

UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, D.C.

In the Matter of

CERTAIN HYDRODERMABRASION
SYSTEMS AND COMPONENTS
THEREOF

Inv. No. 337-TA-1408

ORDER NO. 32: CONSTRUING REMAINING DISPUTED CLAIM TERM

(March 19, 2025)

On March 14, 2025, Order No. 29 issued, which construed certain terms of the asserted claims (“*Markman* Order”) of the sole asserted patent, U.S. Patent No. 11,865,287 (“the ’287 patent”).¹ The *Markman* Order left the claim term “fluid control member” as “to be determined.” (Order No. 29 at 8 (Mar. 14, 2025).).

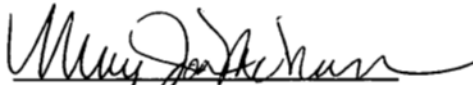
The following table summarizes the disputed claim term, i.e., “fluid control member” and the Parties’ proposed constructions. The final column of the table contains the adopted construction of the term based on the Parties’ briefs, the arguments presented during the *Markman* hearing, and the record evidence. Like the terms adopted in Order No. 29, a later Order will issue with an explanation of the adopted construction.

Claim Term	Complainant’s Proposed Construction	Respondents’ Proposed Construction	Adopted Construction
fluid control member '287 Patent (Claim 11)	Subject to 35 U.S.C. § 112, ¶6. <u>Function</u> : “be in fluid communication with at least a first container and a second container” and “be in fluid	This term is indefinite and lacks written description. Alternatively, this term is subject to 35 U.S.C. § 112, ¶6. Its function is	Subject to 35 U.S.C. § 112, ¶6. <u>Function</u> : “be in fluid communication with at least a first container and a second container when the first container and the second container are

¹ Order No. 29 is incorporated herein by reference in its entirety.

Claim Term	Complainant's Proposed Construction	Respondents' Proposed Construction	Adopted Construction
	communication with the handpiece assembly” <u>Structure</u>: “manifold system 24” (’287 Patent at 17:17-18:37; Figures 15A-15D), or “lumen 171” (18:15-18), or “valves, fluid lines, and the like” (18:38-42), and equivalents of these structures.	- be in fluid communication with at least a first container and a second container when the first container and the second container are connected to the fluid control member; and - be in fluid communication with the handpiece assembly. Its corresponding structure is a manifold or its equivalent.	connected to the fluid control member” and “be in fluid communication with the handpiece assembly” <u>Structure</u>: “switches” (17:21-22), or “lumen 171” (18:15-18), or “valves, fluid lines, and the like” (18:38-42), and equivalents of these structures.²

SO ORDERED.


 Mary Joan McNamara
 Administrative Law Judge

² The Order to issue with an explanation of the adopted construction will discuss “‘manifold system 24’ (’287 Patent at 17:17-18:37; Figures 15A-15D),” which was included in Complainant’s proposed structure.