1D – 1F)." Ex. 3002, 2. But whether Wunsch is a secondary

reference should have no bearing on the consequences of AMP taking inconsistent claim construction position to advance its invalidity arguments.

Furthermore, PO already explained that the Palmer reference (Ex. 1003) that AMP uses in Grounds 1A-1C for the manifold limitations does not disclose a manifold. POPR (Paper 11), 38-46. PO's and Petitioner's experts agree that the ordinary meaning of manifold requires multiple passageways, such as multiple inlets and a single outlet. POPR, 38-39; Ex. 2164, 59:10–62:21; Ex. 2001, ¶¶77-78. But Palmer's "selector valve means 20" is not a manifold because it is limited to a one-input-one-output connection. POPR, 39-46. Petitioner's expert concedes that Palmer cannot satisfy the manifold limitation under his own understanding of the term. Ex. 2164, 75:1–77:13. Further, Grounds 1D-1F relying on Wunsch fail for their own reasons as PO explained, irrespective of Petitioner's inconsistent constructions. POPR, 46-48.

AMP has taken inconsistent positions and applied a narrow claim construction to avoid infringement in district court and a broad construction in this IPR to advance its invalidity argument. Although PO disagrees with AMP's district court position, AMP's gamesmanship is specifically what the Board's rules are designed to prevent. *Revvo* at 4 (Board rules "discourage petitioners from seeking broader constructions at the Board to support a patentability challenge while seeking narrower constructions in litigation to avoid infringement liability.").

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of **PATENT OWNER'S SUPPLEMENTAL BRIEF ADDRESSING PETITIONER'S INCONSISTENT CLAIM CONSTRUCTION POSITIONS** is being served on January 12, 2026, via email pursuant to 37 C.F.R. § 42.6(e), to counsel for Petitioners as addressed below:

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