PUBLIC VERSION

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

In the Matter of Certain Hydrodermabrasion Systems and Components Thereof	Investigation No. 337-TA-_____

COMPLAINT UNDER SECTION 337 OF
THE TARIFF ACT OF 1930, AS AMENDED

Complainant:

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Aesthetic Management Partners, LLC et al. v. HydraFacial LLC
IPR2025-01217
HydraFacial Ex. 2068

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I. INTRODUCTION

1. Complainant HydraFacial LLC, formerly known as Edge Systems LLC (hereinafter "HydraFacial") requests that the United States International Trade Commission ("Commission") institute an investigation into violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 ("Section 337") committed by Respondents Cartessa Aesthetics LLC ("Cartessa") and Eunsung Global Corp. ("Eunsung") (collectively, the "Respondents").

2. This Complaint is based on Respondents' unlawful and unauthorized importation into the United States, sale for importation, and/or sale within the United States after importation of certain hydrodermabrasion systems and components thereof, including the Eunsung Hydra Touch H2, Eunsung Hydracare H2, and Cartessa Skinwave systems (the "Accused Products"). Respondents' Accused Products infringe U.S. Patent No. 11,865,287, titled "Devices and Methods for Treating Skin," (the "'287 Patent"), either literally or under the doctrine of equivalents.

3. Respondents directly infringe, literally or under the doctrine of equivalents, and/or induce or contribute to the infringement of, at least the following claims (collectively, "the Asserted Claims") of the '287 Patent via its Accused Products:

U.S. Patent	Asserted Claims[1]
'287 Patent	**1**, 2-10, **11**, 12, 14-20, **22**, 23-25, **26**, 28-36, **37**, 39-45

Further discovery may reveal that Respondents infringe additional claims.

4. A certified copy of the '287 Patent is attached hereto as **Exhibit 1**. HydraFacial owns by assignment the entire right, title, and interest in and to the '287 Patent. A certified copy of the recorded assignment documents for the '287 Patent is attached hereto as **Exhibit 2**. A certified copy of the prosecution history for the '287 Patent is attached hereto as **Appendix A**.

[1] Independent claims are noted in **BOLD**.

5. Respondents' activities with respect to the importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of certain hydrodermabrasion systems and components thereof, described more fully *infra*, are unlawful under 19 U.S.C. § 1337(a)(1)(B)(i) in that they constitute infringement of the valid and enforceable '287 Patent.

6. As required by Section 337(a)(2) and defined by Section 337(a)(3), industries exist in the United States relating to articles covered by the '287 Patent.

7. HydraFacial seeks relief from the Commission in the form of a permanent limited exclusion order, pursuant to Section 337(d), excluding from entry into the United States the Accused Products that infringe one or more claims of the '287 Patent.

8. HydraFacial also seeks a permanent cease and desist order, pursuant to Section 337(f), directing Respondents to immediately cease and desist from importing, marketing, advertising, demonstrating, warehousing inventory for distribution, distributing, offering for sale, selling, or using in the United States the Accused Products that infringe one or more claims of the '287 Patent.

9. Complainants further seek as relief a bond, for the 60-day Presidential review period pursuant to Section 337(j), for the importation of certain hydrodermabrasion systems and components thereof that infringe one or more claims of the '287 Patent.

II. COMPLAINANT

10. Complainant HydraFacial LLC f/k/a Edge Systems LLC is a California limited liability company having its principal place of business at 2165 E. Spring Street, Long Beach, CA 90806. HydraFacial owns the '287 Patent and has exclusive rights to the '287 Patent. *See* **Exhibits 1 and 2**.

11. HydraFacial is a worldwide leader in the design, development, manufacture, and sale of high-quality skin resurfacing and rejuvenation systems, including hydrodermabrasion systems. These systems rejuvenate skin by cleaning and exfoliating the skin surface, extracting debris from pores, and nourishing the skin's surface with therapeutic solutions that moisturize and protect the treated skin surface. HydraFacial markets and sells these systems throughout the United States to end users such as dermatologists, plastic surgeons, cosmetic physicians, and aestheticians at medical spas.

12. HydraFacial's latest flagship system is its revolutionary HydraFacial Syndeo system, which is the premier hydrodermabrasion system sold in the United States. HydraFacial's HydraFacial Syndeo® system is protected by numerous United States patents. In addition to the HydraFacial Syndeo® system, HydraFacial designs, develops, manufactures, and sells other patented hydrodermabrasion systems, including the HydraFacial Elite system and the HydraFacial Allegro system. These HydraFacial hydrodermabrasion systems are referred to herein collectively as "the HydraFacial® Systems." HydraFacial's current offerings also include tips and other accessories for the HydraFacial® Systems, as well as liquid solutions and boosters for skin treatments performed using the HydraFacial® Systems.

13. HydraFacial has invested significantly in its research and development efforts, having spent about $8.2 million in research and development activities for the year ending December 31, 2021, about $8.4 million for the year ending December 31, 2022, and about $10.1 million for the year ending December 31, 2023. HydraFacial has also invested millions of dollars in manufacturing equipment, labor, and capital for the HydraFacial® Systems. All of the research and development and the manufacturing take place in the United States. As a result of these efforts, HydraFacial has been awarded numerous patents in the United States and around the world. As

of January 2024, HydraFacial has at least 120 issued patents and approximately 70 pending patent applications across the globe, including in the United States, Canada, Mexico, European Union, Great Britain, China, Japan, India, Korea, and other countries.

14. HydraFacial leases and occupies a building in Long Beach, California of approximately 22,500 square feet as its corporate headquarters. Additionally, HydraFacial leases and occupies a facility in Long Beach, California totaling approximately 105,000 square feet of floor space where HydraFacial manufactures, stores, and distributes the HydraFacial® Systems and related products.

III. PROPOSED RESPONDENTS

A. Cartessa

15. Respondent Cartessa Aesthetics LLC (hereinafter "Cartessa") is a New York limited liability company with a principal place of business at 175 Broadhollow Road, Melville, NY 11747. Cartessa is in the business of distributing clinical-level aesthetic enhancement systems and accessories, including microdermabrasion and hydrodermabrasion systems and accessories. Cartessa uses the following website to perform its business functions: https://www.cartessaaesthetics.com/. Cartessa unlawfully sells for importation, imports, and/or sells after importation into the United States certain hydrodermabrasion systems and components thereof, including the Skinwave system and handpieces and solutions related thereto, that infringe the '287 Patent, either literally or under the doctrine of equivalents.

B. Eunsung

16. Respondent Eunsung Global Corp. (hereinafter "Eunsung") is a South Korean company with a principal place of business at 120, Gieopdosi-ro, Jijeong-myeon, Wonju-si, Gangwon-do, Republic of Korea 26354. Eunsung is in the business of manufacturing and exporting aesthetic enhancement systems and accessories, including microdermabrasion and

hydrodermabrasion systems and accessories. Eunsung uses the following website to perform its business functions: https://esglobal.co.kr/en/. Eunsung unlawfully sells for importation, imports, and/or sells after importation into the United States certain hydrodermabrasion systems and components thereof, including the Skinwave system, Hydra Touch H2 system, Hydracare H2 system, and handpieces and solutions related thereto, that infringe the '287 Patent, either literally or under the doctrine of equivalents.

IV. PRODUCTS AND TECHNOLOGY AT ISSUE

A. The Accused Products

17. Pursuant to 19 C.F.R. §§ 210.10(b)(1) and 210.12(a)(12), the category of the Accused Products may be plainly described as systems for treating the skin of an individual through mechanical and/or fluid-based abrasion or exfoliation.

18. On information and belief, the Cartessa Skinwave system, Eunsung Hydracare H2 system, and Eunsung Hydra Touch H2 system (the "Accused Products") are manufactured by Eunsung in Korea, and are structurally and functionally the same for purposes of infringement of the '287 Patent, just with different product names. *See, e.g.*, **Exhibit 12 at 6** (manufacturing label on the Eunsung Hydracare H2 indicating the article is "Model No.: ESK-2253HH" manufactured by "Eunsung Global Corp." of Korea, and is "Made in Korea"); **Exhibit 13 at 2** (manufacturing label on the Cartessa Skinwave indicating the article is "Model No.: ESK-2253HH" manufactured by "Eunsung Global Corp." of Korea, and is "Made in Korea"); **Exhibit 10 at 5**[2] (screenshots of video showing the Eunsung Hydra Touch H2 system and manufacturing label indicating the article

[2] The video of Exhibit 10 shows that the article is the Eunsung Hydra Touch H2 (*see* **Exhibit 10 at 1**) but the manufacturing label refers to it as the "HYDRACARE H2." This is further evidence that the Eunsung Hydracare H2 and Eunsung Hydra Touch H2 are structurally and functionally the same for purposes of infringement of the '287 Patent, just with different product names.

is "Model No. ESK-2253HH" manufactured by "Eunsung Global Corp." of Korea, and is "Made in Korea").

19. Relevant here, the Accused Products are systems for treating skin and include, *inter alia*, a console that is configured to receive a first container and at least one additional container, a handpiece that is configured to contact skin tissue of a subject, a block in the console, a vacuum source, and a waste container. The Accused Products—including their associated systems, and components thereof—are further described in **Exhibit 3**, which includes a claim chart comparing representative Asserted Claims to the Accused Products. The Accused Products infringe the Asserted Claims upon importation, use, offer for sale, sale, or resale within the United States by Respondents.

20. Respondents also induce their customers to infringe the Asserted Claims through Respondents' sale of the Accused Products and recommendation, encouragement, and/or instruction to customers to use the Accused Products. Respondents provide instructions directing customers to use the Accused Products to treat the skin of patients. In using the Accused Products, the customers and other users also directly infringe the '287 Patent.

21. Respondents also offer to sell and/or sell within the United States, and/or import into the United States, the Accused Products which constitute material parts of the invention of the Asserted Claims, that are not staple articles or commodities of commerce suitable for substantial non-infringing use, and that are known by Respondents to be especially made or especially adapted for use in an infringement of the Asserted Claims.

22. The identification of exemplary Accused Products is intended purely for illustration and is not intended to limit the scope of the investigation. Any remedy should extend to all present and future infringing products of Respondents, regardless of name or model number.

B. HydraFacial's Technology

23. Products that practice one or more claims of the '287 Patent—including the Accused Products and the HydraFacial® Systems products—are hydrodermabrasion systems and components thereof. These hydrodermabrasion systems are configured to deliver various liquid solutions—such as those containing alpha hydroxy acid, beta hydroxy acid, antioxidants, and moisturizers—to the skin of a patient using a handpiece with a tip that contacts the patient's skin in order to improve and revitalize the skin. The devices are able to deliver these solutions to the skin of the patient through the use of a vacuum source, which draws the desired solution from a container in which the treatment solution is stored, through the handpiece to the patient's skin surface, and then away from the handpiece to a waste container.

24. The '287 Patent recites claims to, *inter alia*, systems for treating skin and components for the treatment of skin. As shown in **Exhibits 22–24**, the HydraFacial® Systems practice at least one claim of the '287 Patent.

V. THE ASSERTED PATENT

A. U.S. Patent No. 11,865,287

1. Identification of the Patent and Ownership by HydraFacial

25. HydraFacial owns by assignment the entire right, title, and interest in the '287 Patent, which duly and lawfully issued on January 9, 2024. **Exhibit 1**. The '287 Patent issued from U.S. Patent Application No. 18/094,884, filed January 9, 2023. The '287 Patent claims the benefit of priority under 35 U.S.C. § 119(e) to U.S. Provisional Patent Application Nos. 60/755,310, filed on December 30, 2005, and 60/764,668, filed on February 2, 2006. The first non-provisional application to which the '287 Patent claims priority was filed on March 29, 2006. Thus, the '287 Patent will expire on March 29, 2026.

26. The inventors of the ’287 Patent are Roger Ignon, Scott Mallett, Abraham Solano, and William Cohen. Each of these inventors assigned to HydraFacial their entire right, title, and interest throughout the world in, to and under the improvements in the invention described and claimed in U.S. Patent Application No. 11/392,348 and all divisions and continuations thereof, which includes the ’287 Patent. **Exhibit 2**. The ’287 Patent is valid, enforceable, and is currently in full force and effect.

27. Pursuant to Commission Rule 210.12(c), this Complaint is accompanied by: 1) an electronic certified copy of the prosecution history of the ’287 Patent;[3] and 2) an electronic copy of each patent and applicable pages of each technical reference mentioned in the prosecution history. These materials are included in Appendices A and B, respectively.

2. Foreign Counterparts to the ’287 Patent

28. Pursuant to Commission Rule 210.12(a)(9)(v), HydraFacial knows of no foreign patents or patent applications corresponding to the ’287 Patent.

3. Non-Technical Description of the ’287 Patent

29. The ’287 Patent involves systems for treating skin that utilize more than one container containing treatment solutions and allow a user of the system to treat the patient’s skin with multiple treatment solutions sequentially or simultaneously using the same device. The system includes a console that houses these multiple containers and houses a block that is configured to control the flow of treatment solution from the containers. The system includes a handpiece that delivers a treatment solution to the skin of a patient and may also abrade the skin

[3] After the ’287 Patent issued, HydraFacial filed a Petition for Acceptance of Unintentionally Delayed Correction of a Benefit Claim and a Request for a Certificate of Correction. On May 14, 2024, the USPTO issued a Certificate of Correction to update the priority chain of the ’287 Patent. The post-issuance prosecution history, including the Certificate of Correction, is submitted separately as Appendix C.

of the patient. The system includes a vacuum source that applies a negative pressure through the system, to draw the treatment solution from a container in the console, through the block, then through a first conduit to the handpiece, where the handpiece applies the solution to the patient's skin. The system uses the vacuum source to draw the used treatment solution and the waste from the patient's skin back through the handpiece, then through a second conduit to dispose of the waste. The '287 Patent includes limitations to mechanical features, such as one or more valves, in the block to selectively draw the treatment solutions from the containers to the handpiece. The '287 Patent includes limitations directed to the system's computing device, as well as the system's user input device that allows a user to select a flow of fluids from the containers.

30. In sum, the invention of the '287 Patent provides a novel combination of features that facilitate hydrodermabrasion treatments of a person's skin using multiple treatment solutions.

31. The foregoing non-technical description of the patented technology is not intended to limit, define, or otherwise affect the scope of the claimed inventions, nor is the non-technical description in any way intended to construe or define any word, phrase, term, or limitation recited in any claim of the '287 Patent.

B. Licensees

32. [redacted]

VI. UNLAWFUL AND UNFAIR ACTS OF PROPOSED RESPONDENTS

33. Respondents manufacture, market, sell for importation, import and/or sell after importation into the United States products that directly infringe the '287 Patent, either literally or under the doctrine of equivalents. Respondents also induce the infringement of the '287 Patent by recommending, encouraging, instructing, and/or suggesting that its customers use the Accused Products in an infringing manner. Respondents have actual knowledge of the '287 Patent because HydraFacial sent letters to each of Cartessa and Eunsung prior to filing this Complaint to inform

them of the existence of the ’287 Patent and their infringement of the ’287 Patent. Respondents will also have knowledge of the ’287 Patent before the issuance of any requested relief in this Investigation, from the filing of this lawsuit itself and service of this Complaint. On information and belief, Cartessa has knowledge of the’287 Patent because HydraFacial and Cartessa are currently in litigation over a patent in the same patent family and Cartessa monitors HydraFacial’s patent filings.

34. Upon information and belief, Eunsung, and/or others on Eunsung’s behalf, and/or in concert with Eunsung, assemble and manufacture the Accused Products in South Korea. *See* **Exhibit 17** (Eunsung describing its manufacturing facility in South Korea); **Exhibit 10 at 5** (image of Eunsung Hydra Touch H2 manufacturing label); **Exhibit 12 at 6** (image of Eunsung Hydracare H2 manufacturing label); **Exhibit 13 at 2** (image of Cartessa Skinwave manufacturing label).

35. Upon information and belief, the Accused Products are then imported into the United States, sold for importation into the United States and/or sold after importation into the United States by Respondents. For example, Eunsung ships the “Skinwave”-branded Accused Products to Cartessa in the United States, where Cartessa markets, uses, offers to sell, sells, and/or distributes the articles under the “Skinwave” product name. **Exhibits 14 and 15**. And Eunsung markets, offers to sell, sells, and/or distributes the Accused Products in the United States under the “Hydra Touch H2” and “Hydracare H2” product names. **Exhibit 17**.

36. These acts of Respondents constitute infringement of the ’287 Patent. A claim chart demonstrating how the Accused Products infringe the ’287 Patent is attached as **Exhibit 3**. Excerpts from a Cartessa video posted to Facebook showing the Skinwave system are attached to this Complaint as **Exhibit 9**. Excerpts from Eunsung videos posted to YouTube showing the Hydra Touch H2 and Hydracare H2 systems are attached hereto as **Exhibit 10** and **Exhibit 11**,

respectively. Photographs of the Eunsung Hydracare H2 and Cartessa Skinwave systems are included as **Exhibit 12** and **Exhibit 13**, respectively.

37. While representative Accused Products are shown in the claim chart in **Exhibit 3**, Respondents do not distinguish in any relevant manner between other product names and/or model numbers of the Accused Products in their marketing or promotional materials, and HydraFacial alleges that all of Respondents' Accused Products, including those identified in this Complaint, infringe at least one Asserted Claim of the '287 Patent.

38. HydraFacial has not licensed or otherwise authorized Respondents to make, use, sell, or offer to sell the Accused Products in the United States, or import those products into the United States.

VII. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

39. Respondents, and/or others in concert with or on Respondents' behalf, manufacture the Accused Products at least in South Korea, and then import them into the United States, sell them for importation into the United States, and/or sell them after importation into the United States. Respondents sell and offer for sale the Accused Products directly to customers in the United States.

40. For example, Respondent Eunsung manufactures the Accused Products in South Korea and imports/exports them to the United States, either directly to customers or through distributors. Respondent Cartessa imports the Accused Products into the United States from South Korea and offers to sell and sells the Accused Products under its own Cartessa Skinwave brand to customers in the United States.

41. Specifically, Eunsung manufactures the "Skinwave"-branded Accused Products in Korea, then ships the articles to Cartessa in the United States, where Cartessa markets, uses, offers

to sell, sells, and/or distributes them under the "Skinwave" product name. **Exhibit 15** (importation record showing shipment of "Skinwave" systems from Eunsung to Cartessa).

42. Eunsung manufactures the "Hydra Touch H2" and "Hydracare H2"-branded Accused Products in Korea, then markets, offers to sell, sells, and/or distributes the articles in the United States under the "Hydra Touch H2" and "Hydracare H2" product names. **Exhibit 16** (California-based company offering to sell the Hydra Touch H2 on its website).

43. Cartessa further touts that it "is excited to work with Eunsung Global to exclusively offer Skinwave in the U.S." **Exhibit 14;** *see also* **Exhibit 5** (Cartessa teaming up with Eunsung to "exclusively bring Skinwave to the US"). As the exclusive U.S. distributor of Skinwave, Cartessa sells the Korea-made Skinwave Accused Products after they are imported into the United States.

44. The Accused Products are thus imported into and sold within the United States by or on behalf of Respondents. On information and belief, commercially significant volumes of infringing products are maintained in inventory by Respondents in the United States. For example, upon information and belief, Cartessa maintains a warehouse within the State of Illinois that stores a large percentage of Cartessa's inventory, including at least the infringing Skinwave system.

45. Further, prior to filing this Complaint, Complainant obtained a representative Eunsung product in November of 2020 in the United States. **Exhibit 18**. Complainant also obtained a representative Cartessa product in mid-2022 in the United States. Photographs of products and additional evidence showing the nexus between the Respondents and the product origination in South Korea are attached hereto as **Exhibits 12-15**.

VIII. THE DOMESTIC INDUSTRY RELATED TO ASSERTED PATENT

46. A domestic industry exists in the United States as defined by 19 U.S.C. §§ 1337(a)(2)–(3) relating to HydraFacial's significant investment in plant and equipment;

significant employment of labor or capital; and substantial investment in exploitation of the HydraFacial® Systems, including engineering and research and development. *See* **Confidential Exhibit 19**. With respect to the ’287 Patent, HydraFacial’s activities in the United States with respect to at least its HydraFacial® Systems constitute a domestic industry for purposes of Section 337. In addition, the HydraFacial® Systems are protected by one or more claims of the ’287 Patent. HydraFacial also provides detailed instructions and otherwise encourages customers to use the HydraFacial® Systems products in a manner that would be covered by the ’287 Patent. Thus, HydraFacial induces use of the HydraFacial® Systems in a way that is similar to the induced infringement by the Respondents. HydraFacial also offers to sell and/or sells within the United States the HydraFacial® Systems which constitute at least material parts of the invention of the Asserted Claims of the ’287 Patent, that are not staple articles or commodities of commerce suitable for substantial non-infringing use, and that are known to be especially made or especially adapted for use in products covered by the ’287 Patent.

A. <u>Technical Prong</u>

47. HydraFacial has designed and developed its domestic industry products through its extensive research and development efforts based almost entirely in the United States. Moreover, HydraFacial manufactures its HydraFacial® Systems in the United States, and most of the components of the HydraFacial® Systems are made in the United States. As set forth in more detail herein, HydraFacial’s domestic industry products incorporate the inventions claimed in one or more claims of the ’287 Patent.

48. Drawings, photographs, or other visual representations of the representative HydraFacial® Systems domestic industry products are attached hereto as **Exhibits 25-31**. Claim

charts showing how the representative HydraFacial® Systems domestic industry products practice representative claims of the ’287 Patent are attached hereto as **Exhibits 22-24**.

B. <u>Economic Prong</u>

49. The domestic industry in this case is based on significant investments HydraFacial has made and activities HydraFacial has undertaken in the United States relating to products protected by one or more claims of the ’287 Patent. These investments and activities include research and development, manufacturing, testing, and engineering for the HydraFacial® Systems. Specific, non-limiting examples of HydraFacial’s substantial investments and activities related to the ’287 Patent are set forth in the confidential declaration of Michael Monahan, attached to this Complaint as **Confidential Exhibit 19**, **¶¶ 8-25.**

50. HydraFacial also employs a substantial number of employees in the United States at HydraFacial’s facilities in Long Beach, California as well as its satellite facilities throughout the country. These employees devote substantial personnel hours toward the research and development, manufacturing, testing, engineering, and customer service directly related to the HydraFacial® Systems. The confidential declaration of Michael Monahan sets forth details regarding the investments HydraFacial has made in these U.S. employees. **Confidential Exhibit 19**, **¶¶ 17-20**.

51. HydraFacial also invests capital toward engineering and research and development for products protected by the ’287 Patent. The confidential declaration of Michael Monahan provides additional details regarding HydraFacial’s capital investments. **Confidential Exhibit 19**, **¶¶ 21-25**. In addition, HydraFacial has made substantial investments in plant and equipment in the United States. HydraFacial’s facilities in Long Beach, California house activities for research and development, manufacturing, testing, and engineering for the HydraFacial® Systems.

The confidential declaration of Michael Monahan includes further non-limiting examples of HydraFacial's investments in this area. **Confidential Exhibit 19**, **¶¶ 8-16**.

52. Due to HydraFacial's substantial investments in research and development, manufacturing, testing, engineering, plants, and equipment in the United States, as well as HydraFacial's substantial investment in its intellectual property, HydraFacial has grown into the market leader in hydrodermabrasion systems. For example, from January 1 to December 31 of 2022, HydraFacial generated at least approximately [redacted] in sales of the HydraFacial® Systems worldwide. **Confidential Exhibit 19**, **¶ 22**. Furthermore, from January 1 to December 31 of 2023, HydraFacial generated approximately [redacted] in sales of the HydraFacial® Systems worldwide. *Id.* Spanning 2022 and 2023, over [redacted] of this revenue was generated from sales of the HydraFacial® Systems made in the United States. *Id.*

53. To the extent that it is determined that HydraFacial has not established a domestic industry exists in the United States, based on the foregoing evidence such domestic industry is in the process of being established as permitted under 19 U.S.C. 1337(a)(2).

IX. PRIOR LITIGATION

54. There have been no foreign or domestic court or agency litigations involving the '287 Patent.

55. On December 14, 2020, HydraFacial (then known as Edge Systems LLC) filed a complaint for patent infringement in the United States District Court for the Eastern District of New York against Respondent Cartessa ("District Court Litigation"). HydraFacial asserted five patents against Cartessa, four of which are unrelated to the '287 Patent. The fifth patent asserted in the District Court Litigation, U.S. Patent No. 9,550,052 (the "'052 Patent"), issued from a patent application to which the '287 Patent is a continuation.

56. In the District Court Litigation, the district court determined on summary judgment that Cartessa did not infringe the ’052 Patent and that claim 1 of the ’052 patent was not invalid. The District Court Litigation remains pending as to the four asserted patents that are unrelated to the ’287 Patent.

57. Eunsung is not a party to the District Court Litigation, and HydraFacial has not previously asserted any claims against Eunsung related to the Accused Products.

58. HydraFacial has litigated patents related to the ’287 Patent. Below is a list of cases wherein HydraFacial alleged infringement of at least one claim of a patent in the same patent family as the ’287 Patent:

- *HydraFacial, LLC f/k/a Edge Systems, LLC v. Medicreations LLC*, Case No. 2:24-cv-00855 (U.S. Patent No. 11,446,477 asserted);
- *Edge Systems, LLC v. Ageless Serums, LLC*, Case No. 4:20-cv-4335 (U.S. Patent No. 9,550,052 asserted);
- *Edge Systems, LLC et al. v. Image Microderm, Inc.*, Case No. 2:17-cv-8699 (U.S. Patent No. 9,550,052 asserted);
- *Edge Systems, LLC et al. v. Aesthetic Skin Systems LLC*, Case No. 2:17-cv-4597 (U.S. Patent Nos. 8,048,089 and 9,550,052 asserted).

X. CLASSIFICATION OF THE INFRINGING PRODUCTS UNDER THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

59. Upon information and belief, the Accused Products may be classified under at least the following heading of the Harmonized Tariff Schedules of the United States: 9019.10.2010. This HTS identification is illustrative and not exhaustive. The identification is not intended to limit the scope of the Investigation, nor is it intended to restrict the scope of any exclusion order or other remedy ordered by the Commission.

XI. REQUESTED RELIEF

60. WHEREFORE, by reason of the foregoing, Complainant requests that the United States International Trade Commission:

a) institute an immediate investigation pursuant to 19 U.S.C. § 1337 into the violations of that section based on Respondents' unlawful importation into the United States, sale for importation into the United States, and/or sale in the United States after importation of hydrodermabrasion systems that infringe one or more claims of U.S. Patent No. 11,865,287;

b) schedule and conduct a hearing pursuant to Section 337(c), for the purposes of receiving evidence and hearing argument concerning whether there has been a violation of Section 337;

c) determine that there has been a violation of Section 337 by Respondents;

d) issue a permanent limited exclusion order, pursuant to 19 U.S.C. § 1337(d), excluding from entry into the United States all Eunsung hydrodermabrasion systems and components thereof, including the Eunsung Hydra Touch H2 and Eunsung Hydracare H2 systems, that infringe one or more claims of U.S. Patent No. 11,865,287;

e) issue a permanent limited exclusion order, pursuant to 19 U.S.C. § 1337(d), excluding from entry into the United States all Cartessa hydrodermabrasion systems and components thereof, including the Cartessa Skinwave system, that infringe one or more claims of U.S. Patent No. 11,865,287;

f) issue a permanent cease and desist order, pursuant to 19 U.S.C. § 1337(f), directing Respondents to cease and desist from importing, marketing, advertising, demonstrating, warehousing of inventory for distribution, sale, or

use of hydrodermabrasion systems that infringe one or more claims of U.S. Patent No. 11,865,287;

g) impose a bond upon Respondents should Respondents continue to import infringing articles during the 60-day Presidential Review period pursuant to 19 U.S.C. § 1337(j); and

h) grant such other and further relief as the Commission deems appropriate and just under the law, based on the facts complained of herein and determined by the investigation.

Respectfully submitted,

Dated: June 10, 2024

By: /s/ *Ali S. Razai*

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PUBLIC VERSION

VERIFICATION OF COMPLAINT

I, Ali S. Razai, declare, in accordance with 19 C.F.R. §§ 210.4 and 210.12(a), under penalty of perjury, that the following statements are true:

1. I am Counsel for Complainant HydraFacial LLC formerly known as Edge Systems LLC, and I am duly authorized to sign the Complaint on behalf of Complainant;

2. I have read the foregoing Complaint;

3. To the best of my knowledge, information, and belief, based upon reasonable inquiry, the foregoing Complaint is well-founded in fact and is warranted by existing law or by a non-frivolous argument for the extension, modification, or reversal of existing law, or the establishment of new law;

4. The allegations and other factual contentions have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

5. The foregoing Complaint is not being filed for an improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of litigation.

Executed this 10th day of June, 2024.

/s/ Ali S. Razai
Ali S. Razai
Counsel for Complainant
HydraFacial LLC f/k/a Edge Systems LLC